

November 27, 2006

MEMBERS PRESENT: Mr. Averill, Mrs. Friedman, Mr. Owen

MEMBERS ABSENT: Mr. Fitzherbert, Mr. Martin

ALTERNATES PRESENT: Mr. Abella, Mr. Shapiro

ALTERNATE ABSENT: Mr. Wyant

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Boling, Mr. Frank, Dr. Altorelli

PUBLIC HEARINGS

Mr. Owen called the meeting to order at 7:30 p.m. and seated Members Averill, Friedman, and Owen and Alternates Abella and Shapiro for all of the hearings.

Revision of the Zoning Regulations/Proposed Section 4.4.17: Accessory Structures Used to Operate or Maintain a Pre Existing Golf Course

Mr. Owen reconvened the public hearing at 7:31 p.m. He noted the list of documents, which had been submitted to the file since the last meeting and read the motion of support from the Planning Commission. While this motion referred specifically to the proposed amendments having to do with fences and docks on Lake Waramaug, Mr. Frank, a member of the Planning Commission, said Planning had no objection to any of the proposed amendments.

Mrs. Friedman asked why the proposed amendment did not include the Lake Waramaug Residential District. Mr. Owen responded the Commission had considered that, but had decided to include the Farming-Residential District only.

There were no other questions or comments.

MOTION: To close the public hearing to consider revisions to the Washington Zoning Regulations: proposed Section 4.4.17: Accessory Structures Used to Operate or Maintain a Pre Existing Golf Course. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

Mr. Owen closed the public hearing at 7:35 p.m.

Revision of the Washington Zoning Regulations/Section 6.6/Rowing Shell Docks

Mr. Owen reconvened the hearing at 7:35 p.m. and noted the same three new documents read at the last hearing had been submitted to each

of the proposed revision files. He noted one of the reasons that this hearing had been continued was to receive additional information on rowing shell docks from Mr. Frank.

Mr. Frank, president of the Lake Waramaug Association, said he had measured the existing rowing shell docks on the lake. He had found the height was approximately 5 inches above the water, the length was 20 feet, but the width had varied from 4 to 6 feet. Mrs. Friedman asked if a 100 sq. ft. maximum would be a reasonable requirement. Mr. Frank said it would. Mr. Shapiro asked if requiring these docks to be no more than 5 inches above the water would mean they could be used for nothing other than rowing shells. Mr. Frank said it would not; they could also be used for canoes and kayaks. Mr. Owen noted if the Commission drafted specific dimensional requirements for rowing shell docks, it would not matter what else they could be used for.

Dimensional requirements were discussed. Mr. Frank noted that according to the Canadian dock booklet, 6 ft. wide by 20 ft. long was the minimum recommended size for stability. Mr. Owen asked the Commissioners if they saw any other problems that would have to be addressed if rowing shell docks were not deleted from the Regulations as originally proposed. Mr. Frank suggested wording for several dimensional requirement options. It was the consensus that the following requirements for rowing shell docks should be added to Section 6.6: a maximum of 100 sq. ft. of total surface area, but in no event shall a rowing dock be more than 6 ft. wide or 20 ft. long, and in all cases the height shall be no more than 6 inches over the surface of the water. Mr. Frank suggested the dimensions should also be referred to in the definition section.

There were no additional questions or comments.

MOTION: To close the public hearing to consider revisions to the Washington Zoning Regulations: Section 6.6 concerning rowing shell docks. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

Mr. Owen closed the public hearing at 7:45 p.m.

Revision of the Washington Zoning Regulations/Section 6.6.10/ Materials Permitted for Dock Construction

The public hearing was reconvened at 7:46 p.m. It was noted at the first session of the hearing, it had been decided that the reference to CCA treated wood would be deleted and that pressure treated wood could be used for the structural members, but decks and railings would have to be constructed with naturally rot resistant materials. Mr. Ajello noted that rot resistant materials included aluminum, plastic, etc.

There were no other questions or comments. The Commissioners agreed the proposed requirements were clear.

MOTION: To close the public hearing to consider revisions to the Washington Zoning Regulations: Section 6.6.10 concerning permitted construction materials for docks. By Mr. Averill, seconded by Mrs. Friedman, and passed 5-0.

Mr. Owen adjourned the hearing at 7:47 p.m.

Revision of the Washington Zoning Regulations/Section 6.4.6/ Clarification Regarding What Constitutes a Fence

Mr. Owen reconvened the hearing at 7:47 p.m. and read the language agreed upon at the last meeting; "Fences, walls, earthen berms, and hedges, including hedgelike rows of tightly spaced trees and bushes that have the visual effect of hedges, and other visual barriers or enclosures...." That wording will begin Section 6.4.6. Mr. Ajello asked if there was any interest in including other roads with vistas such as Tinker Hill Road and June Road. Mr. Owen said that would be a major addition that would require a separate public hearing.

There were no questions or comments from the public.

MOTION: To close the public hearing to consider revisions to the Washington Zoning Regulations: Section 6.4.6 regarding clarification of what constitutes a fence. By Mr. Owen, seconded by Mrs. Friedman, and passed 5-0.

Mr. Owen closed the public hearing at 7:49 p.m.

Revision of the Washington Zoning Regulations/Section 21.1.28/ Definition of Fence

Mr. Owen reconvened the hearing at 7:50 p.m. It was noted there had been no changes made at the last meeting. Mr. Shapiro read the proposed definition, "An artificially constructed barrier of any material or combination of materials which is erected to enclose, screen, or separate areas." Mr. Owen noted this definition had been taken from The New Illustrated Book of Development Definitions.

There were no questions or comments from the public.

MOTION: To close the public hearing to consider revisions to the Washington Zoning Regulations: Section 21.1.28: definition of fence. By Mr. Owen, seconded by Mr. Shapiro, and passed 5-0.

Mr. Owen closed the public hearing at 7:54 p.m.

Washington Medical Management Co., LLC/125 New Milford Turnpike/ Special Permit: Section 7.6/Front Yard Setback

Mr. Owen called the public hearing to order at 7:55 p.m. and read the legal notice published in **Voices** on 11/15 and 11/22/06. Mr. Ajello noted there had been no additional information submitted since the last meeting. Mr. Owen read the 11/27/06 enforcement report and the list of documents submitted for the file.

Dr. Altorelli, owner, briefly outlined the proposal to increase the enclosed part of the building by approximately 5 ft. in the front in the area where there is an existing porch and to add dormers. Other proposed changes included shake siding, architectural shingles, a new floor plan, and handicapped accessibility. There would be no change to the footprint of the building and the changes to the floor plan would make it possible for two physicians to share the building in the future. Photos of the existing structure were reviewed.

Dr. Altorelli explained the existing building did not meet the front yard setback requirements and pointed out its location on a portion of a survey map with the setbacks marked in green. Mr. Ajello noted the volume of the nonconforming area would increase.

Mr. Boling, New Preston resident, said the plans were a "nice improvement."

There were no other questions or comments from the commissioners or from the public.

MOTION: To close the public hearing to consider the Special Permit application submitted by Washington Medical Management Co., LLC./125 New Milford Turnpike/Section 7.6: front yard setback. By Mr. Shapiro, seconded by Mr. Owen, and passed 5-0.

Mr. Owen closed the public hearing at 8:08 p.m.

These public hearings were recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Owen called the meeting to order at 8:09 p.m. and seated Members Averill, Friedman, and Owen and Alternates Abella and Shapiro.

Consideration of the Minutes

The 10/23/06 Regular Meeting minutes were accepted as corrected.

Page 2: 4th paragraph under Section 6.6: Delete the last phrase, "and also stated he did not want...into the lake."

Page 8: 1st paragraph, 4th line from bottom: Insert "in the adoption of" after Commissions.

MOTION: To accept the 10/23/06 Regular Meeting minutes as corrected. By Mr. Owen, seconded by Mr. Shapiro, and passed 5-0.

Pending Application

Washington Medical Management Co., LLC./125 New Milford Turnpike/ Special Permit: Section 7.6/Front Yard Setback: Mr. Ajello noted the application was for the setback only; the owner would submit a separate application for the use of the building and the sign.

MOTION: To approve the Special Permit Application: Section 7.6 for front yard setback submitted by Washington Medical Management Co., LLC. for remodeling at 125 New Milford Turnpike. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

Betolatti/32 Flirtation Avenue/First Cut: Mr. Owen read the 11/27/06 EO report, which recommended consideration of the application be tabled until the Inland Wetlands Commission acts. Discussion was tabled and it was noted this application will be on the next meeting's agenda.

Mr. Owen noted there were no new applications.

Other Business

Strawman, LLC./135 Juniper Meadow Road/Preliminary Discussion/ Affordable Housing Issues: Mr. Boling represented the property

owner. He showed the location of the property on a portion of the Assessor's Map. He said the current plan was to develop 3 acres at the top of the hill in a village like cluster and to preserve the remaining 10 acres of the 13 acre parcel. 10 to 15 houses would be constructed; 30% of them affordable. Mr. Boling said the developer did not want to construct identical units and so asked the Commission for its opinion regarding what constitutes comparability. Mr. Shapiro responded that free standing single family houses were not comparable to attached units and although square footage does not have to be identical, it must be comparable. Mr. Boling asked if 10% variation in square footage for the purpose of design flexibility was reasonable. Mrs. Friedman said it would not be if only affordable units were 10% smaller. Mr. Shapiro said 10% variation was the maximum permitted according to Atty. Zizka. Mr. Owen agreed that Atty. Zizka did not insist that all the units had to be identical, but said the Commission would continue to take a hard line on comparability. Mrs. Friedman pointed out comparable units must have the same number of bedrooms and baths and from the outside it should not be apparent, which are the affordable units. She also noted the Commission preferred that all the units do not look the same. Mr. Boling said the developer wanted a unified architectural theme; houses, barn like structures, and caretaker's cottages that look like they have evolved over time. Mr. Owen said as long as each type has the proper mix of affordable to market rate units, there would be no problem with this type of variation. He noted the Commission must make sure the development meets the state requirements. Mr. Boling asked the Commission to make any other comments based on its experience with the Myfield development. Mr. Ajello preferred that the units not be lined up in a straight row. Mr. Boling pointed out the location of wetlands on the property and said the stream crossing would be the only regulated activity. He noted the property has a legal right of way over the Bee Brook Condo access. Mr. Owen asked if the development at the top of the hill would be visible. Mr. Boling said there would be no viewshed impact; that not all the trees would be cut and visually inert colors and materials would be used.

Revision of the Washington Zoning Regulations

1) Section 4.4.17/Accessory Structures Used to Operate or Maintain a Pre Existing Golf Course: This would permit these structures by Special Permit in the R-1 District.

MOTION: To approve revisions to the Washington Zoning Regulations: Section 4.4.17 to permit accessory structures used to operate or maintain a pre existing golf course by Special Permit in the R-1 District. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

2) Section 21.1.8/Definition of Fence: The definition read at the public hearing was adopted.

MOTION: To approve revisions to the Washington Zoning Regulations: Section 21.1.8: definition of fence. By Mr. Owen, seconded by Mrs. Friedman, and passed 5-0.

3) Sections 6.6 and 21.1.19/Rowing Shell Dock: Mr. Owen noted the revisions pertained to both Section 6 and Section 21.1.19, the definition of rowing shell dock. The following revisions were agreed upon:

A) 6.6.1: Add: No rowing shell dock or float may be attached to a dock.

B) 6.6.6.B: Rowing shell dock: 100 square feet total surface area, but in no event more than 6 feet wide or 20 feet long.

C) 6.6.11: The height above the water of docks and floats shall be minimized. The height above the water for rowing shell docks shall be

limited to 6 inches above the water line. Docks, rowing shell docks, and floats may not include appurtenances such as roofs, raised platforms, raised decks, etc. Removable fabric canopies or umbrellas and removable water slides are allowed.

D) 21.1.19: A dock oriented perpendicular to the shoreline and not attached to any other dock, the purpose of which is to berth a rowing shell or scull and with dimensions not to exceed 100 square feet in total surface area; 6 feet in width, 20 feet in length, and 6 inches in height from the surface of the water.

MOTION: To approve revisions to the Washington Zoning Regulations: Sections 6.6 and 21.1.19 concerning specifications for and definition of rowing shell dock. By Mr. Owen, seconded by Mr. Shapiro, and passed 5-0.

4) Section 6.6.10/Construction Materials: The reference to CCA treated wood shall be deleted. The second sentence was changed to: Pressure treated wood shall not be used for decking or railings, but may be used for framing and structural supports.

MOTION: To approve revisions to the Washington Zoning Regulations: Section 6.6.10 concerning permitted construction materials for docks. By Mr. Shapiro, seconded by Mr. Averill, and passed 5-0.

5) Section 6.4.6/Clarification Re: What Constitutes a Fence: It was agreed the beginning of the first sentence would be changed to: "Fences, walls, earthen berms, and hedges, including hedgelike rows of tightly spaced trees and bushes that have the visual effect of hedges, and other visual barriers or enclosures located...."

MOTION: To approve revisions to the Washington Zoning Regulations: Section 6.4.6 regarding clarification of what constitutes a fence. By Mr. Shapiro, seconded by Mr. Owen, and passed 5-0.

Revision of the Washington Zoning Regulations/Outdoor Lighting: Mr. Owen's revised 10/28/06 draft document was discussed. (See attached.)

12.15.1: Mr. Owen noted a poor example of exterior lighting was the lights outside the Town Hall, which are above eye level with bulbs that are not screened. He cited Gunn Library as a good example because the lighting there is low to the ground with the light source screened.

12.15.5: Outdoor security lighting was considered. It was suggested that it not be permitted unless it is on motion detectors. It was noted the Commission would have to assemble material about how most security lighting is ineffective. Mr. Averill pointed out that security lighting would have to be seriously considered as it affects insurance rates. Mr. Owen said most of the current lighting is directed outward, which does not improve security and, in fact, often casts a glare off site. Mr. Ajello recommended wording to state that in no case shall security lighting result in a safety risk to pedestrians and drivers. Mr. Owen suggested the light source could be unshielded only if it did not produce a glare or is motion activated.

Light fixtures: Mr. Owen suggested the Regulations include examples of acceptable and unacceptable light fixtures similar to the information sheet used by the Town of Branford and that outdoor lighting be added to the sketch plan and site plan requirements. Mr. Averill offered to contact electrical wholesalers to get the model numbers for acceptable fixtures. Once adopted, lighting designers and landscape

architects could be sent copies of the new regs with the acceptable light fixture sheet and list of acceptable model numbers.

Commercial Lighting: Mr. Owen noted the issue is more complicated in the commercial districts and that education and dialogue with commercial property owners would be needed.

Simple solutions: Mr. Owen stated that just turning off unnecessary outdoor lights and lowering the wattage of bulbs would result in decreased light pollution.

Education: It was agreed there should be public education and discussion of the issue before the Commission schedules a hearing. Mr. Owen said he would contact the other commission chairmen to schedule an informational meeting, possibly in January. Mr. Frank suggested getting a speaker. Mr. Owen asked that the draft be put on the Town website.

Dark Skies International: Mr. Ajello recommended the commissioners view this website. He will ask Mr. Boling if he can download it to his lap top computer for a presentation at the next meeting.

Revision of the Washington Zoning Regulations Concerning Restaurants and Eating and Drinking Establishments in All Commercial Districts: Mrs. Friedman said the proposed revisions would make the restaurant regulations consistent throughout the business districts and would add a new Special Permit Section 13.20 for standards. She briefly reviewed the proposed revisions on the sheets entitled, "Draft 3, 11/22/06, Revised Restaurant Regulations for All Business Districts and Unlit Tennis Courts in All Districts." The draft standards required that eating and drinking establishments 1) be approved by the Health Dept., 2) not sell or serve food to people in vehicles, 3) be closed for at least 8 consecutive hours during any 24 hour period, 4) have no internally illuminated signs that are visible from outside the establishment, and 5) serve food and beverages on non disposable plates, cups, bowls, etc. Mrs. Friedman pointed out the last requirement was environmentally sensitive. Mr. Shapiro noted the draft did not ban outside seating. Mr. Owen suggested the Commission might adopt the first three standards, which are less controversial, while it considers the last two. Mrs. Friedman objected because the first three standards were not enough by themselves to keep fast food restaurants out of Town. She thought limiting retail chains, while permitting "mom and pop" businesses would help to preserve rural character. Mr. Ajello questioned why restaurants were not permitted in the Woodville Business District. There were several reasons: 1) The Commission was trying to avoid strip development all along Rt. 202, 2) Restaurants were permitted in the other commercial districts, 3) Woodville was more of a residential neighborhood that could be adversely impacted by restaurant traffic, and 4) the Woodville district was small with limited septic capabilities. The Commissioners will continue to consider these proposals and they will be discussed again at the next meeting.

Revision of the Washington Zoning Regulations/Section 16/Signs: Mrs. Friedman presented several proposed revisions on page 3 of her "Draft 3, 11/22/06" document, which she said were "stop gap measures" until a revision of the entire section could be undertaken. Mr. Ajello said he had recommended Section 16.5.1 state that no sign could be closer than 5 ft. from the road pavement, not the property line as proposed. Mrs. Hill pointed out that applicants could not make applications for activities on land they don't own and thought signs only 5 ft. from the pavement would interfere with road maintenance. Mr. Owen suggested the Commission let the state regulate its right of way. No decisions were made concerning revisions to Section 16. This will be discussed again at the next meeting.

Communications

Mrs. Hill noted letters dated 11/2/06 and 11/14/06 had been sent to the Historic District Commission and to the Town Clerk from EBI Consulting regarding possible cell tower sites at 167 New Milford Turnpike and 16 Mountain Road. Mr. Owen noted in the past the Zoning Commission stated it would prefer that these towers be located in the commercial districts. The Commission will wait for the Siting Council public hearing to comment.

Enforcement

Moore/25 Litchfield Turnpike/Commercial Use of Residential Property: Mr. Ajello said he was working with the Inland Wetlands Commission to resolve wetlands violations on the property. Mr. Owen noted the Zoning Commission now has a fine ordinance that could be used to fine Mr. Moore. Mr. Ajello said he would send Mr. Moore a notice of violation prior to levying the fine, which would be \$150 per day.

Denscot Pools/269 New Milford Turnpike: Mr. Owen noted Denscot Pools is a repeat violator. Mrs. Friedman pointed out that the Commission had tried to work with this business to resolve past violations. Mr. Ajello was asked to address the current problems on site.

Spring Hill Farm/Whittlesey Road: Mr. Ajello advised the Commission that farm structures were being erected without zoning permits because the property owner insisted that agricultural buildings did not require them. Having dealt with other farms in Town over the years, Mrs. Hill noted no other farms had ever been exempt from the Zoning Regulations. Mr. Owen asked Mr. Ajello to consult with Atty. Zizka prior to taking enforcement action.

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

Mr. Owen adjourned the meeting at 10:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator

Draft for discussion only

Outdoor Lighting

Revision of October 28, 2006

12.15 Outdoor Lighting in Residential Districts. Nighttime darkness is a vanishing natural resource. The purpose of this section is to permit reasonable illumination of outdoor areas during their active use, and to prohibit lighting fixtures and practices that unnecessarily brighten the nighttime sky, emit objectionable illumination visible on other properties, pose a safety risk to pedestrians or drivers, or are not in keeping

with the rural character of the Town.

12.15.1 All exterior lighting shall be shielded so that the bulbs or other light sources cannot be seen from beyond the property served. No exterior lighting shall be used in a manner that produces a bloom or direct glare visible beyond the property served. All exterior lighting fixtures shall be of the lowest reasonable wattage and shall be installed as close to the ground as is feasible. These requirements can be met by using "Dark-Sky friendly" exterior light fixtures approved by the International Dark-Sky Association, or fixtures similar to the "Acceptable" fixtures in chart 12.15.9.

12.15.2 Indiscriminate floodlighting of outdoor areas is prohibited.

12.15.3 Decorative lighting of trees, other vegetation, ponds, land forms, structures, and other property features is prohibited.

12.15.4 No light fixture may be directed toward the sky or toward any area, structure, or surface that is not situated on the property.

12.15.5 All night security lighting is permitted only if it provides the minimum effective level of illumination, and is directed toward structures, not away from them. When security lighting is necessary, the use of sensor-activated lights is encouraged; sensor-activated lighting, if used for this purpose, may be unshielded provided that:

- a. it is installed in such a manner as to prevent direct glare and lighting into other properties or into any public right-of-way, and
- b. the fixture is set to turn on only when activated and to turn off within five minutes after activation has ceased, and
- c. the fixture is not triggered by activity off the property.

12.15.6 No exterior light source may be installed more than 12 feet above grade or more than 30 feet from the object or the area that it is intended to illuminate. Nighttime outdoor activities may be illuminated only during periods when the activities are underway.

12.15.7 Moving lights, lights producing varying intensities or changing colors, and search lights are prohibited.

12.15.8 Traditional decorative holiday lights may be temporarily installed and operated, without a permit.

12.15.9 (Lighting fixture chart adapted from Town of Bradford's "Examples of Acceptable/Unacceptable Lighting Fixtures.")

4.3.8 UNILLUMINATED tennis, basketball, and other outdoor sports courts.

5.3.6 UNILLUMINATED tennis, basketball, and other outdoor sports courts.

6.3.6 UNILLUMINATED tennis, basketball, and other outdoor sports courts.

7.3.18 UNILLUMINATED tennis, basketball, and other outdoor sports courts.

8.3.19 UNILLUMINATED tennis, basketball, and other outdoor sports courts.

9.3.6 UNILLUMINATED tennis, basketball, and other outdoor sports courts

10.3.5 UNILLUMINATED tennis, basketball, and other outdoor sports courts

14.2 Sketch Plans

e. Location and description of all exterior lighting fixtures. (See Section 12.15.)

14.3 Site Plans

1. Location and description of all exterior lighting fixtures. (See Section 12.15.)