

## December 18, 2006

MEMBERS PRESENT: Mr. Averill, Mr. Martin, Mr. Owen

MEMBERS ABSENT: Mr. Fitzherbert, Mrs. Friedman

ALTERNATE PRESENT: Mr. Abella

ALTERNATES ABSENT: Mr. Shapiro, Mr. Wyant

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sears, Mr. Betolatti, Mr. Scully, Resident

Mr. Owen called the meeting to order at 7:30 p.m. and seated Members Averill, Martin, and Owen and Alternate Abella.

### Consideration of the Minutes

The 11/27/06 Public Hearing - Regular Meeting minutes were accepted as corrected. On page 8, under 12.15.1, "above eye level" was changed to at eye level.

MOTION: To accept the 11/27/06 Public Hearing-Regular Meeting minutes as corrected. By Mr. Martin, seconded by Mr. Abella, and passed 4-0.

### New Application

**Town of Washington/59 East Shore Road/Special Permit: Section 6.4.4/Boat Ramp and Parking:** Mr. Sears noted the application was for Phase I only and that the Health Department and the Inland Wetlands Commission had approved it. He said a variance for lot coverage was required, but he hoped that the ZBA would grant it prior to the next Zoning meeting. He asked that a public hearing be scheduled for the January meeting. A public hearing was scheduled for Monday, January 22, 2007 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

### Other Business

**Revision of the Zoning Regulations/Residential Outdoor Lighting:** Mr. Owen had circulated the 12/18/06 draft that had been revised per the discussion at the 11/27 meeting. He noted the other Town commissions and the Environmental Council had expressed their support for residential lighting regulations. He viewed the proposed regs as a first step because the Zoning Commission can not deal with all existing lighting in Town; a Town Ordinance would be needed to deal with existing dangerous and offensive lights. Also, commercial lighting would be considered in the future. Mr. Owen added that public education about lighting is essential. Much of the lighting installed for security, for

example, actually works to make the building less secure because it is too bright and glaring and is directed away from the building instead of toward it. The public hearing on the proposed regulations will be used to educate the public and Mr. Owen suggested that local architects, electricians, contractors, realtors, etc. be invited to attend. It was noted the proposed regulations would only affect new construction and new light fixtures. Mr. Owen said when adopted, informational packets would be handed out with the application forms for new development, and proposed outdoor lighting would be included in the review of all sketch plans and site plans for residential development. Section 12.15.9 of the proposed regs includes a chart to illustrate for the public acceptable versus non acceptable types of light fixtures. Two minor revisions were made to the 12/18 draft: 1) In 12.15.1 "bulbs and other light sources" was changed to bulbs, lamps, and other light sources. 2) In 12.15.9 the spelling of Branford was corrected. A public hearing was scheduled for 7:30 p.m. on February 26, 2007 in the Land Use Meeting Room, Bryan Memorial Town Hall.

Mr. Sears announced Mr. Martin had submitted a letter of resignation and tonight's Zoning meeting would be his last. He recognized him for his 11 years of service on the Commission, which included 6 years as chairman. Mr. Owen thanked Mr. Martin for his dedication and noted he was leaving a strong Commission for those who follow. Mr. Martin stated he enjoyed serving on the Commission and was grateful to the staff for its help.

#### Pending Application

**Betolatti/32 Flirtation Avenue/First Cut:** Mr. Betolatti and Mr. Scully, engineer, were present. It was noted the Inland Wetlands Commission and the Health Department had approved the application. The map, "Property Survey Showing Proposed Parcel Line," by CCA, LLC., dated 10/19/06 was reviewed. Mr. Scully noted the 8.6 acre parcel would be divided into two approximate 4 acre lots. Mr. Owen read the 12/18/06 enforcement report. There was a brief discussion regarding whether the proposed lot was, indeed, a first cut. Mr. Scully and Mr. Ajello said to the best of their knowledge, it was; .024 acres had previously been transferred to an adjoining property owner and did not qualify as a first cut. Mr. Ajello amended the 4th line of his EO report to delete the word, "other" because the .024 acres was never a separate parcel.

**MOTION:** To approve the application submitted by Mr. Betolatti for a first cut at 32 Flirtation Avenue. By Mr. Averill, seconded by Mr. Abella, and passed 4-0.

#### Other Business

#### **Revision of the Zoning Regulations/Section 16: Signs:**

**Revision of the Zoning Regulations/Eating and Drinking Establishments in the Business Districts:** Mrs. Friedman had volunteered to update these draft regulations. Since she was absent, discussion of both matters was tabled to the next meeting.

**2007 Calendar:** The proposed calendar was reviewed. It was noted the 2007 meetings would be held on the fourth Monday of each month except for May and December when the meeting would be on the 3rd Monday due to the holiday schedule.

**MOTION:** To approve the 2007 Calendar as presented. By Mr. Martin, seconded by Mr. Averill, and passed 4-0.

**Revision of the Zoning Regulations/Section 2.3.2/Prohibition of Outdoor Wood Fired Boilers:** Mr. Owen noted the Commission had previously discussed the possibility of banning these boilers and said he had decided to bring up the issue again after reading an article in the **New York Times** about the problems they cause. The Commission considered whether they should be included in Section 12 with a provision they must be located at least 1500 feet from all boundary lines, banned outright in Section 2, or whether Zoning should recommend they be prohibited by Town Ordinance. It was agreed the Commission would propose to prohibit them under Section 2.3.2. whether they are powered by wood or any other fuel. Mr. Owen noted they were a nuisance and were not a clean energy source. A public hearing was scheduled for Monday, February 26, 2007 in the Land Use Meeting Room, immediately following the hearing to consider residential lighting regulations.

#### Enforcement

**Moore/25 Litchfield Turnpike:** Mr. Ajello reported the Inland Wetlands Commission is still working with Mr. Moore to resolve the wetlands violations on the property. He listed the related zoning issues: 1) installation of a sports court without a zoning permit, 2) enlargement and then relocation of a barn without a zoning permit, and 3) shop and storage use in the Residential- Farming District without a Special Permit. Mr. Ajello said he had sent Mr. Moore a notice of violation. Mr. Owen asked if Mr. Moore was aware that under the new fine ordinance he could be fined up to \$150 per day for these violations. Mr. Ajello said he would advise Mr. Moore to apply immediately for the Special Permit.

#### Other Business

Mr. Owen briefly discussed attendance at meetings. He noted he had recently written to Mr. Wyant to ask that he either resume attending the regular meetings or resign so that someone able to attend could become an alternate. Mr. Wyant had not yet responded. Mr. Owen will contact the Republican Town Committee.

**White/6 Parsonage Lane/Garage:** Mr. Ajello informed the Commission that his denial of Mr. White's zoning application to construct a garage had been appealed by Mr. White to the ZBA. He noted the reason for the denial was that a coverage variance was needed. The circumstances of this property, the denied application, and Mr. White's current ZBA appeal and simultaneous variance application were reviewed and discussed. Mr. Ajello noted he had consulted with Atty. Zizka who had advised him the application should be denied. It was the consensus of the Zoning Commission that Mr. Ajello has its full backing, that Mr. Ajello could not have acted in any other way, and that his action to deny the application was correct.

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

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator