

**PLANNING AND ZONING COMMISSION  
AGENDA  
REGULAR MEETING – VIRTUAL  
March 26, 2025 at 7:00 P.M.**

**Planning and Zoning Commission**  
Mar 26, 2025, 7:00 – 10:00 PM (America/New\_York)

**Please join my meeting from your computer, tablet or smartphone.**

<https://meet.goto.com/193032381>

**You can also dial in using your phone.**

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**REGULAR MEETING**

- I. Call to Order / Roll Call
- II. Approval of Minutes
  - A. March 12, 2025 Public Hearing / Regular Meeting
- III. Recognition of Guests / Public Comments (non-Agenda items)
- IV. Action on Pending Applications
  - A. **Petition 2024-31 & 32** – Petition of Amirzai Property Trust, LLC / Amjeed Akbarzai for Special Permit and associated Site Plan in accordance with Section 2.C.1.7 of the Hebron Zoning Regulations, to construct four new 2-story building each containing four 2-bedroom rental apartments at 102 Wellswood Rd, Residence-1 District. *Public Hearing to be Continued on April 9, 2025.*
- V. Old Business
- VI. New Business
  - A. New Applications – *No New Applications*
  - B. Set Public Hearing Date – *N/A*
  - C. Other New Business – Workshop
    1. Discussion re: Moratorium on “new large scale commercial construction in Hebron Center”
    2. Discussion on possible changes to Zoning Regulation for Hebron Town Center

**RECEIVED**

2025 MAR 21 A 8:50

HEBRON TOWN CLERK

**PLANNING AND ZONING COMMISSION**  
**AGENDA**  
**REGULAR MEETING – VIRTUAL**  
**March 26, 2025 at 7:00 P.M.**

3. Discussion on Intent of Main St (Hebron Center)
4. Discussion on Zoning Regulations applicable the keeping of poultry
5. Request for Commission input regarding list of issues including garden project at Pendleton Bridge, Signs, Sheds and other miscellaneous items

VII. Correspondence

- A. Email dated March 20, 2025 from Kenneth R. Slater, Jr. re: DG Market Appeal.

VIII. Public Comment (non-Public Hearing applications)

IX. Adjournment

Next Meetings:       April 9, 2025 Regular Meeting / Workshop  
                              April 23, 2025 Regular Meeting

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**TOWN OF HEBRON  
PLANNING AND DEVELOPMENT DEPARTMENT**

**TO:** Planning and Zoning Commission  
**FROM:** Matthew Bordeaux, Town Planner  
**DATE:** March 20, 2025  
**RE:** Planner’s Report for March 26, 2025 Regular Meeting/Workshop

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*Action on Pending Applications*

**Petition 2024-31 & 32 – Petition of Amirzai Property Trust, LLC / Amjeed Akbarzai for Special Permit and associated Site Plan in accordance with Section 2.C.1.7 of the Hebron Zoning Regulations, to construct four (4) new 2-story buildings each containing four (4) 2-bedroom rental apartments at 102 Wellwood Rd, Residence-1 District.**

The Commission received the new application on January 14, 2025. A public hearing was held on February 12, 2025. The Commission has extended the date to close the public hearing. The public hearing will be continued on April 9, 2025. *No action is recommended at this time.*

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*Old Business*

There is no Old Business.

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*New Business*

New Applications – There are no New Applications

Set Public Hearing Date – No Public Hearings to be scheduled.

Workshop

**Moratorium**

Mr. Tulimieri is suggesting the Commission adopt a moratorium on “new large scale commercial construction in Hebron center” in the letter dated January 4, 2025 addressed to the Commission (attached). Mr. Tulimieri refers to the Commission’s decision to adopt a temporary moratorium on the Cannabis Establishments a few years ago. At that time, CT Public Act 21-1 required that the Town of Hebron decide how to regulate Cannabis Establishments and a timeline for such action was applicable. When the Board of Selectmen decided not to address the use by Ordinance, the Commission drafted regulations and held a public hearing prior their adoption.

Mr. Tulimieri also calls for an Environmental Impact Study to be conducted to investigate the “impact of road salt and stormwater retention ponds on this important source of drinking water.” An Environmental Review Team Report was prepared by the Eastern Connecticut Environmental Review Team of the Eastern Connecticut Resource Conservation and Development Area, Inc. titled “Central Business District, Hebron, Connecticut” in 1984 and was updated in the report titled “CBD Update and Proposed Business Expansion Area” in 2000. Digital copies are available upon request.

### **David Sousa Email Re: Possible Changes to Zoning Regulations for Hebron Town Center -**

In an email dated February 15, 2025, PZC Vice-Chair David Sousa suggested the Commission consider how the Zoning Regulations might be updated to improve economic development, housing choice, and environmental sustainability. An associated memo is attached. Additionally, I've attached the Commission's recent updates to the Regulations applicable to the MUOD and Hebron Green District as they related to the themes Mr. Sousa is pointing to.

### **Clarity on the intent of Main St (Hebron Center)**

This topic has come up since the Dollar General Market proposal and makes sense following Mr. Sousa's thoughts above. At this time, the only contribution I'll make is that it is my understanding that the current Main Street District evolved from what was formerly the General Business District. I've included a map of the District and Section 3.B.1 and 3.B.2 for the Purpose of the District and the list of Principal Uses and Structures.

### **Keeping of Poultry**

Dr. Robert's wrote the Commission seeking to make less restrictive the provisions of Hebron Zoning Regulations Section 2.G.2 regarding the Keeping of Animals. Mr. Robert's has been invited to attend this portion of the workshop to share his thoughts on possible amendments.

### **2023 PZC Planning Tasks List**

The list attached was developed and prioritized by the Commission in 2023. I have not completely updated the notes section.

### **Input from the Commission**

There are several issues that I'd appreciate the Commission's feedback on.

- Garden at Pendleton Bridge – The Hebron Creative Collective, a sub-committee of The Town Center Project, is seeking to install a native, pollinator friendly garden, interspersed with art and educational elements along the new pedestrian route between the Douglas Library and Pendleton Drive. My question is, how the Commission thinks the project should be regulated? As a volunteer group, with no structures or parking proposed, would the endorsement of the use of Town-owned land, referred to the Board of Selectmen, suffice? Or do we think this warrants a modification of the existing site plan approval for the pedestrian connection project?

- Signs – I do believe that signage has an impact on the desired aesthetic for Hebron, and specifically Hebron Center. However, Temporary Signs are an enforcement pain-in-the-butt. While few of our local businesses are in direct competition with one another, there seems to be sentiment that lawn signs, flags and sandwich boards are essential to their success. Rarely do businesses apply for the installation of temporary signage. Do we continue to play the game, which at this point seems to be calling for a more strict, deliberate enforcement approach? Maybe mixing in an explanation of the intent of the Regulations that apply? Or is there a middle-ground where a Regulation amendment might be appropriate?

Additionally, Section 5.B.3.3.c of the Regulations states “Directly illuminated signs are prohibited except signs indicating the time and/or temperature by means of white intermittent light.” Is it the Commission’s interpretation of Section 5.B.3.3.c that neon signs in the windows of businesses are prohibited?

- Accessory Structures exceeding 200 sq ft – A frequent source of consternation in the Planning and Development Department occurs when a homeowner seeks to install a shed (typically pre-manufactured, think Carefree Small Building or Kloter Farms) exceeding 200 square feet closer to a property boundary than they are allowed to per Section 2.D. How does the Commission feel about increasing the size of a shed that may be installed 10’ from the side or rear property boundary? What about additional provisions for buffering, that when existing or proposed, provide some degree of relief from the standards?
- Additional thoughts and notes are listed in the attached document titled “2025 PZC Planning Workshop”.

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### *Correspondence*

Email dated March 20, 2025 from Hebron’s Town Attorney Kenneth R. Slater, Jr. re: DG Market Appeal. The correspondence provides a schedule of the next steps and a brief explanation.

MRB

H:\Planning Department\Boards & Commissions\PZC\2025\03-26-2025\Planners Report.docx

Attachments

**TOWN OF HEBRON  
PLANNING AND ZONING COMMISSION  
Regular Meeting (Virtual)  
March 12, 2025 - 7:00 PM**

RECEIVED  
2025 MAR 14 A 8:19  
HEBRON TOWN CLERK

**MINUTES**

**ATTENDANCE:**

**Planning and Zoning Commission (Present):** Frank Zitkus (Chair), David Sousa (Vice Chair), Chris Cyr, Bradley Franzese (Alternate), Davis Howell (Alternate)

**PZC (Absent):** Janet Fodaski (Secretary), Devon Garner

**Staff Present:** Matthew Bordeaux

**Guests:** Kari Burgess & Jim Burgess, Rich Marzi, Bob Doane, Brenda Nicolo, Donna and Bobby Bruneau, Lilli Rhodes, John Bond, Mike Houghton

**PUBLIC HEARING**

F. Zitkus opened the hearing. D. Howell was seated for D. Garner. B. Franzese was seated for J. Fodaski. D. Sousa read the first petition into record.

- I. Petition 2024-31 & 32** – Petition of Amirzai Property Trust, LLC / Amjeed Akbarzai for Special Permit and associated Site Plan in accordance with Section 2.C.1.7 of the Hebron Zoning Regulations, to construct four new 2-story building each containing four 2-bedroom rental apartments at 102 Wellswood Rd, Residence-1 District.

M. Bordeaux cited a request from the applicant to continue the public hearing until April, to which the Commission agreed. He will distribute revised plans to PZC members once received from the applicant.

D. Sousa read the second petition into record.

- II. Petition 2025-01 & 02** – Petition of Bobby & Donna Bruneau for Subdivision of 8.26 acres into three (3) lots and Special Permit for creation of a rear lot pursuant to Section 2.F.2 of the Hebron Zoning Regulations at 564 East St, Residence-1 District.

**A. Presentation and Commission Discussion**

B. Doane, engineer and surveyor for the applicants, noted items of concern including comments from the Town Engineer and PZC members have been addressed in revised plans. F. Zitkus asked about existing stone walls, with D. Bruneau stating their intent to preserve them intact. B. Doane reported approvals have been received from Chatham Health and the Conservation Commission. A hay bale will be placed



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across the driveway entrance during construction to address erosion concerns. A letter requesting a waiver for the stormwater management plan requirement, received March 11<sup>th</sup>, was briefly discussed.

**B. Public Comment**

- i. **Brenda Nicolo (583 East St.)** – Stated she lives across the street, and reported significant, existing water drainage issues, resulting in flooding on her property, as well as standing water in the road, which has led to multiple accidents. She asked what measures would be taken to stop or slow that flow of water. B. Doane stated he would return to a previous design, wherein the curtain drain will extend further into the driveway. There was discussion on possible causes of the drainage problem. That issue will be directed to Public Works.

**C. Additional Discussion**

No further discussion. F. Zitkus closed the Public Hearing.

- III. Petition 2025-03** - Petition of the Town of Hebron Planning and Zoning Commission to make revisions to the Special Standards applicable to the Amston Lake District. Section 2.E.7 Note #1 and Section 9.C Definitions would be revised to allow greater flexibility in the use of dormers when facing the street.

**A. Presentation and Commission Discussion**

M. Bordeaux reviewed the proposed amendments, included in his report in the agenda package. A recent application led to consideration of revising dormer regulations. There was brief discussion on incorporating minimum dormer coverage as well as a maximum, with PZC ultimately agreeing on only the 50% maximum.

**B. Public Comment**

None.

**C. Additional Discussion**

No further discussion. F. Zitkus closed the Public Hearing.

**REGULAR MEETING**

**I. Call to Order/Roll Call**

F. Zitkus began the meeting at 8:09 p.m. D. Howell was seated for D. Garner. B. Franzese was seated for J. Fodaski.

**II. Approval of Minutes**

- A. February 12, 2025 - Public Hearing / Regular Meeting

**TOWN OF HEBRON  
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**Motion by D. Sousa and seconded by D. Howell to approve the minutes of February 12<sup>th</sup>, 2025 as presented. The motion passed unanimously (5-0).**

**III. Recognition of Guests / Public Comments (non-Agenda items)**

None.

**IV. Action on Pending Applications**

**A. Petition 2024-31 & 32**

**Action: Continued to April 9th.**

**B. Petition 2025-01 & 02**

Deliberations focused on stormwater management, including curtain drain redesign and waiving of the management plan, as well as Open Space set-asides and possible easements to preserve the stone walls.

**Motion by D. Sousa and seconded by C. Cyr to waive the requirement of a stormwater management plan, per section 5.2.N. The motion passed unanimously (5-0).**

**Motion by D. Sousa and seconded by D. Howell to approve Petition 2025-01 & 02 for Subdivision of 8.26 acres into three (3) lots and Special Permit for creation of a rear lot pursuant to Section 2.F.2 of the Hebron Zoning Regulations at 564 East Street, Residence-1 District, with the following conditions:**

- 1. Prior to any site disturbance and prior to the issuance of a building permit:
  - a. An erosion and sedimentation control bond shall be submitted to the Town in an amount equal to the cost of all erosion and sedimentation control devices and acceptable to the Town Engineer;**
  - b. The approval letter containing all conditions of approval, and the Planning and Zoning Commission signature block shall be added to the final plans;**
  - c. Two copies of the complete set of final plans shall be submitted to Town staff for Commission signature; and****
- 2. Outstanding comments outlined in the review letter provided by Town Engineer Josh Eannotti, P.E. dated March 5, 2025, shall be addressed to the satisfaction of Town staff prior to final plan approval.**
- 3. The applicant shall to redesign the curtain drain proposed on Lot #2 to discharge to the east rather than to the west as indicated on the plans, provided the Town Engineer reviews and approves this change.**

**The motion passed unanimously (5-0).**

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**Action: Approved, with conditions.**

Reason for approval: Meets regulations; protects property values in neighborhood.

**C. Petition 2025-03**

**Motion by D. Sousa and seconded by D. Howell to approve Petition 2025-03 of the Town of Hebron to modify the zoning regulations pertaining to Section 2.E.7 and Section 9.C.**

Discussion: M. Bordeaux reported website updates to reflect regulatory amendments are ongoing.

**The motion passed unanimously (5-0).**

**Action: Approved.**

Reason for approval: Consistent with intent and character of district.

**V. Old Business**

None.

**VI. New Business**

**A. New Applications**

None.

**B. Set Public Hearing Date**

None.

**C. Other New Business**

M. Bordeaux requested PZC support in engaging William Brewster as an architectural consultant, particularly related to Hebron Green and Village District design review. An agreement would be forwarded to the Board of Selectmen for any action required.

**VII. Correspondence**

Items A, C, and D were reviewed with limited further discussion. Item B, on Hebron's regulations regarding the keeping of animals, led to PZC agreement inviting Dr. Roberts to discuss potential amendments. There was also discussion on items for the next workshop, including a moratorium on development and clarification of the intent of the Main Street, Village Green, and Mixed-Use Overlay districts.

**TOWN OF HEBRON  
PLANNING AND ZONING COMMISSION  
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- A.** Email from Frank Zitkus, Chairman to Executive Director Melanie A. Bachman dated February 2, 2025 with corresponding letter.
- B.** Letter and associated attachments from Dr. Matthew Roberts, dated February 21, 2025 re: Keeping of Animals.
- C.** Zoning Referral from Marlborough, CT dated February 28, 2025 re: Update to Article Six Residential & Six A Village Cluster Residential Planned Development of the Marlborough Zoning Regulations.
- D.** Zoning Referral from Bolton, CT dated February 28, 2025 re: Updates and amendments to the Subdivision Regulations and Zoning Regulations.

**VIII. Public Comment (non-Public Hearing applications)**

None.

**IX. Adjournment**

**Motion by D. Sousa and seconded by C. Cyr to adjourn. The motion passed unanimously (5-0).**

Meeting adjourned at 9:17 p.m.

Respectfully submitted,  
Hannah Walcott (Board Clerk)

Hebron Planning and Zoning Commission

Chairman Frank Zitkus  
David Sousa  
Janet Fodaski  
Christopher Cyr  
Devon Garner

Town Planner  
Matthew Bordeaux

January 4, 2025

Dear Chairman Zitkus, members of the Planning and Zoning Commission and Mr. Bordeaux,

Following the significant public concern voiced at the Planning and Zoning Commission Public Hearing held on December 10, 2024, regarding Special Permit Petition 2024-17&18 and the construction of a large scale retail store on Main Street, I urge this Commission to enact a Temporary Moratorium on new large scale commercial construction in Hebron center. The idea of a Moratorium was proposed during the Public Hearing by a resident of Hebron in order to give the Commission an opportunity to explore the impact a large scale retail store would have on our community. I believe the crucial economic and environmental concerns voiced by a large number of Hebron residents during the Public Hearing need to be addressed before this project proceeds any further.

As I stated to the Planning and Zoning Commission during the December 10th Public Hearing, as well as in letters to the Commission dated August 21, 2024, October 1, 2024 and December 7, 2024, it is clear that the proposed use and activity relating to Special Permit Petition 2024-17&18 poses a significant risk to the health, safety and welfare of our community. As required by Hebron Zoning Regulations 7.D.1, page 182, it is your responsibility, to “review the appropriateness of certain uses or activities in a specific location or configuration in order to evaluate overall impacts of the specific application, ensure compliance with these Regulations, and promote the health, safety, and general welfare of the community.”

In the Fall of 2021, the Planning and Zoning Commission placed a Temporary Moratorium on the establishment of Cannabis businesses in Hebron. That Temporary Moratorium was extended until December 2023, creating a two-year moratorium. As it was important at that time to explore if this type of commercial activity is appropriate for Hebron, I believe it is even more important to take the time at this moment to fully explore the impact a large scale discount retail store would have on our community. I urge the Planning and Zoning Commission to follow their own precedent and create a Temporary Moratorium on the construction of all large scale retail stores in Hebron center effective immediately.

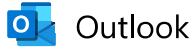
To gain a full perspective on the impact a large scale discount retail store will have on the Hebron community it is necessary to conduct an up to date Environmental Impact Study and a detailed Economic Impact Study. The environmental studies need to include an investigation of the system of fractured bedrock aquifers found along John E. Horton Blvd. The harmful impact of road salt and storm water retention ponds on this important source of drinking water needs to be investigated and understood before development. The risk of a negative impact to ground water drinking wells along Millstream Road and Kinney Road should be of vital importance to Hebron's town government. Not only is it an environmental responsibility it is also economic responsibility, as the remediation of contaminated ground water drinking wells will be a significant financial burden on the Town. As required by Connecticut State Statute Sec. 22a-471, "If the Commissioner of Energy and Environmental Protection determines that pollution of the groundwaters has occurred or can reasonably be expected to occur and the Commissioner of Public Health determines that the extent of pollution creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using such groundwaters as a public or private source of water for drinking or other personal or domestic uses, the Commissioner of Energy and Environmental Protection may issue an order to the person or municipality responsible for such pollution requiring that potable drinking water be provided to all persons affected by such pollution." The economic impact study needs to include the cost of drinking water remediation for all residents down gradient of the proposed site, as well as the impact a large scale discount retail establishment will have on the taxpayers of Hebron.

I urge the Planning and Zoning Commission to act immediately on behalf of Hebron's residents and enact a Temporary Moratorium on new large scale commercial construction in Hebron center and protect the health, safety and general welfare of the community.

Sincerely,

Kevin J. Tulimieri

110 Kinney Road



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## Possible Changes to zoning regs for Hebron Town Center

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**From** David Sousa <dsousa@hebronct.com>

**Date** Sat 2/15/2025 10:46 PM

**To** Frank Zitkus <fzitkus@hebronct.com>; Devon Garner <dgarner@hebronct.com>; Davis Howell <dhowell@hebronct.com>; Janet Fodaski <jfodaski@hebronct.com>; Christopher Cyr <ccyr@hebronct.com>; Bradley Franzese <bfranzese@hebronct.com>

**Cc** Matthew Bordeaux <mbordeaux@hebronct.com>

 1 attachment (251 KB)

Memo on Suggested Changes to Hebron Town Center Zoning (Feb 2025).pdf;

Regarding our upcoming workshop and as discussed, I have reviewed our regulations to determine how they might be updated to improve economic development, housing choice, and environmental sustainability. The attached memo contains many suggestions. In fact, too many for one workshop. We can talk about how to tackle them/ prioritize which districts we review first.

-Dave

# Memorandum

**To:** Hebron Planning and Zoning Commission  
**CC:** Matthew R. Bordeaux  
**From:** Dave Sousa  
**Date:** 2/15/2025  
**Re:** Possible Changes to Hebron’s Town Center Zoning Districts

## Background

Considering market changes and demonstrated housing need, overhauling, clarifying or relaxing zoning regulations in the Town Center will improve property values and benefit economic development, housing choice, and environmental sustainability, as follows.

**Property Values:** Zoning regulations that apply to the Town Center limit how property owners can develop their property by capping the ‘footprint’ and height of buildings and site coverage, setting minimum building setbacks, and setting parking minimums. Recalibrating our regulations will allow property owners to build larger, more efficient, and less costly buildings and will optimize the town’s investment in public infrastructure.

**Economic Development:** The business community, including developers, have expressed dissatisfaction with Town Center zoning regulations, indicating that they are overly prescriptive, take too much time to navigate through the approval process, and result in unnecessary costs. Simplifying the zoning code and relaxing standards to increase the development potential of Town Center properties will improve economic development and increase the grand list.

**Housing Choice:** The Plan for Hebron Housing Choices identifies need for a diversity of housing types and more affordable housing in Town. Hebron Town Center is the best opportunity for the Town to diversify its housing stock for a variety of reasons including infrastructure, suitability for higher densities, and market economics.

**Environmental Sustainability:** Allowing greater building densities and reducing the area of the Town Center that is dedicated to parking will make Hebron more environmentally sustainable. Compact, village-scale, multi-family homes will reduce the pressure to build houses on large lots and gobble up our valued farmland and forests. New stores and services will reduce the need for residents to travel to distant cities for employment or daily needs; this will reduce automobile travel regionally, result in lower vehicle emissions, and improve air quality. Compact village development and shared parking require less pavement and results in less stormwater runoff and better water quality.

**Possible Changes**—Following are comments, questions or suggestions on how the Commission could change zoning regulations in three zones—Hebron Green, Main Street and Village Square (and the related Mixed-Use Overlay and PRD districts)—to provide the above-mentioned economic, community and environmental benefits.



## Hebron Green District

3.A.3.1 – Why limit retail shops to 1,000 sq. ft.? This seems restrictive, what is the basis or rationale?

3.A.3.4. – Why not allow stand-alone multi-family residential buildings (especially on sites that do not directly front Main Street)? Refer to the section at the end of this memo regarding “Enabling More Diverse Housing Options.”

3.A.3.4.2 – Why require at least ¼ ac. for two-family dwellings? Especially since our Guidelines for Community Site and Architectural Design (see page 77) indicate that densities of 10 to 20 units per acre would be appropriate.

3.A.5. – Why limit building height to “2-½ stories or 25 feet, whichever is more restrictive”? 2- ½ story buildings may need to be 30 feet in height; also, we should consider allowing 3 stories for buildings not directly fronting on Main Street in the HG zone—as we allow in the MS zone.

## Main Street District

3.B.2. Why do all allowed uses require a Special Permit? We should consider simple Site Plan approvals for many uses, especially after we provide more clarity on what we want our Main Street to look like.

3.B.2.1 – Why allow motor vehicle service stations (gas stations), car washes, and motor vehicle repair shops in the MS zone. These uses are incompatible with Main Street districts. Currently in the MS district, more space is dedicated to Automotive uses (6%) than to Restaurants (5%).

3.B.2.4. – Residential uses are only permitted in accordance with the M.U.O.D. provisions. This means that multi-family residential and mixed-use development with housing above commercial uses are not permitted on any rear lots (which comprise about 2/3 of the MS zone). We should consider allowing true mixed-use and stand-alone multi-family residential uses on all lots in the MS zone. Refer to the sections at the end of this memo regarding “Missing Middle Housing” and “Enabling More Diverse Housing Options.”

3.B.3.2 - We should consider disallowing or discouraging drive-through lanes since drive-throughs are dangerous to pedestrians and are known to diminish walkability within a Main Street district.

3.B.4. – Min. lot area of ½ acre in the MS zone seems too restrictive. We should consider allowing ¼ acre lots; large lot sizes require that buildings be more than 30 feet apart which is not consistent with walkability principles for Main Streets.

3.B.4. – Min. Front Yard Setback is 30 feet. This disregards Main Street design principles which require that buildings be situated directly behind sidewalks to create an effective “street wall” that promotes walkability. It also contradicts our “*Guidelines for Community Site and Architectural Design*” (see page 49) which indicate that buildings should be situated 5 to 8 feet from the front property line. We should consider changing minimum setback to 0 or 10 feet and setting a maximum setback of 10 feet.

3.B.4. – Maximum Building Height of “2 ½ stories or 25 feet, whichever is more restrictive.” We should consider allowing 3-1/2 story buildings to create more interesting roof lines and to provide residential loft apartments.

### Village Square District (VS)

As Matt suggested, the Village Square District requires special consideration to better position properties for development considering current market conditions emerging knowledge about environmental attributes. That said, the Commission should consider modifying the regulations for the VS district based on potential changes to the MS, MUOD and PRD regulations especially as they pertain to enabling freestanding, multi-family residential-only buildings.

### The Mixed-Use Overlay District (MUOD)

The MUOD “...is intended to allow the integration of a variety of housing into the Town Center, and other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict and enhance synergy between the various types of land uses.” The MUOD has some very good provisions that can promote housing within a mixed-use building, but it could go further.

10.C.14. (Map of MUOD in MS) - The MUOD only includes properties in the Hebron Green district and properties within the Main Street district that front on Main Street. Why not apply it to all commercially zoned in the Town Center?

4.C.3.1. - In the MUOD, multi-family residential uses are only allowed by Special Permit if they are a “component” of other uses and “are shall not generally be permitted on the ground floor of any building” (4.C.4.1.1.b). Therefore, multi-family housing could not be constructed within free-standing buildings.

4.C.4.1.1 - Minimum Front Yard Setback is 25 feet. See discussion in the MS section on changing minimum setback to 0 or 10 feet and calling and changing the maximum setback from 50 feet to 10 feet.

4.C.4.2.1.a. – This clause on ‘Residential Area and Mix’ states: “The net floor area of all residential units combined shall not exceed 75% of the net floor area within the entire proposed MUOD development as determined by the Commission.” We should consider modifying this provision to only apply to buildings that have direct frontage on Main Street.

4.C.4.2.1.a. – This provision states “At least of 80% of the residential units within the entire proposed MUOD development shall consist of a combination of efficiency, one-bedroom and two-bedroom units.” We should consider eliminating this provision because it presumes that the PZC is aware of current and emerging market conditions.

4.C.4.2.7 – This provision on “Phasing” states: “So that a mixed-use development occurs during all phase of development:

- Building Permits for more than 50% of the residential units in the approved MUOD development may not be issued unless Building Permits have been issued for at least 40% of the total non-residential gross floor area;

- *certificates of occupancy for more than 50% of the residential units in the approved MUOD development may not be issued unless Certificates of Occupancy have been issued for at least 40% of the total non-residential gross floor area;*
- *certificates of occupancy for the full number of residential units in the approved MUOD development may not be issued unless Certificates of Occupancy have been issued for at least 60% of the total non-residential gross floor area; and*
- *certificates of occupancy for uses in the approved MUOD development shall only be issued in proportion to the overall completion of required site improvements including utilities, parking, landscaping, and other amenities.”*

As we determined in our recent revisions to the Hebron Green regs, this phasing regulation is very restrictive and prescriptive and requires owners/developers and town staff enforcing our regulations to closely monitor construction schedules. It also complicates owners/developers’ ability to obtain construction financing and mortgages. We should consider striking this entire section (or did we already strike it when we changed the Hebron Green district regs?)

4.C.4.3.c. – This provision states *“Mixed use should involve designing the site so that the residential and non-residential components are part of a common design that allows the various uses to function together. Massing of residential buildings to the rear of the site and non-residential buildings to the front of the site is not “mixed use,” and merely creates an apartment block behind a strip commercial center.”* We could revise regs to allow free-standing/residential-only buildings in the Main Street District as we did recently for the Hebron Green District (sec. 3.A.3.4.3). Refer to the sections at the end of this memo regarding “Missing Middle housing” and “Enabling More Diverse Housing Options.”

4.C.4.3.d. This provision states *“2-story buildings are encouraged”* in the MUOD. The commission should consider disallowing one-story buildings since they do not create effective Main Street “street walls” and since commercially zoned land is very limited and we should optimize the area of taxable, job creating mixed-use development by requiring multi-story buildings.

### **Planned Residential Development (PRD)**

This zoning district (sec. 2.F.4) is effectively an overlay district that allows multifamily housing; however, a PRD requires a Special Permit and is only allowed in R1 zone when it serves as a transition to business areas (near the town center). It is also restrictive relative to the maximum number of dwelling units (d.u.) per acre, maximum building height, minimum floor area, and maximum number of bedrooms per d.u. These restrictions serve to make multi-family housing less likely to be built and less affordable. The following are suggested changes to specific sections of the PRD regs:

2.F.4.3.1 – This clause set minimum parcel size of 8 acres; this is an exceptionally large parcel; what is the rationale for such a minimum?

2.F.4.4.4 – This clause sets minimum front yard setbacks in a Business zone and a Residential zone of 50’ and 100’ respectively. This seems exceptionally large and does not recognize that appropriately scaled multifamily housing is not incompatible with single-family or business uses.

2.F.4.4. – This clause sets maximum building height of 2-1/2 story. The Commission should consider increasing it to 3 or 3-1/2 stories in order to help reduce developer costs, improve construction cost efficiencies, and help preserve open space.

2.F.4.4 – Maximum number of 8 dwelling units (d.u.) per building: This requirement is probably the biggest obstacle for the Town to attract developers of affordable housing because they need larger buildings to provide cost “efficiency of scale.” We should provide more architectural guidance about the characteristics we desire/ or require for multi-family housing. There are many good examples of multi-family buildings that are much larger than 8 d.u. that would fit in with Hebron’s village character.

2.F.4.4 – Minimum Floor Area of 750 sq. ft. minimum floor area seems large for a multifamily building that will have variety of unit sizes; if we’re trying to encourage diverse housing stock (for empty nesters, single households, or young professionals, for example) and if we’re trying to create more affordable housing we should consider lowering this minimum, or indicating that this is an average where some units can be smaller if the minimum is not exceeded on average for the entire development.

2.F.4.4 – Max. number of bedrooms: This clause states *“No dwelling unit shall contain more than three (3) bedrooms and no more than fifty (50%) percent of the total number of dwelling units on the tract shall contain three (3) bedrooms.”* This seems unnecessarily prescriptive and does not allow developers to create rental housing for large families. It may be deemed to discriminate against large families and non-traditional families. Also, we don’t set maximum bedroom requirements for single family homes, why do we need to for rental houses?

### **Parking Regulations (Sec. 5C)**

Provisions in the zoning regulations that regulate parking for commercial uses set forth parking minimums that were based on data that determine parking needs during the most intensive shopping days of the year. This has resulted in excessive, unused parking that uses a lot of land, costs a lot to build and maintain, and results in unnecessary environmental impacts. Many communities are re-writing their parking regulations and replacing parking minimums with reduced minimums or even with parking maximums. My analysis of Hebron Town Center indicates that it is "overparked" with an average of 5.7 parking spaces for each 1,000 sq. ft. of floor space. This is about twice the amount of parking that would be needed for a town center that is walkable, compact, and comprised of true mixed-uses. In fact, a major reason why our Town Center does not have those qualities is because there is too much off-street parking and is perceived as automobile oriented.

In recognition of the need to calibrate parking to encourage mixed-use development, the MUOD allows for possible parking reductions for commercial uses (up to 25% if shared use provided; 10% if pedestrian walkways and vehicle access provided to adjacent properties; and 10% if public lots or on-street parking is available within ¼ mile); however, I don’t think that it goes far enough. Parking policies for the Town center (in all four zoning districts) should be recalibrated to encourage development, reduce costs, control sprawl, and reduce environmental impacts.

## Enabling More Diverse Housing Options

It's important to encourage Main Street development to be mixed-use with retail on the ground floor and offices and residential on upper floors; however, it's also important that the Town Center allow a greater diversity of housing types, including townhouses and garden apartments and other "Missing Middle" housing types (see attached fact sheet).

Per recent Public Act 24-5474 towns can now count "Middle Housing" (defined by the State as duplexes, 3 and 4-family homes, cottage cluster, and townhouses) toward the minimum 10% required by 8-30g...but only if the Middle Housing is allowed "as of right."

