

October 24, 2005

MEMBERS PRESENT: Mrs. Friedman, Mr. Martin, Mr. Owen, Ms. Page

MEMBER ABSENT: Mr. Fitzherbert

ALTERNATE PRESENT: Mr. Shapiro

ALTERNATE ABSENT: Mr. Abella

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Ensign, Mr. Tagley, Mr./Mrs. Federer, Mr. Sears, Mr. Charles, Mrs. Andersen

PUBLIC HEARING

Ensign/50 Orchard Lane/Special Permit: Section 13.11/Detached Accessory Apartment

Mr. Martin called the public hearing to order at 7:30 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Shapiro for Mr. Fitzherbert. Ms. Page read the legal notice published in **Voices** on 10/12 and 10/19/05.

Mr. Martin referred to the 10/24/05 ZEO Report, which stated the proposed apartment complied with all the zoning requirements except that the green certified mailing receipt cards had not been received for the four mailings sent by the applicant to adjoining property owners ten days prior to the hearing. The mailing receipts, however, showing that notice had been sent out 10 days prior to the meeting were in the public record. Therefore, it was the consensus of the Commissioners that the applicant had met the notification requirement.

Mr. Ensign presented the site plan, floor plans, and elevations all dated 9/21/05 by Mrs. Donnelly. He pointed out the location of the driveway and of wetlands elsewhere on the property. He noted the apartment would be 832 square feet with an unfinished attic. Most of the attic would not be "finishable" due to the use of collar ties, which would decrease headroom. He stated he did not plan to use the 312 sq. ft. in the attic that could be finished. It was noted that even if this space was finished in the future, it would not bring the size of the apartment over the 1200 sq. ft. permitted. It was also noted the apartment was much smaller than the 4800 sq. ft. primary structure on the same property. Mr. Ensign submitted a written statement that the owner would reside on the premises for the duration of the permit.

MOTION: To close the public hearing to consider the Special Permit application: Section 13.11 submitted by Mr. Ensign for a detached accessory apartment at 50 Orchard Lane. By Mrs. Friedman, seconded by Ms. Page, and passed 5-0.

Mr. Martin closed the public hearing at 7:38 p.m.

This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Martin called the meeting to order at 7:39 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Shapiro for Mr.

Fitzherbert.

Consideration of the Minutes

Mr. Shapiro made the following correction beginning in the 3rd line above the motion on page 6: Substitute "and that all our Regulations called for was" for the words, "said it had been noted the proposal was for."

MOTION: To accept the 9/26/05 Public Hearing/Regular Meeting minutes as corrected. By Mr. Shapiro, seconded by Mr. Owen, and passed 5-0.

Pending Applications

Ensign/50 Orchard Lane/Special Permit: Section 13.11/Detached Accessory Apartment

Mr. Martin read the 10/24/05 statement by Mr. Ensign that the owner would reside on the premises for the duration of the permit and noted the proposed apartment complied with the Zoning Regulations.

MOTION: To approve the Special Permit application: Section 13.11 submitted by Mr. Ensign for a detached accessory apartment at 50 Orchard Lane. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

New Applications

Town of Washington/10-12 Blackville Road/Special Permit: Section 4.4.9/Facilities for the Town of Washington/Garage and Driveway Extension

Mr. Sears explained the proposed garage on the upper level of the property would store equipment from the old Town Garage site on Titus Road. He said STEAP grant funds were available for the project. It was noted the Health Department had approved the application and the ZBA had granted a variance for coverage. Mr. Martin read from the 10/24/05 ZEO Report that elevations and floor plans were needed and also a valid engineer's plan. Mr. Sears said he would submit these prior to the public hearing.

The public hearing was scheduled for Monday, November 28, 2005 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

Other Business

Multifamily Housing: Mr. Martin said the Commission has been working hard on this issue for one and a half years. The Commission had received input from Planimetrics, the Commission's attorney, and the public through an informational meeting. He thanked Mr. Shapiro for reviewing Atty. Zizka's draft regulations before they were sent to the Commissioners for review. He said that the Commission now had the input necessary to visualize what this regulation would look like, if enacted. Mr. Martin briefly reviewed the current proposal for limited multi family regulations to allow a limit of 50 units in the business districts, and in the R-1 district on properties that already have existing

institutional uses. He noted the regulations would expire once 50 units had been approved. He asked the Commission to consider whether to:

- A) proceed now with the draft regulations,
- B) proceed now, but only for multi family units in the business districts,
- C) delay proceeding until after the Depot study is completed.

- Mr. Shapiro thought there was a need for multi family housing in Town, but that based on some of the reaction to the Depot study, there was perceived opposition to the multi family regs. Therefore, he opted for C.
- Ms. Page agreed with option C.
- Mrs. Friedman also chose option C and noted affordable units could still be built in Town under the State Affordable Housing Appeals Act even if the Commission decided not to go forward with multi family regulations.
- Mr. Owen selected option C for all of the above reasons. He also stated that the existing multi family units have accounted for a significant per cent of the Town's growth since 1970. He thought that these units, and also accessory apartments approved over the years work against the preservation of the Town's character by allowing this growth. He suggested it might be time to prohibit accessory apartments unless the property on which they were proposed could support two density units.
- Mr. Martin also opted for C. He noted the Zoning Commission had taken up this issue on a good faith basis as a result of recommendations in the Plan of Conservation and Development. He thought the Commission should wait for the completion of the Depot study before going forward and if it then appeared there was a role for multi family housing in the business districts, the Commission should address this at that time. He said he favored eliminating the R-1 District from consideration, but believed there was merit in focusing on the business districts and supporting the village concept.

Conclusion: The Commission has unanimously decided to delay proceeding until after the Depot study is completed.

Mr. Sears thanked the Commission for its efforts to address housing diversity, an important issue in the 2003 Plan of Conservation and Development. He thought the draft regulations reviewed by Atty. Zizka were well done because they brought in the history of the Town. He expressed his hope that the Commission would, indeed, consider this matter again in the future. Mr. Martin stated the draft regulations could be used by the Planning Commission and the Housing Commission to illustrate what the Zoning Commission envisions as a scenario for housing in the business districts. Mr. Owen noted multi family housing was one of several changes that would have to be considered in light of Planning's recommendations for the Depot. He noted, however, the Commission has been applauded for its soil based zoning regulations and so should be careful not to undercut them. Mr. Federer thanked the Commission for its efforts to consider this complex and politically charged issue and Mr. Martin thanked him and Mrs. Federer for their input, which contributed to the quality of the deliberations. Mr. Charles made the following points: 1) He reminded the Commission that during its review of 16 Church Street, it had noted the need for limited equity stand alone single family dwellings in Town. 2) Housing diversity is needed to ensure the Town has volunteers and because it

contributes to the security of the community. 3) "In law apartments" serve a valuable role, but they are not the solution to the lack of housing diversity. 4) He thought it was important to continue to pursue multi family housing regulations if a State moratorium is put in place because at that time the Commission could set much higher standards than those in the Affordable Housing Appeals process. Mr. Martin stated further discussion of multi family housing would be tabled until after the completion of the Depot study.

Viewshed Protection: Mr. Fitzherbert was not present to update the Commission on his and Mr. Ajello's recent meeting with the Conservation Commission's subcommittee. Mr. Martin noted in April the subcommittee had recommended regulations to govern elevations over 850 ft. and a complicated grid system. At that time the Commission had asked for a more simplified proposal with a higher elevation threshold. Since then Mr. Fitzherbert and Mr. Ajello met with the subcommittee, but Mr. Fitzherbert did not think the resulting draft reflected the discussion that had taken place at that meeting. Mr. Martin noted the Commission had delayed revisions to Section 14 in order to include the viewshed regulations. These were taking so long to draft, that he recommended the Commission resume its work on Section 14 without them. He said Section 14 could be revised to include them in the future when all parties were satisfied with the viewshed protection language. Mr. Martin indicated Mrs. Payne had asked if it would be legally feasible to govern only the ridgeline properties overlooking Steep Rock and Lake Waramaug as everyone agrees these are important areas to protect. It was the consensus of the Commission that Mr. Martin should consult with Atty. Zizka to find out whether there would be a legal, non discriminatory, systematic, and structured method to preserve the viewsheds in these areas. Mr. Martin noted any proposed regulations would regulate, not ban, development on ridgelines in these areas.

Revision of Section 14 of the Zoning Regulations: Mr. Martin will get the latest draft out to all Commissioners for review. He noted it had not yet been sent to Atty. Zizka.

Revision of Section 16/Sign Regulations: The draft regulations and proposed sign application form had been referred to Atty. Zizka as had been requested at the last meeting. His evaluation has not yet been received.

Communications

Mr. Martin read the 10/15/05 letter of resignation from Mr. Brinton and noted Harry Wyant is running for his seat.

Organization

Mr. Martin announced that Mr. Owen has agreed to serve as the Commission's next chairman. He thanked Mr. Owen, pledged his support, and noted that he was glad that the next chairman would be from within the Commission. Election of Officers will take place at the end of the November meeting.

Enforcement

It was noted there were continuing complaints, including dissatisfaction expressed by the Zoning Board of Appeals, regarding sign enforcement. Mr. Ajello will be asked to attend the next meeting to discuss this matter and to address the complaints received about the large sign in Marbledale, signs put up without permits for new businesses throughout Town, and sandwich board signs on Rt. 202.

Privilege of the Floor

Mr. Martin acknowledged Mrs. Andersen who asked how the Zoning Commission would assess whether the Town is or is not at the moratorium level under the State Affordable Housing Appeals Act. Mr. Martin noted currently the Town is not at the level needed for a moratorium. He and Mr. Sears briefly explained the certification process, noted Washington has approximately 50 of the 70 points required for the moratorium level, and stated the Town may contact the state to add new affordable units to the count at anytime during the year.

At this point Mr. Martin asked Mr. Sears if the seven Ellsworth apartments had been deed restricted so they could be counted as affordable units by the State. Mr. Sears said he continues to contact the church about this matter, but it has not yet placed deed restrictions on them. It was the unanimous consensus of the Zoning Commission that if the owner did not place the appropriate deed restrictions on the Ellsworth units, the local property tax abatement, which had been approved at a Town Meeting based upon the units being affordable, should be overturned. The Commission thought that no property owner in Town should be able to have it both ways and that it would be unfair for this property owner to receive the property tax abatement while at the same time refusing to deed restrict the units as affordable. Mr. Sears said he has also contacted the heads of the private schools to ask for deed restrictions on faculty housing so that it can be counted towards the moratorium, but said the boards of trustees are reluctant to do so. Mrs. Anderson suggested that the deed restrictions required to count attached and detached accessory apartments towards the moratorium, 10 years and 12 months respectively, could be used as a tool to provide more local control over affordable housing applications. Mrs. Friedman suggested that property owners could possibly be incented to place them on their properties. Mrs. Andersen hoped the Zoning Commission would say no to the upcoming application to be submitted under the Affordable Housing Appeals Act based on her perception that use of these short term deed restrictions would enable the Town to reach the moratorium level soon. Mr. Martin said, if submitted, any application would be evaluated and a decision made by the Commission based on its own merits.

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

Mr. Martin adjourned the meeting at 8:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator