

December 19, 2005

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

ALTERNATES PRESENT: Mr. Abella, Mr. Wyant

ALTERNATE ABSENT: Mr. Shapiro

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Fowlkes, Mr. Boling, Mr. Charles, Mr. Tagley, Mrs. Mathews, Mr. Worcester, Mr. Papsin Mrs. Federer, Ms. Stevens, Mr. Wasserstein

PUBLIC HEARING

Revision of the Zoning Regulations/Section 13.3/Effective Date

Mr. Owen called the public hearing to order at 7:35 p.m. and seated Members Averill, Fitzherbert, Friedman, Martin, and Owen. Mrs. Friedman read the legal notice published in **Voices** on 12/7 and 12/14/2005.

Mr. Martin explained the purpose of the revision was to address those instances when the Commission does not set an effective date for Special Permits. He noted the current language is archaic and was not specific, but the language proposed by Mr. McGuinness, Director of the NW Ct. Council of Governments, was in accordance with the state statutes. He read Mr. McGuinness's 11/15/05 memo to Mrs. Hill, which included the proposed language.

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

MOTION: To close the public hearing to consider the revision to the Washington Zoning Regulations: Section 13.3 regarding the effective date for Special Permits. By Mrs. Friedman, seconded by Mr. Martin, and passed 5-0.

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

The 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 7:38 p.m. As the new chairman, he said he hoped to do as good a job as Mr. Martin had and that from Mr. Martin he had learned to be patient and to listen to the public. He said he would rely heavily on his experience. Mr. Owen noted he had previously served on the Zoning Board of Appeals and was serving his 12th year on the Zoning Commission. He thanked the Zoning

Commissioners for their confidence in him.

MOTION: To express the Zoning Commission's appreciation for the work Hank Martin has done during his terms as Zoning Commission chairman. By Mr. Owen, seconded by Mrs. Friedman, and passed 5-0.

Consideration of the Minutes

MOTION: To accept the 11/28/05 Public Hearing- Regular Meeting minutes as written. By Mrs. Friedman, seconded by Mr. Fitzherbert, and passed 5-0.

Other Business

Revision of the Zoning Regulations/Section 13.3/Effective Date:

MOTION: To approve the proposed revision to Section 13.3 of the Washington Zoning Regulations regarding the effective date for Special Permits per the language submitted by Mr. McGuiness in his 11/15/05 memo to the Commission, which was read at the public hearing and to set the effective date for for 15 days after the legal notice is published. By Mr. Martin, seconded by Mr. Fitzherbert, and passed 5-0.

Revision of the Zoning Regulations/Section 16/Signs: The latest draft has been referred to Atty. Zizka for review.

Pending Application

Myfield, LLC/7 Mygatt Road/Application Under the State Affordable Housing Appeals Act for 10 Dwelling Units: Mr. Owen noted the Town Sanitarian had signed off on the application. Mrs. Friedman read the 12/8/05 letter to Ms. Von Holt from Mr. Pawlik of the DPH and it was noted it was a conditional approval since there were additional requirements that had to be met by the applicant, including additional perc tests. It was the consensus that although final approval had not been granted, the Commission would schedule the public hearing. Mr. Boling submitted a letter of authorization for Atty. Ebersol and himself and noted that Mr. Fowlkes, an owner, and Mr. Charles, a consultant, who both serve on the Planning Commission, would not represent the applicant before the Zoning Commission. He then submitted the 6/20/05 letter of intent to provide domestic water from the Judea Water Company and said he anticipated approval from the DPUC and DPH would be forthcoming. Mr. Boling reported that a letter had been received from Mr. Santoro of the Department of Economic and Community Development who advised the applicant that if the deed restrictions were put in place the three units would qualify as affordable housing. Mr. Martin asked if Mr. Santoro had seen the proposed layout. He had not. Mr. Martin noted the letter was helpful, but said the Commission may require more information regarding comparability. Mr. Boling said the applicant had received Atty. Zizka's 12/11/05 letter regarding issues related to affordable housing, but was not prepared to comment on it tonight. It was the consensus of the commissioners that they would wait for the public hearing to look at the site plan. The hearing was scheduled for Monday, January 23, 2006 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

Comparability was briefly discussed. Mr. Martin noted Atty. Zizka's letter was helpful, but ambiguous. He said he would not like the Commission to find itself in the position where it had approved the application, but Mr. Santoro then ruled it did not meet the comparability

requirement, so he recommended that Mr. Santoro review the site plan, not just the deed restrictions. Mrs. Friedman thought the Commission should determine whether it thinks the application meets the comparability requirement prior to seeking an opinion from Mr. Santoro. Mr. Martin said it would be prudent to get Mr. Santoro's endorsement of the Commission's opinion. Mr. Owen and Mr. Martin will discuss the procedure with Atty. Zizka before the next meeting.

New Application

Murgio/21 New Preston Hill Road/First Cut

Mr. Owen read the 12/19/05 ZEO Report, which noted the application had approvals from Inland Wetlands, Health, and Mr. Cannavaro, road foreman, and did qualify as a first cut. Mr. Ajello stated driveway approval by the Selectmen's Office was not required at this time because this was a feasibility plan for development and the future owner would have to submit an application when he was ready to install the driveway. The map, "Site Analysis Plan," by Mr. Alex, revised to 10/26/05 was reviewed. Mr. Boling pointed out the frontage for the proposed interior lot. Mr. Ajello noted the proposed lot was 10 acres and the remaining parcel with the existing house was 7 acres.

MOTION: To approve the application submitted by Mrs. Murgio for a first cut at 21 New Preston Hill Road per the map, "Site Analysis Plan," by Mr. Alex, revised to 10/26/05. By Mr. Averill, seconded by Mrs. Friedman, and passed 5-0.

Anderson (Devereaux Glenholme School)/77 New Milford Turnpike/ Special Permit: Section 4.4.10/School

Mr. Fitzherbert recused himself and Mr. Abella was seated. Mr. Owen read the 12/19/05 ZEO Report, which stated the \$30 state tax was still due. It was noted the Health Department had approved the application. A public hearing was scheduled for Monday, January 23, 2006 in the Land Use Meeting Room immediately following the first hearing scheduled for 7:30 p.m.

Privilege of the Floor

Mr. Tagley asked if the telecommunications tower proposal for the New Preston Firehouse property would be discussed. Mr. Owen noted information about the proposal had been circulated, but that any questions or comments should be directed either to the Board of Selectmen or the State Siting Council.

Depot Study: Mr. Frank, Planning Commissioner, presented Planning's 12/12/05 referral letter and asked the Zoning Commission to review the study and get any comments and suggestions to the Planning Commission by the beginning of February. He noted the study was a conceptual exercise. He said the Planning Commission was first seeking input from the Town boards and then would meet with the Zoning Commission and post the study on the Town website to engage the entire community. Mr. Owen thought the study contained some "terrific" ideas, but thought Zoning should wait to see whether there was a townwide consensus before making any revisions to the Zoning Regulations. He said the Zoning Commission would point out those aspects of the study, which do not conform to the current Zoning Regs. Mr. Martin thought each Zoning commissioner should have his own copy rather than sharing three as suggested by the Planning Commission. He said, too, that Zoning would have to be careful not to jeopardize its objectivity by making predeterminations about the study and the regulation revisions needed to implement it. Mr. Owen agreed the Zoning Commission should not be overly involved in the

conception of the study, but suggested Zoning send a representative to Planning to participate in the discussions. He noted the Commission has a full agenda for January and was not sure Zoning would have a response for Planning by February.

Communications

11/17/05 Letter to Mr. Tomlinson from Verizon Wireless: Mr. Owen read the cover letter regarding Verizon's proposal to construct a telecommunications tower on the New Preston Firehouse property and noted the Zoning Commission had identified this as an appropriate site when it had considered the application by the New Preston Congregational Church for a facility in its steeple. Mr. Martin noted the Zoning Commission had no jurisdiction in this matter. Mrs. Friedman reported that Verizon would make a presentation to the Board of Selectmen in January. Mrs. Mathews asked if it was still possible to select an alternate site. Mr. Owen said that would be up to the Board of Selectmen and the Siting Council. Mrs. Friedman noted rejection of this site would not prevent the installation of a facility in a less suitable location.

Enforcement

Oliva's Restaurant: Mr. Ajello reported the restaurant is in the process of expanding its parking lot to accommodate the additional seating and since this is a use permitted in the New Preston Business District, a Special Permit was not required.

Deli at 210 New Milford Turnpike: Mr. Ajello will investigate complaints regarding the size of the sign.

Complaint re: "Junkyard" on Dark Entry Road: Mr. Ajello will address this before the next meeting.

Palm Classic Apparel/Rt. 202 and Main Street: It was the consensus that when the sign Regulations have been amended, the property owner may then apply for a portable sign on Main Street in addition to the directory sign on Rt. 202 and that a sign that has a post that can be taken out nightly from a sleeve or pipe in the ground would be considered portable. It was not thought that the revised regulations would have to list every possible type of portable sign.

Green Hill Trading Coffee House: Mrs. Friedman had read about this business in the newspaper, but noted the Commission had not received an application. Mr. Ajello will contact the owner.

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

Mr. Owen adjourned the meeting at 8:47 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator

