

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
Zoning Commission Special Meeting

**MINUTES**

February 5, 2024

5:30 P.M. – Hybrid Meeting

**MEMBERS PRESENT: J. Hill, B. Farrell, J. Averill, V. Andersen**

**MEMBERS ABSENT: D. Werkhoven,**

**ALTERNATES PRESENT: S. Smith, L. Adams**

**ALTERNATES ABSENT: S. Mongar**

**STAFF PRESENT: Ms. White**

**PUBLIC PRESENT: Ann Jamieson (Press: Voices), C. Charles, D. Hopkins, L. Frank, Mr. and Mrs. Thompson, Mr. and Mrs. Solomon**

**Via Zoom: W. Hileman, J. Barnet, A. Carron, E. White, Other Members of the Public**

Chair Hill called the meeting to order at 5:35pm.

She seated herself, B. Farrell, J. Averill, V. Andersen and L. Adams for D. Werkhoven

Chair Hill started the discussion by explaining that the Commission will go section by section and she asked that the seated commissioners mention any questions or suggested revisions starting with Section 13.12 **Multifamily Housing** final Draft #11, dated 9/21/2023. She explained that the final revisions will be sent to Attorney Zizka when the Zoning Commission is done with this review. Attorney Zizka will be able to advise as to whether the revisions are small enough for the Zoning Commission to vote or the revisions are significant enough to warrant a new public hearing.

Chair Hill noted that a letter from Mrs. C. Thompson was submitted today but the Zoning Commission could not consider it as the public hearing has been closed. The document will be held in the file for the record and may be considered if a new public hearing is required.

Section 13.12.1 Purpose: Chair Hill suggested the word “limited” be eliminated in the second line of this section. She stated that Atty. Kelly expressed, in his September 21, 2023 email, that it sets a negative tone on this section and that the Zoning Commission did not fully support Multifamily housing.

All Commissioners agreed to eliminate the word “limited”.

Mr. Carron recommending the deletion of “promote” in the last sentence of this section because it’s unnecessary as the regulations already include this elsewhere.

All Commissioners agreed to retain the word “promote”.

There was a brief discussion regarding eliminating “all zoning districts” in the 3<sup>rd</sup> line of this section. Chair Hill noted that the Planning Commission had stated that the POCD did not support multifamily housing throughout the entire Town but it did for the village centers. Language allowing multifamily housing in all zoning districts is included in this section and sections 13.12.2 and 13.12.3. The Commissioners agreed to retain this language and would possibly consider removing after going through the rest of the revisions.

The Commissioners discussed multifamily housing in the villages, near the river, in floodplains and revision of zoning wetland setbacks. Chair Hill was briefly discussed and will be revisited at a later date.

Ms. Averill asked if there would be a way to separate smaller scale and larger scale multifamily housing. The Commissioners discussed converting existing homes/structures, accessory apartments and new construction.

Chair Hill informed the Commissioners that Atty. Zizka had advised allow multifamily housing in the widest area possible.

Chair Hill noted that Planning Commission Chair Hileman has spoken about keeping the vibrancy of town centers alive by having more people living in these areas.

The Commissioners discussed whether the town centers have the infrastructure to support multifamily housing.

Soil-based zoning and minimum acre of parcels were discussed. Ms. Hill explained that soil-based zoning would be a separate issue to discuss in the future if the Commission wanted to. She stated that soil-based zoning allows you to have three times the density of the residential districts and six times the density for the commercial districts.

Section 13.12.2 Findings: The Commissioners discussed changing “rental apartments and condominium units” to “owned and rental units” (starting at line 14 of this section). Textual changes and the date of January 1, 2023, was changed to January 1, 2024 throughout the document (see attached Revisions per 2-5-24 Zoning Meeting).

Chair Hill stated that several people objected to calling Section 13.12.2 “Findings” and that it would not be an accurate heading for this section. The Commissioners agreed that “Findings” would be changed to “Background.”

The last sentence in Section 13.12.2 “as these three documents” will be added for clarification.

Section 13.12.3 Applicability: The Commissioners discussed whether it was necessary to list all of the districts and decided that they would not make any changes. refer to attached revisions.

Section 13.12.5.D Affordability Requirement: Chair Hill noted that Commission had received feedback that she feels was a misunderstanding regarding this section as it pertains to a certain percentage of affordable units versus units under 8-30g – The Affordable Housing Act. She recommended that the difference between the two needs to be spelled out more clearly in our Zoning Regulations. It was agreed that a request will be sent to Counsel about clear language that differentiates the types of affordable units – those that fall under the required 10% and those that fall under 8-30g.

This differentiation would allow better understanding of the types of affordable housing that requires a Special Permit under Section 13.12.4 Type of Special Permit Required.

The Commissioners discussed how these revisions allow 20 and 30 multifamily unit developments which require 10% of those units to be affordable. Ms. Andersen feels that this would not be an incentive for contractors that would consider building multifamily housing projects in Washington. Ms. Averill suggested including language that would waive the 10% requirement with smaller scale developments. Chair Hill stated that this could be considered.

The Commissioners discussed the need for affordable housing and housing for those that are not necessarily affordable but for people who would like to downsize and stay in town.

There was a brief discussion regarding section 13.2.5.A Preliminary Discussion that the applicant would have with the Zoning Commission. Ms. White stated that this is similar to the preapplication meetings that she and Ms. Haverstock have with applicants for any Land Use applications. It is nonbinding but it is to the applicant's advantage to get the feedback so that they can bring forward an application and plan that complies with the regulations.

The Commissioners agreed to add "...and new construction Multifamily Housing projects consisting of nine units or less are" exempt from the 10% Affordability requirement to 13.12.5.D.

13.12.5.E. Utilities: Chair Hill mentioned the comments submitted by the Planning Commission that underground utilities would be cost prohibitive to some smaller scale developments.

The Commissioners agreed to add "and for new construction Multifamily Housing projects consisting of nine units or less."

13.12.5.G. Traffic Study: The Commissioners discussed the number of multifamily units that would be allowed on Town roads. They considered whether there should be additional language addressing unpaved Town roads. Multifamily units in a converted structure and new construction multifamily units were discussed. The Commissioners discussed safety and maintenance for these unpaved roads and whether they could handle the extra traffic.

The Commissioners agreed to add "On unpaved roads the only type of Multifamily Housing that shall be permitted is the conversion of existing single family dwellings and/or their accessory buildings" to Section 13.12.5.H Maximum Number of Units per Development .

13.12.5.I Maximum Size of Multifamily Housing Units: The Commission briefly discussed the maximum size of 2600 square feet for each unit. Chair Hill stated that the size was based on the existing multifamily housing in Town. No changes were made in this section.

13.12.6 Design Standards for All Multifamily Housing Applications: Chair Hill mentioned that M. Gorra's, ECD, letter stated that the design standards were cost prohibitive for single building multifamily projects and that single building multifamily projects should be governed in the same way as single family houses.

The Commissioners discussed how the standards were safety related and that the guidelines could in fact, decrease the cost of development. There was a brief discussion regarding safety and the need to have buildings located so that emergency vehicles could access the different units. Landscaping requirements were discussed as well.

The Commission scheduled a Special Meeting for February 20, 2024, at 7:30 in the Main Conference Room at Bryan Memorial Town Hall.

Meeting adjourned at 7:04 pm

Respectfully Submitted,

*Shelley White*

Shelley White  
Land Use Administrator  
2-9-2024

Link to Mtg Recording:

[2024-2-5 ZC MFD Wrkshop Sp Mtg.WAV](#)

(ctrl,click to open link)

**Revisions per 2/5/24 Zoning Meeting**

13.12 **Multifamily Housing.**

13.12.1 Purpose. The purpose of this Section 13.12 is to provide a **[Delete: “limited”]** additional opportunity for Multifamily Housing in all zoning districts without changing the essential rural, historic, and low-density residential composition of the Town of Washington. There are two types of Multifamily Housing: new construction and conversion of existing housing or buildings, that are addressed and promoted in this section.

13.12.2 **[Rename section heading: Background]**. The Commission finds that the Town of Washington has historically been developed primarily as a low-density residential community, that the Town has been shaped by that low-density development, and that it is essential to preserve and maintain that development for the benefit of existing and future residents. Nevertheless, the Commission finds that there is a need for Multifamily Housing within the Town. The current zoning regulations provide opportunities for some housing diversity, but the Commission finds that additional opportunities can be provided in all zoning districts without sacrificing the essential qualities that define Washington. Such additional opportunities may be made available by providing for Multifamily Housing, both **[Delete: “rental apartments and condominium” and Insert: “owned and rental”]** units, throughout **[Insert: “the”]** Town. However, the Commission also finds that, to properly protect the Town from unusually rapid or overly dense development of Multifamily Housing in any area, it is necessary to limit the density of any single Multifamily Housing development in accordance with lot boundaries existing as of January 1, **[Change date to 2024]**. Regulations providing for such additional housing opportunities are supported by recommendations in the Town of Washington’s “Housing Plan – 2022-2027,” the 2014 Washington Plan of Conservation and Development, and the requirements of Connecticut state statute PA 21-29, as **[Insert: “these three documents”]** may thereafter be amended.

13.12.3 Applicability. Multifamily Housing as defined in Section 21.1.21 of these Regulations may be located in all zoning districts: R-1, R-2, R-3, B-1, B-2, B-3, and B-4. In order to protect all areas of Town from sudden, disproportionate increases in housing density, the number

of Multifamily Housing units allowed for any application shall be limited in accordance with lot boundaries existing as of January 1, **[Change date to 2024]**. Such lots shall be referred to in these regulations as "MFH-Qualified Lots."

13.12.4 Type of Permit Required.

A. Special Permit. A special permit shall be required for all Multifamily Housing dwelling units applied for pursuant to this Section 13.12, and all procedures and standards set forth in Sections 13.1 through 13.4 inclusive shall be applicable, except as may be specifically modified in this Section 13.12 as follows:

B. Site Plan Review by the Commission.

1. A site plan review by the Commission, but not a special permit, shall be required for the review and approval of Multifamily Housing applications consisting of six or fewer units within a single building in the B-1, B-2, B-3, and B-4 Districts.
2. A site plan review by the Commission, but not a special permit, shall be required for the review and approval of Multifamily Housing applications consisting of four or fewer units within a single building in the R-1, R-2, and R-3 Districts, provided all units are set back a minimum of 75 feet from the front property line.
3. A site plan review by the Commission, but not a special permit, shall be required for the review and approval of Multifamily Housing applications consisting of a total of four or fewer units in the R-1, R-2, and R-3 Districts, provided all such units are contained within a building that has been occupied as a single family dwelling for no less than five years and/or an accessory building to such dwelling, regardless of the existing setback of such buildings from the front property line.

C. For all Multifamily Housing applications when site plan review by the Commission is required, the Commission shall receive public comment.

13.12.5 Additional Standards and Procedures for All Multifamily Housing Applications.

A. Preliminary Discussion. Applicants shall meet with the Zoning Commission for a preliminary discussion and review of the preliminary site development and architectural plans prior to the drafting of final plans and the submission of the completed application. Comments made by both parties at this preliminary

discussion shall be non-binding.

B. Survey. All applications for Multifamily Housing shall be accompanied by an A-2 boundary survey of the subject parcel and a site plan per Section 14.

C. Approvals from other state and/or Town departments and agencies may be required. These include written confirmation of septic system approval from the state DEEP or local Health Department per Section 2.3.6, state or Town well or water supply approval, driveway approval from the Board of Selectmen or State DOT per Sections 2.3.9 and 14.7.2, and/or other approvals as may be appropriate from departments such as the Fire Marshal, Inland Wetlands Commission, Historic District Commission, etc. **[Spell out: Multifamily Housing]** applicants should consult with these other departments for additional permit requirements. No work may be commenced under any zoning permit until all other required permits have been issued.

D. Affordability Requirement. No fewer than ten percent (10%) of the total number of units proposed in any application shall be subject to binding recorded deeds containing covenants or restriction **[Delete: “which” and Insert: “that”]** require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income as defined in CGS Section 8-30g(a). The number of affordable units required shall be rounded up to the next whole number. Multifamily Housing proposed within an existing single family dwelling and/or its existing accessory building **[Insert: “and new construction Multifamily Housing projects consisting of nine units or less”]** **[Change: “is” to “are”]** exempt from the 10% Affordability requirement.

E. Utilities. All utilities shall be located underground. The Commission may waive this requirement when appropriate for Multifamily Housing proposed within existing dwellings and/or their existing accessory buildings **[Insert: “and for new construction Multifamily Housing projects consisting of nine units or less”]**.

F. Parking. Parking facilities shall be in accordance with Section 15 of these Regulations, shall be provided

with convenient access to the building(s), and shall be located behind the building(s) and/or screened from from public roads wherever possible.

G. Traffic Study. A traffic study may be required if deemed appropriate by the Commission.

H. Maximum Number of Units per Development. The maximum number of Multifamily Housing units per MFH-Qualified Lot shall be 20 for the total development accessed from a town road and 30 for the total development accessed from a state highway. **[Insert: “On unpaved roads the only type of Multifamily Housing that shall be permitted is the conversion of existing single family dwellings and/or their accessory buildings.”]** If any MFH-Qualified Lot has been divided into smaller lots after January 1, **[Change date to 2024]**, the maximum number of Multifamily Housing units allowed by this section shall be cumulative for all such lots.