

CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

The future of Connecticut's communities will be shaped by its land use laws and regulations. Developers, neighbors, and preservationists all intersect before municipal land use boards and commissions, advocating their particular interests and approaches. Each commission member regularly has to make critical decisions, all within the context of complicated statutory and case law.

This introductory level course will focus on topics of immediate concern to all municipal land use agencies, boards, commissions, and their staffs. The topics reflect both timely and practical situations, confronting participants at every level of the municipal land use process. This course will provide a broad review of the municipal land use process, including zoning, planning, zoning board of appeals, and wetlands issues. Members of municipal land use agencies, boards, and commissions, as well as municipal planners, enforcement officers, and engineers will benefit from this full day course.

Registration Form Connecticut Land Use Law Seminar Saturday, March 22, 2025.

To Register

(Please Use a Separate Registration Form for Each Registrant)

To receive your printed course material, in a timely manner, please register by February 26th.

- Visit ctbar.org/LandUse2025 to Register Online
- Mail the Completed Form to:
Connecticut Bar Association, 538 Preston Ave, 3rd Floor,
Meriden, CT 06450
- Call (860) 223-4400
- Fax the Completed Form to (860) 223-4488
- For Multiple Orders, Email LandUse@ctbar.org.

Payment must accompany registration.

- ☐ Yes, I will attend the Virtual Connecticut Land Use Law Seminar
\$60 (includes printed copy of materials)
- ☐ No, I cannot attend the seminar, but would like to
purchase _____ copies of the seminar materials
\$60 per copy (includes shipping and handling)

To receive your webinar link, you must provide your email address below when you register.

Please PRINT Information Below

Name: _____

Email: _____

Municipal Agency: _____

Shipping Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Payment Method

- ☐ Check (payable to Connecticut Bar Association)
- ☐ Visa ☐ MC ☐ Amex ☐ Discover Amount: \$ _____

Card #: _____

Exp. Date: _____ CVV: _____ Billing Zip Code: _____

Signature: _____

Meeting code: #SPZ250322

CBA EDUCATION & TRAINING

Planning & Zoning

CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

Saturday, March 22, 2025
9:00 a.m. – 4:30 p.m.

Webinar

This is a virtual meeting and will be accessible via Zoom. Zoom is a cloud-based platform for video and audio conferencing. It can be accessed through a browser on any device, or the Zoom app.

To receive your webinar link, you must provide your email address when you register.

To receive your printed course material in a timely manner, please register by February 26th.

This program conforms to the statutory guidelines for planning and/or zoning commission and zoning board of appeals member training. This program fulfills general training requirements and half of the required one hour of training concerning affordable housing and fair housing policies. Note: the Office of Policy and Management does not certify individual programs.



538 Preston Ave, 3rd Floor
Meriden, CT
06450

ctbar.org



Sponsored by the
Connecticut Bar Association
Planning and Zoning Section

10:50 a.m. – 11:20 a.m.

Planning Commission

Atty. Amy E. Souchuns, Milford

This session will cover powers of the planning commission, plan of development, statutory notice requirements, subdivisions and re-subdivisions, multi-agency approvals, reasons for denial, open space, changes in regulations, bonding requirements, conditional approvals, and mandating off-site improvements.

11:20 a.m. – 11:50 a.m.

Zoning Commissions

Atty. Marjorie F. Shansky, New Haven

This session will cover enabling legislation, powers of zoning commissions and proper purposes and goals of zoning, the comprehensive plan, proper notices of hearings, designating and amending zoning districts, spot zoning, floating zones, the uniformity requirement, dependence upon other governmental agency action, rendering decisions, and publications of notices of decisions.

12:00 p.m. – 12:30 p.m.

Lunch Break

12:30 p.m. – 1:00 p.m.

Special Permit and Site Plan Review

Atty. Brian R. Smith, Hartford

This session will cover statutory requirements and the distinction between special permit and site plan review, and appeals from decisions on applications for special permit and site plan approval.

1:00 p.m. – 1:30 p.m.

Nonconformities

Atty. Christopher J. Smith, Hartford

This session will entail a general discussion of the origin, scope, and issues associated with nonconformities.

1:30 p.m. – 2:00 p.m.

