

February 3, 2009

MEMBERS PRESENT: Mr. Frank, Mrs. Jahnke, Mr. Rimsky, Mrs. Roberts

MEMBER ABSENT: Ms. Gager

ALTERNATE PRESENT: Mr. Carey

ALTERNATES ABSENT: Mrs. Braverman, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Talbot

Mrs. Roberts called the Meeting to order at 7:35 p.m. and seated Members Frank, Jahnke, Rimsky, and Roberts and Alternate Carey for Ms. Gager.

Consideration of the Minutes

MOTION: To accept the 1/6/09 Public Hearing-Regular Meeting minutes as written. By Mr. Carey, seconded by Mr. Rimsky, and passed 5-0.

MOTION: To add the following subsequent business to the Agenda: 1) Talbot/44 Bell Hill Road/ Request to Remove Note on Approved Subdivision Map and 2) 2009 Regional Plan of Conservation and Development. By Mrs. Roberts, seconded by Mr. Carey, passed 5-0.

There were no new applications.

Other Business

Talbot/44 Bell Hill Road/Request to Remove Note from Approved Subdivision Map:

Mr. Talbot read his letter dated 2/3/09. He explained that 1) when it had approved the subdivision, the Commission had erred in requiring the condition, "lots #1 and #2 may be transferred only to one or more of the subdivider's relatives named in Section 5.8.4.A of the Subdivision Regulations for no consideration," for both lots and 2) that the normal time period in which the Commission requires transfers to relatives only had expired; the lot having been created in 2004. He asked that the note be removed. Mrs. Hill, Administrator, said Mr. Talbot's statements were accurate. She noted that she had consulted with Atty. Miles who had advised 1) no public hearing was required to remove the condition and 2) if the Commission acted to remove the condition, it should file a letter stating its action on the Town Land Records. Mr. Talbot read a draft letter for the Land Records by Atty. Miles. After a brief discussion, the commissioners agreed to the request.

MOTION: Resolved; that the condition, "lots #1 and #2 may be transferred only to one or more of the subdivider's relatives named in Section 5.8.4.A of the Subdivision Regulations for no consideration," that was imposed upon the subdivision property owned by Talbot Realty Trust shown on Map #1639 filed in the Town Clerk's Office be removed and be of no further force or effect; that the revised mylar map eliminating the condition shall be filed on the Land Records; and a letter by the Commission citing this action shall also be filed the Town Land Records. By Mr. Frank, seconded by Mrs. Jahnke, and passed 5-0.

Other Business

Referral from Zoning Commission/Petition to Amend Section 11.7.1 Regarding the Maximum Height of Principal Buildings and Structures in Historic Districts:

The referral, containing the 1/20/09 letter from Mr. Talbot to the Zoning Commission, elevations and measurements of many of the existing buildings in the various historic districts, and copies of Section 11.7 to illustrate how it has evolved over the years, was circulated. Mr. Talbot explained the proposed maximum height limitation for the historic districts would support the Historic District Commission's efforts to require appropriate scale and design for new construction within those districts. He noted this was becoming more difficult as the width of proposed dwellings gets wider and wider and roofs get higher. The proposal calls for a maximum total vertical height for principal buildings and structures in historic districts of 35 feet if on sloping land and 30 feet if on flat land. Mr. Talbot offered to attend the next meeting if the commissioners have any questions.

Procedures and Template for Conservation Easements:

The final template has not yet been received. Mrs. Hill noted that the Planning and Conservation Commissions should also tighten up their review procedures to ensure the Planning Commission receives the same version of the easement as the one Conservation has approved.

Revision of the Subdivision Regulations:

The review of the draft by a consultant was discussed. Mrs. Roberts noted that Mr. Connor had recommended this be done by a planner instead of an attorney because it would be less expensive. Mr. Carey and Mr. Frank thought a review by an engineer was needed. Mr. Frank thought planners had a more conceptual view and that the Regulations require both technical and legal analysis. Mrs. Hill suggested that because the Town now has the Road Construction Specification Ordinance, which supersedes that section of the Subdivision Regulations, that a planner or attorney might recommend Section 6 be deleted or revised, and the review by an engineer would then no longer be necessary. Mr. Rimsky thought a planner could first review the document and point out those sections, which need further technical and/or legal review. He pointed out it would be very expensive to have planning, legal, and technical reviews by three separate consultants. He also was hesitant to have jurisdiction over road construction removed from the Regulations as he wanted the Planning Commission to have some authority if needed. The importance of preliminary discussions and proving the feasibility of proposed building lots was discussed. Mrs. Hill suggested that a sample health form and residential density determination form be included as an addendum to the Regulations. Mrs. Roberts agreed with Mr. Rimsky that a professional planner should review the document first and the Commission would decide whether additional reviews were necessary based on the planner's recommendations. Mr. Carey thought a planner could coordinate the revision of the Regulations with the update of the Plan of Conservation and Development, which would be coming up soon.

MOTION: That the Commission find out how much it will cost to hire a planner to review the draft revisions to the Subdivision Regulations and to make further recommendations. By Mr. Rimsky, seconded by Mrs. Roberts, passed 5-0.

Referral from Zoning Commission/Revision of Zoning Regulations: Section 10.4.1.a/Addition of Eating and Drinking Establishments to Uses Permitted by Special Permit in the Woodville Business District:

Mr. Rimsky noted that Woodville had previously been more of a mixed use "shock absorber" district, but that since its area had been so reduced by the Zoning Commission, it no longer served that purpose. Mrs. Roberts noted the proposed use would be permitted by Special Permit only. Mr. Carey and Mr. Frank said this would give Zoning more control and that public hearings would be required when considering these applications.

MOTION: That the Washington Planning Commission has no objection to the proposed revision of the Washington Zoning Regulations; Section 10.4.1.a; to allow eating and drinking establishments by

Special Permit in the Woodville Business District. By Mr. Frank, seconded by Mr. Rimsky, and passed 5-0.

Referral from Zoning/Revision of Zoning Regulations: Sections 12.14, 16.4, 11.7.1, and 9.2.3:

Mrs. Hill passed out copies of the proposed revisions and explained them briefly. Earlier in the meeting Mr. Talbot had addressed 11.7.1: maximum height of principal structures in historic districts. In addition, Zoning proposed 1) to delete Section 12.14.5 that permits, by Special Exception under certain circumstances, noise generating equipment to be located farther than 50 ft. from the principal structure served, 2) in Section 9.2.3, to add Offices to the list of permitted uses in the Marbledale Business District when specific criteria are met, and 3) to allow certain business and institutional signs in all residential districts. The commissioners will review the proposed language and discuss these revisions at the next meeting.

Communications

Mrs. Hill noted the 2009 Northwestern Ct. Council of Govt's Plan of Conservation and Development is available for anyone interested to review.

The commissioners briefly discussed the Town's recent property reassessment and the problems associated with it.

MOTION: To adjourn the meeting. By Mr. Rimsky.

Mrs. Roberts adjourned the meeting at 9:39 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator