PA 21-29 Implementation Subcommittee

MINUTES

3:00 p.m. Main Level Meeting Room

ZONING MEMBERS PRESENT: Mrs. Andersen, Mrs. Hill, Mr. Solley HOUSING MEMBERS PRESENT: Mrs. Gorra, Mr. Woodroofe ALSO PRESENT: Mr. Charles

Mr. Solley called the meeting to order at 3:06 p.m. Draft #8 of the proposed Multifamily Housing regulations and Atty. Zizka’s comments and responses to questions sent to him since the 8/3/23 meeting had been circulated to all subcommittee members.

Mrs. Andersen stated Section 13.12 deals with two types of MFH; “new build” and “conversion of existing buildings.” She viewed the proposed section as a two-pronged approach and offered revised language in draft #8’s Section 13.12.1 and throughout to clarify the differences between the two types.

The issue of existing or preexisting buildings and whether the subcommittee would be concerned if a new house was constructed and soon afterwards converted to MFH was discussed. Mr. Woodroofe noted Atty. Zizka had written that if this did not bother the subcommittee, it would not bother him. Mrs. Andersen did not think property owners should be discriminated against on the basis of how long they had owned a property. Mr. Solley pointed out the conversion of a relatively new building would not have to meet the same setback requirements as would new MFH buildings. Mrs. Hill thought that having first been built as a single family dwelling, when converted, the resulting MFH would fit in with its surroundings. Mrs. Gorra agreed and thought MFH in converted buildings would fit appropriately in the neighborhood.

Mrs. Andersen suggested special permits be required for all new MFH, while all converted MFH should be by right with site plan review by the Commission. Mrs. Hill voiced her concern because she was not sure this change would be in keeping with the intent of PA 21-29 and so recommended this be referred to Atty. Zizka for his opinion. Mr. Solley noted the current draft bases the kind of permit required on the number of units proposed rather than whether they are new or converted. Mrs. Andersen thought it should be easier to convert an existing house than to build any new MFH. As an example of how to encourage conversions, she said converted MFH units should not have to comply with the Affordability requirement. It was noted this was already specified in Section 13.12.5.D. Mrs. Hill thought the draft regulations already make the distinction that Mrs. Andersen proposed so she had no problem changing “existing” to “converted” throughout, but thought the proposed change to require all new MFH by special permit was a major one. Mrs. Andersen stressed that all new MFH would need an appropriate review, while the regulations covering converted units could favor homeowners living in Town. Mrs. Hill questioned whether a regulation favoring residents over non residents would be proper. Mrs. Andersen responded there were already inequalities in the current draft such as the number of units permitted on town versus state roads.

Mrs. Andersen said it was not clear how Section 13.12.5.H regarding the maximum number of MFH units per development should be interpreted and that was one reason the special permit process is so important. Mr. Solley noted the subcommittee’s intent was to limit the number of units per development, not per lot, and therefore, did not think “lot” should be used in this section. Mrs. Andersen asked if a maximum number of MFH units per town would be set. Mr. Solley read Atty. Zizka’s advice on this matter.

Atty. Zizka had recommended Section 13.10 be eliminated and it was the consensus to do so. Mrs. Andersen said Section 13.11.1 should also be eliminated. Mr. Solley reviewed the differences between MFH and accessory apartments, noting no changes were proposed for accessory apartments, which was a completely different category of housing. Mrs. Hill noted one advantage with the accessory apartment regulations is that they give property owners who will continue to reside on the property more control over factors such as unit size and driveway access. Mr. Solley noted conversion of a home requires a special permit under the current Zoning regulations, but would be by right per the MFH regulations when four units or fewer were proposed.

Mr. Solley briefly reviewed the changes made to the draft based on the decisions made at the 8/3/2023 meeting.

Atty. Zizka had responded to questions raised at the 8/3 meeting. It was the consensus to include his recommended language for Section 13.12.7.A and to revise Section 12.15 so that the outdoor lighting regulations would apply throughout Town rather than only to the residential districts.

Mrs. Gorra left the meeting at 4:00 p.m.

Discussion briefly returned to the question of whether the subcommittee had any concerns that under the current draft, developers could build a new dwelling and soon after apply to convert it to MFH. Members were polled and were neutral. Atty. Zizka will be asked whether he thinks this might result in unintended or harmful consequences, especially if this type of conversion were to happen on a large scale.

Mrs. Hill brought up Mr. White’s opinion that he had expressed at the previous meeting that MFH should be permitted in all districts and not prohibited in the Lake Waramaug Residential District (LWRD). Mr. Solley noted that both the Lake Waramaug Task Force and LW Association were very protective of the lake, but he would be willing to include the LWRD and have the Zoning Commission and public weigh in. He suggested this matter be referred to the Task Force for its opinion. While Mr. Woodroofe was not sure whether the nature of the lake and its environment would be a valid reason for the LWRD to be MFH’s sole exemption, he did think that all neighborhoods should bear responsibility for it. Mrs. Andersen agreed there should be no discrimination against any part of Town and she asked why the Task Force should be consulted when those who oversee other watersheds are not. It was the consensus to permit MFH in the LWRD and the draft will be revised accordingly.

Mrs. Hill was disappointed the drafting of this section was taking so long that the process would not be completed and MFH regulations adopted prior to the end of Mr. Solley’s and Mr. White’s terms.

Mr. Charles asked if under the original (and since deleted) Multifamily District regulations, there had been a maximum number of units permitted. There had not. He also suggested the subcommittee might set a maximum number of units, possibly 40, for those situations where MFH was proposed on two or more adjoining lots.

The next subcommittee meeting was scheduled for Thursday, August 24 at 3:00 p.m. in the hope that the draft could be completed by that time so that it could be distributed to the Zoning Commission and discussed at Zoning’s 8/28 meeting. Mrs. Andersen will send her proposed revisions to the subcommittee for review prior to the 8/24 meeting.

It was agreed to review the 8/3/2023 minutes at the next meeting. The meeting was adjourned at 4:35 p.m.

FILED SUBJECT TO APPROVAL Respectfully submitted, Janet M. Hill