

Ad Hoc Committee to Evaluate the Separation of the Planning and Zoning Commission

Proposed Topics for Discussion and Research

Dear Fellow Committee Members and Members of the Public,

As we begin our work, I have been thinking about the scope of the Town Council's charge and what questions we should be asking over the next six months.

In my view, our assignment is not simply to decide whether two commissions would be preferable to one. Rather, we have been asked to determine whether a different Planning and Zoning structure would better serve the Town of Ledyard.

To answer that question, I believe we first need to understand how the current combined Planning and Zoning Commission has performed over the past fourteen years. That evaluation should be based on objective criteria derived from Connecticut statutes, the Town Council's resolution establishing this Committee, and the statutory roles and responsibilities assigned to Planning and Zoning Commissions.

I appreciate the comments made at our organizational meeting about focusing on the future rather than revisiting the past. However, I believe we cannot effectively evaluate the future without first understanding the past. I am not suggesting that we revisit past policy decisions or assign blame to individuals. Rather, I believe we should objectively examine examples from the historical record—not to debate whether a particular decision was "right" or "wrong," but to understand whether the Town's institutional structure influenced how those decisions were developed, debated, and implemented.

With that goal in mind, I would like to suggest several areas that may warrant discussion and research.

1. Long-Range Planning

One of the recurring themes in both the Town Council's resolution and public comments has been whether the combined Commission has become so occupied with zoning and development review that long-range planning receives less attention.

Possible questions include:

- Has the combined Commission adequately fulfilled the statutory planning responsibilities identified by the UCONN Land Use Academy?
 - How often does the Commission discuss the POCD?
 - How often has it initiated planning studies, infrastructure planning, or implementation projects?

- Does the current structure provide sufficient opportunity for deliberation on long-term planning issues?
- Does the Commission have time to adequately perform both planning and zoning functions sufficiently?
- Would separate commissions provide greater capacity for long-range planning?

2. Implementation of the POCD

Ledyard has now tried both separate and combined Commissions. Which of the two was more successful at adopting Town planning policies consistently by implementing corresponding zoning regulations.

Possible questions include:

- Have the major planning policies identified in successive POCDs been consistently translated into zoning regulations or other implementation measures?
- Does the institutional structure of the combined Commission affect the Town's ability to implement its own stated policies?
- Are certain categories of POCD policies implemented into regulations more consistently than others?
- Would a separate Planning Commission be better positioned to monitor regulatory implementation (of the POCD) and recommend updates?

3. Independent Review and Institutional Checks

The UCONN LUA fact sheets note that, when Planning and Zoning Commissions are separate, the Planning Commission¹ must review proposed zoning amendments and report on their consistency with the POCD, whereas the Zoning Commission² must establish, change or repeal regulations in consideration of (per CGS 8-2(b)1)³ the POCD. If the Planning Commission recommends against a proposal, the Zoning Commission may still adopt it, but only by a two-thirds vote. This creates an independent review focused on long-range planning.

When the commissions are combined, that independent review no longer occurs because the same body prepares the POCD, interprets the POCD, drafts zoning regulations, and determines whether those regulations are consistent with the POCD.

Questions the Committee may wish to consider include:

- Did the elimination of independent Planning Commission review materially affect how zoning regulations or the POCD were developed, debated, or adopted?
- Was there less discussion of consistency with the POCD?
- Was there less opportunity for independent review and public input?

¹ https://clear.media.uconn.edu/wp-content/uploads/sites/163/2023/10/planningfactsheet.page_.pdf

² https://clear.media.uconn.edu/wp-content/uploads/sites/163/2023/10/luafactsheetszoning.page_.pdf

³ https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-2

- Was the POCD driving regulatory change, or was the POCD being revised to accommodate regulatory objectives that had already been established?
- Would separate commissions provide a more robust process or additional capacity for reviewing planning policy and zoning amendments?

4. Regulatory Development and Legislative Drafting

The Town undertook comprehensive zoning regulation rewrites in approximately 2010–2012 and again between 2015 and 2020. The second rewrite required additional revisions following procedural and substantive issues.

Rather than debating the merits of those regulations, the Committee may wish to examine the process by which they were developed.

Possible questions include:

- Did the Town's regulatory objectives change between the two comprehensive rewrites?
- If so, did the change in Commission structure play a role?
- What other factors contributed to those changes or influenced the outcome? (e.g. membership, staffing, state legislation, economic conditions, or development pressures)
- Does the Commission's institutional structure affect the town's long-term planning objectives?

5. Regulatory Quality, Litigation, and Budgetary Implications

The Town Council specifically directed this Committee to consider staffing, budgetary implications, and potential conflicts.

Although litigation can occur under any governance structure, legal challenges may also provide insight into the quality and clarity of land use regulations.

Possible questions include:

- Has the combined Commission structure affected the clarity and legal defensibility of the Town's regulations?
- Have new regulations clearly expressed legislative intent?
- Have regulatory ambiguities resulted in appeals or litigation?
- Has the Town incorporated lessons learned from previous litigation?
- How has the combined Commission structure affected the decision making process when faced with potential litigation?
- Would separating planning and zoning improve either the regulatory drafting process or affect the decision making process with regards to litigation?
- Does the Commission adequately consider long-range municipal planning and intermunicipal coordination when making decisions?

6. Decision-Making Process and Public Transparency

The Committee may wish to examine the deliberative process surrounding major zoning amendments, including the extent to which planning objectives, alternatives, and consistency with the POCD were developed and discussed prior to adoption.

Possible questions include:

- What information is routinely considered when major zoning changes are proposed?
- How consistently is consistency with the POCD discussed during major zoning amendments?
- How are competing statutory objectives under CGS §8-2 balanced when adopting zoning regulations?
- What weight is given to staff recommendations, legal advice, economic analyses, advisory commissions, public input, and outside experts?
- Can the rationale for major policy decisions clearly be traced in the public record?
- Are alternative approaches publicly considered before major policy or zoning changes are adopted?
- Would separate Planning and Zoning Commissions improve transparency by providing dedicated forums for planning policy and zoning policy before changes are adopted?

Finally, I would appreciate clarification regarding one aspect of the Town Council's resolution. The resolution directs this Committee to evaluate the potential for "conflicts of interest." Because that phrase has both legal and ethical meanings, it would be helpful to understand whether the Council intended us to examine only legal or ethical conflicts, or whether it intended the term more broadly to include any conflicts—for example, tensions that arise due to unpopular regulations or unpopular town policies.

These suggestions are intended only as possible discussion topics. I welcome comments, additional ideas, or alternative approaches from fellow Committee members and members of the public. Given our limited six-month timeline, I believe it would be helpful to identify our major research topics early so that we can gather information, review historical records, and have meaningful discussions before preparing our final report.

Respectfully,

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Ad Hoc Committee Member