

A Partnership Between



Local Land Use Decision-Making

Town of Cheshire
Coalition for a Sustainable Cheshire
Naugatuck Valley Council of Governments

April 10, 2024

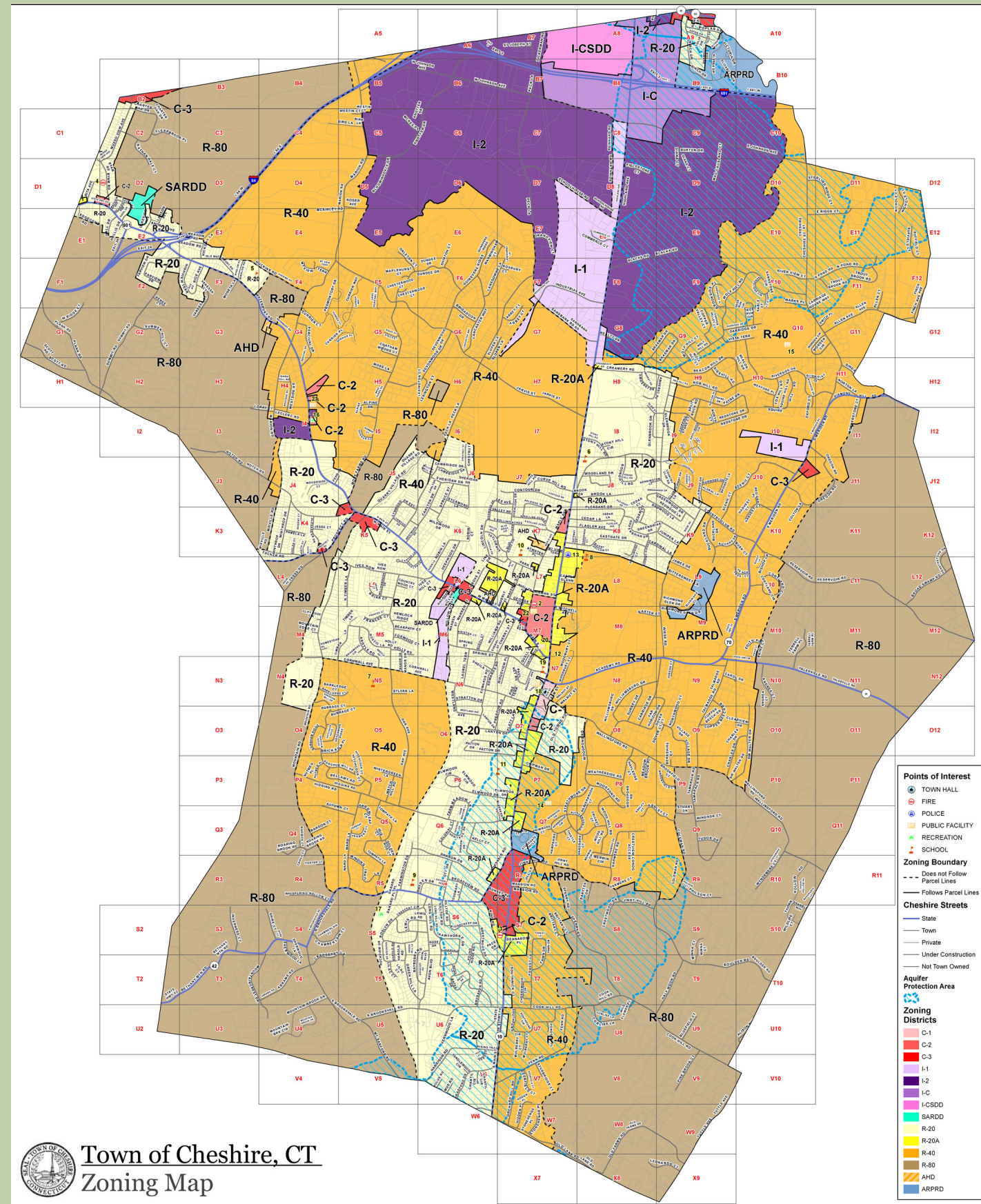
Brought to you by the Coalition for Sustainable Cheshire

Coalition for a Sustainable Cheshire facilitates collaboration between local organizations, government, and citizens for implementing environmentally sustainable, culturally vibrant, and socially equitable projects that improve the quality of life for Cheshire residents.

Development of the built environment in Cheshire is governed by municipal land use commissions. The sustainability of our community is shaped by what, where, and how we build.

A new parking lot, a regulation update, a 5-lot subdivision. None of these land use projects alone will dramatically change your community.

But it is important to pay attention to **cumulative development** in the community, and to participate in public processes when it makes sense.



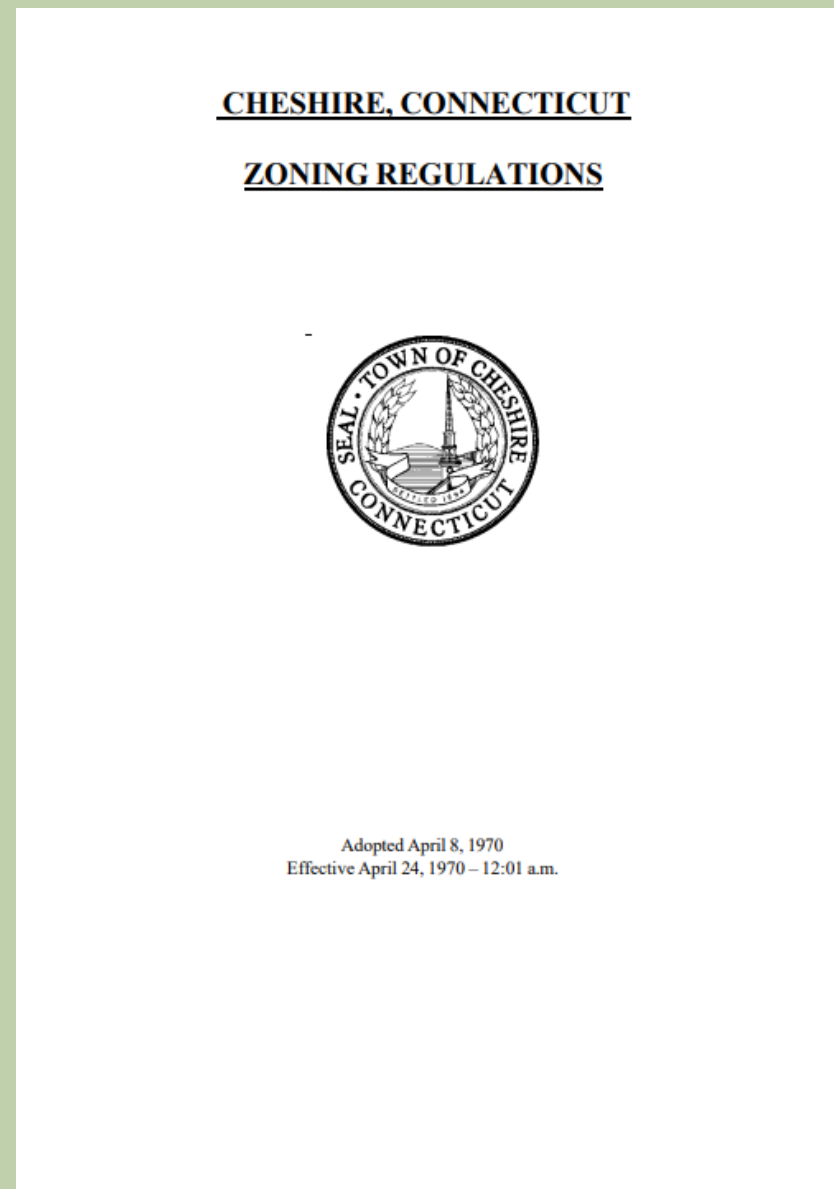
 Town of Cheshire, CT
Zoning Map

Here's what we hope you'll get from this.

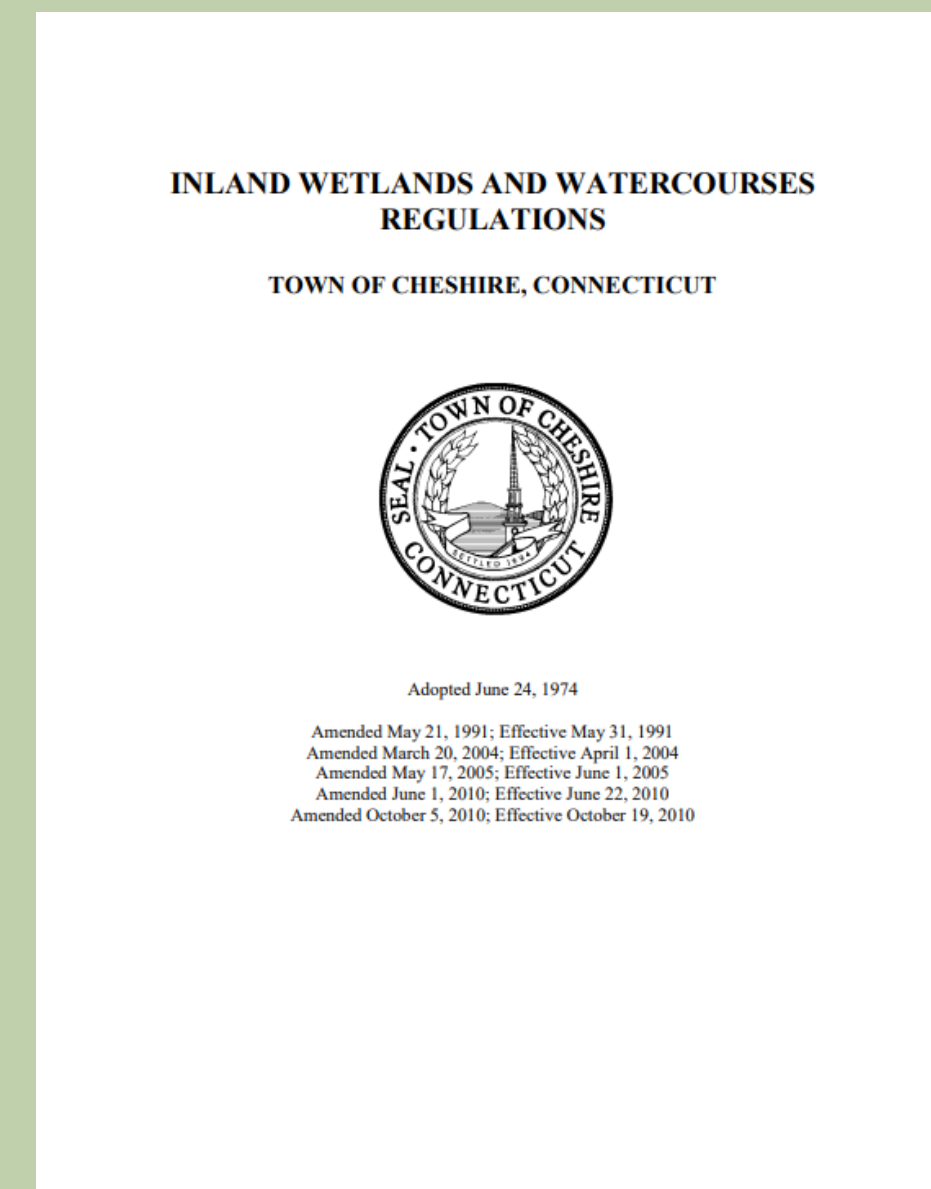
- Understand which **municipal bodies** make decisions about land use & development.
- Acknowledge what these bodies **legally can and can't do**, and how decisions are made.
- Learn where to find **agendas and minutes** for public meetings in Cheshire.
- Understand where & how to submit written **testimony** or make a public **comment** at a hearing.
- Feel confident **participating in land use decisions** to advocate for sustainability.

Municipal Land Use Commissions

Planning and Zoning Commission

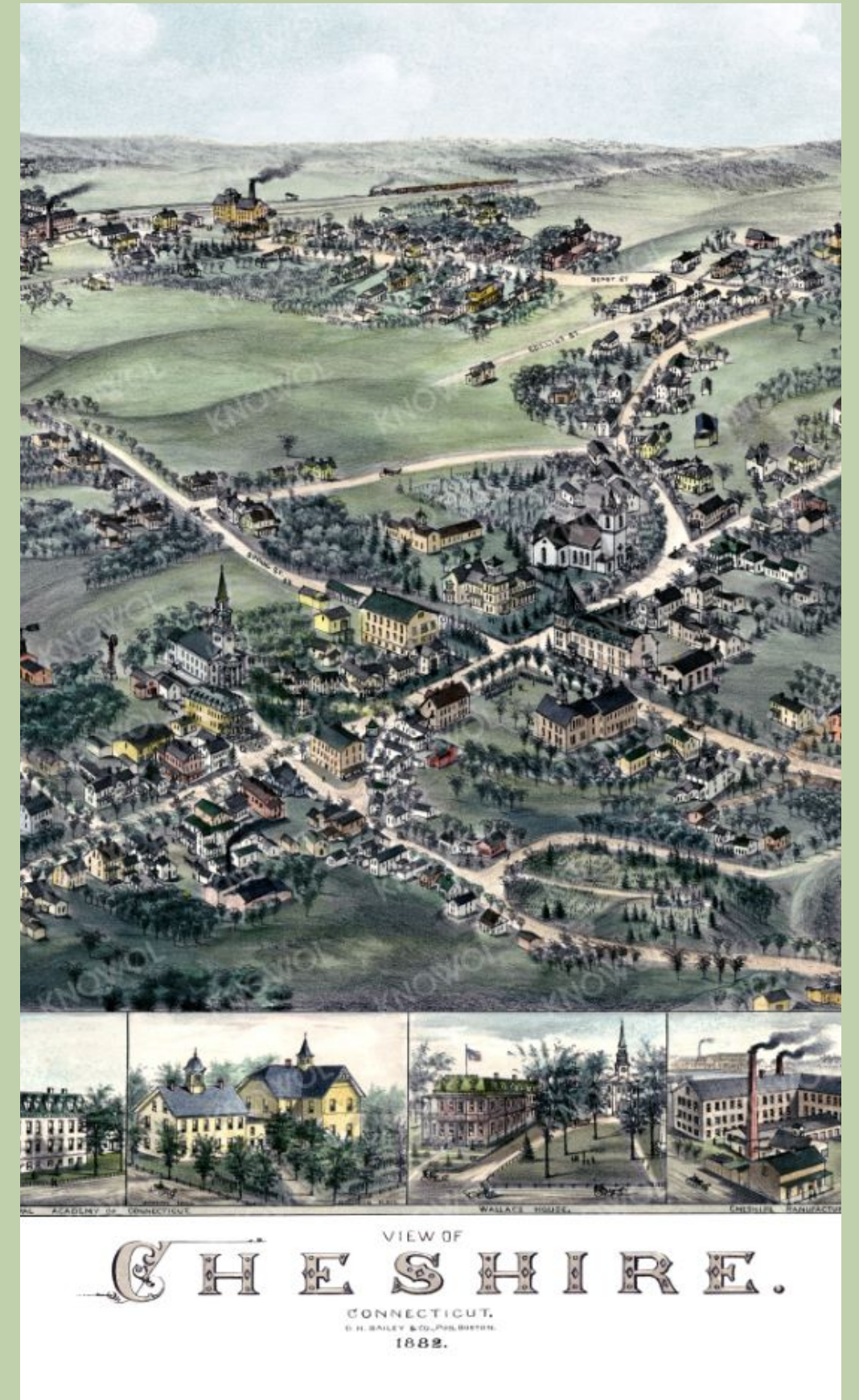


Inland Wetlands Agency/Commission



Planning & Zoning Commissions

- C.G.S. Sec. 8-18 thru 30 (planning) & Sec. 8-1 thru 13 (zoning) - *most towns, like Cheshire, combine Planning & Zoning.*
- Guided by Zoning Regulations, a set of land use laws that can be amended, and the Plan of Conservation and Development (advisory).
- Made up of elected officials who meet twice a month to approve/deny development proposals, reg changes, and related matters.
- Commission designates a Zoning Officer to conduct administrative approvals, inspections, and enforcement.



Inland Wetlands Agencies



- C.G.S. Sec. 22a-36 thru 45 - *some towns absorb these powers under their Conservation Commission or P&Z.*
- Guided by Inland Wetlands and Watercourses Regulations.
- Made up of appointed officials who meet once or twice a month to rule on development proposals in or near wetlands, and to adjudicate violations.
- Agency designates a Wetlands Agent to conduct administrative approvals, inspections, and enforcement.

Other Commissions

- In Cheshire's case, the Planning and Zoning Commission also acts as the **Aquifer Protection Agency**.
 - Charged with analyzing impacts to an aquifer if development is occurring inside an Aquifer Protection Area.
- **Zoning Board of Appeals** grants variances, or exceptions, to certain zoning regulations. They can also adjudicate an appeal against a zoning enforcement officer's decision. These are usually relatively small-scale projects compared to P&Z matters.
- Many towns also have advisory commissions without decision-making power, like Cheshire's **Environment Commission** and **Energy Commission**.

Land Use Permits

- Permits are granted through a number of different proceedings, with varying levels of public involvement.
- The type of permit needed for a project depends on (1) what and where you're building, (2) the relevant Zoning or Wetlands Regulations, and (3) statutory limitations.
 - This makes sense. Putting a backyard pool in residential neighborhood should be an easier process than building a factory from scratch in the heart of downtown.
- Let's look at a few different types of permits and their approval processes.



Planning and Zoning

	Public Meeting	Public Meeting with a Public Hearing	Level of Discretion
Zoning Permits	No	No	Zoning officer sign-off
Site Plans	Yes	No	Commission deliberation
Subdivision	Yes	Commission's discretion; always PH for <i>resubdivision</i>	Commission deliberation
Special Permit, Special Exception	Yes	Yes	Commission deliberation

Inland Wetlands

	Public Meeting	Public Meeting with a Public Hearing	Level of Discretion
Wetlands Permit - No Significant Activity	Yes	No	Commission deliberation
Wetlands Permit - Significant Activity*	Yes	Yes	Commission deliberation

*Significant activity can be established one of three ways:

- Commission determines the activity will have a significant impact on wetlands or watercourses
- Petition signed by at least 25 people requesting a hearing is submitted
- Commission determines a hearing is in “the public interest”

There are also other types of land use approvals, like zone changes and text amendments, but tonight we are focusing on development.



⊕ Opportunities for Public Participation

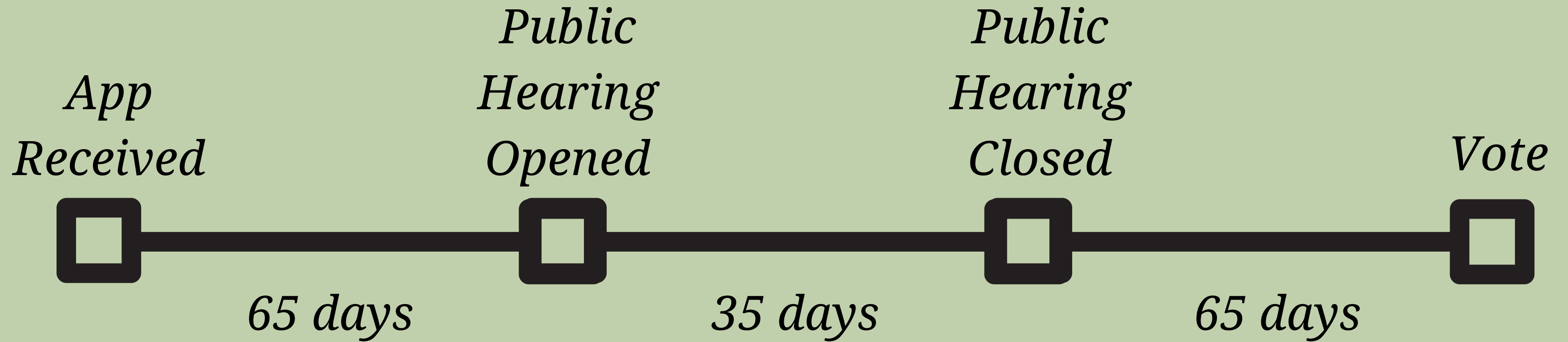


- With a zoning/wetlands officer sign-off, there is no public participation. You do always have a right to review the documents in the public file during regular Town Hall hours.
- With a public meeting, you are able to observe the proceedings, but not comment.
- With a public hearing, you can observe the proceedings and submit comments (written or verbal).

So, let's focus on public hearings for
Planning & Zoning Commissions and
Inland Wetlands Agencies.

This is where you can speak up for sustainability!

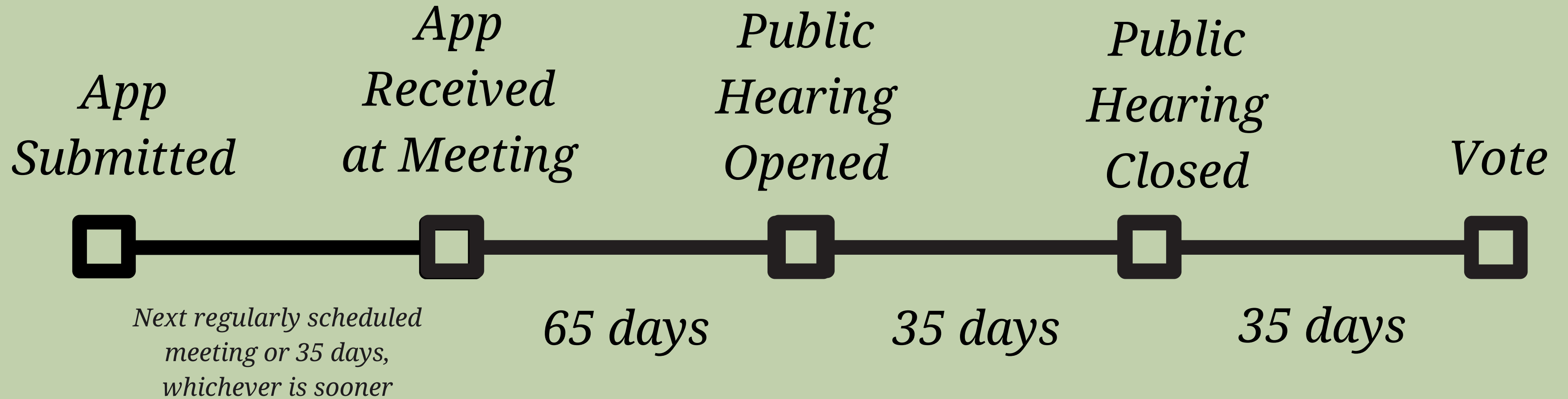
Public Hearing Timeline: P&Z



Legal Notice must run in the paper twice (10-15 days before hearing, at least 2 days before hearing)

Up to 65 days of extensions are available throughout the process

Public Hearing Timeline: IWA



Agency must wait 14 days between receipt of application and taking action

Legal Notice must run in the paper twice (10-15 days before hearing, at least 2 days before hearing)

Up to 65 days of extensions are available throughout the process

Public Hearing Timeline: Agendas & Minutes

Agendas must be posted at least 24 hours in advance for regular meetings, per Sec. 1-225(c) of FOIA.

Records of votes must be posted within 48 hours after the meeting. The full **minutes** must be posted within 7 days after the meeting. (Sec. 1-225(a) of FOIA)

Note: "Posted" means submitted to the Town Clerk's Office - but most towns also post these on their website.

Public Hearing Timeline

It is rare that a public hearing process uses its maximum allowed timeframes. Most decisions are made within a month or two from the publication of the legal notice.



So be sure to pay attention to timing!

Steps for Public Comment

1. Know what applications are being considered.
2. View the documents, plans, and materials.
3. Decide between a written or oral comment.
4. Compose your comment.
5. Submit or present!



#1: Know what's on the table




This may be the most important step! You can't advocate for a sustainable Cheshire if you are unaware of development proposals.


#1: Know what's on the table

Sign up to receive P&Z and IWA agendas -or- check the website -or- check with the Town Clerk

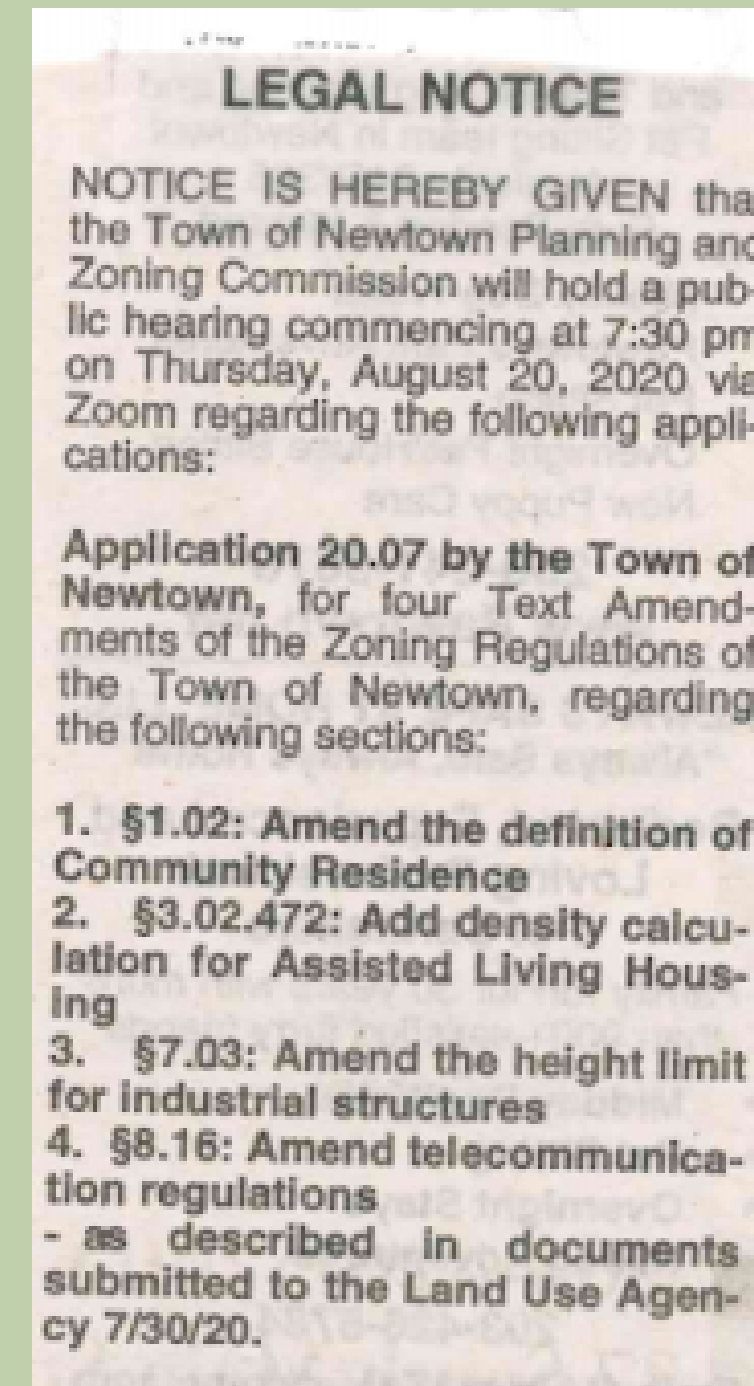
Please sign in to subscribe, unsubscribe, or manage your subscriptions

Email Address

 **Notify Me®**

 **▼ Agenda Center**

METHOD	LIST NAME	DESCRIPTION
<input type="checkbox"/>	Arts Commission	
<input type="checkbox"/>	Board of Ethics	
<input type="checkbox"/>	Charter Revision Commission	
<input type="checkbox"/>	Citation Appeal Hearing	
<input type="checkbox"/>	Civil Service Commission	
<input type="checkbox"/>	Clean & Green Commission	
<input type="checkbox"/>	Community Development Citizens Advisory Commission	



Legal notices will be posted in local newspapers for public hearings.

#2: Review the application

Documents **may** be posted online or attached to the agenda, and **must** be available for viewing during regular business hours with at Town Hall.



Look for...

- Application form
- Site plans, maps
- Staff reviews
- "Plans" (i.e. stormwater management plan, erosion & sedimentation control plan)
- Other public comments

PRIOR NOTIFICATION FORM

SUBMITTED TO _____
DERS _____

Telephone 203-946-6380

g your ward(s) will be submitted to _____

PROPOSED ZONING MAP TO CHANGE THE BUSINESS (BA), WHOLESALE AND RETAIL (B1) AND HEAVY INDUSTRIAL (H1) TO MEDIUM DENSITY RESIDENTIAL (MU) BOUNDARY OF THE LONG

DEPARTMENTS

ted by the item. _____

mitted to the Legislative Services Office for the Board of _____

Proposed Zoning
City of New Haven

0 0.1 0.2 0.4 Miles

#3: Oral or Written

A **written comment** may be submitted to the appropriate Department for the public record any time before the hearing closes. May not be read during the hearing, but Commissioners *should* review all comments.

An **oral comment** can be delivered during the public hearing at the designated time of the meeting. Each Commission may have its own rules about how you may comment.

Important: There may be a deadline for submitting written comment. Please check with the Planning Department and be respectful of the Commissioners' schedules.

#4: Composing Your Comment

It is the rule, rather than the exception, for many of the attendees at a hearing to misunderstand the agency's responsibility to apply specific regulations to the matter before it. Rather, they may believe that the agency must simply follow the public's will.

- *What's Legally Required?*, Michael A. Zizka



Don't fall into this trap!



#4: Composing Your Comment

You're an expert on
your own community.
Photos help!

**Be on-topic.
Bring the facts.
Keep it concise.**

Don't bring up
something the
Commission *legally*
cannot base their
decision on!

Hearings can easily be
2+ hours long, and
Commissioners get
bored too.

#4: Composing Your Comment

Can Consider

✓ Does the proposal meet the submission requirements?

✓ Does the proposal adhere to the regulations?



Cannot Consider

✗ Will the public like the proposal?

✗ Does the proposal reflect the “character” of the town?

✗ Does the proposal “violate” any specific line in the POCD?

✗ Does the proposal serve the general wellbeing of the community & environment?

✗ How will this impact property values and our economy?

#4: Composing Your Comment

What to include



- Full name, address (if you live in the town), & affiliation.
- Speak to the Commission, not the applicant.
- Cite regulations when possible.
- Offer solutions within the authority of the Commission.

And now let's practice!

#4: Composing Your Comment

Bad



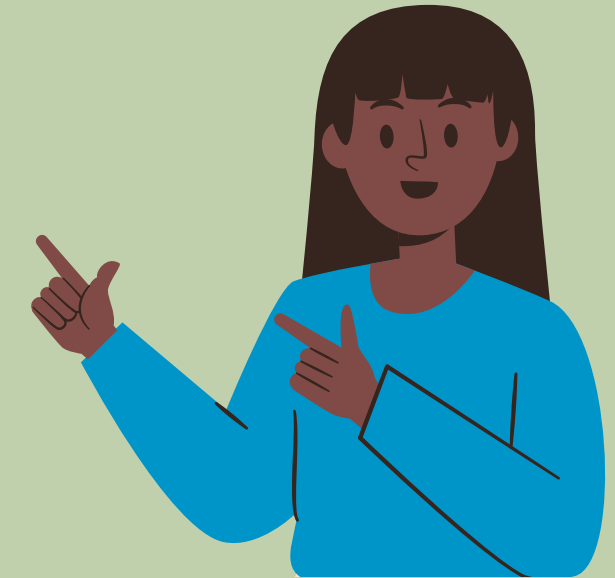
"How could you let this developer poison our river? This is not what your taxpayers want, and our property values will be ruined."

Better

"This proposal does not align with the zoning regs and the stormwater plan they submitted contains false assumptions."



Best



"The applicant is proposing 20% more parking than Section 1.1 requires; consider asking the applicant to replace the extra spaces with a bio-retention area to preserve water quality."

#5: Deliver your Comment

Oral comments occur during a hearing. Here's what to expect:

- The public can only speak during the comment period (no chiming in during deliberations).
- You will likely be asked to state your name & address for the record.
- Generally only a few minutes (yes, they can legally limit your time, and some Commissions do)
- Do not expect a dialogue - the Commission has no obligation to respond.
 - They may ask follow-up questions.

Local Land Use Decision-Making Resources for Cheshire



Town of Cheshire Planning & Development

84 South Main Street
Cheshire, CT 06410

Telephone: 203 271-6670

Fax: 203 271-6688

[Website here](#)

- [Planning & Development Department](#) (municipal office for P&Z, IW)
- [Planning & Zoning Commission](#) (decision-making body for P&Z)
 - [Agendas & Minutes](#) - available thru calendar
- [Inland Wetlands Commission](#) (decision-making body for IW)
 - [Agendas & Minutes](#) - available thru calendar
- [Cheshire Zoning Regulations](#)
- [Cheshire Inland Wetlands Regulations](#)

Type in your email on [this page to receive Planning and Zoning agendas and minutes](#), and on [this page to receive Inland Wetlands agendas and minutes](#). Note - the sign-up function is in the corner of each commission's calendar app.

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