

TOWN COUNCIL/TOWN PLAN AND ZONING COMMISSION  
BUILDING-ZONE REGULATIONS WORKING GROUP  
MINUTES OF JANUARY 24, 2022 SPECIAL MEETING

*The meeting commenced at 5:30 PM through Zoom Video Conferencing.*

**Present:** Subcommittee Members: Thomas P. Gullotta, Kurt P. Cavanaugh, Raymond Hassett and Laura Cahill; Rebecca Augur, AICP, Director of Planning and Land Use Services and Jonathan E. Mullen, AICP, Planner

## **1. Outdoor Dining**

Rebecca Augur called the meeting to order and then made a presentation to the group. The presentation detailed the revisions staff has made to the draft zoning regulation language. The changes made included:

- Augmenting purpose and intent to address types of food establishments and emphasize need for attractive design and avoidance of nuisances
- TPZ review and approval, with staff review required
- Augmenting requirements for “simplified” site plan applications to include more specific information on the location and type of barriers, as well as the layout and amenities of the outdoor area
- Providing alternative language for limiting the amount of parking that can be occupied to something that would scale with the size of the food establishment
- Augmenting requirement for emergency vehicle access
- Changing permitted hours of operation to extend to 11pm
- Prohibiting use of jersey barriers or cinder block for barriers
- Augmenting light standards to limit use to the outdoor area
- New limitations for noise.

Ms. Augur stated that the forthcoming Town Center Village District (TCVD) guidelines would aid in the design of outdoor dining areas. However, the TPZ could look to guidelines that other towns have developed as guidance until the TCVD design guidelines are complete. She then shared guidelines drafted by FHI Studio, Engineering Consultants, for the City of Stamford.

Jonathan Mullen had spoken with the Town Planner for West Hartford, Todd Dumais who reported that typically there were no new diners in outdoor establishments after 10 pm. Mr. Mullen suggested that Glastonbury could require that no new diners be seated after 10 pm with all outdoor dining activities concluding by 11:00 pm. Councilman Gullotta stated that he was in favor of limiting the number of outdoor seats allowed in parking spaces to a specific number rather than a percentage. He also was in favor of no new diners seated in outdoor dining areas after 10:00 pm; Commissioner Cahill agreed. She also recommended to Councilmen Gullotta and Cavanaugh that the Town Council should adopt a noise ordinance because it would help with enforcing noise restrictions on outdoor dining areas.

Commissioner Cahill also expressed concern regarding the design of barriers around outdoor dining areas. She stated that she was not in favor of metal fencing. Councilman Cavanaugh requested that staff review local establishments that have outdoor dining in parking areas and report back to the Committee.

Commissioner Hassett stated that he was in favor of using a percentage of the floor area of the establishment to determine the number of seats permitted in parking spaces because it is fair and considers different-sized dining establishments. There was a discussion of specific establishments and the merits of using a percentage of the size of the establishment versus using a specific number of seats allowed parking spaces. Ms. Augur indicated that the new law does not specifically state that towns can limit seating in parking areas and that staff was attempting to establish reasonable limits. Commissioner Hassett recommended that language be added to the regulations restricting the use of ADA parking spaces for outdoor seating. The group agreed that outdoor seating in parking areas should be determined by using a percentage of the establishment's floor area. They also agreed that no new outdoor diners shall be seated after 10:00 pm with all outdoor dining activities concluding by 11:00pm.

Ms. Augur stated that staff would make those revisions to the draft language and send it to the TPZ for February 15, 2022.

## **2. Accessory Dwelling Units**

Ms. Augur explained that the Town of Glastonbury POCD, Draft Affordable Housing Plan, Age Friendly Community Plan and the Housing Survey all support Accessory Dwelling Units (ADU). She then reviewed specific language of PA 21-29 stating that it permits Accessory Dwelling Units as of right, subject only to an administrative site plan approval. She also stated the new law allows ADUs to either be attached or detached, with a maximum area equal to 30% of principal structure or 1,000 square feet. She then stated that a municipality could not impose stricter architectural standards than would be applied to a single-family house. The law requires that ADU's have one parking space and there can be no relationship or minimum age requirements and there can be no periodic renewal requirements. Ms. Augur further stated that ADU's must conform to all building codes, and cannot be used as short-term rentals (Air BNB).

Municipalities have until January 1, 2023 to either revise their regulations to conform to state law, opt out and revise the existing regulations, or opt out and keep the existing regulations. She explained that for a municipality to opt out there needs to be a 2/3 vote of both the TPZ and the Town Council. Both bodies must state their reasons for opting out on the record. Municipalities may not opt out of the state regulations if they have not done so by February 1, 2023. Ms. Augur stated to the group that Glastonbury's current regulations regarding Accessory Apartments share many of the same elements as the new state law.

Councilman Gullotta expressed concern potential abuse of the law including having too many people in an apartment. Ms. Augur stated that the Health Department would intervene in situations of overcrowding. Mr. Gullotta then stated that he would be in favor of opting out of the regulations and revising the existing regulations. Councilman Cavanaugh asked if the Town was able to designate certain areas of town where ADU's would be permitted. Ms. Augur stated

that they would be permitted in all residential zones under the new law. Councilman Cavanaugh expressed concern about detached structures and over reach of the state into local zoning. Commissioner Hassett expressed concern about creating two-family residences in single-family zones. Commissioner Cahill expressed concern that ADU's could be used as short-term rentals. Ms. Augur stated that the new law allows towns to prohibit ADU's as short-term rentals. Commissioner Cahill stated that she was in favor of opting out and revising the existing regulations. The group agreed to that the Town should opt out of the state law and revise the existing regulations.

Commissioner Cahill stated in Section 3.27.c, the word "received" should be replaced with the word "approved" to avoid automatic approval during moratorium. She stated that she would send an email to the Town Manager and town staff regarding this change. Ms. Augur stated that staff would schedule this change for the next available TPZ meeting. Ms. Augur stated that at the next meeting on February 7, 2022 the group would be reviewing revisions to outdoor dining and ADU regulations as well as changes to Sections 4 and 5 of the regulations.

Meeting adjourned at 6:30 pm

Respectfully submitted,

Jonathan E. Mullen, AICP  
Planner