Wetlands Law and Procedure

Atty. Michael A. Zizka, Hartford

This session will cover a review of procedures of municipal inland wetlands and watercourse agencies, and how wetlands law impacts the zoning and planning process.

2:00 p.m. – 2:10 p.m.

Break

2:10 p.m. – 2:40 p.m.

Zoning, Planning and Wetlands Enforcement

Atty. Charles R. Andres, New Haven

This session will cover analysis and discussion of Connecticut law concerning enforcement through the zoning, planning, and wetlands process.

2:40 p.m. – 3:40 p.m.

Panel Discussion

Atty. Ira Bloom, Westport

Affordable Housing, the Municipal Perspective

Atty. Jason A. Klein, Stamford

Options for Expanding Housing Opportunities

3:40 p.m. – 4:10 p.m.

Zoning Board of Appeals

Atty. Dorian R. Famiglietti, Vernon

This session will cover functions of zoning boards of appeal, variances, legal requisites for hardship, including issues of confiscation and self-created hardships, other statutory duties of the ZBA, and hearing procedures.

4:10 p.m. - 4:30 p.m.

Q&A

**2025 ZiPLeR Awards and
Recent Developments as Reported in CT
Land Law and Practice**

Available as a video that will be sent to all attendees.

Atty. Dwight H. Merriam, FAICP, Simsbury

Please Note:

This program is available only to members of municipal land use agencies and their support staff.

Refunds of seminar fees will not be granted for cancellations after the course material is mailed out.

To receive your printed course material, in a timely manner, please register by February 26th.

To receive your webinar link, you must provide your email address when you register.

This is a virtual meeting and will be accessible via Zoom. Zoom is a cloud-based platform for video and audio conferencing. It can be accessed through a browser on any device, or the Zoom app.

SEMINAR PROGRAM

9:00 a.m. – 9:10 a.m.

Welcome

*Atty. Rick Costantini and Atty. Evan Seeman
Co-Chairs, CBA Planning and Zoning Section*

9:10 a.m. – 9:40 a.m.

Public Hearing Procedures

Atty. Peter S. Olson, Bethel

This session will cover a review of statutory provisions and case law concerning administrative process, applications; conducting a public hearing; creating the administrative record, and making appropriate findings and conclusions to support decisions.

9:40 a.m. – 10:10 a.m.

Conflict of Interest and Predisposition

Atty. Richard P. Roberts, Hartford

This session will cover statutory provisions on conflict of interest, rules governing predisposition and predetermination, court decisions on conflict of interest, drawing the line between cases where disqualification applies and does not apply, and procedural problems when a question of conflict arises.

10:10 a.m. – 10:20 a.m.

Break

10:20 a.m. – 10:50 a.m.

Environmental Interventions

Atty. Janet P. Brooks, East Berlin

This session will cover interventions under Conn. Gen. Stat. Section 22a-19 for the purpose of raising environmental issues: what they are, what they do, and what you have to do when you get one.

Eastern Connecticut Conservation District, Inc

2023 - 2024 Annual Report

Provide technical assistance and environmental education to promote sound natural resource management utilizing a watershed approach

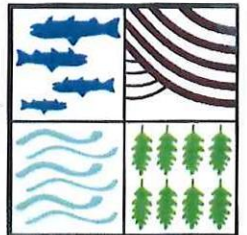
District Vision:
Provide technical assistance and environmental education to promote sound natural resource management utilizing a watershed approach.

Statewide Vision:
Connecticut's five Conservation Districts shall serve as leading environmental organizations in Connecticut.

7**2967**15*****SCH 5-DIGIT 06385
WATERFORD INLANDWETLAND
Or Current Resident
15 Rope Ferry Road
Waterford, CT 06385-2806



**Eastern Connecticut
Conservation District, Inc**
238 West Town Street
Norwich, CT 06360
860.319.8806
conservect.org/eastern



NONPROFIT ORG
U.S. POSTAGE
PAID
NORWICH, CT
PERMIT NO. 238

Board of Directors

The Board of Directors meets once a month

DIRECTORS

Susan Manning, Griswold
Cathy Osten, Sprague
Charlie Hobbs, Ledyard
Matt Peckham, Woodstock
Lydia Pan, Mystic
Gwen Haaland, Ashford
Cindy Wright-Jones, Pomfret Center

OFFICERS

Chair, Sherwood Raymond, Norwich
Vice Chair, William Jorsz, Baltic
Treasurer, Paul Shaffer, Norwich
Secretary, Leonora Szruba, Lisbon

ALTERNATES

Laura Hopkins, Stonington

A Message from the Chairman of the Board

Eastern Connecticut Conservation District (ECCD) has a long history of supporting agriculture in eastern CT, from hobby farms to large dairy farms, the board and staff at ECCD recognize that agriculture is critical to the health and well-being of society. Farming is the fiber that holds society together, keeping us well-fed and clothed, providing sustenance for urban and rural communities alike.

The scope and scale of modern agriculture will only increase as the world's population expands. But modern agriculture, both small-scale and industrial, as vital as it is to meeting society's needs, presents difficult challenges to our natural world, impacting soil, air and water quality. Recognizing and meeting these challenges presents an opportunity for residents of eastern CT to grow CT's economy while supporting agricultural production locally. The benefits of robust local agricultural production are manifold. Local production has the potential to provide more healthy, nutritious food for ourselves and our children. By not over-relying upon food produced hundreds or thousands of miles away, local production strengthens regional security while reducing transportation costs and impacts to the environment. And from a societal perspective, farming locally protects the land from development, enhancing our rural landscapes and preserving CT's long history of farming for future generations.

Local farmers are constantly pursuing options that support more conscientious use of their land, but these options are often expensive and beyond the reach of most farms. Producers need our support in their efforts to implement farming practices that nurture the soil, not deplete it; that protect air and water quality, not endanger it; and that produce healthier more nutritious food for all, not the few.

Currently, and over the past few years, ECCD has leveraged funding to construct multi-million dollar infrastructure projects for agricultural waste management at dairy farms in eastern CT, including multiple projects in Woodstock, Lebanon and North Stonington. These projects come at great expense to the farmers who contribute significant funding to their construction. Along with ECCD, you can support these farmers by buying locally -- not occasionally, but always. And encourage others to do the same, before the landscape of eastern CT is void of farms and the shelves in our stores are without locally grown products. At the same time, you will be protecting the soil upon which we walk, the air we breathe and the water we drink.

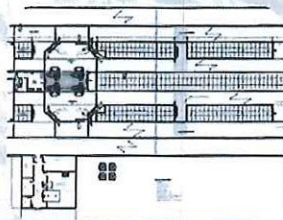
Sherwood Raymond,
Chair

Agricultural Projects

NACD Technical Assistance Grant - With funding from the National Association of Conservation Districts, ECCD was able to attend multiple NRCS trainings on tools and practices to continue providing technical assistance. District staff supported NRCS by conducting farm visits and certifications. Partners including ECCD, CSWC and NRCS held a local work group workshop to ask community for natural resource needs.

Reducing Nitrogen in Long Island Sound by Managing Farm Waste at Valley View Farm³ - To improve water quality in Long Island Sound, ECCD and NRCS are collaborating with Valley View Farm in North Stonington to construct a new free-stall barn with agricultural waste management and storage facilities.

Manure Management to Reduce Nitrogen Pollution into Long Island Sound³ - To improve water quality in Long Island Sound, ECCD and NRCS are collaborating with Square A Farm in Lebanon to construct a new free-stall barn with agricultural waste management facilities.



Designs are being developed for a free-stall barn with agricultural waste management facilities in N Stonington.



Square A Farm breaks ground on a new free-stall barn for agricultural waste management.

Water Quality & Habitat Improvement Projects

Quanaduck Cove BMP Demonstration Site³ - ECCD, in partnership with the Quanaduck Cove Court Condominium Association and Tipping Rock Association, is addressing nitrogen pollution from stormwater runoff in Long Island Sound with a suite of BMPs including downspout planters and two riparian buffers. ECCD staff also created a BMP Manual for use by community associations.

From Rain Gardens to Riparian Buffers: Pollinator Pathways for Healthy Watersheds³ - ECCD staff worked on completing grant requirements with municipalities and volunteers to install vegetated buffers and rain gardens using native plants to attract pollinators in the City and Town of Groton, Ledyard, Preston and Stonington. Outreach included Ledyard & Preston riparian buffer and rain garden workshops, disseminating educational brochures in English & Spanish and creating signs.



A riparian buffer was planted in Stonington for the Quanaduck Cove BMP Demonstration Site.



ECCD staff and volunteers install final rain garden in the City of Groton.

1. Funded in part by CT DEEP through a CWA §319 NPS Program grant
2. Funded in part by CT NRCS through USDA NRCS RCPP grant
3. Funded in part by a National Fish and Wildlife Foundation Long Island Sound Futures Fund grant with additional funding provided by EPA.
4. Funded by the CSWC & USDA NRCS RCPP sources
5. Funded by Long Island Sound Stewardship Fund at the Long Island Community Foundation
6. Funded by CT DEEP through FY23 LIS/BIL, EB Mitigation Fund and Mohawk NE Mitigation Fund.
7. Funded by NOAA under its B-WET program.

Water Quality & Habitat Improvement Projects

CT DEEP-EPA 319 NPS: Birch Plain Creek Stormwater Improvements project¹ - Groton Estates apartment complex has issues with storm drain runoff discharging into Birch Plain Creek which drains into Baker Cove. ECCD, City of Groton & Groton Estates are installing 5 tree filters, 6 rain gardens, 1 hydrodynamic separator, 5 storm drain filters, 3 interpretive signs and holding 1 educational workshop to include residents and City stakeholders.

Solar Power Erosion & Sediment Control Inspections - ECCD has an agreement with CTDEEP to conduct erosion and sediment control inspections at new commercial solar installations. Current projects include Silicon Ranch in North Stonington and TriTec Americas sites in Uncasville, Pomfret and Montville.

French River North Grosvenordale Stormwater BMPs Project¹ - In collaboration with the town of Thompson, ECCD staff installed rain gardens and educational signage at Blain Road Intersection in Thompson, CT to reduce nonpoint source pollution in French River.

Shewville Dam Fishway Construction Project⁶ - ECCD started construction of a Denali steepass fishway to pass fish over Shewville Dam in Ledyard, CT. ECCD anticipates construction of the fishway will be completed by fall 2024. Once the fishway is constructed, river herring will have access to historic spawning habitat all the way to Amos Lake.

Green Schoolyard Grant - funded by Community Foundation of Eastern CT, ECCD currently is installing a Green Schoolyard at Jennings School in New London. ECCD is creating a Green Schoolyard Action Plan and installing infrastructure to support the school's gardening program.

Project Oceanology Outdoor Learning Alliance⁷ - With funding from NOAA through its B-WET Program, ECCD collaborated with Project Oceanology to create outdoor learning spaces in underserved communities throughout eastern Connecticut, including Thames River Magnet School, Charles H. Barrows STEM Academy, Catherine Kolnaski STEAM Magnet School and Charles Barnum Magnet School.



Rain garden installed at Washington Park.



ECCD staff inspect erosion & sediment controls at a solar site in Uncasville.



Pergola installed at Catherine Kolnaski STEAM Magnet School.



City of Groton Public Works staff install storm drain filter inserts at Groton Estates.

Partners

USDA Natural Resources Conservation Service (NRCS), CT Department of Energy and Environmental Protection, US Environmental Protection Agency, Council on Soil & Water Conservation, Cyanobacteria Monitoring Collaborative, Department of Public Health, local health districts, UConn Extension System, CLEAR (Center for Land Use Education and Research), College of Agriculture, Health and Natural Resources (CANR), CT Sea Grant, and other conservation organizations.

Representation

Board of Connecticut Resource Conservation and Development Area, Thames River Basin Partnership, Celebrating Agriculture Steering Committee, The Last Green Valley, Connecticut Envirothon, Niantic River Nitrogen Work Group, Long Island Sound Study Citizens Advisory Committee, and Willimantic Whitewater Partnership.

Partnerships with government agencies and non-profit organizations are important to ECCD to achieve its mission.

Watershed Committees

In order to move forward and implement recommendations in watershed plans, ECCD created and facilitates several watershed committees. These include Niantic River Watershed Committee, Little River Healthy Watershed Collaborative, Baker Cove Watershed Committee and Wequetequock Clean

Water Coalition. These watershed committees are comprised of representatives from local communities and other stakeholders who are working together to improve and protect water quality, soil health and natural resources.



Wequetequock Clean Water Coalition conducts its Inaugural meeting at New England Science and Sailing (NESS).

We would like to express our gratitude to the following conservation supporters for their generous support and outreach efforts!

- 2023-24 Water Quality Monitoring Volunteers
- The Last Green Valley, Inc.
- Andrew Tate Memorial Fund
- CT Department of Energy & Environmental Protection
- Community Foundation of Eastern CT
- Long Island Sound Futures Fund
- UConn Extension System
- USDA Natural Resources Conservation Service
- Long Island Sound Stewardship Fund

ECCD Provides Natural Resource Conservation Information & Education



ECCD is involved with an equity and diversity initiative along with the other four districts.



ECCD and TLGV held their annual floating workshop in Wequetequock Cove, featuring Riverhawk Oysters.



Partners ECCD, CSWC and NRCS held a Local Work Group workshop to obtain community input.



In collaboration with WCWC, ECCD held a watershed festival with other conservation organizations.



ECCD staffed a table at Celebrating Ag's first year at Brooklyn Fairgrounds.



ECCD partnered with Thompson and others on a small business center and public food forest planning project.

The Eastern Connecticut Conservation District wishes to extend its sincere appreciation to all of our donors listed below during 2023-24. Your generosity and cooperative spirit greatly support our efforts in soil & water conservation throughout eastern Connecticut. Thank you.

Dale Demontigny

Charles McLain

David Demontigny

Rosemarie McLain

Jean DeSmet

Christopher Thomson

Fidelity Charitable Trust

Irene Thompson

Robert Hackmack

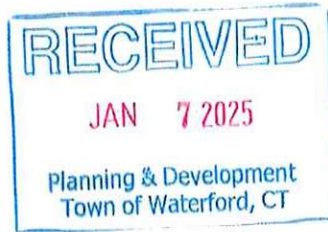
Richard Thompson

ECCD wishes to express its heartfelt appreciation for the generous donations made on behalf of others in the name of conservation.

Elaine and John Siena in Honor of Leo Tucker and Nancy Snider

Jeffrey B. and Carolyn H. Otto in Honor of Emerson H. and Winifred P. Nutting

Joyce Brewster in Honor of Simon Brewster



Clark Lane Residents
119 Clark Lane
Waterford, CT 06385

First Selectman Robert Brule
Planning and Zoning Department
Inland Wetlands Department
15 Rope Ferry Road
Waterford, CT 06385

January 6, 2025

Dear Selectman Brule, Planning and Zoning Department and Inland Wetlands,

Please take notice that the developer of the Clark Lane trailer project and the Town of Waterford (TOW) officials are permitting carcinogenic exposure of silica dust and plumes to the students and staff at Clark Lane Middle School and the residents on both sides of Clark Lane but especially those on the east side of Clark Lane and directly abutting the ongoing development due to the stone crushing and processing activities which releases carcinogenic silica. The Center for Disease Control, the American Cancer Society and the American Lung Association to name a few have confirmed this well-established carcinogenic material is produced during all rock crushing, drilling and stone processing activity.

On Friday, December 27, two residents had a conversation with Mark Wujtewicz, Planner for the Town of Waterford, and he informed us that the rocks will be crushed onsite. At the multiple meetings we had with the Town of Waterford officials and the trailer park developers this construction activity was never mentioned to the residents eager to protect themselves and their properties. Minimal investigation proves that rock crushing, to the extent that this developer needs to do, to the present rock piles located along all residents boundaries and the multiple rocks throughout the 16 acres will be a toxic and unhealthy activity potentially harming residents, their pets, students and staff. At the meetings we were promised close monitoring of all activities this developer was going to be doing. We have not seen the monitoring of sound, vibration and silica. We believe all the Town of Waterford experts should have made the residents aware of the potential activities from this development in our meetings, they should

have disclosed this potential construction site activity and they did not. Presently all the Clark Lane residents on the east side of Clark Lane are experiencing excessive noise and severe house vibration throughout the day starting at 6:45a. Work is being done due to the rock drilling occurring adjacent to their properties. The excessive daily and loud noise is diminishing our quality of life. It appears the project workers are drilling, splitting and dropping huge boulders which is producing vibration, noise and silica dust throughout the day.

The crushing of rocks is a serious and deadly practice for the workers exposed as well as those in close proximity to the activity due to the excessive silica dust and the silica plumes it creates. There are innumerable scientific studies attesting to silica exposure issues and a small example of the studies can be found at the end of this letter. Due to the unusual close distance the residents, the students and staff at Clark Lane Middle School are forced to have to this construction site, they will be heavily impacted by this enormous silica producing activity. The silica dust is also deadly to the general environment and especially the wetland ecosystem (Fenger Brook is within 50 feet of this site).

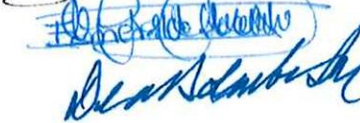
Crystalline silica commonly found naturally in the earth's crust is generated through cutting, crushing, grinding and drilling of all types of rocks. Individuals who inhale these very small crystalline silica particles are at risk of developing irreversible and serious silica related diseases including silicosis, an incurable lung disease that leads to death, lung cancer, chronic obstructive pulmonary disease (COPD), autoimmune diseases (rheumatoid arthritis, scleroderma, lupus) and kidney disease. Once the crystalline silica is inhaled the particles cannot be removed. There are presently multiple class action lawsuits and billions of dollars in settlement awards for silica exposure. Children are especially sensitive to this exposure as it quickly scars and inflames their young developing lung tissue.

We are asking that the rocks are removed from this construction site and crushed elsewhere as all the residents are too close to this activity and their health and welfare is being compromised. It is expected the TOW officials who maintain they care about the health and safety of this community and its residents would never allow any hazardous activity knowingly compromise lives and families.

Based on this level of construction happening in an R-20 zone, directly against our property boundaries and in close proximity to all of our houses, the accompanying excessive noise throughout the day, exposure to our Middle School staff and students and the severity of the health outcome to potentially hundreds of Town of Waterford citizens we would like this rock crushing stopped immediately and the boulders removed from the site and crushed elsewhere.

We are scared Town of Waterford citizens. A prompt response is appreciated.

Sincerely,

109 Clark Ln Waterford, CT
 109 Clark Ln Waterford, CT
 125 CLARK LN.

TRZ

121 Clark Ln WTRFD 0638

Ruth Rosal
 Shirley Sherman

121 Clark Ln WTRFD 0635
 118 Clark Ln



117 Clark Lane Waterford
 CT 06385

Robert Rugg 117 Clark Lane CT 06385 -
 Arlene Sherman 119 Clark Lane
 House w Zebra for 107 CLARK LANE

Concerned Clark Lane Residents

Scientific Studies:

11/9/23 Center for Disease Control :

<https://www.cdc.gov/niosh/topics/silica/indust>

8/23/2023 American Lung association

The Dangers of Silica Dust

12/6/2024 Environmental Health Publishing:

Occupational Exposure to Crystalline Silica Dust in the United States

<https://doi.org/10.1289/ehp.7384>

1/24/2024 American Journal of Industrial Medicine: Volume 67, Issue 3

Accelerated silicosis in sandblasters: pathology, mineralogy and clinical correlates

7/23/2024 Journal of Occupational and Environmental Hygiene: Volume 21, Issue 8

<https://doi.org/10.1080/15459624.2024.2357715>

2024 American Lung Association: 'State of Air' 2024 Key Findings

<https://www.lung.org/research/sota/key-findings>

9/29/23 Scandinavian Journal of Work Environment and Health

Occupational: exposure to silica dust in France; an ongoing concern

2006 Centers for Disease Control: Chapter 3. Toxic kinetics, Susceptible

Populations, biomarkers, Chemical Interactions

<https://atsdr.cdc.gov>

11/9/23 Center for Disease Control :

<https://www.cdc.gov/niosh/topics/silica/indust>

8/23/2023 American Lung association

The Dangers of Silica Dust

12/6/2024 Environmental Health Publishing:

Occupational Exposure to Crystalline Silica Dust in the United

States <https://doi.org/10.1289/ehp.7384>