

• **March 28, 2005**

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

ALTERNATES PRESENT: Mr. Abella, Mr. Brinton, Mr. Shapiro

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. and Mrs. Fedderer, Mrs. Frank, Mr. Papsin, Mrs. Payne, Mr. Johnson, Mr. Sonder

Mr. Martin called the meeting to order at 7:32 p.m. and seated Members Fitzherbert, Friedman, Martin, Owen, and Page.

Consideration of the Minutes

The 3/7/05 Regular Meeting minutes were accepted as amended. On page 6, the first sentence in bold print was changed to: It was the consensus the cumulative cap would be set initially at 50 dwelling units, which would include both affordable and market units.

MOTION: To accept the 3/7/05 Regular Meeting

minutes as corrected. By Ms. Page,

seconded by Mr. Fitzherbert, and passed

5-0.

New Application

Johnson/30 West Mountain Road/Request to Renew Special Permit: Section 13.16/Shop and Storage Use by Contractors and Building Tradesmen: Mr. Martin read the 3/28/05 report from Mrs. Hill, which stated there have been no complaints about this operation, the Health Department approved the renewal, and there were no outside indications that the barn was being used for shop and storage.

MOTION: To approve the renewal of the Special

Permit: Section 13.16 for Mr. Johnson

30 West Mountain Road for Shop and

Storage Use by Contractors and Building

Tradesmen. By Mr. Owen, seconded by Mr.

Martin, and passed 5-0.

Other Business

Conservation Commission Report Re: Protection of Scenic Vistas:

Mr. Martin noted the Conservation Commission had accepted the challenge to help the Zoning Commission develop a strategy to define the geographic area(s) where standards for scenic vista protection would be implemented. Mrs. Frank, Mrs. Payne, and Mr. Sonder from the Conservation Commission presented a two page report dated 3/28/05 with their recommendations. They also submitted pages 33 and 34 from the Natural Resources Inventory Report, a topographical map of Town, which highlighted the major ridgelines and elevations over 850 feet, and cross sections of Town, entitled, "Transverse Sections through Town of Washington, looking North." The Conservation subcommittee said it had conducted extensive drives throughout Town and a review of both the Plan of Conservation and Development and the Natural Resources Inventory Report. It noted there is not a major ridgeline running through Town and felt it would be impossible to select which vistas were the most scenic and should be protected. It concluded that it would be very difficult to create different zones for the protection of vistas and that the regulations for those zones would be arbitrary and difficult to administer. The Conservation Commission subcommittee recommended the Zoning Commission regulate sensitive areas (areas greater than 850 feet in elevation) by implementing stronger "performance standards" to ensure properties were developed in a sensitive manner rather than by creating new zones. Stricter standards for activities such as excavation, cuts and fills, clear cutting, measuring the height of buildings, controlling erosion and sedimentation, etc. would be required. Mr. Sonder showed sketches of development permitted under the existing regulations vs. what would be permitted under the recommended revised regulations. He recommended site plans be required for applications for the construction of structures at elevations over 850 ft. Also recommended were the following revisions to the Zoning Regulations:

Section 11.7.2: Maximum building height: In all districts, height should be measured from the existing grade, not from the finished grade.

Section 14: Site plan requirements: Applications dealing with site work or construction or modification of structures above elevation 850 should be subject to the strengthened standards of this section and a site plan should be required.

Section 14.7.12: Clear cutting should be limited above elevation 850. Also, removal of trees along or near the crest of a hill would be regulated in all areas.

Section 14.7.13: Existing topography and natural features: Above 850 feet the following should be more strictly regulated:

- 1) height of retaining walls and cribbing,
- 2) cuts and fills,
- 3) the steepness of regraded slopes,

4) blasting of rock outcrops.

5) It was also recommended that appropriate colors and materials that blend in with the natural features of the land should be encouraged and balloon tests to check the visibility of proposed work be used.

It was noted the proposed standards would protect the environment as well as the scenic vistas. Mr. Martin supported the concepts of 1) applying stricter regulations to higher elevations rather than trying to designate arbitrary zoning boundaries and 2) relating the revisions to Section 14 rather than creating a separate subsection of the Regulations. He noted Section 14 currently includes erosion control and environmental protection standards. Mr. Fitzherbert noted that above the 850 elevation there are properties that have no views, and asked why these should be included under the proposed revisions. He thought including properties with no views to protect went beyond the intent of the proposed regulations. Mr. Owen noted in order to preserve rural character, clear cutting for farm fields should be permitted throughout Town. Mr. Sonder responded the Commission could waive the site plan requirement if it determined it was not necessary and said clear cutting for agricultural purposes would be excluded. He noted the subcommittee had first thought that all applications for single family dwellings should require site plans, but then thought that would over burden the Town staff. Mr. Martin informed him that both the NW Ct. COG and the Commission's land use attorney had strongly advised the Commission not to implement the site plan requirement for all residential applications. Mr. Fitzherbert expressed the concern that having land use regulations that depend too much on waivers was also being arbitrary. Whether or not the 850 elevation was the most appropriate elevation to reference in the revisions was discussed. To address Mr. Fitzherbert's concerns, Mr. Shapiro suggested that both elevation and the percent slope of the land be tied into the site plan requirement. Mr. Martin and Mr. Fitzherbert thought this was a logical approach since when it had worked to revise Section 14, the Commission had considered grade to be a crucial factor in determining whether a site plan would be required. Clear cutting was considered. Mr. Owen cautioned against over regulation of clear cutting as there was much more forest now than 100 years ago. It was also noted there were steep slopes below the 850 elevation where clear cutting could cause environmental damage. It was thought the issue of clear cutting should be considered separately as necessity for clearing for construction had to be balanced with preservation of views.

