Implementation of PA 21-29 Subcommittee

MINUTES

November 17, 2022

4:00 p.m. Main Level Meeting Room

Zoning Commissioners Present: Mrs. Hill, Mr. Solley Housing Commissioners Present: Mrs. Gorra, Mr. Woodroofe Also Present: Mr. Charles

After a change of meeting room due to a scheduling conflict, Mr. Solley called the meeting to order at 4:15 p.m.

Discussion followed the order of the document, “Organization of Comments to Date re: Implementation of PA 21-29,” revised 10/28/22. Mr. Solley first noted decisions that had been made at the prior meeting. 1) The Woodville Business District would be included as one of the districts where Multifamily Housing (MFH) would be permitted. 2) MFH would not be permitted in the Lake Waramaug Residential District for several reasons including the steep slopes and wetlands and watercourses in this area, access by dirt road in some sections, and lack of available land. Under Section 13.21.2, Findings, the language in parentheses in the first sentence was deleted.

Under Section 13.21.5.I, Affordability Requirement, Mr. Solley noted Mr. Hileman had stated that this proposed requirement was not allowed per state statute. Mrs. Hill noted if this were true, Washington would not be able to meet the ten percent affordable housing mandate per CGS 8-30g, adding it seemed PA 21-29 and CGS 8-30g could be working against each other. Atty. Zizka will be consulted. Mrs. Hill asked, if the Commission could not require ten percent of the units to be affordable per 8-30g, whether it could try to control some measure of affordability by limiting the size of a percentage of the units. Atty. Zizka will be asked if this would be legally possible.

Regarding 13.21.5.J, Design Guidelines, Mr. Solley thought the proposed language was thorough, but possibly too stringent. He said Atty. Zizka had objected to limiting compatible design to only that existing in the “neighborhood” and said “surrounding community” should be added. Atty. Zizka will be asked if this is still too specific. Under J.6, Mr. Woodroofe questioned whether the maximum number of units per building should be limited to four. Mr. Solley agreed, suggesting this be increased to six. While she was OK with six, Mrs. Hill thought the more units per building, the less residential it might appear. Mr. Charles explained the number of bedrooms and number of people to be served without the necessity of a water company also impact the number of units possible per building. Regarding the proposed standard for pitched roofs, Mr. Solley said roof lines should be mixed rather than one continuous line and thought an architect’s model would help to illustrate this. It was noted that J.7 would require MFH development to be designed and located to use the existing topography, natural features, and vegetation on the lot.

Proposed standards for landscaping and site design were considered. Mr. Solley explained under the special permit process the applicant would be required to prove to the Commission that the proposed MFH project, met the standards adopted in the Regulations.

Many MFH standards were reviewed as the discussion progressed. Outdoor Lighting: “Dark Sky Friendly” lighting will be required for both residential and commercial districts and the installation of timers and motion sensors required. Mr. Solley noted the Commission must review and approve any lighting plan submitted. Pre Application Advice: It was decided that prior to the submission of the application, a preliminary discussion with the Zoning Commission would be required. Access: The requirement for written approval for the access driveway from either the Board of Selectmen for town roads or the state DOT for state highways would be included in the MFH regulations. Some minimum standards for access will be needed to ensure safe emergency vehicle access. Maintenance of Common Areas: It was thought this would be governed by a homeowners’ association agreement, which would be reviewed by the Commission. Bond: Atty. Zizka had previously explained that the Commission could bond only public improvements and erosion and sedimentation control measures. Home occupations: While this will also probably be addressed by homeowners’ association rules, it was agreed that home occupations such as shop and storage use by contractors and building tradesmen and those that would have clients visiting the unit would not be permitted. Dimensional requirements such as setbacks, lot coverage, and frontage: It was generally thought that the minimum setbacks should be increased for MFH; the front yard setback to at least 100 ft. and the side and rear setbacks doubled to 50 ft. Setbacks for interior lots, which are already greater than for frontage lots, would be decided later. It was the consensus not to decrease the density permitted on interior lots; those with only 50 ft. or no frontage.

The need to implement additional or different standards regarding setbacks, lot coverage, and frontage for MFH in commercial districts where the lots are generally smaller was considered.

The subcommittee thought about the current soil based zoning regulations and what greater density might be allowed for MFH. Mr. Solley suggested a multiplier of three. For example, this would mean that Class A soils, which require 2 acres per dwelling, would support 3 MFH dwelling units. Discussion brought up additional factors such as town vs state road access, lot coverage, open space requirements, and improvements in septic system technology, which might also impact density. It was hoped that once the maximum density to be allowed on each parcel was determined, that the dwelling units would be clustered in one area and the remainder of the property kept in its natural state. Mrs. Hill thought the subcommittee should consider increasing the density multiplier for commercial districts to 4X. She referred to the Plan of Conservation and Development’s support for townhouses in the village centers and questioned how this could be accomplished with a multiplier of only 3.

Mr. Woodroofe suggested MFH units might be more attractive and better maintained if the owner was required to live there. Mrs. Hill and Mrs. Gorra thought this would deter developers. Mr. Solley noted under the current accessory apartment regulations, the owner must reside on the property and that if the owner was required to live in a MFH unit, the unit could not then be rented out. He stressed the Zoning Commission does not want to police the rental market and said again the homeowners’ association would most likely have rules governing rentals. Mrs. Hill suggested that one way to bring down the cost of accessory apartments would be to permit two attached units per property, noting that the owner is required to reside on the premises in this case and attached accessory apartments are approved by the enforcement officer without a public hearing.

The questions at the end of the document were briefly reviewed. 1. The question of whether MFH should be included within Section 13 or in an entirely new section will be referred to Atty. Zizka. Mrs. Hill noted that all but one of the existing uses listed in Section 13 require a special permit and public hearing and wondered if there were smaller MFH developments that would require a site plan review instead, if this would help to determine how these regs should be organized. Atty. Zizka had previously suggested that not all MFH applications require a public hearing. Mr. Solley noted that the Commission could conduct a public hearing during the site plan review process if it determined it would be in the public interest to do so. 2. This matter had already been resolved. MFH will be permitted in the Woodville district. 3. It was thought the definitions of multifamily dwelling vs. multifamily housing should be studied and referred to Atty. Zizka to learn whether additional language is needed. Mr. Charles noted PA 21-29 includes definitions of different types of MFH. 4. Whether smaller MFH developments in the commercial districts or elsewhere under specific limiting circumstances should always require a special permit and public hearing was deliberated. It was the consensus that some smaller and/or limited MFH developments could require site plan review by the Commission. 5. It was again agreed that preliminary discussions with the Commission will be required. 6. The subcommittee supported the design standards proposed to date. Mrs. Hill recommended the Regulations include illustrations of recommended architectural styles that could possibly influence developers. Again, it was agreed that more than four units per building could be permitted. If allowed, when MFH units were proposed in a New England style farmhouse with connected barn, for example, it would not be evident when driving by that this was a MFH development and it could blend in with the scenery and historic and/or older buildings in the area. 7. Regarding outdoor lighting, it was agreed this lighting should be controlled in both the residential and commercial districts. 8. and 9. Density was again discussed. This would vary by soil type, but not by neighborhood. For MFH, the maximum number of dwelling units per soil type would be multiplied by 3 or 4 times. In addition to soil based zoning, the Health Dept. could limit the number of units permitted and the Commission agreed to set a maximum limit of 30 units for developments accessed by a state highway and 20 for those on town roads. Whether to allow small MFH developments on dirt roads is still to be decided. 10. Whether to require traffic studies for all applications was discussed. Mr. Solley thought that a small MFH project such as four units on three acres, would not impact traffic, but that a larger development such as twenty units accessed by a town road, could. He strongly recommended the Commission retain the right to require a traffic study whenever it deems one necessary. 11. It was the consensus that soil based zoning with multipliers could be effectively used to increase the density needed for MFH.

Private road standards were discussed. Mr. Solley stated that typically the project engineer knows the road construction standards needed to ensure safety, but thought the MFH regulations should mirror the Town’s road construction standards. Atty. Zizka will be asked how to address this matter.

Mrs. Hill said for the next meeting she would prepare draft regulations based on the subcommittee’s discussion to date and a list of the questions and issues to be referred to Atty. Zizka.

The next two subcommittee meetings were scheduled for 3-5 on Wednesday, November 30 and 3-5 on Wednesday, December 7. The location is to be determined. It was hoped both meetings could be held on Zoom.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill