

September 3, 2002

MEMBERS PRESENT: Mrs. Averill, Mr. Bender, Mr. Charles

ALTERNATES PRESENT: Mr. Rimsky, Mrs. Roberts, Mr. Sabin

MEMBERS ABSENT: Mr. Buck, Mr. Byerly

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Ms. Schneider, Ms. Uruburu

REGULAR MEETING

Regular Business

Mr. Bender called the meeting to order at 7:35 p.m. and seated Members Averill, Bender, and Charles and Alternates Roberts and Sabin for Mr. Buck and Mr. Byerly.

Consideration of the Minutes

The 8/6/02 Regular Meeting minutes were accepted as corrected. On page 2 in the third line from the bottom "inspected" should be "inspection."

MOTION: To accept the 8/6/02 Regular Meeting minutes as corrected. By Mr. Charles, seconded by Mrs. Averill, and passed 4-0-1. Mr. Bender abstained because he had not attended.

MOTION: To accept the 8/9/02 Special Meeting minutes as presented. By Mr. Charles, seconded by Mrs. Averill, and passed 4-0-1. Mr. Bender abstained because he had not attended.

The 8/21/02 Special Meeting minutes were accepted as corrected. At the bottom of page 3 the correct spelling is Deewee's Island, South Carolina.

MOTION: To accept the 8/21/02 Special Meeting minutes as corrected. By Mr. Sabin, seconded by Mrs. Roberts, and passed 5-0.

MOTION: To add subsequent business not already posted on the agenda. By Mrs. Averill, seconded by Mr. Sabin, and passed 5-0.

New Application

Nasar-Uruburu-Schneider/121 West Church Hill Road/Subdivision

The map, "Proposed Site Development Plan," by Mr. Neff, dated 8/20/02 was reviewed and Mrs. Hill circulated a copy of the Assessor's Map to show the location of the property. Mr. Rimsky and Mrs. Roberts thought the open space along the front of the proposed lot was appropriate and would preserve the view from the road. Mr. Rimsky said the conservation easement would also preserve the old trees, which otherwise might be cleared for a view. The second proposed open space area, a buffer between the two lots, was discussed. Mr. Bender thought this triangular area added nothing to the rural character of Town and so suggested the applicants consider locating open space in the area between the subdivision line and the wooden gate on the original lot. Ms. Schneider thought Mr. Neff was concerned about the location of the reserve septic system in this area, but Mr. Bender said the right to install a reserve system could be specified in the conservation easement. He also suggested an open space area in the heavily wooded area on the sharp corner above the driveway to provide additional protection along the road frontage. Ms. Schneider said she had no objections to Mr. Bender's recommendations. It was noted Mr.

Neff had completed density calculations for each lot and the results had been OK. It was noted the following required information/documentation was missing: 1) Record Subdivision Map, 2) Health Department approval, 3) Inland Wetlands Commission report, 4) passive solar energy information, 4) Selectmen's approval of proposed driveway cuts and any drainage requirements the Selectmen's Office deemed necessary, 5) revised location of open space, 6) conservation easement language, and 7) entity that will accept the open space. Mrs. Hill reported the application had not yet been referred to the Conservation Commission (it will be researched whether this is still required under the revised Regulations) and had been referred to New Milford and affected councils of governments who have thirty-five days in which to respond. Ms. Schneider asked if the Commission could approve the application prior to the next meeting, but it was noted there was a lot of information outstanding. Also, the next Commission meeting was on October 1, but the councils of government had until October 2 to respond.

Other Business

Referral from the Zoning Commission/Revision of the Zoning Regulations/First Draft - Section 14

Mr. Bender thought the first draft needed polishing and that reconciliation with the Subdivision Regulations was needed. He cited the following examples where work was needed: 1) page 60: Where referring to the character of development, it is unclear whether this means a residential or commercial user, 2) Section 14.7.6 says it will address hours of operation but doesn't, 3) 14.7.10 limits where outside storage is not permitted, but omits regulated wetlands areas, 4) either the term, "street" or "road," should be used consistently throughout. Mrs. Roberts was glad to see provisions addressing lighting. Mr. Charles suggested more specifics about lighting be added and Mr. Bender thought an abatement for existing uplighting should be included if the lighting could be seen from the road or from an adjoining property. Mr. Rimsky noted cutting of the understory increases runoff and often causes erosion problems and asked if the Zoning Commission could address that. Mr. Sabin noted vegetation will dissipate much of the flow and so said it was a good practice to preserve the understory. It was noted the management of stormwater runoff has become a townwide concern and that it was good for the Town and in keeping with the ongoing discussion of the update of the Plan that it was being addressed by Zoning. Mr. Sabin pointed out on page 62 that the peak flow rate could not be increased and that the use of innovative stormwater infiltration techniques that had often been discussed by the Planning Commission such as porous pavements, geoblocks, and grass lined swales would be encouraged although not required.

Scheduling of Public Meeting to Discuss Conservation Matters: Mr. Bender reported there would be a public meeting lead by Mr. Chalder at 7:30 p.m. on September 20 if the Commissioners had no objections. (Note: This meeting date was subsequently cancelled. Also, the Special Meeting regularly held on the third Tuesday from 4:00 - 6:00 will not be held in September.) He said he would try to schedule a meeting with Mrs. Payne and Mr. Jackson of Steep Rock before then. Mr. Rimsky said at the 8/21 Special Meeting he sensed the Conservation Commission thought it was being asked to do a great deal of work, but was not prepared to handle the increased workload. He thought if the Conservation Commission was to named the organization to receive open space, the Town would have to make sure it was prepared for this responsibility and said it should be included in the dialogue leading up to this decision. Mr. Bender noted the state statutes specify the Conservation Commission may be the entity to receive open space, but that the deed would run to the Town and the Commission would have the duty to manage and oversee. In reviewing Mr. Bender's brief position paper, which he would use for the basis of his discussion with Steep Rock, Mr. Charles thought the subject of limited equity parcels to be used for affordable housing should be included. He said it was important that the organization not only be used to accept and monitor open space and farmland, but that it also work to construct affordable housing on some of the parcels. Mr. Charles noted the public does not generally know how Steep Rock operates because it is a private organization and he asked if the Commission could obtain a copy of its charter. He

was concerned that if Steep Rock took all of the Town's open space parcels and then went out of business in the future, the Town would lose control of that land. Other concerns brought up in a lengthy discussion regarding what entity should receive the open space included; Steep Rock is perceived differently by different segments of the community and the Planning Commission must be mindful of this, if Steep Rock agrees to serve as the organization it is important that it take small parcels and parcels that are not contiguous to other Steep Rock land, the focus of Steep Rock and the Conservation Commission may change as their membership changes, and the issue of public access should be addressed.

Article Concerning Affordable Housing in Nantucket: Mr. Bender summarized the article, which detailed pending Massachusetts' legislation. In an attempt to provide affordable housing units in Nantucket, a homeowner could subdivide his property and sell the second house on the lot to a moderate income buyer as long as an affordable housing covenant was placed on the property. This could be done even if the original property did not meet the minimum lot size requirements. The Commissioners discussed whether a similar regulation should be considered for Washington. Although it was thought there would not be many residences where the property owner would want to sell his existing detached apartment, the Commissioners thought this possibility should be discussed later in the process of updating the Plan. It was noted Health approvals would have to be granted and the ordinance carefully worded. The article and these minutes will be forwarded to Mr. Chalder.

Referral from the Zoning Commission/Revision of the Zoning Regulations/Sections 12.14, 17, and 18.1.3: The proposed revisions are attached.

Section 12.14: Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment. Mr. Sabin did not like the language in 12.14.3 and did not think the entire regulation addressed the issue of noise. He thought it would be more effective if the Zoning Commission listed appropriate types of equipment and specified permitted decibel levels. He also thought the requirement of earthen berms would be helpful. Mr. Rimsy noted, too, buffering would cut down on the noise level. Mrs. Hill noted ZBA had recommended these changes and the Zoning Commission thought it would be difficult to administer regulations based on decibel levels.

Section 17: It was noted editing is needed to check for consistency of terms. For example, in some cases the term, "land," is used and in others, "premises." Also in Section 17.6 there is a sentence fragment. Mr. Bender thought there should be some legal mechanism to terminate a non conforming use after a specific period of time and the rest of the Commissioners agreed even after Mrs. Hill explained that if a non conforming use is changed to another use, the first use is no longer grandfathered.

Section 18.1.3: The proposed language states that no use variances may be granted. Mrs. Hill explained this has been Town policy for many years and the Commissioners had no objections.

Correspondence

A four page document from Ms. Doran re: housing related issues was circulated. Mrs. Hill was asked to make sure Mr. Chalder had gotten a copy.

Mr. Charles circulated the 7/17/02 letter from eleven attorney generals to President Bush telling him he must address global warming. He noted that good health and a healthy economy are dependent on the state of the environment. He asked everyone to read the letter so it could be discussed at the next meeting.

Plan of Development: 1) Mr. Charles voiced his concern that "something was lacking" in the update process. He thought often the Commission did not have enough information on the topics discussed and

that the Members were not educated enough to make the necessary decisions regarding Town matters. 2) Mr. Sabin reviewed the Conservation Commission's working open space map, which showed areas already preserved as open space and those considered for future preservation. He noted Conservation had used a list of criteria for ranking the parcels over 25 acres in size. He pointed out potential open space corridors, which were drawn based on the overlap of natural resources, aquifers, prominence areas, soils of concern, wildlife habitat, views, etc. He also noted that each parcel was reviewed for appropriateness for affordable housing. Mr. Rimsky thought the Town should aggressively pursue the proposed open space parcels before they become unavailable. It was noted if the Town was going to pursue open space, it would first have to establish an entity to receive the land and also establish funding for purchase and maintenance of property. As indicated earlier in the meeting, Steep Rock will be consulted regarding whether it would agree to become the entity to receive Town open space.

MOTION: To adjourn the meeting. By Mrs. Roberts.

Mr. Bender adjourned the meeting at 10:05 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator