

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – MARCH 22, 2022**

The Town Plan and Zoning Commission held a Meeting at 6:30 p.m., on Tuesday, March 22, 2022. The Town conducted this meeting via WEBEX

Members Present: Tommy Noonan, Chairman; Lenny Braman, Vice Chairman; Meg Francis, Secretary; Kathy Braun; Dan Ford; Steve Levy

Alternate Members Present: Sarah Keitt; Fredda Gordon

Town Department Members Present: Jim Wendt, Planning Director
Emmeline Harrigan, Asst. Planning Director
Josephine Keogh, Clerk

Ms. Keitt sat in place of Ms. Harrison.

Meeting Minutes Motion was made by Ms. Francis, seconded by Ms. Braun and members present unanimously **VOTED TO APPROVE** the Meeting Minutes of March 8, 2022.

236 Commerce Drive Motion was made by Ms. Braun, seconded by Ms. Francis and members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Permit and Coastal Site Plan application of Frank Pepe’s Development Co., LLC, pertaining to a new one-story building for take-out service. Des. Ind. Dist.

92 Center Street Motion was made by Mr. Ford, seconded by Ms. Francis and members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Exception application of Southport School to utilize an existing residence for school administrative use. R-3 Zone

321-325 Reef Road Motion was made by Ms. Francis, seconded by Ms. Keitt and members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Permit and Coastal Site Plan application of Phoenix at Reef Road Corp. pertaining to additions and alterations to an existing building to convert to residential use (9-units) Neigh. Des. Bus. Dist.

750 Tahmore Drive Motion was made by Mr. Braman, seconded by Ms. Francis and members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Exception application of St. Catherine Center for Special Needs for an addition to an existing school. R-3 Zone

Zoning Regulation Amendment

Motion was made by Ms. Braun, seconded by Ms. Francis, **VOTED TO TABLE** the application of the Town Plan and Zoning Commission to amend Section 6.0 of the Zoning Regulations (Accessory Apartments).

For motion to table: Braun, Francis

Against motion: Noonan, Braman, Levy, Ford, Keitt

Therefore, the motion did not carry.

Motion was then made by Mr. Braman, seconded by Ms. Keitt, and the members present unanimously **VOTED TO APPROVE** the amendment to Section 6.0 as drafted:

SECTION 6.0 ACCESSORY APARTMENTS

6.1 Intent and Purpose

The purpose of this regulation is to address the identified need of providing and preserving affordable and secure housing for all the population of the Town, while preserving the appearance and character of the Town's neighborhoods; by permitting, as accessory use, the creation of a separate, self-contained living unit, incidental and subordinate to, an existing single-family residence. The creation of such accessory apartments will promote the general welfare of the Town by allowing all the population to continue to live in our Town, either in their present homes or in the accessory apartments permitted hereunder.

6.2 Definitions

6.2.1 For the purposes of this regulation, the term "accessory apartment" shall be defined as a separate, self-contained living unit subordinate to an existing single-family residence.

6.2.2 For purposes of this regulation, the term "primary dwelling" shall be defined as the unconverted portion of an existing single-family residence.

6.2.1 For purposes of this regulation, the term "principal owner" shall be defined as the owner of not less than a fifty (50) percent interest in the residence.

6.3 Conditions and Requirements

A one-family residence located within lawful setbacks and situated in AAA, AA, R-3, R-2, A, **B** and **C** Zones may be converted into a one-family dwelling with a single accessory apartment, subject to the following conditions and requirements:

- 6.3.1 A principal owner of the residence must reside in either the primary dwelling or the accessory apartment throughout the duration of the permit.
- 6.3.2 The accessory apartment shall contain not more than forty (40) percent of the floor area of the originally existing residence or 1,500 sq. ft. whichever is less.
- 6.3.3 Access to the accessory apartment may be on the front façade of the residence provided that it is separated from the front door of the existing residence by at least 10 feet and maintains the appearance of a single family dwelling. The fire escape or outside stairway, if any, shall be enclosed.
- 6.3.4 The number of off-street parking spaces for the accessory apartment shall be not less than one.
- 6.3.5 The occupancy of the accessory apartment shall be limited to not more than two persons unless such apartment is contracted with the Town of Fairfield or its designated agent to be an “affordable housing” unit as defined in Sect. 31.0, then such occupancy shall be limited to three persons. Neither the existing house nor the accessory apartment can be rented for a period of less than 60 consecutive days.
- 6.3.6 If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory apartment shall be subject to approval by the Department of Health. The accessory apartment shall comply with all applicable housing, building, fire and health code requirements.
- 6.3.7 An accessory apartment may qualify as affordable housing in accordance with the provisions of Subsection 6.3.5 of this regulation and subject to the design criteria of Section 8-30g(k) of the Connecticut General Statutes, as amended, provided that:
 - a. The accessory dwelling unit is to be rented pursuant to the affordable housing provisions of CGS 8-30g, to a tenant as their primary residence whose income is less than or equal to eighty percent of the State Median Income (SMI).
 - b. The application shall be accompanied by a proposed deed, which complies with CGS 8-30g, including a ten (10) year affordable housing deed restriction.
 - c. Before an accessory apartment is occupied, the applicant shall submit satisfactory proof to the Planning Director that the aforesaid deed has been recorded on the Land Records.

d. Prior to occupancy by the initial “affordable housing” tenant(s) and thereafter, by January 31 of each year and upon change of tenant, the owner shall certify that:

i. The subject apartment is rented at or below the maximum rate prescribed in CGS 8-30g and,

ii. The tenant has certified to the owner, under penalty of false statement, that the tenant’s income does not exceed eighty (80) percent of the area median income, as defined in CGS 8-30g.

6.3.8 In the Res AAA, AA, and R-3 Zones, a free-standing accessory structure may be constructed or converted into an Accessory Apartment under the following conditions:

a. The existing lot shall ~~be at least two acres~~ meet the minimum lot area requirement of the applicable Zoning District.

b. The structure must conform to required setbacks and ~~height~~ other design requirements for ~~accessory~~ primary structures

c. The maximum size for the Accessory Apartment within said structure shall be no greater than 40% of the area of the existing main dwelling or 1,500 sq. ft., exclusive of utilities, whichever is less.

d. The proposed Accessory Apartment must conform to all regulations and requirements of the Fairfield Health Department and the Building Department.

e. The primary residence does not contain an Accessory Apartment

6.4 Application Procedure

6.4.1 No conversion contemplated by this regulation shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued until the owner of the residence to be converted has received a written permit from the Zoning Enforcement Officer. The applicant shall first submit such supporting data as the Commission, or its lawfully authorized designee may reasonably request, including the following:

6.4.1.1. An affidavit on a form provided by the Zoning Enforcement Officer.

6.4.1.2 Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.

6.4.1.3 Interior floor plans showing the floor area of the proposed accessory apartment and primary dwelling.

6.4.2 The Town of Fairfield or its designated agent may apply for permits for conversion to create “affordable housing” as defined in Sect. 31.0, provided that a principal owner shall reside in the primary dwelling or apartment upon issuance of a Certificate of Occupancy.

6.5 Duration

The permit and any other form of approval for a dwelling conversion issued hereunder shall be subject to revocation by the Commission upon:

6.5.1 A finding by the Commission, or its lawfully authorized designee, that there is in fact non-compliance with the conditions and requirements contained in Sect. 6.3.

6.6 Sale of Residence

Upon sale of a residence containing an accessory apartment, the new owner of said residence shall file with the Zoning Enforcement Officer within thirty days of the transfer of title to such residence, a notice on a form to be supplied by the Zoning Enforcement Officer, stating whether or not such new owner intends to continue the accessory apartment use. Any such use by a new owner will be subject to all provisions of Section 6.0

Zoning Regulation Amendment Motion was made by Ms. Braun seconded by Ms. Keitt and members present unanimously **VOTED TO APPROVE** the application of the Town Plan and Zoning Commission to opt out of a State-mandated default language for accessory apartments, pursuant to Public Act 21-29.

2-6 Beacon Square Motion was made by Mr. Levy seconded by Ms. Keitt and members present **VOTED TO APPROVE** the Zoning Compliance application of Beacon Square Properties, LLC pertaining to a 26-unit residential development, pursuant to Section 8-30g of the CT General Statutes. R-3 Zone

For the motion: Levy, Noonan, Braman, Ford, Francis, Keitt
Against the motion: Braun

PUBLIC HEARING

Zoning Regulation Amendment Application of the Economic Development Commission to amend Section 12.3.15; 12.4.17; 12.5.15; 13.14.2; 21.16.3.12; and 28.6.12 of the Zoning Regulations.

Mr. Barnhart, Director of Community and Economic Development, presented the proposed application to the Commission.

Public comment followed and rebuttal completed; the hearing was closed.

1073 North Benson Road Special Exception Application of Fairfield University pertaining to the construction of a comfort station and storage building at Barlow Field. AA Zone. **APPLICATION WAS WITHDRAWN**

1609 Fairfield Beach Road Special Exception and Coastal Site Plan Application of Gregory Sargent pertaining to the demolition and reconstruction of a single-family dwelling. Beach Dist.

Mr. Sargent presented the application.

Public comment followed.

This hearing will be continued to April 12, 2022.

Meeting adjourned at 10:00 p.m.

Meg Francis, Secretary

Josephine M. Keogh, Clerk