

# March 26, 2012

**Present:** Gary Fitzherbert, Ray Reich, Nick Solley, Dave Werkhoven

**Alternates Present:**

**Absent:** Lou Abella, Harry Wyant, Andy Shapiro, A.J. Dubois

**Staff Present:** Shelley White, Janet Hill, Mike Ajello

**Others Present:** Atty. Fisher, Mr. Szymanski, P.E., Ms. Federer, Mr. Hyde, Press, Ms. Curtis, Residents Mr. Fitzherbert called the meeting to order at 7:34 p.m.

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Reich, Mr. Solley

## Consideration of the Minutes

The minutes of the February 14, 2012 Zoning Commission Meeting were considered.

Corrections:

Page 4: under condition #4 – meets lot coverage requirements: Last paragraph, 2nd sentence should read: Mr. Solley noted that the original property had an additional 50 +/- acres, but, had been sold off with the close of Wykeham Rise School.

Page 5: 2nd sentence from the top should read: He compared the size of the entire proposed development to the size of New Preston including Rt. 45 and said the size...

Page 6: 5th sentence from the bottom of the page should read: He thought the volumetric change that was applied for with such a small campus with maximum lot coverage was not in harmony with the neighborhood.

Page 7: approximately 2/3 down the page the sentence should read: Mr. Fitzherbert said there had never been any evidence of property values going down in Washington due to the Special Permit process, he thought Washington was immune to declining property values and that this was not a legitimate argument.

Page 11: condition #5 included in the motion: No license shall be sought for the general sale of liquor. The intent of the Commission is that liquor means all alcoholic beverages.

Motion:

to accept the Zoning Meeting Minutes of February 14, 2012, as corrected,  
by Mr. Fitzherbert, seconded by Mr. Reich, passed by 4-0 vote.

## New Application(s)

10 Main Street, LLC./10 Main Street/Special Permit: Sections: 7.5 and 7.6/Increase in Maximum Lot Coverage. Reduction in Minimum Setbacks/Additions to Commercial Building and Garage:

Ms. Hill stated that the Commission could set a hearing for this application. Mr. Ajello briefly discussed the history of the property.

Motion:

to schedule a Public Hearing on April 23, 2012 at Bryan Memorial Town Hall to consider the application for 10 Main Street, LLC. /10 Main Street/Special Permit: Section(s) 7.5 & 7.6/Increase in Maximum Lot Coverage, Reduction in Minimum Setbacks/Additions to Commercial Building and Garage,

by Mr. Fitzherbert, seconded by Mr. Solley, passed by 4-0 vote.

The Gunnery, Inc./22 South Street/Special Permit: Section 4.4.10/Athletic Fields:

The Commission briefly discussed the possibility of scheduling a special meeting for this hearing. It was the consensus of the Commission that this would be the fourth hearing on April 23rd and would be continued to the May Regular Zoning Commission Meeting if necessary.

Motion:

to schedule a Public Hearing on April 23, 2012 at Bryan Memorial Town Hall to consider the application for The Gunnery, Inc./22 South Street/Special Permit: Section 4.4.10/Athletic Fields, by Mr. Fitzherbert, seconded by Mr. Reich, passed by 4-0 vote.

Alger, Karabell/112 River Road/Special Permit: 813.11.3/Detached Accessory Apartment:

The Commission stated that this would be the second Public Hearing on the April Agenda.

Motion:

to schedule a Public Hearing on April 23, 2012 at Bryan Memorial Town Hall to consider the application for Alger, Karabell/112 River Road/Special Permit: Section 13.11.3/Detached Accessory Apartment, by Mr. Fitzherbert, seconded by Mr. Reich, passed by 4-0 vote.

Supply Holding, LLC. /2 Calhoun Street/Special Permit: 8.6 Reduction in Minimum Setback for Two Accessory Structures:

The Commission scheduled this as the 3rd Public Hearing on the April Agenda.

Motion:

to schedule a Public Hearing on April 23, 2012 at Bryan Memorial Town Hall to consider the application for Supply Holding, LLC. /2 Calhoun Street/Special Permit: Section(s) 8.6/Reduction in Minimum Setback for Two Accessory Apartments, by Mr. Fitzherbert, seconded by Mr. Solley, passed by 4-0 vote.

**Other Business**

Wright/14 Kinney Hill Road/Renewal of Special Permit: Section 13.16/Shop and Storage Use by Contractors and Building Tradesmen:

Ms. Hill stated that this Special Permit must be renewed every two years and there have been no changes from the original Special Permit and there have been no complaints.

Motion:

to approve the Renewal of Special Permit for Wright/14 Kinney Hill Road/Section 13.16/Shop and Storage Use by Contractors and Building Tradesmen, by Mr. Reich, seconded by Mr. Solley, passed by 4-0 vote.

LaVerge/226 Bee Brook Road/Renewal of Special Permit: Section 13.14/Bed and Breakfast Establishment:

Ms. Hill stated that there have not been any changes and the Health requirements are current. This Special Permit needs to be renewed every 3 years.

Motion:

to approve the Renewal of Special Permit for Laverge/226 Bee Brook Road/Section 13.14/Bed and Breakfast Establishment,  
by Mr. Solley, seconded by Mr. Reich, passed by 4-0 vote.

Preliminary Discussion/Change in Boundaries for New Preston Business District:

Ms. Hill distributed a map indicating the New Preston Business District and it's boundaries as well as surrounding properties that the Business District boundary line bisects. She stated that the bisected properties must follow the more restrictive R-1 District Regulations. The Commissioners discussed the map.

Attorney Fisher stated that he was present on behalf of Mr. Duchin of Church Street. He discussed the history of the property and that in 1981 the property was approved for a variance for part of the building, for two days a week. Atty. Fisher stated that a previous owner had applied for a variance to have the entire building used to sell books, which was denied because of parking issues. He stated that parking could be available adjacent to the driveway as it has been widened. Atty. Fisher stated that Mr. Duchin bought the property thinking that it was zoned in the commercial district and would like the matter clarified. Atty. Fisher stated that he would like the Commission to consider including the Duchin property in the New Preston Business District if they are planning on revising the boundaries. He confirmed that there are no conservation easements on the property. The Commission briefly discussed Mr. Duchin's and the surrounding properties.

Nauiakas-Harrison/34 Popple Swamp Road/Transfer of Special Permit: Commercial Horseback Riding Establishment:

Ms. Hill stated that the property owners have written a letter stating that they are aware of the Special Permit and that there would be no changes, the conditions would stay the same and only the names would change. She stated the existing Special Permit was issued in June 2004. The Commission discussed the property briefly.

Motion:

to approve the Transfer of Special Permit for Nauiakas-Harrison/34 Popple Swamp Road/Section 4.4.3/Commercial Horseback Establishment,  
by Mr. Reich, seconded by Mr. Fitzherbert, passed by 4-0 vote.

Referral From COGCNV/Proposed Woodbury Aquifer Protection Regulations:

Ms. Hill stated that there are two aquifer protection districts in the Town of Woodbury and there are regulations to govern uses and standards however neither district borders the Town of Washington. It was the consensus of the Commission that the Town does not need to act on this. Ms. Hill stated that she feels the Town of Washington may want to consider regulations to protect aquifers in the future.

Motion:

to add subsequent business/Privilege of the Floor, after item E. under section IV. Other Business,  
by Mr. Fitzherbert, seconded by Mr. Solley, passed by 4-0 vote.

Discussion of Possible Future Revisions to Zoning Regulations:

Mr. Fitzherbert stated that he would like the Commissioners to list possible future revisions to the Town of Washington Zoning Regulations and consider what existing ones work or are not working, are out of date, are irrelevant, need definition, etc.

## 1. Section 13.19 - Telecommunication Antennae, Facilities and Antenna Towers Including Personal Wireless Service Facilities and Towers.

Mr. Fitzherbert stated that he feel Section 13.19 Telecommunication Antennae, Facilities and Antenna Towers Including Personal Wireless Service Facilities and Towers should be considered for revision. He stated that there are 18 pages for this section and the law does not allow a town to request the requirements that are listed because the cell tower companies must apply to the State of Connecticut Citing Council.

Ms. Hill asked if a cell tower company would have to apply to Zoning if a cell tower were to be proposed in an existing structure such as a church steeple. Mr. Fitzherbert stated that the Zoning Commission did deny a cell tower in a structure in the past and the decision was not challenged. Ms. Hill stated that she would research whether there have been any changes in the State Statute that would have language that the Town does not have jurisdiction over a tower being installed in an existing structure.

It was the consensus of the Zoning Commission that they would study Section 13.19 with the goal of decreasing the length and keeping only what the Commission has jurisdiction over. Mr. Fitzherbert asked that the Commissioners to read the section and bring any suggestions to the next Zoning Commission meeting.

Mr. Fitzherbert distributed a copy of Section 1 – Title, Authority, Purpose and read the Purpose section from the Town of Washington Zoning Regulations

### **Privilege of the Floor**

Mr. Hyde stated that he was present for the Enforcement report and to hear any new information regarding parking at the Community Table.

### **Zoning Enforcement**

#### Community Table/223 Litchfield Turnpike:

Mr. Ajello, Zoning Enforcement Officer, stated that he has not heard from the owner since the February Zoning Commission Meeting. He stated that the owner did email a statement that indicates that he would take the suggestions into consideration and hopes to have everything done by the month of June. Mr. Ajello stated that the owner has not forwarded any plans to the Land Use Office as of today.

#### Smith/35 East Shore Road:

Ms. Hill stated that she has contacted the owner, Ms. Smith, and has informed her of the permits and variances that she needs to apply for. Ms. Smith stated that she would work on these applications. The Commission asked that Ms. Hill to write the property owner and ask that she provide the Zoning Commission with an update for the April 23, 2012 Meeting.

### **Other Business, Cont.**

## Discussion of Possible Future Revisions to Zoning Regulations:

### 2. Section 12.14 – Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment.

Mr. Solley suggested that we look at the health hazards of locating a generator.

### 3. Regulations regarding lot coverage specific to the Town's institutional uses and whether pervious surfaces should count and defining the items that are considered lot coverage.

Mr. Solley suggested that the Commission looks at regulations from other towns to see what is counted for coverage and what is not. Ms. Federer stated that there is a lot of different science about the technology so it isn't clear which is right or wrong. She stated that she thinks regulations governing this new technology should include requirements for maintenance, which would require enforcement from the Town.

### 4. Reconsider building lot sizes, soil based zoning.

Mr. Werkhoven stated that the technology with septic systems could allow for denser build outs, which would result in more affordable options for people who are living or want to live in the Town of Washington.

There was a brief discussion regarding abandoned buildings.

### 5. A section under the Special Permit Section for each district to list the standards for each usage.

### 6. Condominiums

There was a discussion regarding high-density housing.

### 7. Should the Town be proactive with building-architectural standards for commercial buildings?

8. A clause that would allow for a "bump" in allowable lot coverage in exchange for a better design. Ms. Federer stated that a better design is very subjective. Ms. Hill stated that she feels the better design would have to be specific. Mr. Fitzherbert stated that he was thinking it could be a maximum of anywhere from 2% to 5%. Mr. Solley stated that he thinks it should be more "cut and dry" in the regulations. Mr. Werkhoven asked why they would not go to the Zoning Board of Appeals. Mr. Ajello stated that the applicant would be required to prove a land-based hardship. Mr. Hyde stated that a slight bump in coverage could be helpful in addressing public safety issues such as sight lines. Ms. Federer stated that she feels that the applicant has some duty to pick a property that suits their needs.

### 9. Depot Business District boundaries.

### 10. Tree houses

### 11. Lot Frontage, Lot Width, Front Yard areas – clean up language and define

### 12. Frontage lots vs. Interior Lots – Lots that have road frontage but under frontage requirements – Other solutions?

### 13. Fences and walls through wetlands – wetlands setbacks

### 14. Signs

15. 200 ft. river setback under Section 17.5 Special Exceptions for Non Conforming Structures.
16. Dog Kennel/Dog Rescue Operation – Definition
17. Airstrips are not mentioned in the Zoning Regulations
18. Width regulations for driveways
19. Is an accessory apartment a single-family dwelling? Define
20. Existing structures on the shoreline used for recreation are not addressed in the Regulations.
21. Distinguishing access ways and driveways in Section 11.4.5
22. Section 13.11 Accessory Buildings - streamline language
23. Zoning Regulations address docks on Lake Waramaug but nowhere else.

Mr. Fitzherbert stated that the Zoning Commission worked a long time on revising the boundaries in Marbledale and he thought the information meeting held at the church was invaluable as it allowed everyone to participate and as a result the ideas from the people were incorporated into the changes of the Zoning Regulations. He stated that he would like the Zoning Commission to do separate information meetings in each district and one for the businesses to get input from the people.

### **Adjournment**

Motion:

to adjourn at 9:45 pm. by Mr. Werkhoven, seconded by Mr. Solley, passed by 4-0 vote.

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk,