

Town of Hamden

Planning and Zoning Department

To: Hamden Planning and Zoning Commission

From: Matthew Davis, Assistant Town Planner

Re: Zoning Regulation Amendment #20-0978 (PZC Sponsored)
Extension of Covid Recovery Provisions (Outdoor Cafes and Signage)

Date: January 11, 2021

The PZC previously adopted these same provisions as a means of assisting Hamden businesses adjust to the dire economic impacts of the Covid-19 epidemic. It is reasonably apparent that these conditions, in some form or degree, will continue, perhaps well into 2021.

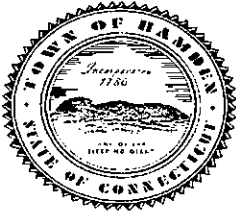
Staff therefore recommends that the PZC extend these provisions until 12/31/21. If desired, staff can also evaluate our current regulations more generally with regard to outdoor dining and related signage, with the intent of offering the PZC insights and ideas for “permanent” changes to the zoning regulations.

This present application is consistent with the Hamden POCD, Regional and State POCDs, as well as any and all applicable provisions of the Coastal Zone Management Act.

If the Commission is inclined to approve the application, they should set an effective date of February 1, 2021, in order to accommodate the time necessary for publication of the decision and the appeal period.

Copy:

(Acting) EDC Director



Town of Hamden

Planning and Zoning Department

To: Hamden Planning and Zoning Commission
From: Matthew Davis, Assistant Town Planner
Re: Draft Home Occupation Regulation Amendment
Date: January 11, 2021

The draft offered at this time was developed by former Town Planner Kops and reviewed by me prior to distribution. I believe the genesis of the proposal was a question raised by a potential applicant regarding the interpretation of the term “manufacturing.” The current home occupation regulations have not been updated to reflect changes in the types of products that can be made in a home and the term manufacturing under the present regulations may be overly restrictive.

In addition, the advent of the internet, coupled with greatly enhanced product delivery options, increases the economic feasibility of home based business and in general, Connecticut has promoted such businesses. Finally, for various personal reasons, citizens are choosing to pursue home based businesses, either part time or full time.

Promoting the benefits of these uses, while still maintaining the residential character of established neighborhoods is challenging. Like most communities, Hamden does not have sufficient staff to monitor compliance and home occupations are at best “managed” on an ad hoc basis, typically in response to a neighbor complaint.

It is virtually impossible to identify every possible business that might be appropriate in a neighborhood home. This is why our regulations are, like most, “performance” based and not prescriptive. Unfortunately, vague standards often result in legitimate disagreements and those disagreements, together with other factors, undermine our ability to resolve compliance issues.

While I do not have any substantive objections to the proposed language, I do think this topic is worthy of a more rigorous and comprehensive treatment, not simply in terms of the types or categories of uses, but also with regard to permit procedures, tracking and/or other relevant concerns. For instance, many Towns apply a two or even a three tier system, with application standards and procedures designed accordingly. It would not take much effort to survey CCM, CCAPA or other sources for insights and options which staff could offer the Commission at some future date. Prior to bringing that more comprehensive draft forward, staff would also make an effort to solicit input from cohorts such as the EDC staff, our legal staff, the Building Official, QVHD and the Fire Marshal.

Achieving the appropriate balance between neighborhood stability and the potential scope of available private business options is a policy matter for the Commission members to determine. Whether or not you feel you have sufficient information to move forward at this point is a question.



Town of Hamden

Planning and Zoning Department

To: Hamden Planning and Zoning Commission

From: Matthew Davis, Assistant Town Planner

Re: 2019 POCD Implementation – Economic Development
Initial Zoning Regulation Amendment Recommendations

Date: January 12, 2021

Overview

This memo will cover the first three discussion items under “New Business” listed in the meeting agenda for 1/12/21.

As the Commission knows, the highest priority objectives and recommendations in the 2019 POCD update concern economic development. Certain of these actions are fairly simple and others will require more effort. In order to move forward with these, I have identified three specific changes which I hope can be made without too much debate. I am certain that the members agree that it is imperative that Hamden takes every reasonable step available to promote and enhance business attraction, retention and expansion. This can be done and must be done in ways that do not undermine other essential elements of our comprehensive plan. Economic development is a very complex matter and while zoning obviously plays an important role, zoning alone will not be sufficient to address the scale and nature of financial challenges facing our community.

My intention is to simply get the ball rolling. Ideally, I would like to return to the Commission as soon as possible with more detailed proposals, including perhaps fully developed drafts for your review.

Initial Recommendations

The three initial areas I am considering are as follows:

1. Eliminating Applicability of T-Zone Design Standards to M Zone Properties

The members are familiar with the locations of our “M” zones. They include the large area along the Quinnipiac River (much of which is tidal wetlands, floodplain and completely undevelopable); the areas adjacent/proximal to SCSU; a few parcels fronting on Leeder Hill; the Town Industrial Park area; and of course, the “main” M Zone focused on Sherman Avenue.

I can guarantee you, the members are much more familiar than I with the history of each of these areas, but it seems apparent that they were established for varying “conventional” reasons, reflecting the standard LU practices and thoughts of the time. At present, to the extent possible, many of these are

already developed and have been for literally decades. The mix of uses reflects the particular attributes of each area.

In that I was not here when the “T Zone” regulations were developed and adopted, it is unclear to me why these were applied to our M zones. I do know that this has been disruptive in terms of business expansion and attraction and that on balance, the “damage” has been greater than any community benefit I can determine. I cannot provide an exact count at the moment, but over the almost four years I have staffed the ZBA, that board has seen multiple applications for variances from the T Zone design standards for properties in M zones and the ZBA has, quite reasonably in my opinion, granted such relief in I believe every single case. These projects have included properties in the Sherman Avenue area, and even a major project on State Street where the Town was a project “partner” (the so-called Quonset Hut property).

While it makes sense to apply T Zone design standards along certain collectors and arterials, for all the virtuous and beneficial reasons those regulations were intended to accomplish, in contrast, applying those same standards to properties in our M zones seems inappropriate.

Specifically (for instance) the prohibitions on pavement and parking in the “first layer”, the width “buildout” mandate and other such requirements should not be applicable to M zone development. If the members agree with my general point and want to go forward, I will bring a draft forward with information to explain and justify the initiative.

2. “Split Zoned” Properties

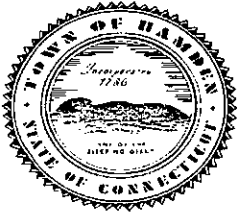
This is completely necessary and logical, but will require a little detailed work to make sure the GIS mapping is available, proposed line relocations are accurate, etc. The members should be familiar with this issue, but in short, some properties in Town have zone lines running through them (in fact through buildings in some cases) and this obviously complicates our ability to interpret and apply zoning standards. The Commission did adopt some recent language changes that were intended to mitigate these complications to a degree, but now our GIS map has been updated (our parcel data), so we can move forward with this “simple” but important initiative.

3. Special Permit Applicability

This will require a little more time and effort and thought, but the general sense is that Hamden’s zoning regulations require a special permit for a large majority of uses and this may be inhibiting the expeditious processing of development applications, especially in cases where such uses are almost always deemed appropriate. Special permits add time, cost, complexity and risk to a project and we should be careful to only require a special permit where uses may not in fact be appropriate (i.e. might not promote our comprehensive plan). The key is to make sure that if only a site plan is to be required (an administrative approval) that you have first developed and adopted the necessary design and other standards you will apply to a site plan. To put it another way, a special permit should not be used as a surrogate for a site plan use, simply because relevant and necessary design standards have not been adopted. This is especially true in developed “conventional” zones established to promote commerce, employment and tax base (such as the M zones).

Copy:

(Acting) EDC Director



Town of Hamden

Planning and Zoning Department

To: Hamden Planning and Zoning Commission
Hamden Inland Wetlands Commission
Hamden Zoning Board of Appeals
Hamden Farmington Canal Committee
Hamden Natural Resource and Open Space Committee

From: Matthew Davis, Assistant Town Planner

Re: Department Budget and Operations

Date: January 11, 2021

Purpose

This memo is being provided to the Commissions currently served in some capacity by the Planning and Zoning Department, with courtesy copies being provided to various cohort departments, staff, agencies and others with whom the Department works on a regular basis.

The general purpose of this memorandum is to provide information regarding Department budgets and operations which will hopefully assist leadership in its development of the Department's FY 21/22 budget. In addition, it is hoped that this information will help interested parties evaluate the proposed changes in Department oversight described by the Mayor in general terms in his report to the Council at their regular meeting of 12/21/20.

I would like to note that, while at present I have not accepted an "acting" town planner assignment, nor have I agreed to fill the vacant town planner position, I do feel staff has a professional responsibility to help policy makers by providing relevant information.

General Background

First and foremost, it is essential for those making decisions regarding the Department, its budget, staffing and operations, to have a firm understanding of the full scope of the Department's legal responsibilities, as defined in State law, and at times, Federal law. A bonafide land use department is actively engaged in a wide variety of policy, program and administrative activities, ideally in close coordination and collaboration with cohort agencies, both within and outside of, Town government.

In order to carry out these functions, Hamden has created, staffed and funded various positions, all of which, with the exception of the Department Head, are members of unions. In terms of the budget, compensation is fixed by contract and includes step increases and COLAS. Some staff receive longevity payments and of course, benefits are also fixed by contracts. In fact, the overwhelming percentage of our annual Department budget is non-discretionary.

At present, the Department includes the following positions:

Town Planner

Functions as the Department Head, with duties defined in the Charter and Town Code. Absent a personal contract, is employed at will and reports directly to the Mayor. Daily duties are (or should be) consistent with what one would expect for a Department Head including managing the department, staff direction, training, evaluation and mentoring, creating and adjusting department procedures, coordination with various cohorts on policy and operations, litigation, budget management, policy development and implementation, capital facility planning, communication with external interests, advocacy for clients, developing and managing a work program focused on strategic imperatives, special projects, etc. In sum, the Town Planner should delegate work as appropriate and not personally engage in tasks that are more appropriately carried out by subordinate (less expensive) staff. To do otherwise is not only inefficient, but is a wasteful allocation of limited budget resources.

Assistant Planner

Union position, more focused in general on day to day processing of Departmental matters, such as consultations with property owners, developers, attorneys, engineers, surveyors, etc. Technical review of applications, scheduling, coordination with commission staffs, site inspections, resolving compliance matters, and as necessary, shifting work program emphasis at the direction of the Planner. To the extent desired by the Planner, provides input on policy and operational matters.

Zoning Official

Union position whose duties and authority are defined in State law, Town Charter, Town Code and our zoning regulations. In Hamden, this position is deployed as an essential part of our Department's operations, responsible for complex technical and legal work having potential serious implications. The ZEO is often the "point person" for initial contact and is expected to function as a de facto consultant for prospective applicants. Complicating the work of a ZEO is the fact that often effective resolution of matters is subject to the actions of other internal or external agents outside the control of the ZEO. The scope of the ZEO's work includes consultations, permitting, inspections and compliance for everything from decks, pools, and sheds, to shopping plaza's and large scale multifamily projects. The ZEO is asked to respond to every complaint from roosters crowing to tall grass to illegal apartments. The student housing permit and compliance program has grown to over 500 units. Managing that program falls almost exclusively on the ZEO.

Assistant ZEO

Despite the position title, this union position at present is almost exclusively engaged in "managing" blight and property maintenance matters in a town of 65,000 persons. This position's success is also very much subject to factors outside the staff person's control, including actions that need to be carried out by others and complex, rigorous State laws that protect the rights of the purported violator. In addition, parts of the work program overlap with DMV, QVHD, DPW and Building. As a consequence, this position often acts (as does the ZEO) as an ad hoc case manager, evaluating initial inquiries and directing work accordingly to the appropriate agency/office.

Wetlands Agent (part time)

Another union position. Our wetlands agent is responsible for all aspects of wetland permitting, compliance and enforcement for all of Hamden. This includes pre-application consults, technical review and processing of applications, coordinating with State, local and Federal cohorts, updating regulations as needed, staffing the IWC, enforcement, responding to public inquiries, and other duties. State regulations governing most of these activities are very detailed and therefore, limit the ability this position has to implement actions that might be more expeditious.

Clerical/Administrative

The department has two clerical/administrative positions, both are in unions. One is primarily involved in typical office operational matters (payroll, budget management, invoices, supplies, etc.). The other is focused on staffing land use commissions. Both share duties such as managing the front counter, phone coverage etc.

Budget and Department Scope

Far too often, a municipal P&Z Department is perceived as primarily (perhaps even exclusively) as a “permit processing” operation, similar to a building department. A more accurate view not only recognizes the permit function, but all of the other many roles and responsibilities a true “planning” department has, and most importantly, how ALL of the functions relate to each other as part of a comprehensive program designed to accomplish community objectives relating to land use, economic development, mobility, capital facilities, environmental protection and ecological needs, public safety, housing and many other policy areas.

As for the budget, the current department budget, net of income derived from permitting, is less than \$400k. As noted, most of our expenses are non-discretionary and managers do not have the ability to unilaterally change job duties to address work flow and/or unforeseen challenges or opportunities.

As a percentage of overall expenditures for a given Hamden budget cycle, this Department is far less than 1% of the total. Yet, with this extremely small amount of budget (relative to other departments/functions), the office is directly and substantively engaged in an impressive array of subjects. In addition, expectations for the level of service from every constituent, regardless of the order of magnitude or priority of their particular request, is the same. This results in a situation where all work program components suffer and nothing is done well. Worst of all, tasks necessary to accomplish objectives having long range strategic benefits are set aside in order to attend almost exclusively to day to day “permitting.” This approach may be a successful way to manage “permitting” but it is not by any means the sum and true substance of a legitimate planning department.

This point should not be misconstrued to mean that staff is in any way adverse to attempts to “streamline” permitting or to create one or more “ombudsman,” but in pursuing or emphasizing these functions, we cannot lose sight of the need to fund, staff and carry out other essential department work. In addition, based on my almost four years of work here in Hamden, there are actions that can be taken that are not “budgetary” but which involve greatly enhanced coordination and cooperation between Town departments. For instance, our office has already begun to reach out to the new Building Official, who is much more receptive to these efforts, as well as to the acting EDC Director. These simple efforts can go a long way to enhance efficiency and “streamline” operations.

Mayor's 12/21/20 Proposal

At the 12/21/20 regular meeting of the Legislative Council, the Mayor briefly discussed an initiative to establish new oversight of the engineering, planning and building departments. I have not to date been provided with any information, nor am I aware of any role the department had in developing this initiative. I am uncertain at this point when staff will be provided with detailed information and/or how this proposal would impact operations or perhaps our budget. The Mayor did say that his intention was in part (again in very general terms) to streamline permitting by creating a "one stop business center." I am at present uncertain how a change in department oversight would result in the expected benefits and so I'm assuming the proposal includes additional changes. Also, there were claims made with respect to the motives of persons choosing to violate regulations (i.e. to forgo getting necessary permits), in essence, blaming the permit process as their justification for violating a regulation (again no specifics were provided, so I do not know if this statement is related to building permits, zoning, engineering, or all three).

The Mayor's brief presentation of this idea can be found on the zoom recording of the 12/21/20 regular Legislative Council meeting, beginning around 2.15.40. The Mayor's report is also provided at the end of the meeting minutes for the 12/21/20 regular meeting of the Legislative Council (available on line). If you have not viewed this zoom recording or read the Mayor's report, it would seem prudent for you to do so, and of course if I receive any additional information, I'll obviously share it with you, including any ideas, impressions or concerns I might have with respect to our ability to serve you and other clients, based on all of the background context provided above.

Copy to:

Honorable Mayor Leng
Building Official
EDC Director
P&Z Department Staff
Ken Kelley, HR Director
Mark Austin, Town Engineer