Because the State definition of affordable housing was so strict (prior to PA 24-5474), it was not likely that Hebron would ever meet the 10% required to avoid 8-30g. Therefore, PA 24-5474 can be considered an opportunity for us to take advantage of the new definition of affordable housing not only to avoid 8-30g developments, but also to better enable "naturally occurring" (i.e. affordable housing that does not need to utilize federal or state subsidies or require deed restricted rent caps), village-scale, multi-family development.

My take on how we might enable "Middle Housing" per the State's definition is that we would need to amend our regulations to allow Middle Housing "as of right," as opposed to our current Special Permit requirements; and we may want to amend our "Guidelines for Community Site and Architectural Design" to depict what we believe to be acceptable types of Middle Housing.

## Missing Middle Housing

Older neighborhoods in our cities and towns are being rediscovered as diverse and walkable neighborhoods. A common feature in these pre-WWII places is multifamily housing in buildings containing three, four, six, or eight dwelling units.

The buildings— such as townhouses, duplexes, triple-decker homes, and courtyard apartments—have a scale and character that blend well with single-family homes and provide transitions between town centers and suburban neighborhoods. These housing types are also more affordable because they are smaller, require less land, and are more efficient to build.

However, zoning regulations in many cities and towns either disallow medium density housing or severely restrict it. This has resulted in a reduced supply of this very desirable form of housing in walkable neighborhoods—hence the term 'Missing Middle' housing <sup>1</sup>.

Many people—including young families, Millennials, and retirees—cannot afford single-family houses on large lots anymore and desire to live in compact and walkable neighborhoods that encourage active lifestyles.

Hebron could encourage village-style housing in its Town Center to accommodate this increasing demand for 'Missing Middle' housing and to create more sustainable communities.

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<sup>1</sup> For more information, visit <https://missingmiddlehousing.com>

**Summary of Hebron Town Center Zoning Regulations** (provided for reference)

	<b>Hebron Green</b>	<b>Main Street</b>	<b>Village Square</b>	<b>Mixed Use Overlay</b>
Drive-thru Uses	Not permitted	Allowed per design guidelines if screened		
Residential Uses	Special Permit (S.P.)	Allowed per Mixed Use Overlay District		Multi-family uses allowed by S.P. if subordinate to other uses and if floor area of units does not exceed 75% of total development.
Min. Lot Area	21,780 sq. ft.	21,780 sq. ft.		
Min. Lot Frontage	75'			
Max. Building Size				20,000 sq. ft. (PZC has discretion to increase)
Min./Max. Front Yard	Ave. of adjoining buildings	30'/30'		25' Max.
Min. Side Yard	10' (5' per PZC approval)	15'		
Min. Rear Yard	25'	25'		
Max. Building Height	2-1/2 stories or 25'	3 stories or 30'	2 or 2-1/2 stories (depending on location)	
Max. Building Coverage	30%	30%		
Parking Location	Behind buildings (or within 50% of side yard if screened)	Not allowed between front of building and street	Not allowed between building and street; on-street and shared parking are encouraged	
Min. Parking	2 spaces per d.u.; 10 space per 1,000 sf of restaurant; 4 space per 1,000 sf of retail, banks, prof. services, and general office; 6.7 spaces per 1,000 sf of medical offices/clinics	2 spaces per d.u.; 10 space per 1,000 sf of restaurant; 4 space per 1,000 sf of retail, banks, prof. services, and general office; 6.7 spaces per 1,000 sf of medical offices/clinics;	PZC can waive 20% of required parking if shared parking provided and another 20% if land is set aside for a Green, place of worship, or other public use	in lieu of the parking requirements in Sec 5.C mixed use developments shall provide parking of 5 spaces per 1,000 SF. and 2 spaces per d.u.. Parking requirements may be reduced by up 25% thru shared and complementary parking.

# BUSINESS DISTRICTS & USES

## 3.A. HEBRON GREEN (HG)

### 3.A.1 PURPOSE

The purpose of the Hebron Green (HG) district is to provide for the appropriate and compatible mix of uses within the Town's historic center. The design of buildings should encourage architectural continuity within the community, promote high quality building design and be compatible with the historic, village qualities of the Hebron Green. This district is further intended to preserve the functional and economic vitality of the area while maintaining and enhancing its significant historical and cultural resources.

### 3.A.2 VILLAGE DISTRICT DECLARED

1. The Hebron Green (HG) Zone is hereby declared to be a "village district" as authorized by CGS Section 8-2j and as recommended in the Plan of Conservation and Development.
2. In accordance with CGS Section 8-2j, the Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. These Regulations encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic value, distinctive character and landscape of the village district.
3. Applications within a village district shall be processed in accordance with Section 7.H.12.



Approved Amendments to Hebron Zoning Regulations

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NOTE: Approved wording is bold and underlined.

**3.A.3 PRINCIPAL USES AND STRUCTURES**

<b>3.A.3.1. RETAIL / FOOD / SERVICE-TYPE USES</b>	<b>HG</b>
1. Small scale retail shops limited to 1,000 square feet of gross floor area per establishment	Special Permit (PZC)
2. Arts and crafts and/or antique shops – limited to 1,000 square feet of gross floor area per establishment	Special Permit (PZC)
3. Coffee shop	Special Permit (PZC)
4. Restaurant in accordance with Section 3.G.1, specifically excluding establishments that are generally recognized as fast food restaurants. <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
5. Beauty and/or Barber Shop	Special Permit (PZC)
6. Interior Design Shop provided that there shall be no storage of home furnishing products to be sold at retail other than for display or layouts.	Special Permit (PZC)
7. Day care center, child or adult, in accordance with Section <b>Error! Reference source not found.</b>	Special Permit (PZC)

<b>3.A.3.2. OFFICE-TYPE USES</b>	<b>HG</b>
1. Offices – general, medical, financial and professional	Special Permit (PZC)
2. Business and/or professional services	Special Permit (PZC)

<b>3.A.3.3. INSTITUTIONAL-TYPE USES</b>	<b>HG</b>
1. Place of Worship	Special Permit (PZC)
2. Club, nonprofit <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
3. Museum and galleries	Special Permit (PZC)
4. Library	Special Permit (PZC)



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3.A.3.4. RESIDENTIAL-TYPE USES	HG
1. A single family dwelling	Zoning Permit (Staff)
2. A Two Family Dwelling, provided that: <ul style="list-style-type: none"> <li>a. both dwellings are contained within a single building;</li> <li>b. there shall be at least one-quarter (1/4) acre of land for each dwelling unit;</li> <li>c. the proposed residential uses will not disrupt the pedestrian activity along Main Street in the Hebron Green (HG) District;</li> <li>d. the applicant demonstrates that the architectural details of the building will be compatible with the prevailing scale, charm and architectural detail of surrounding Hebron Green (HG) properties; and</li> <li>e. the residential units shall be provided with individual outdoor private space (for example: patio, deck, or yard).</li> </ul>	Special Permit (PZC)
3. <b><u>Multi-family Dwelling(s), provided that:</u></b> <ul style="list-style-type: none"> <li>a. <b><u>the proposed residential uses will not disrupt the pedestrian activity along Main Street in the Hebron Green (HG) District;</u></b></li> <li>b. <b><u>the applicant demonstrates that the architectural details of the building will be compatible with the prevailing scale and architectural detail of surrounding Hebron Green (HG) properties;</u></b></li> <li>c. <b><u>the proposed residential units will not be located on the first floor of the building facing Main Street where pedestrian oriented, retail and similar store-front business uses are strongly encouraged; and</u></b></li> <li>d. <b><u>the residential units shall be provided with individual outdoor private space (for example: patio, deck, or yard).</u></b></li> </ul>	Special Permit (PZC)
4. Development in accordance with the Mixed-Use Overlay District as provided in Section 4.C.	Special Permit (PZC)
5. Housing for the Elderly in accordance with Section 2.F.3.	Special Permit (PZC)

3.A.3.5. OTHER USES	HG
1. Governmental services	Special Permit (PZC)
2. Bed and Breakfast establishment as per Section 2.G.6.	Special Permit (PZC)
3. Other uses considered by the Commission to be similar and compatible to the uses listed above when compared to scale, traffic generation, hours of operation, and other similar standards.	Special Permit (PZC)
4. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)

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### 3.A.4 ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customary, subordinate, and incidental to a permitted principal business use are permitted provided they are shown on the Site Plan approved by the Commission or are considered by the Director of Planning to be minor in nature.
2. A drive-through facility shall not be considered a permitted accessory use.
3. Outdoor dining accessory to a restaurant may be permitted by Special Permit.
4. Uses and structures which are customary, subordinate, and incidental to a permitted principal residential use are permitted as provided in Section 2.D.
5. Alcoholic Beverages are permitted as an accessory use in accordance with Section 5.O.
6. Outside storage and/or display of goods and merchandise in accordance with Section 5.K.

### 3.A.5 DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

Lot-Related Requirements	HG
Minimum Lot Area	21,780 SF
Minimum Lot Frontage	75 Feet

Setback-Related Requirements	
Minimum Front Yard Setback / Maximum Front Yard Setback	The average of the front setbacks of the adjoining buildings on each side except as may be modified by the Commission for cafes, outdoor dining, pedestrian amenities, plazas, etc.
Minimum Side Yard Setback	10 Feet except that the Commission may, by Special Permit, reduce this to 5 feet for excellence in building, landscaping, or streetscape design
Minimum Rear Yard Setback	25 Feet, <b><u>except that the Commission may, by Special Permit, reduce the dimension for excellence in building, landscaping, or streetscape design</u></b>

Building-Related Limitations	
Maximum Building Height	2 1/2 Stories, <b><u>except that the Commission shall consider the prevailing height of surrounding structures in the District</u></b>

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Maximum Building Coverage	30%, <b><u>except that the Commission may consider greater building coverage when open space no less than equal to the footprint of the principal structures is provided on site. Functional open space such as patios, courtyards, or plazas may be provided.</u></b>
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**3.A.6 ADDITIONAL STANDARDS**

1. All uses that require a Special Permit / Site Plan review shall be referred to the Hebron Historic Properties Commission for review and comment.
2. New construction or renovations to existing structures that propose to remove, demolish, alter, enclose or otherwise eliminate any existing porches shall require the approval of the Hebron Historic Properties Commission.
3. All new parking spaces in the Hebron Green (HG) District:
  - a. shall be **subordinate to the principal building** and provided behind or **to the side of** any existing or proposed buildings **to the extent practicable**; and
  - b. **shall be** suitably screened from all public streets and adjoining uses.
4. No new parking spaces in the Hebron Green (HG) District shall be located between the front facade of the principal building and the abutting streets unless approved by the Commission by Special Permit due to special or unique circumstances.

## 4.C. MIXED-USE OVERLAY DISTRICT

### 4.C.1 PURPOSE

The Mixed-Use Overlay District is intended to allow the integration of a variety of housing into the Town Center, and other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict and enhance synergy between the various types of land uses.

**Mixed-Use is defined in Section 9.C.**

### 4.C.2 NATURE OF DISTRICT

1. As a “permissive” overlay district, the Mixed-Use Overlay District allows alternative forms of development, including mixed use development and including multi-family dwellings and attached housing in different patterns, which are not otherwise allowed in the underlying zoning district.
2. Prior to submitting a formal application, a potential applicant is encouraged to:
  - a. discuss the development concept in detail with the Director of Planning and Development and other Town staff as appropriate;
  - b. schedule an informal discussion with the Planning and Zoning Commission through the Director of Planning and Development; and
  - c. due to the compact nature of such developments at higher densities than would otherwise be possible, building plans shall be provided by an architect licensed in the State of Connecticut.

### 4.C.3 PERMITTED USES

Within the Mixed-Use Overlay District, the following uses are permitted in addition to the uses permitted in the underlying zoning district:

4.C.3.1. OTHER ACTIVITIES	MUOD
1. Multi-family dwellings as a component of a Mixed-Use Development as defined in these Regulations	Special Permit (PZC)
2. Two-family dwellings as a component of a Mixed-Use Development as defined in these Regulations	Special Permit (PZC)
3. Single-family dwellings as a component of a Mixed-Use Development as defined in these Regulations	Special Permit (PZC)
4. Uses and structures which are customary, subordinate, and incidental to a permitted principal residential use are permitted as provided in Section 2.D.	As provided in Section 2.D

#### 4.C.4 DESIGN STANDARDS

##### 4.C.4.1 ZONE SPECIFIC STANDARDS

1. Within the Main Street District -
  - a. All new buildings which are part of a Mixed-Use Development shall be located no more than 25 feet from the street line except that the Commission may allow:
    - buildings to be located up to 50 feet from the street line when the site conditions or the design of the integrated mixed-use plan warrant a deeper setback; and/or
    - cluster-type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities to utilize a different setback.
  - b. Residential uses shall not generally be permitted on the ground level floor of any building, except that the Commission may allow a residential use on the ground level of a building located more than one hundred and fifty (150) feet from the Street Line when it finds, based on information submitted by the applicant, that:
    - the site and building plans foster a true, functionally-integrated mixed use concept, rather than the mere location of residential and commercial buildings in the same development; and
    - the residential uses are augmenting, and not displacing, the commercial uses for which the Town Center, and other business districts, should be primarily dedicated and reserved; and
    - the safety and quality of life for residents will be enhanced by the use of first floor levels for residential use.
  - c. The maximum square foot size for any building proposed in the Mixed-Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to Main Street;
    - the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
2. Within the Hebron Green (HG) District -
  - a. In addition to complying with the Design Standards in the Regulations, any new building or addition to an existing building as part of a Mixed-Use Development shall be compatible in scale, size, height and architectural style to other buildings in the Hebron Green (HG) District within 200 feet of the site in question;
  - b. **Residential uses will not be located on the first floor of the building facing Main Street where pedestrian oriented, retail and similar store-front business uses are strongly encouraged.**
  - c. Pedestrian access shall be provided to connect with adjacent uses and buildings.
  - d. **Residential units shall be provided with individual outdoor private space (for example: patio, deck or yard).**
  - e. Also, except for cluster type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line; however, the Commission may, by Special Permit, allow buildings to be located up to 50 feet from the street line.

## Approved Amendments to Hebron Zoning Regulations

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3. Within the Neighborhood Convenience District -
  - a. The Site Development plan for a Mixed-Use Development shall provide direct pedestrian access to the business uses in the District.
  - b. The maximum square foot size for any building proposed in the Mixed-Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to an **arterial street**;
    - the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
  
4. Within the Amston Village District -
  - a. Any new construction or modifications to existing buildings as part of a Mixed-Use Development shall:
    - be compatible with any historic mill buildings existing on the site, as applicable, at the time of application; or
    - adhere to the Design Standards in these Regulations if no historic mill buildings exist on the site, as applicable, at the time of application.
  - b. The maximum square foot size for any building proposed in the Mixed-Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to an **arterial street**;
    - the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.

### 4.C.4.2 OTHER DESIGN STANDARDS

#### 1. Residential Area And Mix -

- a. At least of **50%** of the residential units within the entire proposed MUOD development shall consist of a combination of efficiency, one-bedroom and two-bedroom units.

#### 2. Setbacks -

- a. Minimum yard setbacks shall be the same as the underlying zoning district; however, the Commission may, by Special Permit, reduce any required yard area by four (4) affirmative votes when doing so will help accomplish the purposes of the District.

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### 3. Building / Site Design -

- a. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
- b. The development plan shall integrate residential and non-residential uses so that they share the site in harmony and so that parking areas, landscaped areas, and other site amenities benefit all the uses on the site.
- c. Mixed-use should involve designing the site so that the residential and non-residential components are part of a common design that allows the various uses to function together.
- d. Two story buildings are encouraged in the Mixed-Use Overlay District. The Commission may approve a cluster development with a mix of building of various heights, provided the Commission finds that the overall plan complies with the design guidelines incorporated in Section 5.A of these Regulations and that such variation is essential to the overall design theme of the development.
- e. The Commission may require a higher first floor height for single-story development to create a compatibility of façade heights where a mix of one and two-story buildings occur in proximity to each other in a unified development.
- f. Each residential unit shall have direct access to a private outdoor balcony, porch or patio space.
- g. Each residential unit shall have unobstructed direct access to the outside separate from any business activity.
- h. Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the residential uses.

### 4. Curb Cuts:

- a. Driveways onto streets shall be minimized, and shall be designed to serve existing or future uses on adjacent sites.

