

Wrapping up loose ends re: the revision of Section 12.8

1. Temporary Dwelling Units for Seasonal Farm Workers:

Issues:

a) Does the term, "trailer." include RVs? I think it should be added to be sure.

MAZ RESPONSE: Although the regulations don't define the term, it seems clear that the regulation is intended to apply to mobile facilities (i.e., vehicles or other wheeled conveyances) that would be used for temporary living space. So using an RV for temporary housing would fall under section 12.8. You could say "trailer or similar vehicle."

b) The revision should keep in mind that a single farm may raise crops with different planting and/or harvest times meaning there could be several times per year when seasonal help is needed.

MAZ RESPONSE: This is a policy issue for the Commission.

c) Does the Zoning Commission think this use should require a permit for each planting/harvest time when temporary housing will be used, one general permit for the entire calendar year to include all planting/harvest periods, but not to exceed 6 weeks in any calendar year, or no permit required as long as the farm is already permitted?

MAZ RESPONSE: This is a policy issue for the Commission.

d) Is that 6 week limitation workable/reasonable?

MAZ RESPONSE: This is a policy issue for the Commission.

e) What about including a requirement that Health Dept. approval is required prior to the issuance of the zoning permit?

MAZ RESPONSE: I am usually uncomfortable with having the Zoning Commission require approval by a different agency before issuing a permit. Often, an applicant can get caught in a situation where two agencies each want the other to go first. Presumably, if another agency's approval is actually required, the use cannot begin until it is issued, regardless of whether a zoning permit has been issued. I suggest, instead, having the regulations state that no such trailer [or similar vehicle] may be used unless all other required approvals, including but not limited to any approvals for water supply and sanitation, have been obtained.

f) What about the setback from all boundary lines? 25 feet doesn't seem sufficient to me.

MAZ RESPONSE: This is a policy issue for the Commission (although I tend to agree for safety reasons).

g) What about a requirement for the removal of the trailer/RV from the property when not in use? (Don't want them sitting on a site for extended periods between harvest seasons)

MAZ RESPONSE: This is a policy issue for the Commission.

h) Is there a maximum number of trailers that should be permitted?

MAZ RESPONSE: This is a policy issue for the Commission. It does raise an interesting point, though. The number of trailers that might be reasonable for a particular use would depend upon a number of factors; i.e., how large the property is, how much of it is being farmed at any one time, how well the trailers might be screened, what the surrounding neighborhood is like, etc. So one possible alternative might be to require site plan approval for up to X trailers and a special permit for any additional trailers, allowing the Commission more flexibility to examine each proposal on a site-by-site and use-by-use basis, yet making the process simpler for smaller numbers of trailers.

i) Need to amend 2.3.2.C to exclude temporary mobile homes for seasonal farm workers??

MAZ RESPONSE: Just to be safe, it could be amended to say "Mobile homes or mobile home parks except as may be allowed under Section 12.8.

j) Can Atty. Zizka think of any other issues to address or improvements to my first draft below? (I'm sure he can.)

MAZ RESPONSE: My suggestions are reflected in the comments above.

Proposed:

12.8.2 Temporary Trailers **OR RVs** for Living Purposes.

A. A permit, not to exceed four weeks in any calendar year, may be issued by the Zoning Enforcement Officer for one visiting trailer **OR RVs** to be used for living purposes on a lot zoned for residential use. Any such trailer **OR RVs** must be parked on the rear half of the lot and must be located at least 25 feet away from every lot line. No more than one such permit may be issued in any calendar year.

B. A PERMIT, NOT TO EXCEED SIX WEEKS IN ANY CALENDAR YEAR, MAY BE ISSUED BY THE ZONING ENFORCEMENT OFFICER FOR NO MORE THAN ___ TRAILERS OR RVs TO BE USED BY SEASONAL AGRICULTURAL WORKERS FOR LIVING PURPOSES ON AN APPROVED FARM. ANY SUCH TRAILER OR RV MUST BE PARKED ON THE REAR HALF OF THE LOT AND MUST BE LOCATED AT LEAST 50 FEET FROM EVERY LOT LINE. THE SIX WEEK USE LIMITATION MAY BE

FOR ONE SIX WEEK PERIOD OR FOR SEVERAL SHORTER TIME PERIODS TOTALING NO MORE THAN SIX WEEKS, BUT THE TRAILER(S) OR RV(S) MUST BE IMMEDIATELY REMOVED FROM THE PROPERTY WHEN NOT IN USE. APPROVAL BY THE WASHINGTON HEALTH DEPARTMENT SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY ZONING PERMIT.

2. Addressing the problem that the Lake Waramaug Country Club and Washington Club often rent out their properties for parties, weddings, etc. that aren't necessarily customary and incidental uses and the Zoning Commission does not want to require them to get a permit every time they do so

Issues:

- a) Can this be successfully addressed by adding these clubs to 12.8.3.C?

MAZ RESPONSE: I think it's easier to treat the uses as appropriate accessory and/or nonconforming uses (based on historical practices) to the two clubs. Club facilities are used in many towns for these types of events, so I don't think it's much of a stretch to consider them customary and incidental. Adding them to 12.8.3.C could be criticized as a form of spot zoning, especially since clubs are not listed as permitted uses in Washington's zoning regulations. This response also applies to the questions below.

- b) Using the same language as 12.8.3.C should a 12.8.3.D be added instead?
- c) When the event is not customary and incidental should only single day events be exempt? (Multi day golf and tennis tournaments, for example, would be customary and incidental.)
- d) Is there a better/more legal way to accomplish this?

Proposed:

12.8.3.D TEMPORARY EVENTS ON PROPERTY PRINCIPALLY USED FOR LAKE WARAMAUG COUNTRY CLUB OR WASHINGTON CLUB PURPOSES.