

MEMORANDUM

TO: Town Plan and Zoning Commission

FROM: Jonathan E. Mullen, Planner

DATE: September 27, 2022



RE: **Potential "Opt-Out" of provisions of Public Act 21-29 with regard to Accessory Dwelling Units and maximum parking limits for multi-family housing**

The TPZ is holding a public hearing on October 4, 2022 to opt-out of the provisions of Public Act 21-29 (PA 21-29) regarding new Accessory Dwelling Units (ADU) and maximum parking requirements. For both ADUs and parking, the Town may opt-out and maintain the existing regulations, opt-out and modify the existing regulations to suit the needs of Glastonbury, or the Town can revise the Building-Zone Regulations to conform with the provisions of PA 21-29. The Town can opt-out with a 2/3 vote of both the TPZ and the Town Council. Both bodies have to state on the record their reasons for opting out.

Glastonbury's existing regulations with regard to both ADUs and parking are already in alignment with many of the provisions of PA 21-29. Members of the Building-Zone Regulations Working Group and the TPZ have expressed a preference to opt-out of the provisions of PA 21-29 regarding ADUs and parking and revise the Building-Zone Regulations to best fit Glastonbury.

Included for your review are minutes from the February 7, 2022 meeting of the Town Council/Town Plan and Zoning Commission Building-Zone Working Group and the March 15, 2022 Town Plan and Zoning Commission and draft motions for opting out of the provisions of PA 29-21 regarding ADUs and parking.



Accessory Dwelling Units, Parking Standards

Town Plan and Zoning Commission

Public Hearing to Opt Out of ADU
and Parking Provisions of PA 21-29

October 10, 2022



Introduction

- Public Act 21-29 requires two-step process to opt out of new standards on ADUs and Parking, requiring:
 - 2/3 vote of the TPZ
 - 2/3 vote of Council
- ADU legislation becomes local law unless opted out by 1/1/23
- No time limit on opting out of parking provisions; however, the state law is currently in effect
- BZR Working Group discussed Accessory Dwelling Units (ADU) and Parking Standards as pertains to Public Act 21-29



What Are Accessory Dwelling Units?

- Dwelling units that are smaller, independent dwellings located on the same lot as a principal dwelling
- Offer an opportunity to diversify and increase housing supply without adding new public infrastructure or necessarily new construction
- Can reduce housing costs for tenants as well as provide income to owners, possibly enabling owners to stay in their homes longer
- Recent University of California Irvine study showed adding an ADU raised property value an average 40-60%
- Glastonbury has both permitted and unpermitted accessory apartments (145 identified in Assessor's data) – enabling a less arduous path to approval can help regulate and/or increase compliance



What Are Accessory Dwelling Units?



Source: CTMLS, Inc.





Glastonbury Planning Documents

- Public input during Affordable Housing Committee Workshop on 1/31 to remove barriers to accessory units
- Strategy 4.1.1 in Adopted Affordable Housing Plan (2022-27) recommends enabling accessory apartments by zoning permit or site plan, consistent with new law
- 2018-28 Plan of Conservation and Development Housing Policies (h): “Continue to support opportunities for the establishment of accessory apartments in order to allow for a variety of housing opportunities.”
- Age-Friendly Community Action Plan (2021) Recommendation 4: “Encourage the creation of shared housing options for older residents who want to age in place, while living with their families;” Action Item 1: “Support the evaluation/ modification of any restrictive zoning to allow increased in-law housing options.”
- Affordable Housing Plan Community Survey (2021): 63% of respondents agreed that accessory dwelling units could be a good way to meet housing needs of a variety of people within existing houses.



State Law

Public Act No. 21-29

Section 1. Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

...

(b) As used in this chapter and section 6 of this act:

- (1) "Accessory apartment" means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;

...

- (3) "As of right" means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations;

Sec. 6. (NEW) (Effective January 1, 2022) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

- (1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;



State Law

- (2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;
- (3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;
- (4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;
- (5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;
- (6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments;
and



State Law

- (7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.
- (b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.
- (c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.
- (d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.



State Law

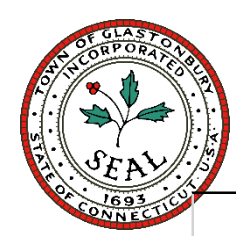
(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.



Existing Regulations and Units

- “Parental Dwellings” were established as a special permit use in 1983
- Those regulations were significantly amended in 1991 to become “accessory apartments” with further revisions in 2008 and 2019
 - Special permits have been required consistently
 - 2019 revisions distinguished between and added new standards for basement and semi-detached accessory units
- Of 145 existing single-family units identified as having an in-law apartment in Assessor’s data, 65 with permitting records
 - 9 were issued between 1984 and 1991, prior to significant regulation revision
 - Average 2.6 permits per year



Comparison of Existing Regs to PA 21-29

Existing Glastonbury Regulation	Requirements of PA 21-29
Accessory apartments enabled on any single-family lot in any zone	Accessory apartments enabled on any single-family lot in any zone
Allowed by Special Permit	As of Right Use
Allows construction, addition, or renovation of one subordinate accessory apartment as an integrated part of any existing single family dwelling. May be in basement, internal or semi-detached.	Enables attached, internal or detached accessory units.
Max. floor area of accessory unit: 800 sq ft	Max. floor area of accessory unit: Not to exceed 30% of the livable floor area of principal dwelling or 1,000 sq ft, whichever is less
Lot, Setbacks, Height, Architecture: Must meet zone standards	Lot, Setbacks, Height, Architecture: Cannot be more stringent than zone standards
Max. occupancy of accessory unit: 3; not more than 2 of whom may be adults	Max occupancy of accessory unit: None
Connection Between Units: Not required	Connection Between Units: Prohibited from requiring
Utilities: May be common or separate metering	Utilities: May be common or separate metering
Parking: one additional parking space required	Parking: one additional parking space required
Residency: Property owner must live in either principal or accessory unit	Residency: No provisions - presume owner occupancy can still be required
Affidavit: Require affidavit every two years and at time of sale that owner resides on property	Affidavit: Prohibited from requiring affidavits or periodic renewal of permits
Public Health: Health Dept. approval required for onsite sewage and well water supply, if used	Public Health: Health Dept. approval required for onsite sewage and well water supply, if used
Basement accessory units: finished space must conform to Building and Fire Codes with regard to egress; one internal access to principal unit <i>may</i> be provided.	Basement accessory units: No specific provisions. The finished space of all accessory units must conform to Building and Fire codes. Internal access between units cannot be required.
	Other: Prohibited from requiring: exterior door to accessory unit unless required by Building Code; certain type of relationship between occupants; or minimum age of occupants

Gray indicates local existing provisions generally consistent with state law, tan indicates provisions that differ



Potential Actions

- Option 1: Opt Out
 - 1a: Opt out and maintain existing accessory apartment regulation
 - 1b: Opt out and revise existing accessory apartment regulation in the spirit of Glastonbury plans/ policies and PA 21-29 to reduce regulatory hurdles
- Option 2 – Revise Regulations to Comply with PA 21-29

Members of BZR Working Group and TPZ expressed a preference for Option 1b



Accessory Apartment Reg Revisions

- Draft revisions to current Section 6.11
 - Attempt to compromise on detached units by enabling accessory apartments *in existing accessory structures only* with specific design standards
 - Revise maximum occupancy to one family
 - Revise maximum size to 1,000 sq ft
 - Prohibit use of accessory apartment for short-term rentals
 - Remove requirement for biennial affidavit of ownership

- Maintains Special Permit requirement



Parking Standards – State Law

■ Public Act 21-29

Sec. 4. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

...
(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

...
(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

...
Sec. 5. (NEW) (*Effective October 1, 2021*) The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.



Glastonbury Planning Documents

- 2018-28 Plan of Conservation and Development (POCD) Transportation Policies (k): “Work proactively with owners of parcels containing multiple business/ commercial uses to ensure there is adequate parking for all existing and proposed uses.”
- POCD Transportation Policies (l): “Reduce reliance on the automobile in the Town Center Area by adding to, and expanding upon public transportation options, whenever possible.”
- POCD Transportation Policies (m): “Evaluate existing parking regulations and develop standards that address newer uses where appropriate.”



Existing Residential Parking Standards

Existing Glastonbury Regulations	Requirements of PA 21-29
9.11 (b) Dwellings: one parking space for each dwelling unit	1 space/ studio or one-bedroom unit, 2 spaces/ two-or-more-bedroom units
4.13.6 (i) Town Center - Residential:	
Single-family Dwelling: 2 spaces/ unit	
Two-Family Dwelling: 2 spaces/ unit	
Multiple Dwelling: 1 space/studio unit, 1.5 spaces/one-bedroom unit; 2 spaces/ two-or-more-bedroom units	
4.17.2 c(ii) Adaptive Redevelopment Zone	
1.5 spaces/ residential unit	

- Affects multifamily in Town Center and ARZ
- Assume most single-family and two-family dwellings have two or more bedrooms
- Cannot enforce 1.5 spaces per one-bedroom in Town Center multifamily or 1.5 spaces per unit in ARZ unless opt out



Potential Actions

- Option 1: Opt Out
 - 1a: Opt out and maintain existing accessory parking standards
- Option 2 – Revise Regulations to Comply with PA 21-29

Members of TPZ expressed a preference for Option 1a

TOWN COUNCIL/TOWN PLAN AND ZONING COMMISSION
BUILDING-ZONE REGULATIONS WORKING GROUP
Portion of MINUTES OF FEBRUARY 7, 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
Staff: Rebecca Augur, AICP, Director of Planning and Land Use Services and Jonathan E. Mullen, AICP, Planner
Others: Mark Branse

Accessory Dwelling Units

Ms. Augur stated that at the January 31, 2022 Affordable Housing Steering committee meeting several members of the public made statements that the Town should make the approval process for Accessory Dwelling Units (ADUs) easier. She also pointed out that the Draft Affordable Housing Plan, and several other planning documents call for a more streamlined approval process. Ms. Augur then gave a brief history of ADUs in Glastonbury stating that “parental units” were established in 1980s as special permit. The regulations were amended in 1991, 2008, and 2019; however ADUs have always required a special permit. Ms. Augur then stated that the assessor’s data shows that there are 145 existing units with In-Law Apartments/ADUs. Of those units only 65 have permits and only 9 permits were granted between 1984 and 1991 for an average of 2.6 permits per year since the 1980s.

Ms. Augur then shared anecdotal information regarding ADUs in the towns of Stonington and Ridgefield. Neither community saw a change in number of permits sought when they made ADUs as of right as opposed to special permit. Ms. Augur then showed the group a chart that compared the new State law and the existing Glastonbury regulations. The chart revealed that Glastonbury’s regulations had many similarities to the State law. Ms. Augur noted that there five key differences. The first difference is the permitting process: state law requires allowing ADUs by right while Glastonbury regulations require a special permit. The second difference was that the new law allows for detached ADUs while Glastonbury regulations prohibit them. The third difference was the new law allows for a maximum size for an ADU of 1,000 square feet or 30% of the total floor area of the principal unit whichever is less, while Glastonbury permits up to 800 square feet. The fourth difference was the state law had no occupancy requirements whereas Glastonbury limits ADU occupancy to 3 three people no more than of which can be 2 adults. The final difference was that the state law prohibits requiring yearly affidavits or periodic renewals, whereas Glastonbury requires affidavits of owner occupancy every 2 years and at time of sales.

Councilman Gullotta asked if the town had to comply with the new state law or could it opt out? Ms. Augur stated that as discussed in previous meetings, the town could opt out and revise the existing regulations. Attorney Mark Branse asked if ADUs would be permitted in basements. Mr. Mullen stated that they would, as they are now under Glastonbury regulations. Commissioner Cahill asked if the new state law would overrule condominium association rules. Ms. Augur and Mr. Branse stated that state law could not override deed restrictions. Ms. Augur presented several methods by which ADUs could be approved including making all types administrative site plan review, categorizing some types of ADUs to be special permit, or keeping all types special permit. She asked the group which method of approval they preferred or whether they were happy with the current regulations.

Councilman Gullotta asked the difference between a special permit and site plan. Ms. Augur stated that special permits require a public hearing, and they give the TPZ more discretion. A site plan approval is based on whether or not a plan meets certain standards. Attorney Branse added that with a site plan there is an irrefutable assumption that the use is permitted anywhere in a zone whereas the TPZ has the discretion to determine whether or not a particular special permit use is appropriate in a particular location in a zone. Attorney Branse stated that site plan approval was not a bad idea for ADUs as they should be appropriate in residential zones. Councilman Kavanaugh stated that he liked the fact that special permit approval requires a public hearing. Attorney Branse stated that the TPZ could hold public hearing on a site plan if they choose. He also cautioned that site plan applications are automatically approved after 65 days and extensions. Councilman Gullotta stated that he favored a special permit approval because it gives neighbors every opportunity to have input on an ADU application and that the TPZ would not be restricted to the site plan timeline. Councilman Gullotta also stated that he would feel comfortable allowing detached ADUs if they were permitted with a special permit.

Ms. Augur reiterated to the group that there are recommendations to make the ADU approval process easier in the draft Affordable Housing Plan that will be going for public hearing at TPZ and Council soon. Councilman Gullotta stated that he was trying to strike a balance between making permitting easier for the applicant and acknowledging that individuals who moved into a neighborhood with certain expectations would be upset if they did not have a say in a change to the neighborhood like allowing an ADU. Councilman Gullotta further stated that he was in favor of allowing someone to apply for a detached ADU, but that person will have to do so with the neighbors knowing about it. He stated that he was not comfortable cutting out the neighbors' opinion. Commissioner Hassett agreed with Councilman Gullotta that neighbors should be able have their voice heard. However, he was not in favor of detached ADUs. He took offense to the fact that someone could essentially put in a completely new home in a space that was neither designed nor intended for such use. Councilman Gullotta stated that the special permit process will have restrictions and the land will limit detached structures. He felt the group should not prohibit detached ADUs but should put the burden on applicant for approval. Ms. Augur suggested that the town could prohibit detached ADUs if we opt out allow them in only in larger lot zones. Councilman Cavanaugh stated that he felt the new state law would allow multi-family housing in single-family zones. He agreed with Commissioner Hassett that he was not in favor of detached ADUs. Councilman Cavanaugh stated that he did not like zoning "creep" from the state and that the town should opt out of the new law. He asked Ms. Augur to explain the Affordable Housing Steering Committee's stance on making ADU permitting process easier. Ms. Augur explained that the special permit process is cumbersome with no certain outcome because TPZ has sole discretion. Commissioner Cahill stated that the town should keep the ADU approval process as a special permit process. She stated that the special permit process offers some protections to the people who buy into neighborhoods with certain expectations as to how the neighborhood is going to be and that they should have say if the neighborhood is going to change. She felt that detached ADUs could cause issues with water and sewer. She stated the example towns (Stonington and Ridgefield) did not get many new applications. Commissioner Cahill stated that she was uncomfortable with 1,000 square foot size. Councilman Gullotta stated that he could imagine new builders possibly constructing ADUs in new homes. Attorney Branse suggested that the group specify whether the approval would be a special permit or a special exception as the former is approve by TPZ and the latter by ZBA. Councilman Cavanaugh stated that he was not in favor of detached ADUs and asked staff to provide a map of the large lot zones. Ms. Augur summarized that the group was not comfortable with allowing detached ADUs at all. Councilman Cavanaugh, and Commissioners Cahill and Hassett stated they were not comfortable allowing them. Councilman Gullotta stated that he was open to allowing them in certain circumstances through special permit and

if the town could choose area of town where they be permitted.

Ms. Augur asked the group about maximum permitted size of ADUs. She indicated that state law allows up to 1,000 square feet or 30% of the principal unit whichever is less, whereas Glastonbury caps ADU size at 800 square feet. She stated that staff has been working with the Assessor to obtain median and average house sizes by zones. Commissioner Hassett suggested that 30% could be more restrictive in smaller zones. Ms. Augur agreed that would be the case for smaller houses. Commissioner Hassett stated that he was in favor of a 1,000 square foot maximum and would like the 30% removed. Attorney Branse stated that approval was through special permit the TPZ would have the discretion to limit the size of an ADU if appropriate. The group agreed to keep 1,000 square feet and remove 30%.

Ms. Augur stated that the current occupancy limits are difficult to enforce and that staff is recommending removing the limits. Attorney Branse stated he agreed with Ms. Augur that occupancy limits are difficult to enforce. He further stated that Health Code dictates how many people can occupy a room. Councilman Gullotta expressed concern about overcrowding. He asked if it was possible for TPZ to include language in a special permit limiting number of people to occupy an ADU. Ms Augur stated that would be difficult to enforce. Councilman Gullotta stated that the neighbors would complain to the town and that will help with enforcement. Attorney Branse suggested adding language to say that an ADU will only be occupied by one family. He admitted that it would be difficult to enforce such language however. Commissioner Hassett expressed concern that it was always going to be an enforcement issue and recommended leaving the language as is. He also expressed concern that grandparents could take in grandchildren, which could put stress on the school system. Councilman Cavanaugh agreed with Commissioner Hassett. Commissioner Cahill stated that she didn't think it was fair to restrict a 1,000 square foot ADU to 3 occupants when there are no occupancy restrictions on a 1,000 square foot single-family house. She recommended removing the occupancy limit or possibly limiting to a maximum of 6 people to be consistent with the definition of a family. Attorney Branse recommended an amnesty program for unpermitted ADUs provided that the owner deed restrict the unit as affordable.

Ms. Augur recommended that the town require owner occupancy but remove the affidavit requirement as the regulations ensure owner occupancy. Commissioner Cahill agreed that the affidavit requirement should be removed. Commissioner Hassett questioned removing the affidavit requirement. Ms. Augur stated that the regulations ensure owner occupancy and the new state law prohibits zoning regulations from requiring affidavits. Councilman Gullotta asked how the town would ensure owner occupancy. Attorney Branse stated that special permits are filed on the land records and property owners are obligated to know what is permitted on their property.

Ms. Augur recommended to the group that they check in with full TPZ and Town Council because opting out of the state ADU regulations requires a 2/3 vote of each body and it would be a good idea to keep them in the loop. Commissioner Cahill requested that staff prepare draft language for an amnesty program.

Ms. Augur stated that the group's next meeting is February 28, 2022.

THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION

Portion of **REGULAR MEETING MINUTES OF TUESDAY, MARCH 15, 2022**

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

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.

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. 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.
