

THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
AMENDED REGULAR MEETING MINUTES OF TUESDAY, MARCH 15, 2022
(pages 2, 3, 4)

The Glastonbury Town Plan and Zoning Commission with Rebecca Augur, AICP, Director of Planning and Land Use Services and Jonathan E. Mullen, AICP, Planner, in attendance held a Regular Meeting at 7:00 P.M via Zoom video conferencing. The video was broadcast in real time and via a live video stream.

ROLL CALL

Commission Members Present

Mr. Robert Zanolungo, Jr., Chairman
Mr. Raymond Hassett
Mr. Corey Turner
Mr. Christopher Griffin
Ms. Laura Cahill, Alternate {assigned as a voting member}
Ms. Alice Sexton, Alternate {assigned as a voting member}

Commission Members Absent

Ms. Sharon Purtill, Vice Chairman
Mr. Michael Botelho, Secretary
Vacancy

Chairman Zanolungo called the meeting to order at 7:00 P.M. He seated Commissioners Cahill and Sexton in the absence of Commissioners Purtill and Botelho.

PUBLIC HEARINGS

1. Application of Anthony Mendes for a Section 6.11 Special Permit – adding a kitchen to create an accessory apartment – 101 Founders Road – Residence AA Zone

Mr. Mullen explained that the applicant, Mr. Mendes, seeks approval for an accessory apartment, which existed when he purchased the home in July 2021. Upon renovating the apartment for his mother to move in, Mr. Mendes discovered that there were no building permits or zoning approval for the apartment. Mr. Mullen reviewed the details of the open floor plan. The site complies with all building ordinances. The owner will be living in the principal structure.

Chairman Zanolungo was not at the subcommittee meeting, but he noted that Vice Chairman Purtill was and did not express any concerns with the application. Commissioner Cahill asked if there needs to be a deed restriction so that the apartment will continue to be owner-occupied in a subsequent sale. Mr. Mullen stated that, at this time, an affidavit is required. Ms. Augur added that the regulations do not require a deed restriction; however, the special permit requires that the owner of the house reside in either the principal unit or the accessory unit.

There were no comments from the public, so Chairman Zanolungo closed the public hearing.

Motion by: Commissioner Cahill

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission approve the application of Anthony Mendes for a Section 6.11 Accessory Apartment Special Permit – 101 Founders Road – Residence AA Zone – in accordance with plans on file with the Office of Community Development

And

1. In compliance with standards contained in a report from the Fire Marshal, File #21-041R, plans reviewed 03-07-2022.
2. In adherence to the Police Chief's memorandum dated March 11, 2022.
3. This is a Section 6.11 Special Permit for an Accessory Apartment. If unforeseen conditions are encountered during construction that would cause deviation from the approved plans, the applicant shall consult with the Office of Community Development to determine what further approvals, if any, are required.

Result: Motion passed unanimously {6-0-0}.

2. Re-approval of language amendments to the Adaptive Redevelopment Zone (ARZ) / Planned Area Development (PAD) regulations – approved 2017 with no effective date

Ms. Augur explained that these amendments were adopted by both the Council and TPZ in 2017, but no effective dates were set. While the Town Attorney is reasonably confident that the regulations still stand, it is recommended that the TPZ re-adopt the language with an effective date. Commissioner Hassett asked if the recommendation will be for a retroactive date. Ms. Augur stated that they will adopt with a new effective date. ~~So prospectively~~.

Mr. Mullen opened the floor for comments from Zoom attendees.

Ilene Grueneberg of 86 Hubbard Street, asked what happened to the 2015 recommendation, which proposed changing the purpose statement of the ARZ.

Ms. Augur explained that neither she nor Mr. Mullen were working for the Town at the time. They have searched through the public records, which show that the TPZ forwarded a recommendation to the Council, but they could not find that the Council ever took it up in a meeting. Chairman Zanolungo suggested that Ms. Grueneberg bring up the question to the Council as well. Commissioner Hassett asked what the difference was between the 2015 language and what is now being recommended. Ms. Augur explained that there is no inconsistency between the two.

Betsy Thompson of 70 Hubbard Street, believes there is an inconsistency because the 2015 language seems more restrictive than the 2017 language. The 2015 language stated that parcel size can affect density and parking, whereas the 2017 language was concerned solely with

parking and tandem. Chairman Zanolungo encouraged her to ask these questions to the Council as well.

Motion by: Commissioner Turner

Seconded by: Commissioner Griffin

MOVED, that the Town Plan & Zoning Commission recommends to the Town Council re-adoption of the amendments to the Glastonbury Building Zone Regulations: amendments to sections 4.12 – Planned Area Development, and 4.17 – Adaptive Redevelopment Zone.

Result: Motion passed unanimously {6-0-0}.

REGULAR MEETING

1. Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items *None*
2. Acceptance of the Minutes of the February 15, 2022 Regular Meeting

Motion by: Commissioner Hassett

Seconded by: Commissioner Griffin

Result: Minutes were accepted unanimously {6-0-0}.

3. CONSENT CALENDAR

- a. Scheduling of Public Hearings for the Regular Meeting of April 5, 2022:
 - i. Recommendation to Town Council on Adoption of Glastonbury Affordable Housing Plan 2022-27

Motion by: Commissioner Cahill

Seconded by: Commissioner Griffin

Result: Consent calendar was accepted unanimously {6-0-0}.

4. Discussion – Potential Opt Out of State Laws Regarding Accessory Dwelling Units and Residential Parking Standards

Ms. Augur explained that the Building-Zone Regulations Working Group seeks counsel from the TPZ on how to best proceed on two issues. Per Public Act 21-29, state legislation on Accessory Dwelling Units (ADUs) and Residential Parking Standards will become municipal law. There is a two-step process to opt out of the new state standards, which requires a two-thirds vote from the TPZ and a two-thirds vote from the Council. Otherwise, the ADU legislation will become municipal law in January 2023. There is no time limit for opting out of parking provisions, but the state law is currently in effect *as of October 1, 2022 until the municipality opts out.*

Ms. Augur showed examples of both permitted and unpermitted ADUs in existence in Glastonbury. She then reviewed several Glastonbury planning documents which have encouraged ADUs in town. The existing regulations on “parental dwellings” were amended in 1991 to become “accessory apartments,” then twice revised, most recently in 2019. While the

local regulations are fairly consistent with the state law, there are some key differences. Glastonbury's permitting process requires a special permit, whereas the state regulation would make it an as-of-right use. It also enables detached accessory units, which are not currently allowed in the local regulation. Additionally, state law allows a greater maximum floor area, no maximum occupancy, and no required affidavits or periodic renewal of permits.

Ms. Augur explained that the Town could either opt out and maintain the current regulations; opt out and revise current regulations to be more in keeping with Public Act 21-29; or revise the current regulations to completely comply with the state regulations. The Working Group is leaning towards the second option. Since 1983, Glastonbury has averaged fewer than three accessory apartments per year. Ms. Augur also shared anecdotal information from other towns. Ridgefield has seen no marked change in applications as a result of switching the permit type. Stonington enabled as-of-right ADUs in 2018 and has received about 24 applications since. At the same time, they enabled detached ADUs by special permit and have received no applications.

Commissioner Cahill added that the Working Group also discussed the benefit of making the application process easier, which would further the intention of the state regulation, but they have not yet pursued that reasoning in depth. Ms. Augur read Vice Chairman Purtill's thoughts on the matter *contained in an email into the record*. Ms. Purtill finds that the Town has more options by opting out of the legislation and revising the current regulations. She commented on the history of accessory apartments, which are small and limited in occupancy. She finds that the Town could consider enabling detached structures. She noted that accessory apartments are not considered affordable housing in the eyes of the state. Glastonbury should opt out of the new state regulation on the larger maximum floor area. Accessory apartments were intended to assist the owner of the unit, not to create rental housing.

Commissioner Hassett finds the size an issue. The consensus of the Working Group was that 1,000 square feet was not a huge disparity. However, maintaining the owner-occupied component is very important to ensure that the property is properly managed. He also noted that the definition of 'family' in Section 2.16 is somewhat vague. Glastonbury's current regulation does not permit detached accessory dwellings. He noted that there will also be a public hearing on this. Ms. Augur clarified that the Town's provision of owner occupancy is compliant with the state law. Therefore, it can be continued.

Commissioner Turner agrees with the option to opt out of the state legislation and adjust the current provisions. He asked why accessory apartments in detached garages are allowed for existing structures but not permitted for newer detached garages. He also asked about short-term rentals. Ms. Augur stated that the Town does not have any regulations on short-term rentals yet; however, when asked, they say that they do not allow them. Commissioner Cahill stated that the Working Group is trying to address this issue.

Commissioner Sexton is not inclined to opt out. The statute was meant to expand housing options in Connecticut. Irrespective of whether it is counted as 'affordable housing,' it is still going to be affordable housing, so it meets a need. She agrees with Commissioner Cahill's point about making the process less burdensome for applicants. She is in favor of the changes that were made in the state legislation.

Commissioner Cahill pointed out that Mark Branse, who is a non-voting member of the Working Group, mentioned that two towns have required that their ADUs be deed restricted, to make them qualified affordable housing units. Commissioner Griffin agrees with keeping the owner occupancy requirement. He suggested a special permitting process as a possible way to alleviate concerns regarding detached structures. He also agreed with Commissioner Hassett on tightening up the language regarding the definition of family. Commissioner Griffin finds that determining how ADUs could qualify as affordable housing units requires a much larger discussion. Should they pursue that route, he suggested a central authority for tracking and enforcement.

Ms. Augur stated that they may return with the opt out process, knowing that changes are in the works. She then reviewed the state law on parking standards, which requires more than one parking space for each studio or one-bedroom unit, or more than two parking spaces for each two or more-bedroom unit. Glastonbury is compliant with this already, except for the Town Center Zone and the ARZ. Because the state law is in effect right now, Glastonbury cannot enforce the 1.5 spaces per one-bedroom unit in the Town Center multi-family or 1.5 spaces per unit in the ARZ unless the Town chooses to opt out. The inclination of the Working Group is to opt out. Chairman Zanolungo stated that they do not want to lose the ability of ensuring that parking does not get out of hand. Commissioner Sexton is a little more inclined to opt out of this provision.

5. **Chairman's Report** *None*

6. **Report from Community Development Staff** *None*

Motion by: Commissioner Hassett

Seconded by: Commissioner Cahill

MOVED, that the Glastonbury Town Plan and Zoning Commission adjourns their regular meeting of March 15, 2022 at 8:13 P.M.

Result: Motion was passed unanimously {6-0-0}.

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk