

TOWN COUNCIL/TOWN PLAN AND ZONING COMMISSION
BUILDING-ZONE REGULATIONS WORKING GROUP
MINUTES OF FEBRUARY 28, 2022 SPECIAL MEETING

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

Present: Subcommittee Members: Councilman Thomas P. Gullotta, Commissioners Raymond Hassett and Laura Cahill
Staff: Rebecca Augur, AICP, Director of Planning & Land Use Services and Jonathan E. Mullen, AICP, Planner
Others: Attorney Mark Branse

Excused: Councilman Kurt P. Cavanaugh

1. Accessory Dwelling Units

Ms. Augur called the meeting to order and stated that the group would be going over Accessory Dwelling Units (ADUs), Section 2-Definitions, Inclusionary Zoning, and parking.

Ms. Augur said that staff drafted text for Section 6.11 Accessory Apartment based on comments received from the Working Group at the February 7 meeting. Ms. Augur described the changes to the group, which included the following:

- Attempt to compromise on detached units by enabling accessory apartments in existing accessory structures only with specific design standards
- Updated special permit language to address conversion of existing accessory structures
- Revised maximum occupancy to one family
- Revised maximum size to 1,000 square feet
- Prohibited use of accessory apartment for short-term rentals
- Removed biennial affidavit of ownership requirement

Ms. Cahill asked that staff address amnesty for existing unpermitted accessory apartments as suggested at the February 7 meeting. She said that would be good way to add affordable housing units. Mr. Gullotta expressed concern about short-term rental enforcement. He felt the burden would be on the neighbors to enforce the regulations. Mr. Hassett asked if the term short-term rental was defined. Ms. Augur replied yes. Ms. Augur then asked the group if they were comfortable with the new language regarding conversion to accessory apartment of an existing accessory structure. Mr. Gullotta is in support of allowing conversions of existing accessory structures as long as it was approved by special permit. Ms. Cahill and Attorney Branse both stated that they were in support of the language. Mr. Hassett expressed concern that allowing detached ADUs had the potential for abuses of the regulations, specifically in the form of short-term rentals. He noted that he was in favor of keeping accessory apartments attached because it would be consistent with the way TPZ has historically treated these applications. He added that he felt having attached accessory units would be easier to enforce. Attorney Branse suggested a maximum distance that detached accessory apartments could be located from the principal structure. There was a discussion among the group about the appropriate distance to locate an accessory apartment from the principal structure. Ms. Augur said that staff would research this issue and report back. Ms. Augur then stated that it is important that the group check in with the TPZ and Town Council to ensure that both groups agree with the proposed regulations. The group agreed that staff would appear before both groups to give an overview of the draft regulations.

Ms. Augur recommended that the amnesty program be addressed after the new accessory apartment regulations were adopted. Attorney Branse and Ms. Cahill recommended that staff draft language for the amnesty program. They also recommended that all accessory apartments created as part of the amnesty

program, be affordable units. Ms. Augur recommended waiting until the after the Affordable Housing Plan, which is nearing completion, is adopted before addressing affordable requirements for accessory apartments or inclusionary zoning. Ms. Cahill disagreed, stating that the Town missed opportunities to require affordable units in recent multi-family developments because there were no inclusionary regulations. Ms. Augur reiterated that the most efficient use of everyone's time would be for the Building-Zone Regulations Working Group to check in with both TPZ and Town Council to see if both bodies agreed regarding affordable housing issues before acting on inclusionary zoning regulations. Mr. Gullotta stated that he would like to move forward on the inclusionary zoning regulations, however, he was willing to wait unless the adoption process for the Affordable Housing Plan is too slow.

Definitions

Ms. Augur noted that staff drafted new language for several definitions in Section 2. Changes include the following:

- New definitions for the terms "Abutting," "Alter/Alteration," "Bed and Breakfast," "Club," "Drive-In," "Drive-Through," "Enlargement," "Lot Coverage," and "Short-Term Rental."
- Revisions to the terms "Building Height," "Convalescent Home," "Single-Family Dwelling," "Family," "Average Grade," "Guest House," "Hotel-Inn-Motel," "Lot Area," "Non-Conforming Building," and "Use."
- Inserted placeholder language for terms that need further discussion/policy decisions including "Flood Zone" and "Floor Area Ratio."
- Renumbering and alphabetizing.

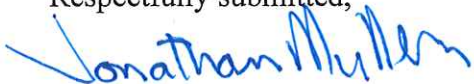
Parking

Ms. Augur stated that Public Act 21-29, which went into effect October 1, 2021, stipulates that municipalities cannot enforce parking regulations that require more than one space per studio to one-bedroom units, or two spaces for two or more bedroom units. The Town can opt out of this provision by a 2/3 vote from TPZ and Council and there is no time limit to opt out. Ms. Augur said that the Adaptive Redevelopment Zone (ARZ) currently requires 1.5 spaces per unit and the Town Center Zone (TC) currently requires 1.5 spaces per one-bedroom unit in multifamily development and 2 spaces per dwelling for single- and two-family. Mr. Gullotta stated that that Town should keep the existing regulations. Attorney Branse offered that the town could opt out and revisit the regulation later. Ms. Cahill expressed concern about too much pavement in the Town Center. Mr. Hassett agreed with Mr. Gullotta that the Town should opt out and keep the existing regulations. Ms. Augur stated that staff would make presentations to the Town Council and TPZ regarding this issue.

Ms. Augur stated that the Town Council would be acting on the draft regulations for outdoor dining, the Architectural and Site Design Review Committee and cannabis at their March 8, 2022 meeting. She added that staff would seek to get on the agendas for TPZ and Town Council to discuss accessory apartments and parking. Ms. Augur stated that the group's next meeting would be on March 14 and the topics would be Section 3, and a general discussion of inclusionary zoning.

Meeting adjourned at 6:36 pm.

Respectfully submitted,



Jonathan E. Mullen, AICP
Planner