



# TOWN OF EAST HARTFORD LAND USE TRAINING

Eileen Buckheit  
Director of Development

James N. Tallberg, Esq.  
Corporation Counsel

July 14, 2022

---

---

# East Hartford Town Charter



## The Charter – East Hartford’s Constitution

- Ch. V. Sec. 5.14, Department of Development. “The Director of Development shall coordinate insofar as possible the planning and zoning activities of the town . . .”
-

---

# East Hartford Town Charter



## The Charter – East Hartford’s Constitution

- Ch. V, Sec. 5.1, Corporation Counsel. “The Corporation Counsel shall be the legal advisor of the Town Council, the Mayor, and all town officers, boards and commissions in all matters affecting the town . . . .”
-

---

# Origins of Municipal Authority



- Federal & State Powers Defined in U.S. Constitution.
  - Powers Not Assigned to Federal Government Reserved to States – Tenth Amendment.
  - Local Governments Only Empowered Under State Law.
-



---

# Zoning Authority

- Connecticut's general enabling legislation enacted in 1925 allowing municipalities to adopt zoning regulations by legislative action.
  - Zoning: "A general plan to control and direct the use and development of property in a municipality or a large part of it by dividing it into districts according to the present and potential use of the property." State National Bank of Connecticut v. Planning and Zoning Commission, 156 Conn. 99, 102 (1968).
-

---

# East Hartford Town Charter



## The Charter – East Hartford’s Constitution

- Ch. V. Sec. 5.15, Planning and Zoning Commission.  
“[T]here shall be a combined Planning and Zoning Commission . . .” Conn. Gen. Stat. § 8-1, *et. seq.*

---

# East Hartford Town Charter



## The Charter – East Hartford’s Constitution

- Ch. V. Sec. 5.23, Board of Zoning Appeals. “[T]here shall be a Zoning Board of Appeals with the members and alternates appointed by the Mayor, with the consent of the Council, in accord with the General Statutes . . . .”  
Conn. Gen. Stat. § 8-5, *et. seq.*
-

---

# Zoning Board of Appeals



- Entertain appeals from decisions by zoning enforcement officers.
  - Entertain requests to vary zoning regulations.
  - Entertain certain requests for special exceptions.
-

---

# East Hartford IWWA



## Code of Ordinances

- Sec. 2-37, “The Inland Wetlands/Environment Commission consisting of seven (7) members is hereby established for the purpose of protecting, preserving, maintaining, and using our inland wetlands and watercourses . . .” Conn. Gen. Stat. § 22a-36, *et. seq.*
-

---

# Land Use Issues



## Land Use Boards and Commissions Must Decide Based on the Public Record

- Ex parte communications prohibited.
  - Predetermination or predisposition; bias of agency members.
  - Undue influence by elected officials must be avoided.
-

---

# Statutory References



## Connecticut General Statutes

- §§ 7-148t, 8-11, 8-21, 22a42(c). Members of land use boards and commissions prohibited from appearing before their agency or participating in matters in which they have a financial interest.
-

---

# Mandatory Land Use Training



- **Public Act 21-29**
    - Signed into law by Governor Ned Lamont on June 10, 2021.
    - Makes certain changes to the state Zoning Enabling Act, Conn. Gen. Stat. § 8-2.
-

---

# Public Act 21-29



Section 9 of P.A. 21-29 includes new requirements for:

- Training of Municipal Land Use Officials.
  - Establishment of Land Use Training Guidelines.
  - Reporting on Training Compliance.
-

---

# Training of Municipal Land Use Officials



- “On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training.”
  - “Such training shall include at least one hour concerning affordable and fair housing policies...”
-

---

# Ethics



- Ethics: “Of or relating to moral action, conduct, motive or character. . . conforming to professional standards of conduct.” Black’s Law Dictionary.
  - State Code of Ethics. Connecticut General Statutes § 1-79, *et seq.* (not applicable to municipalities but provides guidance).
  - East Hartford Board of Ethics. “[s]hall receive complaints from any person of any alleged violation of the Town’s Code of Ethics” East Hartford Town Code, Sec. 15-20.
-

---

# Declaration of Policy



- “If local government is to maintain the public trust and confidence, then it must insist that public officials, officers, and employees be as far removed as possible from private and conflicting interests in the performance of their public responsibilities.” East Hartford Town Code, Sec. 15-9.
  - Public officials held to a higher standard.
-

---

# Conflicts of Interest



- Interest: “[M]eans direct or indirect pecuniary or material benefit accruing to public officials, officers, and employees as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town . . .” East Hartford Town Code, Sec. 15-11.
-

---

# Who decides?



- Consult the Town Code of Ethics or applicable statute.
  - Consult Planning Staff and Corporation Counsel.
  - Ask yourself whether you can be fair or impartial despite the special relationship or circumstance.
  - Consider whether the appearance of a potential conflict should be avoided.
-

---

# FOI



- Promotes open government.
  - Broadly construed in favor of disclosure.
  - Open meeting requirements.
  - Exceptions: Executive sessions, caucuses, leadership.
  - Public records – Hartford Courant Front Page Rule.
-

---

# Resources



## **UConn CLEAR Land Use Academy – Basic/Advanced Training Courses (Free) –**

- The State recommends Board members participate in a Basic Training Course provided by the CLEAR Land Use Academy.
- Advanced Courses are also available
- Wealth of Matter-Specific Resources, Webinars, and Interactive Tools
- [Clear.uconn.edu](http://Clear.uconn.edu)

## **Southeastern Connecticut Council of Governments (Free) –**

- Universally Applicable Videos and Reference Guides on Public Meetings, Hearing Procedures, and Ethics
- [Seccog.org/land-use-training](http://Seccog.org/land-use-training)

## **Connecticut Federation of Planning and Zoning Agencies (Membership Based) –**

- Recorded Webinars on Legislative Updates, Affordable Housing
  - Seasonal Newsletters with Case Law Summaries
  - [Cfpza.org](http://Cfpza.org)
-