

TOWN OF FARMINGTON
PLAN & ZONING COMMISSION

July 11, 2022

Present for the online web meeting were Chair St. James, Commissioners Carrier, Grabulis, Halstead, Hutvagner, Sanford (in at 7:07) and Alternate Commissioner Rackliffe. Sr. Assistant Town Planner Cyr, Clerk Michaud and Town Council Liaison Vibert were also present. The meeting was called to order at 7:01 p.m.

Present in the Development Conference Room was Sr. Assistant Town Planner Cyr, Clerk Michaud and Chair St. James. All others were present online.

Secretary Halstead read the legal notice into the record.

NEW BUSINESS

402 Farmington Ave, LLC – 400 Farmington Avenue

Alternate Commissioner Rackliffe was appointed to vote on behalf of Commissioner Sanford.

Accept the 402 Farmington Ave, LLC application for special permit for blasting at 400 Farmington Avenue, BR zone and schedule public hearing (recommended hearing date of July 25, 2022).

Upon a motion made and seconded (Carrier/Halstead) it was unanimously

VOTED: To accept the 402 Farmington Ave, LLC application for special permit for blasting at 400 Farmington Avenue, BR zone and schedule public hearing for July 25, 2022.

Town of Farmington – Text Amendment

Alternate Commissioner Rackliffe was appointed to vote on behalf of Commissioner Sanford.

Accept the Town of Farmington application for Zoning Text Amendment to modify Article II, Section 11. to add Church as a Special Permit Use to the Business Restricted (BR) Zone and schedule public hearing (recommended hearing date of July 25, 2022).

Upon a motion made and seconded (Carrier/Halstead) it was unanimously

VOTED: To accept the Town of Farmington application for Zoning Text Amendment to modify Article II, Section 11. to add Church as a Special Permit Use to the Business Restricted (BR) Zone and schedule public hearing for July 25, 2022.

PUBLIC HEARING

Alternate Commissioner Rackliffe was appointed to vote on behalf of Commissioner Sanford.

Town of Farmington – Municipal Opt Out

Application for Municipal opt-out regarding accessory apartments in accordance with Connecticut General Statute Section 8-2o(f).

ADUs allowed by default, with ability to opt out: PA 21:29 establishes default provisions that allow construction of ADUs (referred to in the Act as "accessory apartments") on lots accompanying single-family homes unless a municipality chooses to opt out of this provision by January 1, 2023. Municipalities that do not opt-out by January 1, 2023, the applicable state provision will override any conflicting local requirement.

Limits on ADU requirements: In addition to allowing ADUs accompanying single-family homes, PA 2'1.-29 places limits on other conditions of approval, including:

- ADUs are not restricted to homeowners or relatives of occupant of primary structure
- Approval process shall not require a public hearing, special permit or special exception; and decisions must be rendered within 65 days of application
- Permission to construct an ADU shall not be conditional to correcting a non-conformity or requiring fire sprinklers if they are not required by the fire code for the principal dwelling
- Regulations shall not require ADUs to have an exterior door, be connected to the primary structure, or have more than one parking space
- Regulations must allow maximum ADU size of at least 1,000 sf or 30% of the size of the primary structure, whichever is smaller
- The construction of an ADU may not trigger more restrictive lot coverage requirements than applicable to the primary home, require greater setbacks than are required for the primary home, require greater height, landscaping, and architectural design standards than apply to single-family dwellings
- ADUs shall not be required to be affordable
- Municipalities may regulate the use of ADUs as short-term rentals
- ADUs shall not be required to be served by separate utilities and shared septic systems shall not be considered "community wastewater systems" for regulatory purposes

Farmington's current Accessory Apartment regulation permits a maximum accessory apartment size of up to 30% of the living area of the principle dwelling unit with a maximum area of 650sf as of right, and up to 900 sf with a special permit. Both thresholds are less than the 1,000 sf noted in CGS Section 8-2o. Maintaining Farmington's thresholds requires the Commission to opt out.

Farmington's regulation requires all accessory apartments to be established within new or existing single-family homes. Detached accessory apartments are not permitted. CGS 8-2o permits detached accessory apartments. Maintaining Farmington's desire to permit accessory apartments only within existing single-family homes requires the Commission to opt out.

Farmington's regulations include provisions to govern habitable and non-habitable space on residential properties and there are provisions governing expanded homes. These provisions restrict the size of expansions to the principal buildings and restrict the location, size and quantity of accessory structures on a residential property. CGS 8-2o requires that setbacks, lot size and frontage be less than or equal to that required for the principal dwelling, and lot coverage shall be permitted to be greater than or equal to that which is required for the

principal dwelling. Maintaining Farmington's habitable and non-habitable residential requirements and expanded home provisions requires the Commission to opt out.

Jane Scholl, 38 Colton Street, asked for clarification on the Town's current zoning regulation and the proposed changes to the Connecticut General Statutes.

During discussion the Commission suggested reviewing the Town's current Accessory Apartment zoning regulation in the near future for possible updates/revisions.

The public hearing closed at 7:39 p.m.

Upon a motion made and seconded (Carrier/Rackliffe) it was unanimously

VOTED: To approve the Town of Farmington application for Application for Municipal opt-out regarding accessory apartments in accordance with Connecticut General Statute Section 8-2o(f) for the following reasons:

1. Farmington's current Accessory Apartment regulation permits a maximum accessory apartment size of up to 30% of the living area of the principle dwelling unit with a maximum area of 650sf as of right, and up to 900 sf with a special permit. Both thresholds are less than the 1,000 sf noted in CGS Section 8-2o. Maintaining Farmington's thresholds requires the Commission to opt out.
2. Farmington's regulation requires all accessory apartments to be established within new or existing single-family homes. Detached accessory apartments are not permitted. CGS 8-2o permits detached accessory apartments. Maintaining Farmington's desire to permit accessory apartments only within existing single-family homes requires the Commission to opt out.
3. Farmington's regulations include provisions to govern habitable and non-habitable space on residential properties and there are provisions governing expanded homes. These provisions restrict the size of expansions to the principal buildings and restrict the location, size and quantity of accessory structures on a residential property. CGS 8-2o requires that setbacks, lot size and frontage be less than or equal to that required for the principal dwelling, and lot coverage shall be permitted to be greater than or equal to that which is required for the principal dwelling. Maintaining Farmington's habitable and non-habitable residential requirements and expanded home provisions requires the Commission to opt out.

PLANNER'S REPORT

ebm-papst – 100 and 110 Hyde Road

Ebm-papst is proposing to improve an existing walkway between their facilities at 100 and 110 Hyde Road. There is an existing bituminous walkway between the two buildings which is used regularly to move pallets of material between the two locations. Additionally, employees use the walkway regularly between the two buildings. They are proposing to replace the 10-ft wide bituminous walkway with a 10-ft wide concrete walkway with a structural steel canopy.

There is no change to the impervious coverage. The roof will be pitched to the west and

drain into a stone drip line with underdrain which will connect into an existing storm drain which discharges to the woods / wetlands to the west. The existing row of arborvitae will likely need to be removed to accommodate the sidewalk, canopy, columns or piers. Perimeter erosion control will be installed along the western limit of work to protect the wetlands.

Due to the proximity of this work to the wetlands (a portion is located within the 150 ft upland review area) a permit with the Inland Wetlands Commission is required. The application was accepted at the July 6th meeting and the Commission determined the work is not a significant activity and does not require a public hearing.

Due to the limited site plan change staff is suggesting formal permitting with TPZ is not required per Article IV, Section 12.C.3. The Commission can concur or request a site plan modification application. The Commissioners concurred no formal application is required.

Sarjac Partners LLC – 17 Talcott Notch Road

The property owner has been contacted by a religious organization regarding use of first floor space in their building for religious school / classes. Currently, the property has Special Use permits for office use (32,000sf), medical office use (5,000sf) and hair salon. The use as a school is permitted in the BR zone as a special permit use.

Specifically, the church is proposing bible study / religious education at the following times:
Tuesday's Study- 7:00 PM - 9:00 PM
Sunday's Study- 10:00AM – 11:45 AM

The church has been in existence for 30 years and there are approximately 50 members of the church.

Due to the limited use for school / education purposes and the off-peak use as compared to the office use staff is suggesting formal permitting with TPZ is not required per Article IV, Section 12.C.3. The Commission can concur or request a site plan modification application. The Commissioners concurred no formal application is required as long as the intensity of the use stated does not change.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Carrier/Sanford) it was unanimously

VOTED: To approve the June 20, 2022 Town Plan & Zoning Commission meeting minutes.

The meeting adjourned at 8:00 p.m.

SJM