



Town of Montville, Connecticut

Department of Land Use & Development

Planning & Zoning
Inland Wetlands & Watercourses
Economic & Community Development



Summary of DRAFT Text Amendments

Prepared by: Dennis Goderre, PLA, AICP; Director of Land Use and Development

Date: April 6, 2026 for April 8, 2026 Meeting **REVISED Schedule April 23, 2026**

The following summarizes highlights of proposed revisions addressing Housing Bill (HB 8002) changes required by July 1, 2026.

Below outlines the anticipated schedule in order to keep with the July 1, 2026 deadline.

Meeting Date Application Action

- March 11th: Initial commission review
- March 24rd: Continued Review
- April 8th: Commission affirms draft
- April 21st: All referrals to DEEP, Region and Towns
- ~~April 28th: Application received/Hearing set/Referrals initiated (Towns/COG/DEEP)~~
- ~~May 6th: Application received/Hearing set/Referrals initiated (Towns/COG/DEEP)~~
- ~~May 26th: Hearing opens – possible close pending all referrals received and public comment~~
- ~~June 10th: Hearing Continued if required and action required~~
- ~~June 13th: Latest Notice Publication; 15 day appeal period starts~~
- ~~June 29th: Latest Effective Date~~
- June 23th: Hearing opens – possible close pending all referrals received and public comment
- June 26th: Latest Notice Publication; 15 day appeal period starts
- July 13th: Effective Date

OR

- July 8th: Hearing Continued if required and action required
- July 10th: Latest Notice Publication; 15 day appeal period starts
- June 27th: Effective Date

Overview of Key Revisions

The numbered sections below correspond to the tab numbers in the draft regulations provided to each commission member.

4B.16 Table: Residential Uses by District

1. This table has been updated for incorporation into the zoning regulations as section 4B.16. Changes from the prior version include:
2. Added 5 units per ac multifamily in R-40; current regulations have no density requirement; no density existed since this was added to the district in 2018.
3. Lowered the tier number of units for the set-aside schedule of 80% and 60% AMI; Prior draft started at 50 units; lowered based upon unit type.
4. Required a flat 30% set-aside for mobile home parks. At 15% each 80% and 60% AMI
5. NOTE: See spreadsheet *Attached Income and Affordability Overviews* for town specific housing needs related to income and housing affordability.

Commission should consider the following and which remain from prior meeting, staff needs input:

1. Should a housing development at a certain number of units be permitted under a special permit? Or maintain all as of right as is currently allowed
2. Confirm the density of each unit type
3. Confirm the unit types suggested to be allowed by each district
4. Confirm concurrence of affordable set-aside.

The following item numbers correspond to the tab number in the draft regulations provided at the March 24th meeting.

1. Formatting

Cleaned and modernized formatting for consistency throughout the document.

2. Table of Contents (TOC) and Navigation

An abbreviated TOC provided for quick reference. Detailed TOC provided for ‘deep dive’. Both will be hyperlinked for ease of navigation. Header of each page contains link back to TOC

3. Preamble

Minor updates to Preamble to reinforce purpose.

4. Definitions: General

- a. Reorganized into logical groupings for better accessibility.
- b. Numerous edits for grammar and technical ‘precision’.

5. Definitions: ‘Building & Height’ terms

- a. Added Accessory Building and Structure
- b. Added Structure and Building terms. A Building is occupied. A structure is not intended for occupancy. (Note: All Building are structures but not all structures are Buildings.)
- c. Clarified how to determine Structure Height; allowances for chimneys, spires etc provided.
- d. Added definition of Story.

6. Definitions: ‘Housing’ Related terms

Significant revisions to "Dwelling" types to align with HB 8002. See prior report, definitions and table 4B.16 of permitted uses/density etc.

7. Street Classification

Moved to 4A.10; Removed for section formatting/numbering

8. Section 4: Administration

- a. Section name changed as this section addresses ‘process’ not ‘uses’.
- b. 4.2 Zoning Permits changed for clarity and ease of use. Provides more flexibility for ZEO in review and defining application requirements based upon field conditions.
- c. Misc. Housekeeping items

9. Workforce Housing

Deleted; not necessary with HB 8002 changes requiring ‘as of right’.

10. Zoning Districts General

The following are generally specific to each District’s applicable section.

Reference to Lighting, Landscaping, Appurtenances and Blank Walls have been added. Even though the reference is added in predominantly residential zones, these sections only apply to the commercial and multifamily uses.

Refer to Table 4B.16

Housing Types

- Changed to reflect HB 8002
- Currently, Multi-family is a ‘catch all’ term for any housing type of three or more attached units.
- Proposed, multi-family is any development with three or more units on a lot; thus addressing varying housing types on a lot when they may not have three or more attached units. i.e. multiple duplexes on one lot under common ownership, or Duplexes with Cottage Clusters
- New definitions provided to respond to HB 8002, Cottage Cluster, Duplex, Triplex, Quadplex, Perfect Six, Live Work Unit and Townhome

Density

- New density is proposed per acre or lot is proposed.

Buildable Area

- Some communities require density to be based upon a net developable area determination, thus backing out undevelopable land such as wetlands and steep slopes.
- Currently, the regulations do not require this calculation.
- Proposed maintains this current approach; allows bulk standards and parking to be the limiting factor.

Open Space

- Open space requirement is defined in the Table 4B.16

Affordable Housing Set-aside

- Each housing type has a defined set aside which requires a percent of development to be deed restricted affordable on a tiered basis. See table for more information on this approach.

Building Height

- Removed the qualifier "residential" from height limits to ensure specified height standards apply to **all** buildings within a district. Currently commercial in a residential zone has no height limit.
- Established a schedule of heights based on ‘housing type’ and specific use across various districts.
- Added building height limits in districts which did not have any restriction
 - C-1 proposed 45’; 3 – 4 stories depending on floor to floor construction.

- C-2 proposed 55'; 4-5 stories depending on floor to floor construction

Note: Could limit with an “.... Or no more than x stories”

Proposed Deletions

- **Section 9A (Housing Opportunity Zone):** Obsolete; drafted for a specific development that was never realized. The current language lacks locational specificity.
- **Section 4.11.13 (Workforce Housing):** Rendered redundant by the new HB 8002-compliant amendments (previously mentioned).

11. R-40 Special Permits

- Currently multi family is allowed as of right in the R-40 district, a traditionally larger lot, predominantly single family home residence zone.
- Proposed, is to move a more higher density development consisting of Single Family Attached Flats (traditional apartment building style) to be Special Permit, thus requiring a public hearing but allowing more controls and discretion by the Commission to ensure such a proposal is compatible in this predominantly lower density district.
- Duplexes and Townhomes would be allowed as of right.
- Per the provided Table, all other middle Housing is prohibited.

Does the commission concur or wish to keep the Single Family Attached Flats as ‘as of right’?

As noted on the Table, does the commission want to create a tiered Special Permit approach on density (units per acre)?

12.

Disregard this tab

13.

Disregard this tab

14. R-20 Special Permit

Similar question/consideration as item 11 above.

As noted on the Table, does the commission want to create a tiered Special Permit approach on density (units per acre)?

15. Building Height

Note tiered building height based upon different housing types and construction needs.

16. HOD Zone

Suggest deleting in entirety as not used and not defined where this floating zone can be permitted.

17. R-20-M Permitted v Special Permit

In this higher density and multifamily focused zone, proposed text allows all middle housing and Flats to be 'as of right'.

As noted on the Table, does the commission want to create a tiered Special Permit approach on density (units per acre)?

18. Density

Disregard this tab

19. C-2 Uses

Proposed, Middle housing and Flats as of right.

Current regulations, no housing is permitted unless OZ zone used.

HB 8002 requires middle housing to be as right when between 2-9 units. More than 9 units can be special permit.

As noted on the Table, does the commission want to create a tiered Special Permit approach on density (units per acre)?

20. C-1 and C-2 Uses

Does the commission believe gasoline filling stations and convenience stores should be permitted, even as a special permit? Are there enough along the corridor?

21. G District

Clarifies 'public or private' libraries and defined 'public' school allowed. This prohibits 'private'. Do we desire for profit institutions and training centers?

22. Route 32 Overlay Zone

Edits provide clarity on how the overlay has been applied.

What is the Commissions thought on this district based upon recent discussions associated with opening the door for utility extensions and high density in undeveloped areas?

23. Cannabis Overlay

Reference to new landscaping provided, striking the current text to ensure consistency between all uses/districts.

24. Site Plans

17.2 Decision making authority. Grants staff ability to review and approve site plans without having to go to Commission.

17.3 Deviations. Allows for deviations of bulk standards when criteria is met.

17.5 GID. Clarifies the standard practice of submitting solely PDF format drawings.

17.6 Site Plan content. Expands on requirements that must be included in drawing submissions.

-----DRAFT for Discussion Purposes Only-----

The following is a recommendation to create a master plan process within the OZ district. The intent is to allow an applicant to propose alternatives to bulk standards and housing density but subject to a special permit review. The master plan is a preliminary design review process so the applicant is not required to spend substantial engineering costs until an approval of the master plan is obtained. Then, a final site plan is reviewed by staff only and following the commission's approval. This allows a much greater level of flexibility than currently exists in the OZ as the applicant creates their own density and bulk standards. An applicant always has the right to submit as a as of right if they adhere to all bulk standards and density.

14A.0 ROUTE 32 OVERLAY ZONE

14A.1 Purpose

The intent of this Overlay Zone is to promote economic development and housing opportunity through the use of flexible building and site design standards.

14A.2 Location

The Route 32 Overlay Zone consists of the areas designated on the official Town of Montville Zoning Map.

14A.3 Uses

The following uses are allowed, either by Site Plan or Special Permit (see Section 14A.4):

1. Transit Community Middle Housing and Attached Single Family Flats. See Section 4B.16.
2. Commercial Uses as defined by these Regulations and which are allowed in commercial zones in Montville.
3. Mixed Use development comprised of Commercial Uses as allowed in any Commercial Zone in Montville and with Residential uses per Section 4B.16.
4. No residential units shall be allowed in basements.

14A.4 Bulk Standards & Density

1. Residential Use density shall conform to Section 4B.16.
2. For all uses the bulk standards, i.e. height, coverage, setbacks, etc, shall conform with the underlying zone, except as outlined in Section 14A.5 Review Process.
3. Bulk standards and density may differ from the underlying zone subject to the provisions of Section 14A.5 Review Process.

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14A.5 Review Process

1. Applications which conform to the underlying zoning district's bulk standards and density, as density as set forth in Section 4b.16, shall be subject to the provisions of Section 17. Site Plans
2. Applications which propose an 'Alternative Density' as set forth in Section 4B.16 and which results in ten (10) units or more shall be subject to the requirements of Section 14A.6.
3. Applications which propose an alternative to bulk standards, whether Commercial Use, Residential Uses or Mixed Use and with more 10 units shall be subject to the requirements of Section 14A.6.

14A.6 Master Plan Review, Special Permit Required

To allow flexibility in design and implementation of development, applications which are subject to this provision shall undertake a legislative Master Plan review process subject to the provisions of Section 16 Special Permit. Following approval of the Master Plan, the Applicant shall obtain final site plan approval for each phase of the Master Plan subject to the provisions for Section 17 Site Plans. Said site plan review will be evaluated and acted upon by Staff. Should the site plan application deviate substantially from the approved Master Plan, a new legislative Master Plan review shall be required. Substantial deviations shall mean an increase in parking by 5%, increase in building size by 5%, change in building footprint configuration beyond 10 feet from the master plan, or change in any bulk stand greater than 15%.

It is not the intent of the Master Plan review to require detailed site plans and engineering. To that end, the following minimum materials shall be provided at time of Master Plan submission:

1. A complete application form and Special Permit fee
2. Use Narrative describing the development proposal, including but not limited to uses, building materials and style, phasing, parking loading, deliveries (time, day and frequency), maintenance of.....
3. Bulk Standards Narrative describing the bulk standards employed and how they achieve the Special Permit Criteria.
4. Special Permit Criteria Narrative describing how the application achieves each of the special permit review criteria outlined in Section 16.
5. A-2 Boundary and T-2 Topographic Survey signed and sealed by a CT licensed land surveyor.
6. All wetlands and watercourses shall be field delineation by a CT Soil Scientist and depicted upon the T-2 survey.
7. All plans shall be prepared by a licensed professional engineer.
8. All building plans shall be prepared by a CT licensed architect.
9. All landscape plans shall be prepared by a CT licensed landscape architect.

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10. A comprehensive traffic impact report shall be prepared by a CT licensed professional engineer completed for all developments which include 100 or more parking spaces, 100 units or more than 50,000 SF of building space. If said traffic report identifies the need for off-site improvements, or improvements at the site drive(s), the design of the improvements shall be identified upon a T-2 Topographic Survey.
11. Sight line study demonstrating appropriate sight distances at all site drive intersections with public streets. Identify easements required to ensure sight lines are maintained. Secure necessary agreements. Said maintenance easements shall be filed on the land records following final site plan approval.
12. The following Preliminary Plans shall be provided:
 - a. 'Preliminary plans' mean plans which are development to a level of detail demonstrating to a high degree of certainty that the design can be achieved.
 - b. All Preliminary Plans shall be overlaid upon the completed T-2 and A-2 survey, and signed and sealed by the responsible professional.
 - c. Existing conditions plan
 - d. Demolition/site preparation plan
 - e. Phasing, if applicable
 - f. Site layout plan with critical dimensions
 - g. Site materials plan identifying materials for walks, curb, paving etc
 - h. Sedimentation and Erosion control plan
 - i. Grading and drainage plan at 2-foot contour intervals outlining location and approximate size of detention areas (above or below grade). Finished floor elevations shall be provided.
 - j. Stormwater management memorandum discussing how stormwater will be managed and attesting to the adequacy of the proposed stormwater management system.
 - k. Landscape plan depicting general shrub massing and location of larger caliper/size trees and buffers.
 - l. Site construction details.
 - m. Building floor plans for all stories with each room's use indicated.
 - n. Provide a table of uses of each building with designated area in square feet.
 - o. Building elevations for all building sides, outlined building materials and clearly and accurately depicting material style/texture.
 - p. Other information that may be required by the Commission to complete their review.

14A.7 Parking

Parking shall conform to Section 18 Off Street Parking

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14A.8 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements. When applications are subject to the provisions of Section 14A.5 above, only new buffer plantings may be proposed. All other landscape requirements shall be met.

14A.9 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards for all applications.

14A.10 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances for all applications.

14A.11 Blank Walls

All Buildings shall conform to Section 18E Blank Walls for all applications

14A.12 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations. Government signs are exempt from size restrictions. When applications are subject to the provisions of Section 14A.5 above, alternative signs standards may be proposed subject to review and approval by the Commission as part of the Master Plan review and subject to the Special Permit Review criteria. A comprehensive sign plan and design document shall be provided for each sign, denoting a cohesive design palette.

4B.16 TABLE A: RESIDENTIAL USES BY DISTRICT

NOTE: In the event there is a conflict between the requirements of this Table and the text of these Zoning Regulations, the requirements of this Table shall prevail.

21-Apr-26

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X Prohibited
 P Permitted
 SP Special Permit
 SPL Special Permit: Location Specific
 P/SP (1A) See Section

Dwelling Type	Applicable Section	DISTRICT														DENSITY: Maximum per AC (3)							Open Space /Recreation Required (2)	Percent Affordable Set-aside Req. (6)	Set Aside Ratio (4)
		WP-160	OS	R-120	R-80	R-40	R-20	R-20M	C1	C2	LI	I	G	OZ	Residential 160 / 120 / 80	OS	R-40	R-20	R-20-M	C1	C2	OZ			
Single Family Home		P	P	P	P	P	P	X	X	X	X	X	X	X	1 Unit / Lot	1 Unit / Lot	1 Unit / Lot	1 Unit / Lot	NA	NA	NA	NA	NA	NA	
Single Family Detached Dwelling Unit	4B.6	X	X	X	X	X	P	P	X	X	X	X	X	P/SP (1)	NA	NA	NA	2 / Lot	3 / Lot	NA	NA	See Note 1	10%	10% / 15%	10 units or less @ 80% AMI / > 20 units 10% @ 80% AMI & 5% @ 60% AMI
Cottage Cluster	4B.6	X	X	X	X	X	P	P	P	P	X	X	X	P/SP (1)	NA	NA	NA	1 Cluster / AC (4 bldg)	2 Clusters / AC (8 bldg)	2 Clusters / AC (8 bldg)	3 Clusters / AC (12 bldg)	See Note 1	10%	10% / 15%	12 units or less @ 80% AMI / > 12 units 10% @ 80% AMI & 5% @ 60% AMI
Duplex	4B.6 (when more than 2 units)	X	X	X	X	P	P	P	P	P	X	X	X	P/SP (1)	NA	NA	2 Units / Lot (1 bldg)	2 Units / Lot (1 bldg)	4 Units / AC (2 bldg)	4 Units / AC (2 bldg)	6 Units / AC (3 bldg)	See Note 1	10% (none in R-40 & R-20)	10% / 15%	10 units or less @ 80% AMI / > 10 units 10% @ 80% AMI & 5% @ 60% AMI
Triplex	4B.6	X	X	X	X	X	X	P	P	P	X	X	X	P/SP (1)	NA	NA	NA	NA	6 Units / AC (2 bldg)	6 Units / AC (2 bldg)	9 Units / AC (3 bldg)	See Note 1	10%	10% / 15%	12 units or less @ 80% AMI / > 12 units 10% @ 80% AMI & 5% @ 60% AMI
Quadplex	4B.6	X	X	X	X	X	X	P	P	P	X	X	X	P/SP (1)	NA	NA	NA	NA	8 Units / AC (2 bldg)	8 Units / AC (2 bldg)	12 Units / AC (3 bldg)	See Note 1	10%	10% / 15%	25 units or less @ 80% AMI / > 25 units 10% @ 80% AMI & 5% @ 60% AMI
Perfect Six	4B.6	X	X	X	X	X	X	P	P	P	X	X	X	P/SP (1)	NA	NA	NA	NA	12 Units / AC (2 bldg)	12 Units / AC (2 bldg)	18 Units / AC (3 bldg)	See Note 1	10%	10% / 15%	25 units or less @ 80% AMI / > 25 units 10% @ 80% AMI & 5% @ 60% AMI
Live Work Unit	4B.6	X	X	X	X	X	X	X	P	P	X	X	X	P/SP (1)	NA	NA	NA	NA	NA	10 Units / AC	15 Units / AC	See Note 1	15%	10% / 15%	25 units or less @ 80% AMI / > 25 units 10% @ 80% AMI & 5% @ 60% AMI
Townhouse (min. 3 units per building)	4B.6	X	X	X	X	SP	P	P	P	P	X	X	X	P/SP (1)	NA	NA	5 Units / AC	5 Units / AC	15 Units / AC	15 Units / AC	20 Units / AC	See Note 1	15%	10% / 15% / 20%	25 units or less @ 80% AMI / > 25 units; 10% @ 80% AMI & 5% @ 60% AMI / > 100 units; 10% @ 80% AMI & 10% @ 60% AMI
Attached Single Family Flats	4B.6	X	X	X	X	SP	P	P	P	P	X	X	X	P/SP (1)	NA	NA	5 Units / AC	5 Units / AC	20 Units / AC	20 Units / AC	30 Units / AC	See Note 1	15%	10% / 15% / 20%	25 units or less @ 80% AMI / > 25 units; 10% @ 80% AMI & 5% @ 60% AMI / > 100 units; 10% @ 80% AMI & 10% @ 60% AMI
Any Mix of Middle Housing w/ or w/o Attached Single Family Flats	4B.6	X	X	X	X	SP	P	P	P	P	X	X	X	P/SP (1)	NA	NA	5 Units / AC	5 Units / AC	20 Units / AC	20 Units / AC	30 Units / AC	See Note 1	15%	10% / 15% / 20%	25 units or less @ 80% AMI / > 25 units; 10% @ 80% AMI & 5% @ 60% AMI / > 100 units; 10% @ 80% AMI & 10% @ 60% AMI
Cluster Development	16A.4	SP	X	SP	SP	SP	SP	X	X	X	X	X	X	X	NA	NA	NA	NA	NA	NA	NA	NA	per 16A.4	Sec. 16A.4.10	NA
Senior Housing	16A.5	SP	X	SP	SP	SP	P	P	P	P	X	X	X	P/SP (1)	8 Units / AC	NA	8 Units / AC	10 Units / AC	10 Units / AC	10 Units / AC	15 Units / AC	See Note 1	per 16A.5	10% / 15% / 20%	25 units or less @ 80% AMI / > 25 units; 10% @ 80% AMI & 5% @ 60% AMI / > 100 units; 10% @ 80% AMI & 10% @ 60% AMI
Active Adult	16A.6	SP	X	SP	SP	SP	P	X	P	P	X	X	X	P/SP (1)	6 Units / AC	NA	6 Units / AC	6 Units / AC	6 Units / AC	6 Units / AC	10 Units / AC	See Note 1	per 16A.6	10% / 15% / 20%	25 units or less @ 80% AMI / > 25 units; 10% @ 80% AMI & 5% @ 60% AMI / > 100 units; 10% @ 80% AMI & 10% @ 60% AMI
Adaptive Reuse	16A.7	X	X	X	X	SPL	SPL	SPL	SPL (5)	SPL (5)	SPL	SPL	X	SPL (1)	NA	NA	No Max.	No Max.	No Max.	No Max.	No Max.	See Note 1	per 16A.7	10%	@ 80% AMI
Manufactured Home Park	16A.3	X	X	SP	SP	SP	SP	X	X	X	X	X	X	X	NA	NA	4 Units / AC	4 Units / AC	4 Units / AC	NA	NA	4 Units / AC	20%	30%	15% @ 80% AMI & 15% @ 60% AMI

Notes:

- 1 Refer to Section 14A.0 Route 32 Overlay Zone
- 2 Percent of total lot area; if the application consists of a development which results in more than one lot, open space is based upon each final lot area.
- 3 Density is rounded down to nearest unit; No developable land calculation required
- 4 Total set-aside units is rounded up to the nearest unit
- 5 When proposed with 2-9 Dwelling Units, no Special Permit is required.
- 6 Shall be deed restricted

Temporary Moratorium on Mobile Manufactured Home Parks

Proposed moratorium to allow the Commission to understand housing needs. Please see legal's concurrence on this approach, next page.

1. Purpose and Intent

The Montville Planning and Zoning Commission (the "Commission") finds that the rapid evolution of state housing policy and local economic conditions necessitates a comprehensive review of the Town's land use regulations. Specifically, how these changes are impacting our use of Mobile Home Parks. This temporary moratorium is established to allow the Commission sufficient time to:

- Complete the 2028 Housing Plan: Ensure full compliance with Public Act 25-1 (formerly HB 8002), which mandates specific municipal growth plans and non-discriminatory treatment of manufactured housing.
- Finalize the POCD Update: Reasonably complete the decennial update to the Plan of Conservation and Development (POCD) to ensure future land use is consistent with the Town's long-term vision.
- Incorporate the "Revive and Renew 163 and 32" Study: Integrate the data-driven findings and infrastructure capacity assessments from the Route 32/163 Corridor Investment Plan into the zoning framework.
- Understand how the above items influence land use patterns and determine the most appropriate locations/districts for Mobile Home Parks, should the Commission determine Mobile Home Parks are appropriate for the community.

2. Applicability

During the effective period of this moratorium, the Commission shall not accept, consider, or approve any application for:

- The establishment of any new Mobile Manufactured Home Park (as defined in CGS § 21-64).
- The physical expansion of the land area or the addition of new residential "pads" or "units" within any existing Mobile Manufactured Home Park.

This moratorium shall not apply to the replacement of individual units on existing, legally permitted pads, or to routine maintenance and internal infrastructure repairs that do not increase the density or footprint of an existing park.

3. Duration

This moratorium shall remain in effect for a period of twelve (12) months from the effective date. The Commission reserves the right to terminate or shorten this period if the aforementioned planning studies and regulatory updates are completed ahead of schedule.

4. Effective Date

The effective date of this Section shall be July 1, 2026.



DRAFT MORATORIUM ON MANUFACTURED MOBILE HOME PARK APPLICATIONS

From Michael Carey <mcarey@sswbgg.com>
Date Wed 4/22/2026 3:42 PM
To Dennis Goderre <dgoderre@montville-ct.org>
Cc Richard S. Cody <RCody@sswbgg.com>

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Dennis,

The attached moratorium is legally satisfactory. I would note, however, that the one-year duration might be questioned by a court. That said, there is no fixed rule about how long a moratorium may last, and the best rule of thumb is that it may last for as long as the Commission reasonably and in good faith anticipates it will take to do the work described in the moratorium. You should be sure to state reasons for the selected time period in the motion to approve so that they will be part of the Record.

As you know, there are a few basic elements in addition to duration that courts apply to decide whether any particular moratorium is valid. One is “the procedural regularity” with which a moratorium is enacted. *Arnold Bernhard & Co. v. Planning & Zoning Com.*, 194 Conn. 152, 163-64, 479 A.2d 801 (1984). The Court upheld the moratorium in that case because it had been “enacted in conformity with statutory procedures,” that is, as an amendment to the zoning regulations per CGS §8-3. Id., at 163-64. We recommend that the PZC follow the ordinary statutory procedures for amending the zoning regulations with regard to the moratorium proposal.

Finally, it is unlikely that a moratorium of the sort being considered will preclude an §8-30g application. That statute does not permit a zoning commission to deny an affordable housing application merely because it does not comply with existing zoning regulations: "Instead of simply questioning whether the application complies with those regulations, however, under §8-30g, the commission [must] consider ... the rationale behind the regulations to determine whether the regulations are necessary to protect substantial public interests in health, safety or other matters." *Landmark Development Group, LLC v. East Lyme Zoning Commission*, Docket No. HHBCV064016813S, 2011 Conn. Super. LEXIS 2770, at *58-59 (Super. Oct. 31, 2011), citing *Wisniowski v. Planning Commission*, 37 Conn. App. 303, 317, 655 A.2d 1146, cert. denied, 233 Conn. 909, 658 A.2d 981 (1995).

I hope this helps. Please contact us with any questions or comments. Thanks.

From: Dennis Goderre <dgoderre@montville-ct.org>
Sent: Thursday, April 9, 2026 8:27 AM
To: Michael Carey <mcarey@sswbgg.com>; Richard S. Cody <RCody@sswbgg.com>
Subject: Moratorium

Hi! Can this be reviewed? The Chair would like me to bring this to the commission on 4/28 for informal discussion. So a response later in the week of 4/20 would be helpful. Thank you!

Help us Revive & Renew Routes 163 & 32; [See what's happening!](#)



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