

December 17, 2007

MEMBERS PRESENT: Mrs. Friedman, Mr. Owen

MEMBERS ABSENT: Mr. Abella, Mr. Averill, Mr. Fitzherbert

ALTERNATES PRESENT: Mr. DuBois, Mr. Wyant

ALTERNATE ABSENT: Mr. Shapiro

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Gitterman, Mr. Boling, Mr. Hileman,

Mr. Papsin, Mr./Mrs. Federer, Ms. Zinick, Press

PUBLIC HEARING

Revision of the Zoning Regulations/Sections 13.11.1, 13.11.2, 13.11.3 to Permit Only One Accessory Apartment per Property/Con't.

Mr. Owen reconvened the public hearing at 7:30 p.m. and seated Members Friedman and Owen and Alternates DuBois and Wyant. He noted there were two additions to the file and he read each for the record: 1) the 12/9/07 email from Mr. Grunberg and Ms. Stevens and 2) the 12/4/07 email from Mr. Cornet and Mr. Mustich; both against the proposed revision.

Mr. Owen noted that at the last meeting the Commission had discussed the possibility of modifying the proposed revision to allow one attached and one detached accessory apartment per property if one of the apartments qualified as a deed restricted affordable housing unit. He thought this would meet the most impassioned argument made at the last meeting that more accessory apartments were needed for parents and children. Mr. Ajello noted this would also address the concern expressed by the Averills that farms need apartment units to house farm employees.

Mrs. Friedman thought that was sensible and worth pursuing because it would help the Town reach its objective percentage of affordable housing.

Mr. Hileman, chairman of the Housing Commission, noted that property owners are loathe to put deed restrictions on their properties, and he thought this idea was a way to get around the problem rather than a solution.

Mr. Boling said it could be argued that if there was a single family home and two apartments on a property and one met the state definition of affordable, then 30% of the units would be affordable and all would be exempt from the local zoning regulations. He also noted that for high end houses, the 1200 sq. ft. maximum for accessory apartments is not large enough for a guest house. He said as a result, properties

have been subdivided so that a larger guest house could be built. He thought the proposed revision would accelerate this process.

Mr. Owen thought this might lead to the creation of more moderate housing in Town, but Mr. Hileman pointed out that subsequent owners would enlarge them.

Mr. Hileman thought that the concept of apartments for profit might bother some residents, and so noted that if one was required to be affordable, then its motive would not be profit.

Mr. Owen noted that the Commission's ongoing concern was that the accessory apartment regulations not undermine the rest of the Zoning Regulations. He thought the reason why the proposed revision was controversial was because there aren't many accessory apartments in Town and said he was interested in hearing from the Planning Commission on the new proposal.

Mr. Ajello asked whether the state monitors deed restricted affordable housing. Mr. Hileman said the state requires that 1) the occupant meets the income requirements, 2) the deed restriction is filed, and 3) an affordability administrator is appointed. It was noted the minimum duration of the deed restriction for detached apartments is 1 year and for attached apartments it is 10 years. Mr. Boling said, however, that to qualify as state affordable housing under CGS 8-30g, the minimum is 40 years.

MOTION: To modify the proposed revision of the Washington Zoning Regulations, Sections 13.11.1, 13.11.2, and 13.11.3 to state that a second accessory apartment may be permitted on a property if either of the apartments is qualified under the current state definition of affordable housing and that the permit or Special Permit will be valid for as long as one of the apartments is deed restricted and to refer the proposed language to the appropriate agencies for review. By Mr. Owen, seconded by Mrs. Friedman, and passed 4-0.

MOTION: To continue the public hearing to consider the proposed revision of the Washington Zoning Regulations, Sections 13.11.1, 13.11.2, and 13.11.3 to Monday, January 28, 2008 in the Land Use Meeting Room, Bryan Memorial Town Hall; the second hearing on the agenda. By Mr. Owen, seconded by Mrs. Friedman, and passed 4-0.

At 7:53 p.m. Mr. Owen continued the public hearing to Monday, January 28, 2008 in the Land Use Meeting Room.

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. Owen called the Meeting to order at 7:53 p.m.

MOTION: To accept the 11/26/07 Public Hearing - Regular Meeting minutes as submitted. By Mr. Owen, seconded by Mrs. Friedman, and passed 4-0.

Pending Applications

Rumsey Hall School/184 Romford Road/Special Permit: Section 4.4.10/Construct Dormitory and Hockey Rink: It was noted a public

hearing would be held on Monday, January 7, 2008 at 7:30 p.m. unless the required coverage variance was not granted by the ZBA on 12/20. Mr. Owen read the 12/17/07 EO Report.

New Applications

Myfield, LLC/7 Mygatt Road/Affordable Housing Project: Mr. Owen read the 12/17/07 EO Report and scheduled a public hearing for Monday, January 28, 2008 at 7:30 p.m. in the Land Use Meeting Room.

Moore/25 Litchfield Turnpike/Special Permit: Section 13.16/Shop and Storage Use by Contractors and Building Tradesmen: Mr. Owen read the 12/17/07 EO Report, which noted the Health Dept. had granted a conditional approval. Mr. Moore granted an extension so the public hearing could be scheduled for Monday, February 25, 2008 at 7:30 p.m. in the Land Use Meeting Room.

Carusillo/204 Wykeham Road/First Cut: Mr. Owen read the 12/17/07 EO Report. It was noted that the application was incomplete because approvals from the Health Dept. and Board of Selectmen were missing. Density calculations and an attorney's affidavit that the proposed division is a first cut had been submitted for the file. Further discussion was tabled until the application is complete.

Other Business

Revision of the Zoning Regulations/Inns/Section 13.9: At the last meeting Mrs. Hill had prepared sheets with Section 13.9's current language and proposed language and definitions to use as a basis for discussion. After a lengthy discussion it was evident that the two main issues to be resolved were: 1) Should inns be restricted to state roads or restricted in some other way? 2) How should inn be defined? It was noted that in the past the Zoning Commission had interpreted the Regulations to mean that inns were only allowed on state highways, but recently Mr. Owen and Atty. Zizka had pointed out that that this interpretation was incorrect. At that time the Commission had decided the language should be clarified and possibly revised. Mr. Owen noted that inns have a long history in Washington and residents have viewed them as a compatible use in Town. He favored their operation throughout Town. He said they were a low impact business, have been major employers and contributors to the Town's tax base, and that there have been no complaints against them. Mrs. Hill cautioned that there were no complaints on record because historically Washington has had smaller country inns rather than big chain operations like Best Western, so she felt the definition of inn was very important. Mrs. Friedman said most residents living on Town roads would not respond favorably to an inn moving in next door and so said she supported the proposed language restricting them to state roads and to Town roads located in the business districts. She thought if they were to be considered on Town roads, there should be a minimum acreage requirement over 5 acres. She noted many of Washington's historic inns were located on Lake Waramaug where there is a state highway. Mr. Owen noted the Commission does not make regulations with particular properties in mind, but noted the Wykeham Rise property, and asked whether the inn regulations could be used as a means to preserve its older structures. It was noted the section on Town Landmarks would also apply. Mrs. Friedman thought there was a major difference between the conversion of an existing property and the construction of a new building and business operation. Mr. Ajello noted many inns have restaurants and bars and generate traffic. Mr. DuBois said, then, that he agreed with the proposed language that they should be located on state roads. Mr. Ajello asked why the term, Tourist Home, had been deleted. Mrs. Hill responded that it was an outdated term for what is now called a Bed and Breakfast Establishment. She noted she had included a definition for Bed and Breakfast because the current regs do not provide one. Mrs. Friedman thought it would be important for the Commission to be able to restrict the number of rooms in a proposed inn. Mrs. Friedman and Mr. Owen did not agree with the provision in the proposed definition

of inn that would limit inns totally or in part to structures that had previously been private residences. Mr. Ajello noted that many of the criteria listed in the proposed language for inns were standard for Special Permit applications. Mr. Owen said this was true, but he thought that inns should be able to have signs, even if located in a residential district. Also, Mr. Owen questioned whether antique terms such as Room and Board and Boarding House should be deleted from the Regulations or retained because they would provide more flexibility. It was noted that this discussion had been generated by the Commission so there was no time deadline for a decision. It was the consensus that there was no rush to decide on new language and that further consideration would continue at the next meeting.

Privilege of the Floor

Revision of the Zoning Regulations/Section 16/Signs: Mr. Ajello noted that businesses on properties along state roads with wide right of ways encounter problems when trying to locate their signs so that they both meet the 10 ft. minimum property line setback and are still visible from the road to passers by. He noted, too, that it was difficult to obtain a variance from the ZBA under these circumstances. Ms. Zinick spoke on behalf of JD Tucker's on Bee Brook Road. On this particular property the state right of way line is located very near the existing building and the sign would have to be located in the middle of the black topped parking lot to meet the setback requirement. Ms. Zinick stated there is already a "grandfathered" sign and pole on this property and Mr. LaPan from the state DOT had granted permission for a sign to be added to the existing post. Mr. Ajello noted the Tulip Tree, also on Bee Brook Road, had a similar problem, which was resolved when it leased part on the state right of way so it could locate its sign there. He questioned, however, how a property owner could apply to erect a sign off his own property. The Zoning commissioners acknowledged this was a problem in areas of wide right of ways. Mr. Ajello said it was also a common problem in Marbledale. Mr. Owen noted that businesses need signs and suggested a revision to state that along state roads in the business districts, signs may be placed closer to the road than would normally be permitted if the state DOT signs off. Mrs. Friedman suggested instead either eliminating or reducing the front yard setback. After a lengthy discussion it was the consensus to revise Section 16.5.1 to state that no sign shall be closer than 10 feet to any side boundary line. This would permit signs to be erected close to the front property line in cases such as JD Tucker's. A public hearing was scheduled for the February meeting. Mrs. Hill will refer the proposed revision to the proper agencies.

Other Business

Special Meeting/January 7, 2008: Mr. Owen stated that he had attended the last Planning Commission meeting and the commissioners had been enthusiastic about meeting with the Zoning Commission. The goal, he said, would be to improve communication between the two commissions and to discuss issues of mutual concern. He noted that each Town commission has its own goals, which are not necessarily compatible with those of the other commissions and has its own understanding of the jurisdiction of the other commissions, which might not necessarily be correct. For example, he noted the WCHT had expressed frustration with the Zoning Commission, but upon further discussion it was evident the problems expressed were with the Town Road Specification Ordinance, which is under the jurisdiction of the Board of Selectmen, and the Subdivision Regulations, which are under the jurisdiction of the Planning Commission. Another example he gave was cell towers. The Zoning Commission has no jurisdiction over cell towers, but Zoning is often blamed for both having them and not having them in Town. Mr. Owen thought the WCHT had been dismissive of the Depot Study because it was not interested in residential units in the village centers. Mr. Hileman noted the Housing Trust was now most interested in ownership of affordable housing, not rental units. Mrs. Hill will notice this meeting for approximately 8:30 p.m. (following the Rumsey Hall public hearing) in the Land Use Meeting Room on Monday, January 7, 2008.

Enforcement

Mr. Ajello said there were no important enforcement issues to discuss and that Mr. Peloquin/1 New Preston Hill Road would soon be resolving a violation on this property.

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

Mr. Owen adjourned the meeting at 9:12 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator