

December 20, 2004

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

MEMBERS ABSENT: Mr. Fitzherbert, Ms. Page

ALTERNATES PRESENT: Mr. Abella, Mr. Brinton

ALTERNATE ABSENT: Mr. Shapiro

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

ALSO PRESENT: Mr. Connolly, Mr. Lasar, Mr. J. Ross, Press

PUBLIC HEARING

Connolly/249 New Milford Turnpike/Special Permit: Section 9.4.1/ Addition-Alteration to Existing Commercial Building/Con't.

Mr. Martin reconvened the public hearing at 7:30 p.m. and seated Members Friedman, Martin, and Owen and Alternate Abella, noting they had all attended the first session of the hearing on November 22. He also noted the seated Members except for Mr. Abella had conducted a site inspection on November 26. Mr. Abella noted although he had not attended that inspection, he had viewed the property on his own.

Mr. Martin said he thought the proposal was harmonious with the neighborhood. He stated there was adequate existing parking without disturbing the north side (St. Andrew's Church side) of the property and suggested if additional parking was needed in the future, the best location would be in the rear on the south side of the lot. He noted Mr. Owen has often stated in the past that the Commission should not require more parking spaces than are actually needed.

Mrs. Friedman asked if the Commission should require an additional hedge between this and the Post Office property. Mr. Ajello pointed out that a dumpster with a surrounding fence would provide a partial buffer. Mr. Owen and Mr. Martin thought due to the nature of the existing adjacent commercial uses, there was no need to install an additional buffer between the two properties.

Mrs. Friedman asked if the owner planned to pave the processed stone parking lot and driveway in the future, noting she would like it to remain stone. Mr. Connolly said the existing lot has been gravel since 1988 and he had no plans to pave it.

Mr. Martin stated the proposal was in keeping with the intent of the development options for Marbledale as specified in sections 9.5 and 9.6 of the Regulations.

MOTION: To close the public hearing to consider the Special Permit application: Section 9.4.1 submitted by David Connolly, Inc. for an addition and alterations to the existing commercial building at 249 New Milford Turnpike. By Mr. Owen, seconded By Mrs. Friedman, and passed 4-0.

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

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. Martin called the meeting to order at 7:39 p.m. and seated Members Friedman, Martin, and Owen and Alternates Abella and Brinton for Mr. Fitzherbert and Ms. Page.

Consideration of the Minutes

MOTION: To accept the 11/22/04 Regular Meeting minutes and the 11/26/04 Special Meeting minutes as written. By Mrs. Friedman, seconded by Mr. Abella, and passed 5-0.

Pending Matters

Connolly/249 New Milford Turnpike/Special Permit: Section 9.4.1/ Addition-Alteration of Existing Commercial Building:

Mr. Brinton was not seated for this agenda item.

It was the consensus to approve the application with the understanding that if additional parking is needed in the future another application will be required.

MOTION: To approve the Special Permit application: Section 9.4.1 submitted by David Connolly, Inc. for an addition and alterations to the existing commercial building at 249 New Milford Turnpike with the condition that there be no change to the existing parking on the north side (St. Andrew's Church side) of the property. By Mr. Owen, seconded by Mr. Abella, and passed 4-0.

First Washington Capital, LLC.(Matthews)/89 Lower Church Hill Road/Single Family Dwelling and Inground Pool: Mr. Ajello noted his 12/20/04 ZEO Report included the following three letters concerning the Matthews' application: 1) the 12/10/04 letter from Mr. Bellantoni, Ct. State Archeologist, recommending the entire parcel be included in an archeological survey, 2) the 12/17/04 letter from Mr. Ajello to Mr. and Mrs. Matthews advising them of all the missing documentation in their application, and 3) the 12/17/04 letter from Mrs. Corrigan, Conservation Commission raising concerns about the impact of the proposed development. He listed the reasons why the application is incomplete and said it had been reported in the Hartford Courant that Mr. Matthew's attorney stated the application would be withdrawn. However, because the Commission has not yet received a written request for withdrawal, he advised the Commission to proceed according to the state timeline requirements. Mr. Martin recommended the Commission conduct a public hearing to consider the application given the town wide interest shown and the complexity of the environmental issues.

MOTION: To schedule a public hearing to consider the application submitted by First Washington Capital, LLC. to construct a single family dwelling and pool at 89 Lower Church Hill Road on January 24, 2004 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. By Mr. Martin, seconded by Mr. Brinton, and passed 5-0.

Mr. Ajello noted the Inland Wetlands Commission had requested an application, which it would not receive until January 12th at the earliest.

Mr. Martin pointed out that the 12/17 Conservation Commission letter referred to Section 22a-19 of the state statutes and he read a section of that statute regarding impairment of the public trust in the air, water, or other natural resources of the state. He noted the Conservation letter alleged that environmental damage could occur as a result of this proposed project.

New Application

Ross/24 Wilbur Road/Special Permit: Section */Construct Retail Establishment and Housing in the Business District:** Mr. Ajello noted the application was in order and a public hearing could be scheduled. The hearing was set for Monday, January 24, 2005 in the Land Use Meeting Room. It will be the third hearing held that evening.

Other Business

Revision of the Sign Regulations/Section 16: Mrs. Friedman reported she had completed a first draft, which would be reviewed by Mr. Brinton and Mrs. Hill before it is given to the Commission for review.

Privilege of the Floor

Mr. Sears, First Selectman, thanked the Commission for its work throughout the year including its efforts to implement the Plan of Conservation and Development and for conducting its business in a fair and professional manner.

Communications

Regulations for Viewshed Protection: Mr. Martin summarized the discussion to date. Mr. Sinclair had explained the methodology he would use to prepare a map of the priority viewsheds to be protected throughout Town, but was waiting for the Commission to prioritize the views to be preserved. More than thirty percent of the Town had been designated as scenic viewsheds in the Natural Resource Inventory Report, and Mr. Martin explained this must be narrowed down for any viewshed regulations to be effective. He said he had talked with Mrs. Payne, Chairman of the Conservation Commission, who offered to have the Conservation Commission work on prioritizing the views. He appreciated this input and looked forward to receiving its recommendations.

Zoning Regulations for Driveways on Discontinued Town Roads: Mr. Sears noted Mr. Boling had worked on draft zoning regulations to govern driveways over discontinued Town roads. Mr. Martin said he had seen the draft, but had not yet shared it with the Zoning Commission because he did not know whether the Board of Selectmen supported it and he thought perhaps this matter might be more appropriately addressed by a town ordinance. He thought it was important to first get input from the Selectmen because they have the ultimate responsibility for discontinuing roads. He noted the Commission would be happy to work with the Board of Selectmen on this issue.

Ambient Lighting: The Commission was generally concerned about the growing problem of excess lighting on residential properties because it undermines the preservation of rural character. Mrs. Payne noted it also is unnatural, wastes energy, and disrupts the natural wildlife habitat. Mr. Owen suggested the Commission encourage use of appropriate lighting rather than regulating it by educating the public with a brochure handed out with each zoning application. Mrs. Friedman thought regulations were important so complaints could be

enforced. Information and regulations about lighting in other towns will be reviewed and the Commission will discuss this topic after it has completed its work to revise Section 16.

Mr. Martin briefly updated Mrs. Payne on the discussions held before she arrived regarding Matthews/89 Lower Church Hill Road and viewshed protection. Mrs. Payne said Conservation has a two person subcommittee to begin work on prioritizing viewsheds and thought that recommendations could be ready in two months. Both Mr. Martin and Mrs. Payne agreed the viewshed regulations would not be a tool for preventing construction of home sites, but would be used to make sure homeowners design their sites in an environmentally sensitive manner. Mr. Ajello asked if the viewshed regulations would apply to all views or only those views on a specific list. Mr. Martin said the regulations would begin by covering only the important views from the most publicly frequented areas in Town and they would be identified on a prioritized natural resource viewshed map.

Mr. Martin said he appreciated all the work done by the Zoning Commissioners this year, and they in turn thanked him for the work he has done as Chairman.

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

Mr. Owen adjourned the meeting at 8:24 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Coordinator