

• **February 23, 2004**

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

ALTERNATE PRESENT: Mr. Abella

ALTERNATES ABSENT: Mr. Brinton, Mr. Shapiro

STAFF PRESENT: Mrs. Hill, Mr. Oley

ALSO PRESENT: Mr. Papsin, Mr. Frank, Mr. McGowan, Mr. and Mrs. Graham

Regular Business

Mr. Martin called the meeting to order at 7:33 p.m. and seated Members Fitzherbert, Friedman, Martin, Owen, and Page.

Consideration of the Minutes

MOTION: To accept the January 26, 2004 Regular Meeting minutes as presented. By Mrs. Friedman, seconded by Ms. Page, and passed 5-0.

Pending Matters

Revision of the Zoning Regulations/Section 14: Site Plans

Mr. Oley, engineering consultant, was present.

Mr. Abella arrived at 7:35 p.m.

Mr. Martin said he hoped final technical revisions to the draft would be completed tonight so that the document could be referred to Atty. Zizka for a legal review.

Mr. Oley reviewed all the changes he had made to the draft based on the comments made at the December meeting. Comments on content included the following:

- 14.2, 4th line: It will be clarified that it is the footprint that is less than 1000 sq. ft.
- 14.2, 7th line: It was generally thought the term, "significant," was not specific enough. Mr. Oley will work on a clarification.
- 14.2, 7th line: Mr. Oley stated a 20% grade was a manageable slope from an erosion and sedimentation control standpoint. He recommended that this percentage not be decreased.
- 14.2, 15th line: The definition of "disturbance" was discussed. Mr. Oley said that disturbance occurs anytime "a shovel hits the ground."

Mr. Martin asked that he draft a definition to be included in Section 21.

- 14.2, 15th line: Mr. Owen suggested the criteria be bulleted to make this section easier to understand.
- 14.2: Mr. McGowan asked if the ZEO had the authority to request more precise documentation in order to determine whether the criteria have been met. Mr. Martin said Atty. Zizka would answer this question.
- 14.2, 19th line: Mrs. Hill will submit the appropriate sheet size to Mr. Oley.
- 14.2.e: Mr. Oley will clarify the term, "negatively impact." He noted even if there is no post development increase in overall runoff onto an adjacent property, that property could be negatively impacted if the runoff was more concentrated. He will also add a recommendation that infiltration systems be implemented.
- 14.2: Mr. Oley will add language to explain the intent of this section.
- 14.2: Mr. Owen thought a checklist should be included at the beginning of the section to help an applicant determine whether a sketch plan or site plan was required. He also thought there should be samples of each type of plan available for review in the Land Use Office.
- 14.2 and 14.3: Mrs. Hill questioned why it was proposed that all additions over 1000 sq. ft. in ground floor area would require site plans, while many houses up to 2400 sq. ft. in ground floor area with accompanying disturbance for site preparation, septic, driveway, and utilities that additions normally would not require, would require only sketch plans. Mr. Martin said the cumulative disturbance had to be taken into consideration. It was the consensus of the Commission to increase the maximum size of additions that do not require site plans to 1200 sq. ft. as long as they meet the same three criteria that single family dwellings must meet: 1) site disturbance is less than .5 acre, 2) slope of the disturbed area is less than 20%, and 3) no disturbance is within wetlands and watercourses regulated setbacks. Mr. Martin noted 1200 sq. ft. was the maximum size permitted for attached and detached accessory apartments and so by increasing the size to 1200 sq. ft. the revised regulations would not make it more difficult to construct accessory apartments.
- 14.3: Mr. Martin noted the ZEO may waive the site plan requirement if the proposed work is not significant and will have no adverse impact on abutting properties and wetlands and watercourses.
- 14.3.j: Mr. Martin asked for a definition for "incidental structural improvement."
- 14.3.k: It was decided this would be deleted because it would be impossible to enforce.
- 14.3.l and 14.7.12: The invasive species language in 14.7.12 will be moved to 14.3.l and referred to in 14.7.12.
- 14.7: Mr. Frank asked what the purpose of this section was. Mr. Oley explained it contained standards in addition to those already listed in 14.2 and 14.3.
- 14.5: Mr. Martin will consult with Atty. Zizka regarding whether it is legally appropriate to use the term, "waiver," in this section. Mr.

Frank suggested "exemption."

- 14.7.5: The Commissioners liked the addition of lighting standards. In 14.7.5.a "prevent" will be changed to "limit" or "minimize."
- 14.7.11: Mr. McGowan stated the Zoning Regulations could not direct the Inland Wetlands Commission. Mr. Martin pointed out the Wetlands Commission has been in favor of supportive reinforcement in the past, but said he would check this out with Atty. Zizka.
- 14.7.11.b: This will be deleted.
- 14.7.12: It will be made clear that planting plans are required for all non residential and non agricultural development.
- 14.7.13: It was questioned whether this section should be deleted as 14.3.k had been. Mrs. Hill pointed out if Zoning was going to reflect the goal of the Plan of Conservation and Development to preserve rural character, this section should remain in tact. The phrase, "to the maximum extent possible," will be added at the end of the last sentence.

Mr. Martin asked Mr. Oley for a revised draft as soon as possible so that it can be referred to Atty. Zizka for legal review. He said the Commission would work on improving clarity.

Review of 5 Year Plan for the Glenholme Devereux School: Mr. Fitzherbert updated the Commission on his five year facility plan. He detailed the educationally based programs offered for the 25 younger children and 75 older children currently enrolled at the school. He noted the school's advisory board had OK'd the plans presented to Zoning several years ago, but fundraising success will determine how quickly they proceed. The two major "engagement activities" proposed are an indoor riding ring and an arts center. These would be constructed within the existing campus so they would not be visible from the roads and would architecturally match the surrounding buildings. Mr. Martin asked if the school anticipated an increase in enrollment in the next five years. Mr. Fitzherbert said growth in the next five years would depend mainly on whether the State pressures Devereux to enroll more younger children due to the high success of its programs. He estimated that in the next ten years the enrollment of older children could increase by ten to offset the need to increase tuition. Mr. Martin requested that Mr. Fitzherbert inform the Commission when more is known about future growth. Mr. Fitzherbert agreed and noted the school is well below the maximum coverage originally permitted. Mr. Fitzherbert also stated the school is unique because it has few neighbors in sight and owns a huge buffer on three sides of its campus. He also noted the school has recently made changes in its on campus lighting to minimize light by shielding the sources and directing the light downward. He also said he had met with neighbors in the past to discuss development plans and would continue to do so in the future.

New Applications

Town of Washington/11 School Street/Special Permit: Section 4.4.9/Addition to Pavilion for Bathrooms and Kitchen

It was noted the Inland Wetlands Commission had not yet approved the application. The public hearing was scheduled for April 26, 2004 to ensure that the Wetlands Commission will have time to act prior to commencement of the hearing. It was also noted the map submitted had no boundary lines and so it could not be determined conclusively that the proposed structure met the setback requirements.

Sargeant/28 Tinker Hill Road/Special Permits: Section 6.4.10/ Boathouse and 6.4.6/Fence on the Lake Side of West Shore Road

Mrs. Hill noted the application had been approved by the Health Department, Zoning Board of Appeals, and the Inland Wetlands Commission and explained the building was existing because she had previously incorrectly approved it as a permitted use. The reason the application was now before the Commission was because the building had not been placed exactly as had been approved. The Commission scheduled a public hearing for March 22, 2004 at 7:30 p.m.

Plan of Conservation and Development

The Commission briefly reviewed the implementation priorities discussed at the last meeting. The only change was to increase the priority of adopting regulations to allow senior multifamily, congregate housing, and assisted living opportunities in Town. Mr. Owen noted these types of housing would be harmonious with conservation type development. Mr. Martin stated that any regulations that would allow this type of alternate housing option would have to be carefully constructed to ensure the Commission would be able to regulate such development.

Murgio/21 New Preston Hill Road/Renewal of Special Permit: Section 13.14/Bed and Breakfast Establishment

Mrs. Hill noted she had received no complaints about this Bed and Breakfast and said the Health Department had approved the renewal. She recommended the Special Permit be renewed.

MOTION: To grant a three year renewal of the Special Permit: Section 13.14/Bed and Breakfast Establishment for Murgio/21 New Preston Hill Road. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

Communications

Copies of responses from Senator Roroback and Rep. O'Neill to Mr. Martin's letter were circulated.

Mr. Martin noted a memo from Mrs. Payne, Conservation Commission Chairman, asking for a Zoning Commissioner to serve on Conservation's Open Space Committee. There were no volunteers.

Mr. Martin reported Mr. Sears held a meeting with commission chairmen on 1/27/04. The chairmen reported on their commissions' recent activities and Mr. Sears listed three key issues where he would attempt to seek public input: 1) open space preservation, 2) affordable housing, and 3) elementary school upgrade.

Enforcement

Mrs. Hill referred to the 2/23/04 ZEO Report and noted the two property owners with commercial uses that she had contacted had been positive about cleaning up their properties and getting rid of commercial vehicles. Mr. Martin said he had discussed the untidy residential property issue with Atty. Zizka who thought the only thing the Town could do would be to adopt a blight regulation or ordinance. It was decided the Zoning Commission would not initiate a request for such an ordinance.

Mrs. Hill will investigate whether the fish vendor returned to the Texaco Station on Green Hill Road.

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

Mr. Martin adjourned the meeting at 10:34 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Zoning Enforcement Officer