The following were agreed upon:

- **The measurement of the height of structures from the finished grade would be immediately revised to require the height measurement be taken from the existing grade. This would be townwide, not just on elevations over 850. Mr. Martin asked that a public hearing be scheduled for May. Mr. Sonder noted the Commission must define what it means by existing grade. He said he would recommend specific language.**
- **Protection of scenic vistas will be incorporated into Section 14 under site plan requirements and environmental protection rather than drafting a new section of the Regulations.**
- **Both elevation and slope will be considered when determining whether site plans will be required and stricter standards for development will apply.**

Mr. Martin thanked the Conservation Commission for its efforts and noted he hoped that the two Commissions would continue to work together on this issue.

Multifamily Housing: Mrs. Friedman asked for clarification regarding the areas where multifamily housing would be permitted surrounding the Marbledale Business District. Mr. Martin explained the Commission had agreed multifamily housing would be permitted in the existing Marbledale District and within 1000 feet of the existing district except where it would come into contact with the East Aspetuck River. Mr. Owen briefly pointed out that allowing multifamily housing and mixed use buildings (apartments in commercial buildings) in the business districts would help to make them viable centers. He suggested that since the Commission wanted to encourage this housing in the commercial districts that multifamily units in the village centers not be counted towards the 50 unit cumulative ceiling that had been established at the last meeting. Otherwise, he said, the ceiling might quickly be met with housing units in the R-1 District without helping any of the commercial districts. Mrs. Friedman was not sure the same concept should apply to Marbledale as to the Depot Business District because Marbledale residents are not able to walk to essential services as residents are able to do in the Depot. Mr. Brinton pointed out that housing in the Depot would be limited by the lack of space for additional parking. It was agreed to keep the cap at 50 units, noting this cap could be adjusted at a later date if necessary. Mrs. Friedman noted specific standards had not yet been discussed. Mr. Martin said the Commission would keep the discussion of multifamily housing at a conceptual level until after meeting with the public. He thought it was important that the community understand the Commission was still at the idea stage and would welcome public input at the informational meeting. This meeting will be the first item on the April 25th agenda. A notice will be posted on the Town website, the community sign will be posted in front of the Town Hall, and area newspapers contacted to get the word out to the public about the meeting.

Revision of the Zoning Regulations: Section 16: Signs: Draft #5, which reflected last month's discussion regarding residential signs, was circulated. Regulations for commercial signs were now considered. Mrs. Friedman presented a discussion sheet, "Issues for Discussion on Signs in the Business District," which listed the three main issues to be decided. Should there be different standards for 1) buildings housing one business vs. multi business buildings, 2) Marbledale vs. the Depot and New Preston, and 3) gas stations vs. other businesses. It was generally agreed larger signs would be appropriate in Marbledale and Woodville because the traffic on Rt. 202 is faster in these two districts than in the Depot and New Preston. It was noted that all gas stations, not just those in Washington, usually have more signs posted than do other businesses. While the Commission understood the need for this since they offer so many services, it was reluctant to revise the Regulations to permit it. Mr. Martin pointed out, however, that the gas stations in Marbledale are now non conforming, so new ones aren't possible, and the sign problem will not proliferate. The discussion then centered on moveable signs such as sandwich boards. It was noted the Commission had first decided to take up the issue of signs due to the complaints received about sandwich board signs in the Depot. Some commissioners wanted to ban them because they are disorderly and too difficult to control, while others felt with size and location controls they could help to promote viable businesses in the village centers. It was the consensus to allow sandwich board signs meeting the following criteria: 1) permits are obtained, 2) they are on the business property, not in the state right of way, 3) they do not block sight lines or cause any other safety hazards, 4) they are no larger than 9 square feet, 5) they are taken in after business hours, and 6) one per business is permitted, except a maximum of three is permitted per property with a multiple business building. It was also agreed that institutional uses such as schools and churches would have to meet these same standards.

Communications

Mr. Martin noted the 3/17/05 letter from Mr. Stone of The Graduate Institute and the accompanying letter to the editor of the Litchfield County Times, which corrected remarks made by Mr. Peter Klemm about the Town of Washington and Zoning Commission in a previous article. Mr. Stone noted he and his school had been treated very well by the Town and the Commission.

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

Mr. Martin adjourned the meeting at 9:47 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator