

December 15, 2003

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

MEMBER ABSENT: Mr. Fitzherbert

ALTERNATE PRESENT: Mr. Shapiro

ALTERNATES ABSENT: Mr. Abella, Mr. Brinton

STAFF PRESENT: Mrs. Hill, Mr. Oley, Mr. Sears

ALSO PRESENT: Mr. Frank, Mr. Sedito, Ms. Jenkins, Mr. Williams, Mr. Papsin, Mr. Charles, Mr. McGowan

PUBLIC HEARINGS

Town of Washington/59 East Street/Special Permit: Section 6.4.6

Fence on the Lake Waramaug Side of East Shore Road

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 12/3 and 12/10/03.

Mr. Martin read the 12/15/03 ZEO Report, which noted the hearing should be continued because the applicant had not notified the adjoining property owners of the hearing.

MOTION: To continue the public hearing to consider the Special Permit application: Section 6.4.6 submitted by the Town of Washington to install a fence at 59 East Shore Road to Monday, January 26, 2004. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

At 7:34 p.m. Mr. Martin continued the public hearing.

Ryland-Jenkins/18 Curtis Road/Special Permit: Section 13.11.3/

Detached Accessory Apartment

Mr. Martin called the hearing to order at 7:35 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 12/3 and 12/10/03. Mr. Martin read the list of documents in the file and the ZEO Report dated 12/15/03, which noted the proposed apartment is 532 sq. ft. Mr. Martin noted the ZEO Report concluded that the application complied with the regulations.

Ms. Jenkins, owner, was present and offered to answer any questions the Commission might have.

Mr. Shapiro asked about the size of the existing house. Mrs. Hill referred to the site plan, which indicated it was larger than the garage where

the apartment would be located and said the size of the house was noted in the file.

There were no comments or questions from the public.

MOTION: To close the public hearing to consider the Special Permit application: Section 13.11.3 submitted by Ryland-Jenkins for a detached accessory apartment at 18 Curtis Road. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

Mr. Martin closed the public hearing at 7:42 p.m.

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

REGULAR MEETING

Mr. Martin called the meeting to order at 7:43 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Shapiro for Mr. Fitzherbert.

Consideration of the Minutes

Mr. Owen corrected the last sentence before the motion on page 5 of the 11/24/03 Minutes to state, "Mr. Owen stated that he believed the current Regulations were adequate to deal with the issue at hand."

MOTION: To accept the 11/24/03 Regular Meeting minutes as corrected. By Mr. Shapiro, seconded by Mr. Owen, and passed 5-0.

Pending Applications

Town of Washington/59 East Shore Road/Special Permit: Section 6.4.6/Fence: The public hearing was continued to 1/26/04.

Ryland-Jenkins/18 Curtis Road/Special Permit: Section 13.11.3/ Detached Accessory Apartment

MOTION: To approve the Special Permit application: Section 13.11.3 submitted by Ryland-Jenkins for a detached accessory apartment at 18 Curtis Road. By Ms. Page, seconded by Mrs. Friedman, and passed 5-0.

Other Business

Revision of the Regulations/Section 14/Site Plan Requirements/ Work Session: Mr. Martin introduced Mr. Oley, a principal with Land Tech, the Commission's consultant on this matter. Mr. Martin noted work to revise this section had begun last year due to concern about surface water runoff and its impacts, protection of water quality, and management practices to best protect the environment. He said Mr. Oley's 12/12/03 draft included feedback from local engineers, the Inland Wetlands and Conservation Commissions, and Mr. McGuinness of the NW Ct. COG. Mr. Martin referred to the Plan of Conservation and Development and noted the revision of Section 14 was one of the most important things Zoning could do in support of a key recommendation of the Plan - to protect natural resources. The draft was reviewed

section by section. The discussion included the following:

- 14.1: No change.
- 14.2-14.3: There was a lengthy discussion about when sketch plans vs. site plans should be required. Last year when the Commission had proposed site plans be required for all new single family dwellings, the local engineers and contractors and Mr. McGuinness expressed concerns that this would add substantial cost and time to single family dwelling projects. Some Commissioners thought, however, that many houses in Washington are very large or are on steep slopes and that site plans should be required for homes that exceed size or slope criteria. Mr. Charles thought that site plans be required for all new construction and that they should be submitted in a way so all the information could be entered into the Town's computer system and easily shared by all the land use commissions. Mr. Martin was concerned about the time and cost to the applicant that such a requirement would impose. Mr. McGowan recommended the Commission set specific criteria for when a single family dwelling would require a site plan. He suggested the Zoning Commission ask the Planning Commission to delineate in subdivision approvals appropriate building envelopes to protect natural resources and said this would be a means to help accomplish Zoning's goals. It was agreed that the site plan requirements should be based on 1) size of the proposed structure or addition, 2) grade, 3) coverage, and 4) size of disturbed area. It was noted a definition for "disturbance" would have to be added to Section 21. In addition to these criteria, it was also agreed that site plans should be required for all new construction in the R-3 (Lake Waramaug) District. Mrs. Friedman noted there were several lots in Town where trees had been clear cut without permits and asked if this would fall under the category of disturbance. Mr. Oley thought this was more of a wetlands issue, but if there were no wetlands on the property, clear cutting could possibly require a site plan if the disturbed area were to exceed the limitations the Commission chose to establish for disturbance. Mr. Oley thought some drainage information should be required for sketch plans to ensure there would be no post development impact to neighboring properties or watercourses. When questioned by Mr. Owen about what the benefit of the stricter regulations would be to Washington residents, Mr. Oley responded that erosion would be handled correctly to prevent sediment from reaching wetlands and watercourses, the adequacy of the capacity of downstream culverts would be maintained, and downgrade flooding due to increased runoff would be prevented. Mr. Martin asked Mr. Oley to recommend reasonable criteria thresholds for size of construction, slope, and area of disturbance. Mr. Oley said he would consult with Soil Conservation Service. Mr. Charles asked the Commission to reward applicants for keeping the disturbed area to a minimum, perhaps by increasing the coverage permitted on a property. It was the consensus the Regulations were complex enough already. Mr. Frank suggested the language in 14.2 be revised to state that except as provided for in Section 14.3, sketch plans would be required for all single family dwellings. Mrs. Friedman and Mrs. Hill agreed the current language was confusing and this change would be an improvement. It was also the consensus re: Section 14.3 to take out the reference to projects within 500 feet of wetlands. It was thought 1) 500 feet as written was too great a distance, 2) it could not be known for certain where wetlands are without hiring a soil scientist, and 3) if reduced to 100 feet as proposed by Mr. Oley, this was already under the jurisdiction of the Inland Wetlands Commission.
- 14.3.k: The requirement to show trees with a trunk circumference of 18" within the limit of disturbance was questioned, especially if there would be no requirement to preserve them. Mr. Oley noted larger trees are valuable to the community, not just the property owner. It was the consensus to retain this requirement for commercial properties only.
- 14.3.j and 14.3.n: It was the consensus that no matter what the proposal, if more than half an acre would be disturbed, a site plan would be required. Mrs. Hill asked that the distance between the proposed structure and the existing or proposed septic system be shown on both sketch and site plans because the Health Department requires this information. She also asked that the existing and proposed coverage

calculations be required on both sketch plans and site plans.

- 14.3.1: A statement will be added that invasive species are not permitted.
- 14.3.n.9: This section will be clarified as the meaning of "certified" was unclear.
- 14.5: The ZEO will be authorized to waive specific individual elements of the sketch plan requirements, if upon inspection, it is determined they are not needed. Mr. McGowan suggested another term be substituted for "waiver" in this section so it would not be confused with waivers in the state statutes, which require a two thirds vote of the Commission. The Commission will get a legal opinion about this.
- 14.7.1: The Commission agreed with Mr. Oley that this section was too vague and should be deleted.
- 14.7.3: Mr. Oley noted he had tried to tie in this section with the Town's Driveway Ordinance.
- 14.7.6: Mr. Oley said he was waiting for input from the Council of Governments, but in the meantime had reviewed Westport's lighting regulations, which he thought were good. A 20 foot maximum height requirement and a provision that outdoor lights may not be left on all night will be added. It was noted liability was an issue, and so a statement that these requirements should be followed as long as they are consistent with the safety and security of the property will be added. Mr. Charles thought uplighting and the number of lights allowed on a property should be regulated. Mr. Martin asked that requirements to state there may be no glare and that light may not cross property lines be added.
- 14.7.7: Mr. Oley explained designs to handle 10 year storms are generally adequate. Mr. Owen asked if this proposed section differed from the Inland Wetland Regulations. Mr. Oley will investigate. Mr. Owen thought this proposed section was "overkill" and recommended lesser regulations similar to Roxbury's. Mr. Oley stated Roxbury's regulations were not specific and that most towns were now using a format similar to what was proposed in this draft. Mr. Owen thought the Wetlands Commission should regulate drainage, but Mrs. Hill pointed out not all properties have wetlands. Mr. Oley noted that while the proposed language seems complicated, engineers understand it and routinely deal with it. The consensus of the Commission was in agreement with Mr. Oley's recommendations.
- 14.7.8: Mr. Oley added a reference to the 2002 DEP guidelines for erosion and sedimentation control.
- 14.7.7.I: Mr. Oley explained the reason for the roof drain requirement was to prevent an increase in post development stormwater runoff onto adjoining properties. There was a brief discussion regarding runoff onto adjoining properties, which results from a project that does not require a zoning permit. Mr. Oley explained per state statute a person may not damage another's property and in such a case, it would be a civil matter between the two property owners.
- 14.7.9: Mr. Oley added a statement that fire ponds should be kept clear of litter and debris.
- 14.3.13: Language similar to that in Section 6.5 will be added to state invasive species are not permitted.

- 14.3.16: Mr. Oley stated the proposed language was from the Town Atty. and would apply to both residential and commercial properties. He noted the applicant's engineer should prepare the bond amount for the Town's engineer to review.

Mr. Martin thanked Mr. Oley and said his input had been very helpful. Mr. Oley will have a revised draft ready in time for the Commissioners to review it before the next meeting.

Revision of the Zoning Regulations/Section 17.5/Special Exceptions

Mr. Martin pointed out the changes made since the last meeting:

1) 17.5.a.1: It was made clear that the uses referred to in this section were residential and uses accessory to residential uses and did not include institutional or commercial uses.

2) 17.5.c.1: Mr. Martin had consulted with Atty. Zizka in light of Mr. Brinton's concerns raised at the last meeting. Atty. Zizka said the language should not be changed because it is virtually identical to that in the state statutes. Mr. Martin said this would be a good example of the Zoning Commission promoting housing diversity. Two minor changes made to this section were: in 17.5.c.1.1: "economic" was added to read, "promoting housing choice and economic diversity..." and 17.5.c.1.2 was changed to: "supporting the continued use of a single family dwelling or the continued use of an accessory building with...."

It was noted the public hearing on 17.5 was scheduled for January 26 at 7:30 p.m.

Enforcement

Washington Community Housing Trust/16 Church Street/Affordable Housing Units: Mr. Owen said the Commission had approved the modification of the existing school buildings, but he had observed that all of the structures had been torn down. He questioned whether this was OK as the Commission had approved the plans in part because it had been told it was not feasible to make changes because the existing buildings were to be utilized. Mr. Martin noted the Commission had approved a specific site plan. Mr. Charles said the existing foundations were being used and thought some of the demolition was due to the Commission's condition that the gym wing be cut back. Mrs. Hill thought some of the demolition was required due to the asbestos removal. Mrs. Hill will contact the Housing Trust to get a report on why the structures that were to have been partially utilized have been demolished.

MOTION: To adjourn the meeting. Mr. Shapiro.

Mr. Martin adjourned the meeting at 10:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

