



# Town of Stafford Connecticut

1 Main Street, Warren Memorial Town Hall  
Stafford Springs, CT 06076-1208

Planning & Zoning Commission

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*[Signature]*  
TOWN CLERK

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## Town of Stafford Legal Notice

Notice is hereby given that the Stafford Planning and Zoning Commission will hold Public Hearings on October 21, 2021 at 7:00 p.m. in the Community Center, 3 Buckley Highway, Stafford, CT to consider the following:

### Public Hearings:

#### Special Permit application:

of Jason Collette to operate a brewpub at 86 Main Street, Stafford, CT in accordance with regulation 7.13 Alcoholic Beverages.

Property owner: American Sleeve Bearing LLC

Location: 86 Main Street Map 51 Lot 56 Zone CB

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### Zoning Regulation Changes:

Delete Regulation 4.10 minimum house size in accordance with Public Act 21-29

Alter Regulation 3.21 and 3.22 to make nonconformities section conform to Public Act 21-29.

Opt out of "cannot require more than one parking space for studio or one bedroom apartments..." in accordance with Public Act 21-29.

Opt out of allowing accessory dwelling units as of right on each lot that contains a single family dwelling in accordance with Public Act 21-29.

Place a temporary moratorium prohibiting Cannabis Establishments authorized by Public Act 21-1. Any application submitted for the approval of any cannabis establishment will be denied by the Planning and Zoning Commission or Zoning Enforcement Officer as may be appropriate. Moratorium to run from 10/1/2021 to 4/1/2022 to allow the commission time to consider adoption of changes to the Zoning Regulations.

*At this meeting, interested persons may be heard and written communication received. Copies of legal notice, and related information are on file in the Zoning Office, and the Town Clerk's Office, 1 Main Street, Stafford, CT.*

J1 - 10/9/21 & 10/16/21



TOWN OF STAFFORD, CT

Warren Memorial Town Hall
1 Main Street, Stafford Springs, CT 06076
860-684-1793

09/27/2021

Draft

SPECIAL PERMIT APPLICATION

[X] New Special Permit Application; \_\_\_ Amendment to Approved Special Permit

Applicant Information:

Name: Jason Collette
Address: 47 Tayler Trail Woodstock valley Ct 06282
Phone: 5083338400 Fax:
Email: Jcelectric57@gmail.com
Legal Interest: 800

Owner Information:

Name: AMERICAN SLEEVE BEARING LLC
Address: 86 MAIN ST STAFFORD, CT 06076
Phone: 800-969-2721 Fax:
Email:
\_\_\_ Attached is documentation verifying ownership of the property.

Subject Parcel:

Address: 86 MAIN ST
Size: Zone: Assessor's Map and Lot #: 510 51/56
Is the subject parcel within 500 ft. of the Town boundary? \_\_\_ yes [X] no

Requested Use:

Application is made under Section 7.13 of the municipal zoning regulations, requesting approval of the following use:
Brewery and Tap room

Relationship of Proposed Special Use to the Plan of Development:

**Benefits of Proposed Special Use to the Town:**

The Brewery will provide a source of local identity and pride. Off the Rails will compliment the existing business's on Main Street by attracting new patrons to our beautiful downtown. This new and exciting attraction will allow other local businesses to thrive, and bring a positive fun attraction to the area. Off the Rails will support the local community, local arts, local entertainment, local businesses, local athletics programs all while bringing fresh and new ideas to Stafford's beautiful and historic downtown.

**Parties of Interest\*:**

Engineer/ Architect Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Developer/ Builder Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

\*Complete information in this section as applicable.

**Taxes:**

Are all real estate, sewer use, and sewer assessment taxes current?  yes  no

Attached is proof of payment. (Required)

**Fees:**

\$60.00 (State Fee) + Town Fee\* \$340.00 = \$410.00 (payable to the Town)

\* Town fee is established by Town ordinance. + \$10.00 (Processing)

**Signatures:**

Signature of Owner(s) AMERICAN SLEEVE BEARING LLC Date: 09/27/2021

Signature of Applicant(s) Jason Collette Date: 09/28/2021

**3.20 Recreational Vehicles:**

A recreational vehicle or camper or a boat and/or boat trailer may be stored on a lot occupied by the owner's residence, provided such unit is stored behind the building line and it shall be adequately screened from view from the street and from neighboring properties. No unit may be occupied for sleeping, living, or for carrying on a business in any zone except as provided elsewhere in these regulations.

**3.21 Continuing Existing Nonconforming Uses:**

Any use or building lawfully existing and any premises or building or any portion of any premises or building in use for a nonconforming use at the time of adoption of these regulations, or any amendments thereto, may be continued and any building so existing that was designed, arranged, intended for, or devoted to a nonconforming use may be reconstructed and structurally altered, and the nonconforming use therein changed subject to the following regulations:

- A. No nonconforming use may be changed except to a conforming use or, with the approval of the Zoning Board of Appeals, to another nonconforming use more consistent with the uses permitted in the zone in that the premises are located.
- B. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
- C. No nonconforming commercial or industrial use shall be extended or expanded.
- D. No nonconforming use that has been abandoned shall be thereafter resumed. ~~A nonconforming use shall be considered abandoned when there is an actual cessation of such use coupled with the intent not to put the premises again to the same use. Where there is a non-use of a nonconforming use for a period of six (6) months, the use shall be deemed abandoned, unless there be proof offered of intent not to abandon such nonconforming use, except that, in the case of damage by fire or an act of God, such damage may be repaired or replaced and the nonconforming use resumed within a period of one (1) year.~~

SEE  
NEW CGS  
§-2  
4D (HA)

**3.22 Structural Alterations to Nonconforming Building**

- A. The cumulative cost of structural alterations to any nonconforming building containing a nonconforming use shall not exceed thirty-three and one-third percent (33 1/3 %) of its fair market value\* at the time of application for permit, unless the use thereof be changed to a conforming use or, with the approval of the Board of Appeals, to another nonconforming use more consistent with the uses permitted in the zone in that the premises are located.
- B. Nothing in these Regulations shall prevent the alteration or expansion of an existing building or structure containing a permitted use that does not meet the height limitations, floor area, lot width, or yard requirements providing that:
  - 1. There is no increase in the number of dwelling units or families within the building, expansion, or alteration thereof; and

**TOWN OF STAFFORD - ZONING REGULATIONS**

Accessory building** (Effective November 15, 2003)	50	35	35	35	50	25	50
Parking area	10	5	5	2	5	5	10
<b>Maximum height</b>							
Main building - stories	2½	2½	2½	2½	2½	3	2½
Main building - feet	30	30	30	30	35	35	30
Accessory building - stories** (Effective November 15, 2003)	30	30	30	30	35	35	30
<b>Lot area/dwelling unit</b>							
Square feet	88,000	30,000	30,000	15,000	11,000	7,330	88,000
<b>Lot coverage - all buildings</b>							
Percentage	10	15	20	20	20	20	10

\* Denotes AA District within the former Borough of Stafford Springs.

\*\* Accessory buildings that are not more than two hundred (200) square feet in size and not more than twelve (12) feet in height shall comply with Section 3.17.

\*\*\* Minimum of 30,000 square feet needed per unit for two-family (2) dwelling.

\*\*\*\* Multi-family dwellings shall not exceed four (4) units/acre in Zone B and six (6) units/acre in Zone C.

SEE  
NEW CGS  
8-2  
4.0(7)

**4.10 Minimum Floor Area for One- and Two-Family Dwelling Units**

<b>Minimum Livable Floor Areas (in square feet) *</b>				
<b>Zone</b>	<b>AAA</b>	<b>AA</b>	<b>AA (two-family)</b>	<b>AA** - A - B</b>
One level	1300	1150	750/unit	1000 ***
<b>Two-story</b>				
First floor	860	760	500/unit	1000
Second floor			250/unit	
<b>Raised ranch or split level</b>				
Main floor	960	850	550/unit	1000
Balance	340	300	200/unit	

\* Unfinished areas may be credited toward minimum livable finished floor area requirements provided that all utilities are "roughed in" and walls and ceilings are sheetrocked and taped.

\*\* AA zone in former Borough of Stafford Springs

\*\*\* Single-family

**Note:** A dwelling without a basement shall have an area of two hundred (200) square feet for storage space in addition to the above minimum floor area requirements.

**4.11 Apartment Buildings:**

Apartments shall be constructed with the following minimum livable floor areas:

- Efficiency ..... 370 square feet
- One-bedroom ..... 550 square feet
- Two-bedroom ..... 700 square feet

2. Providing that such alteration or expansion does not exceed the setback, yard, or lot coverage requirements of the district within that the existing building or structure is located.
- C. Nothing in these regulations shall prevent the reconstruction within one (1) year of a building suffering damage by fire or act of God to its condition prior to such damage or prevent the restoration of a wall or structural member or prevent any restoration or reconstruction work ordered by a lawful jurisdiction. (Effective 2-15-95)
  - \* Where there is dispute, fair market value shall be established by the Town Assessor.

**3.23 Changes in Regulations**

- A. Nothing in this section shall require any change in the plans, construction, or designated use of a building for that a building permit in accordance with existing regulations has been issued and on that the construction shall have been commenced prior to the adoption of these regulations, or of any amendments thereto, and that shall be completed within one (1) year of the adoption of the same.
- B. A building containing a permitted use that does not conform, because of amendments to these regulations, to building height limit, minimum lot area or width, percentage of lot coverage, required yards, or minimum floor area on the effective date of these Regulations shall not be considered a nonconforming building within the meaning of Sec. 3.22.

**3.24 Residential Uses in Non-Residential Districts:**

In any case where there is an existing residential use in a local business, highway or industrial, or water management zone that use was in existence at the time said zone was created, the residential dwelling may be enlarged or altered and accessory structures may be constructed, provided that such enlargement, alteration, or accessory structure meets the percentage of lot coverage and the parking and yard requirements of a AAA zone.

**Substitute House Bill No. 6107**

substantially different from conditions and requirements imposed on (A) single-family dwellings; [and] (B) lots containing single-family dwellings; [. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on] or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments; [. Such regulations shall not prohibit]

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations; [or] (B) require a special permit or special exception for any such continuance; [. Such regulations shall not] (C) provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; [. Such regulations shall not] or (D) terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure; [. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit]

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, as amended by this act, of temporary health care structures for use by mentally or physically impaired persons [in accordance with the provisions of section 8-1bb] if such structures

# OPT OUT STATUTE

## **Substitute House Bill No. 6107**

comply with the provisions of said section, [.] unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

(7) Establish for any dwelling unit a ~~minimum floor area~~ that is greater than the minimum floor area set forth in the applicable building, housing or other code;

(8) Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;

(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

(10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough, [;] but unless it is so voted, municipal property shall be subject to such regulations.



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[(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.]

[(d)] (f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard. [pursuant to subsection (a) of this section.]

Sec. 5. (NEW) (Effective October 1, 2021) The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units,

**Substitute House Bill No. 6107**

provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.

Sec. 6. (NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

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(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an

**Substitute House Bill No. 6107**

additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds

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vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

Sec. 7. Subsection (k) of section 8-30g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or

## Stafford CT Proposed Zoning Regulation 7.8

### A. Temporary and Limited Moratorium on Cannabis Establishments

1. **Statement of Purpose.** This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning *Responsible and Equitable Regulation of Adult-Use Cannabis (the "Act")*, portions of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments with the exception of existing dispensary facilities and producers for medical marijuana as defined in Chapter 420f, C.G.S., *Palliative Use of Marijuana* – legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare.

2. **Definitions.**

- a. **Cannabis.** Marijuana as defined in Section 21a-240, C.G.S.
- b. **Cannabis Establishment.** Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.
- c. **Cultivator.** A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
- d. **Delivery Service.** A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.
- e. **Dispensary Facility.** Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

- f. *Food and Beverage Manufacturer.* A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
  - g. *Hybrid Retailer.* A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
  - h. *Micro-cultivator.* A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.
  - i. *Person.* An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.
  - j. *Product Manufacturer.* A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.
  - k. *Product Packager.* A person that is licensed to package and label cannabis and cannabis products.
  - l. *Retailer.* A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.
  - m. *Transporter.* Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.
3. **Applicability.** During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Stafford, CT and any and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate.
4. **Effective Date/Term.** This temporary and limited moratorium shall become effective on October 1, 2021 and shall remain in effect until April 1, 2022.