### 5. Parking:

- a. Parking lots shall be designed to interconnect with existing or future parking lots on adjacent sites.
- b. Provisions shall be made for parking spaces reserved for residents so that customers of commercial uses on the site do not occupy parking spaces that are most convenient to residential access points.
- c. As the intent of this Overlay District is to provide for a mixture of land uses and flexibility to encourage the long term sustainability of these developments, in lieu of the parking requirements found in Section 5.C all mixed-use developments shall provide parking at the rate of 5 spaces per 1,000 SF and **one (1) parking space for each studio or one-bedroom dwelling unit and two (2) parking spaces for each dwelling unit with two or more bedrooms.**
- d. These parking requirements may be reduced when exemplary pedestrian connections are provided within the site and to adjacent business and public facilities and when:
  - the applicant demonstrates to the satisfaction of the Commission that the mix of uses on the site (such as residential, office, and retail) will experience peak parking demands at different times of the day and day of week so that the full complement of parking spaces will not be necessary; and/or
  - the applicant demonstrates to the satisfaction of the Commission that a “shared parking” arrangement with one or more adjacent properties (based on a suitable parking management plan and legal agreement, recorded on the land records, assuring the continued availability of the shared parking spaces on the affected properties for the life of the proposed development or use) will mean that the combined sites will experience peak parking demands at different times of the day and day of week so that the full complement of parking spaces will not be necessary.

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### **6. Landscaping / Buffers / Screening -**

- a. Landscape buffers shall be provided as part of the site design where a development approved under this Section abuts property in a residential district.
- b. Such buffer shall consist of a preserved existing year-round vegetated buffer or a planted year-round buffer meeting the requirements of Section 5.D of these Regulations as well as the design guidelines incorporated in Section 5.A of these Regulations.

## **4.C.5 DECISION CONSIDERATIONS**

1. In approving a Special Permit for a Mixed-Use Development as defined in these Regulations, the Commission shall consider whether the Commission finds that:
  - a. the requirements of this Section of the Regulations, and the Special Permit standards and criteria of Section 7.D are satisfied in accordance with the intent of the underlying District;
  - b. the mixed-use and higher density development can be located on the specific parcel in a manner that is compatible to the surrounding neighborhood;
  - c. the residential and mixed-uses will enhance the design of the buildings or the site;
  - d. the proposed design and layout meets the intent of the design guidelines incorporated in Section 5.A of these Regulations;
  - e. the need exists within the Town for a different type of housing unit than is permitted under conventional zoning and there is a documented need for the number and type of market rate and/or affordable housing units suggested; and
  - f. the proposed mixed-use development will allow the integration of a variety of housing into the Town Center or other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict between varying uses and enhances synergy between the various types of land uses.



## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

### **Dwelling-Related Terms**

**Dwelling Unit** - A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall consist of contiguous floor area and no habitable space of a dwelling unit shall be separated from other habitable space of the same dwelling unit by a solid wall or by a garage, breezeway, or other unheated or uninhabitable space.

**Dwelling Unit (Elderly)** - A single unit providing complete, independent living facilities for one or more elderly or handicapped persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Dwelling, Seasonal** - A Dwelling which was originally designed or intended to be used for residential purposes only during the warmer seasons of the year, and for which no approval required by these Regulations, or any previous versions hereof, has been granted to permit year-round use.

**One Family Dwelling** - A building containing one (1) dwelling unit for one family as defined by these Zoning Regulations.

**Two Family Dwelling** - A building containing two (2) dwelling units with not more than one family per dwelling unit.

**Multi-family Dwelling - A building containing three (3) or more dwelling units.**

**Apartment** – A dwelling unit as defined in these Zoning Regulations.

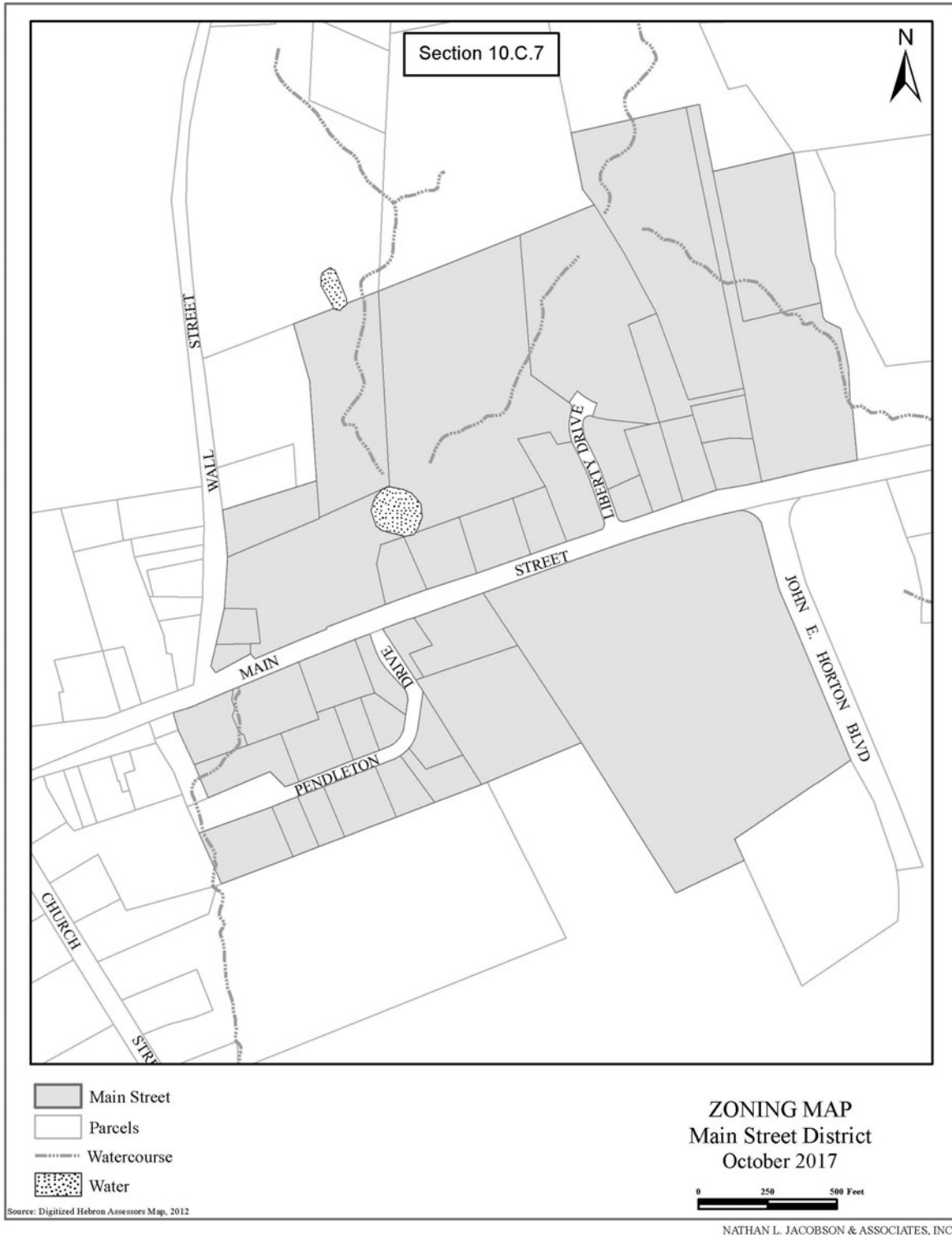
**Accessory Apartment** – One or more rooms within or attached to a single-family dwelling and used for independent residential purposes. In general, an accessory apartment shall be inferred when there is a sleeping area, a separate kitchen / kitchen area, and a separate bathroom with a toilet and a bathtub/shower.

# Section 10.C

## ZONING DISTRICTS

### ZONING MAPS

#### 10.C.7 MAIN STREET (MS) DISTRICT



## Section 3.B

### BUSINESS DISTRICTS & USES

#### MAIN STREET (MS)

## 3.B. MAIN STREET (MS)

### 3.B.1 PURPOSE

The Main Street district is intended to provide for general business activities on a town wide scale and for business activities, which are compatible with central business area functions. Development of an integrated group of stores and/or establishments planned and built as a unit is to be encouraged. Strip development of any kind is incompatible with the intent of this district.



**3.B.2 PRINCIPAL USES AND STRUCTURES**

<b>3.B.2.1. RETAIL / FOOD / SERVICE-TYPE USES</b>	<b>MS</b>
1. Retail store <i>(Note that sale of alcoholic beverages through a grocery store permit, liquor store permit, or package store permit requires a separate Special Permit in accordance with Section 5.O.2)</i>	Special Permit (PZC)
2. Restaurants with specific reference to Section 5.A Design Review as well as traffic circulation, access management, and similar considerations. <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
3. Business Services	Special Permit (PZC)
4. Personal Services	Special Permit (PZC)
5. Dry cleaners, provided that such use complies with the Federal Clean Air Act, as amended, and Best Management Practices issued by the Connecticut Department of Energy and Environmental Protection.	Special Permit (PZC)
6. Motor vehicle service station in accordance with Section 3.G.2	Special Permit (PZC)
7. Motor vehicle wash in accordance with Section 3.G.2	Special Permit (PZC)
8. Motor vehicle repair in accordance with Section 3.G.2	Special Permit (PZC)
9. Day care center, child or adult, in accordance with Section 2.G.4.	Special Permit (PZC)
10. Facilities for instruction including health and fitness, dance, gymnastics, martial arts, musical and theatrical. (Subject to provisions of Section 5.C.3.4.6)	Special Permit (PZC)

<b>3.B.2.2. OFFICE-TYPE USES</b>	<b>MS</b>
1. Business and/or professional services	Special Permit (PZC)
2. Offices -- General and Professional	Special Permit (PZC)

## Section 3.B

### BUSINESS DISTRICTS & USES

#### MAIN STREET (MS)

<b>3.B.2.3. INSTITUTIONAL-TYPE USES</b>	<b>MS</b>
1. (reserved)	Special Permit (PZC)

<b>3.B.2.4. RESIDENTIAL-TYPE USES</b>	<b>MS</b>
1. Development in accordance with the Mixed Use Overlay District as provided in Section 4.C.	Special Permit (PZC)

<b>3.B.2.5. OTHER USES</b>	<b>MS</b>
1. Governmental services	Special Permit (PZC)
2. Motel	Special Permit (PZC)
3. Commercial laundry or laundromat provided such use is served by public water and public sewer.	Special Permit (PZC)
4. Amusement arcade	Special Permit (PZC)
5. Parks -- public and private	Special Permit (PZC)
6. Any use, not specifically mentioned in Section 3.B.2 but, which, in the judgment of the Commission, is determined to be similar to or compatible with the category of uses mentioned above, may be permitted by the Commission under the Special Permit procedures, provided however, any such use: a. meets the Performance Standards of Sections 5.M.; and b. where the architectural appearance of the building(s) housing such use is entirely compatible with the architecture of the buildings in the immediate vicinity.	Special Permit (PZC)
7. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)

## 2025 PZC Planning Workshop

### Commission Tasks

- Amend Regulations to consider keeping of poultry
- Clarification re: Open Space when applied outside of Subdivision Regulations
- Clarity re: Change of Use
- Reduce # of copies required – transition to electronic application submittals
- Signage issues (temporary signs, A-frames, neon window-mounted)
- Section 7.C.2.4 references Appendix D but it should be Appendix B.
- PA 21-29 (any more parking amendments?)(check minimum floor area)
- Revisit Training Requirements

### Projects w/Commission Input

- STEAP-funded Hebron Green Upgrades
- Stonecroft/Rifkin Property Block Master Plan
- Hebron Green Master Plan
- Role in Parks and Recreation Master Plan
- Village Square/Horton Property Master Plan
- Traffic Calming/Streetscape Improvements (Main St, Neighborhood Convenience, Amston Village District)
  - Use of Rotaries/Roundabouts
  - Rectangular Rapid Flashing Beacons
- Pendleton to Village Square Planning

### Expected Applications

- Ellenberg Subdivision Site Plans
- Community Commons – 60 Church St
- Toomey Crossing
- Hebron Green Parking
- Turshen Mill Redevelopment
- Savy Brothers Expansion

## 2023 Planning & Zoning Commission Tasks

#	Priority	Item
1	A	Regulating Cannabis Establishments
3	A	Cleanup of zoning Regulations in response to PA 21-29
2	C	Regulating LED and Menu Signs
mid	C	List of Special Permit Activities
2	A	Architect for Village District Compatibility Review
3	B	Recommendation on Scenic Road
1	C	Request to consider Residential Accessory Structure for commercial use (storage, etc.)
1	B	Emphasis on Universal Design (biggest need for affordable housing is amongst seniors and we also know that our aging community is growing)
2	B	Emphasis on Sustainable Built Environment (incentive to construct high-performance buildings and electrification)
4	A	Bike & pedestrian infrastructure
	B	MOUD & PRD regulations review + Affordable Housing
	B	Inclusionary Zoning
5	A	Public Act 22-25: EV Charging Infrastructure

## Capital Projects / American Rescue Plan Act (ARPA) Projects

#	Priority	Item
2	A	Wayfinding Signage (ARPA) - 25K - to be considered by BOS 2/1/23
1	C	Downtown Events Sign (ARPA) 15K - to be considered by BOS 2/1/23
3	A	Parking Lot Improvements in Hebron Green
4	A	Horton House File Storage & Purge
1	A	Horton House Maintenance (exterior paint, Interior improvements)
4	B	Peter's House Parking & Accessibility Improvements (ARPA Approved) - 100K
2	B	Gull School House Roof Replacement (ARPA Approved) - 20K
1	B	Sidewalks - new improvements & maintenance plan for existing (no formal request)
3	B	Main St. beautification incl. street trees American flags, crosswalks (no formal request)


**Anticipated Project Applications**

*\*\* to what extent does PZC have control over this?*

#	Priority	Item
2	C	Toomey Crossing Phase II
1	B	St. Peter's Housing (assuming this is not Peters House)
4	A	8-24 Mandatory Referral for O'Connor Property Acquisition
1	B	Peters House Parking and other projects noted above
1	C	Pendleton Rd Pedestrian Bridge - Small Town Economic Assistance Program Grant
1	A	Planned Residence Development Expansion at Wellswood Rd.
3	A	Site Plan Amendments for anticipated recreational improvements (Pickleball, Skatepark, etc.)
2	A	Potential development in Neighborhood Convenience District on west side of Church St.
2	B	Amendment of Special permit at 14 Main Street



Notes
Complete
Wait until after POCD
Wait until after POCD
Wait until after POCD
Complete

Notes
Not Funded
Not Funded
STEAP 2023 Award
Work in Progress
Project Funded
Project Funded, Site Plan Approved
Complete
Multiple Improvements Made, STEAP 2025 Application
Not Funded


Notes
Pre-Application
Pre-Application
Complete
Funding dedicated, Spring 2025
Complete
Application Pending
Complete
Pre-Application
Complete



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**RE: DG Market Appeal**

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From Kenneth R. Slater, Jr. <Slater@halloransage.com>

Date Thu 3/20/2025 4:03 PM

To Matthew Bordeaux <mbordeaux@hebronct.com>

Matt,

I am writing to give you an update and an overview of the above-referenced administrative appeal.

The court held its first status conference in the appeal today. The following scheduling order was established:

*The record of proceedings (transcript and documents related to the application) must be filed by April 18;*

*The plaintiff's brief must be filed by July 23;*

*The Commission's brief must be filed by August 1;*

*The Plaintiff can file a reply, if it wishes, by August 18.*

Thanks to your assistance, we already have a lot of work done on the record and will have no problem filing it by the due date.

Once all briefs are filed, the court will either schedule it for argument or, more likely, schedule a status conference for the parties and the court to set an argument date.

The oral argument will likely occur sometime in the fall. No witness or evidence will be presented other than proof that the applicant still has an interest in the property to show that it has standing to appeal. The crux of the case are the briefs. Oral argument would simply give the court an opportunity to ask questions and probe either side on issues. Sometimes the judge will have no questions and will simply proceed in reviewing the briefs and writing a decision.

The court will have 120 days to issue its decision after the completion of argument. So, while a decision could certainly be rendered towards the end of the year, it could easily be early next year.

It is possible that the applicant could approach the Commission with some kind of proposed settlement. If so, that will be communicated to you, and we can address it as appropriate. We can hold an executive session to discuss the appeal at any time, but there isn't much to talk about now.

Ken

