

## • **March 7, 2005**

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

ALTERNATES PRESENT: Mr. Abella, Mr. Shapiro

ALTERNATE ABSENT: Mr. Brinton

STAFF PRESENT: Mrs. Hill, Mr. Sears

ALSO PRESENT: Mr. Charles, Mr. and Mrs. Fedderer

Mr. Martin called the Regular Meeting to order at 7:30 p.m. and seated Members Fitzherbert, Friedman, Martin, Owen, and Page. He noted Mr. Owen, Vice Chairman, would chair tonight's meeting, which was postponed from February 28th due to inclement weather.

Consideration of the Minutes

MOTION: To accept the 1/24/05 Regular Meeting

minutes as written. By Mrs. Friedman,

seconded by Mr. Fitzherbert, and

passed 5-0.

Mr. Owen noted there were no new applications.

Other Business

**Revision of the Zoning Regulations/Section 16/Signs:** Mrs. Friedman and Mr. Shapiro had sent out draft #3 for review prior to the meeting. The draft was discussed section by section. Language agreed upon and questions raised included:

- 16.1: Purpose: No changes were proposed.
- 16.2.2: Number of signs permitted on residential properties: No change proposed. One sign will be permitted, and security system signs won't count.
- 16.2.6: Temporary signs: Signs for the regional school district will be added under this section. Temporary signs will have to be removed within 3 days of the event advertised. Currently they must be taken down within 7 days.

- 16.2.7: Political signs: Can these be restricted by a reasonable time limit? Mrs. Hill will check with Roxbury, which has researched this issue.
- 16.2.8: Certificate of Appropriateness: A reference to the Historic District Commission's requirements will be added for clarity.
- 16.3.2: Information required for sign application: The information on sign design and materials will not be required. Information on location, dimensions, placement, height, and illumination will be required except for temporary signs and tag sale signs. Mr. Owen suggested using a separate application form for signs. This application form will provide as much information as possible to educate the public and to encourage compliance. It was the consensus this was a good idea.
- 16.3.5: Change of name on sign to require permit: This is not required under the current Regulations. Mrs. Friedman explained adding this requirement would enable the Commission to eventually bring all signs into compliance with the updated Regulations.
- 16.4.1: Ms. Page thought this section was too restrictive; that pennants and flags were appropriate for the business districts. Mrs. Hill agreed and showed a drawing of a freestanding sign hanging from a post by chains, which she thought was appropriate, but would also be prohibited under this section. This matter was unresolved. It will be discussed at the next meeting.
- 16.5.1: This section is not necessary and will be deleted.
- 16.5.3.b: Measurement of a sign made of only letters: "Smallest geometric shape" was changed to "smallest rectangle" to ensure the area to be measured would be defined by straight lines, which would be easier to measure.
- 16.5.3.c: Measurement of square footage of double faced sign: It was the consensus that counting both sides of a double faced sign towards the maximum square footage permitted was too restrictive and so would be deleted.
- 16.5.4: This section should specify **externally** illuminated signs.
- 16.5.5: Setbacks for signs: Section (a) will be changed to 5 ft. from the edge of a town road and references to the DOT deleted since the state DOT will not give written permission for signs in the state right of way. It was noted that on those properties that are separated from the highway by at least a 5 ft. wide state right of way, there would be no front yard setback for signs.

Regulations for signs in non residential districts were then discussed. Mr. Martin noted that it would be important to keep in mind that supporting local businesses is consistent with supporting rural character when addressing signage in the business districts.

- Size of signs on buildings in the business districts: It was the consensus to reduce the size permitted from 2 sq. ft. per linear ft. to 1 sq. ft.
- Sandwich board signs: While it was generally agreed the regulations should be amended to permit sandwich board signs, it was also thought there should be restrictions to control them. Mrs. Friedman, for example, did not want to allow each business in a multi unit building to have its own sandwich board sign. Mr. Martin thought any restrictions imposed should help to address the most common complaints received about these signs; they have been too large and often are placed off the premises in the state right of way.

Mrs. Friedman will incorporate tonight's discussion into the next draft, which will be discussed at the next meeting.

**Revision of the Zoning Regulations/Multi Family Housing:** Mr. Owen summarized several of the questions, which had been brought up at the previous meeting. 1) Would an overall cumulative limit to the number of multi family units be imposed? 2) What was the best way to encourage the concentration of multi family housing in or near the business districts? 3) What about the possibility of multi family housing outside the business districts? Would adaptive reuse of existing institutional properties be permitted? 4) What percentage of affordable units should be required to be set aside for each project; a figure low enough to encourage zoning applications rather than use of the state appeals process, but high enough to ensure the Town will progress toward state affordable housing goals?

Mr. Martin pointed out that at its last meeting it had been the unanimous consensus of the Commission to work on regulation revisions that would permit multi family housing in the business districts and areas immediately surrounding them and on R-1 properties, which currently contain institutional uses. What remained to be decided was the specific boundaries around the business districts, whether there should be a cumulative cap on the number of units allowed, what percentage set aside should be required for affordable units, what additional standards should be implemented, etc. Mrs. Friedman suggested the Town could consider solving its affordable housing problem by doing nothing and making applicants use the state appeals process. She did not see an urgency to add to the Town's housing stock, thought the Town was being pushed in an inappropriate direction, and said that Washington had to guard against the type of development that was occurring in New Milford. Mr. Owen pointed out the Commission would lose all control over multi family projects if the state appeals process was the only one available, but that he believed multi family housing was not needed everywhere in Town. He suggested the business districts could be expanded only in those areas needed for multi family housing rather than 1000 ft. in all directions and 3000 ft. along the state roads. He stated the standards for multi family housing would have to be written in a way that would control these projects so they would be compatible with the neighborhoods in which they were proposed. Mrs. Friedman referred to a local project still in the design stage and said the owners were coming up with reasonable plans. Mr. Owen cautioned that the Commission had no guarantee that future applicants would be reasonable. Mr. Martin said it would be better for the Commission to adopt regulations so that it could regulate these projects and mitigate neighborhood impacts rather than abdicate all responsibility to an agency or court outside the Town of Washington. Mr. Fitzherbert agreed. He noted the Commission could adhere to its Special Permit standards and make sure that plans for the old Wykeham Rise property or any other institutional property, would preserve the character of the neighborhood. A process conducted outside of Washington would not give consideration to preserving neighborhood character to the same degree, if at all. Mrs. Friedman thought if the standards were too strict, the developers would avoid the Zoning Commission and go through the state appeals process. Mr. Owen felt there were significant incentives for developers to work with the Town if they were given the chance.

Mr. Martin summarized the discussion up to this point. **The Commission reaffirmed its support of multi family housing in the business districts, and on properties in the R-1 District where there is currently an institutional use. However, it was still discussing whether or not to allow it in the areas immediately surrounding the business districts.**

Discussion then centered on whether to expand the business districts for multi family housing. Mr. Owen thought with enough revisions to the Regulations (setbacks, coverage, etc.) there would be adequate opportunity to center this housing in the existing commercial districts, which would improve their vitality, and voiced his concern that if they were expanded, the housing might not be built in the village centers where it would be most beneficial. He suggested 1) first it be permitted only in the existing village centers, 2) as a second step the

Commission consider where housing is needed and extend the boundaries in those areas only, and 3) the Commission consider leaving Woodville out of the multi family zone. He strongly supported keeping multi family housing away from isolated areas and tucking it into existing centers. Mrs. Friedman said she wanted to study a more detailed map to see exactly how far from the existing commercial districts this zone would extend before she committed to the yellow map plan. Mr. Martin, Mr. Fitzherbert, and Ms. Page thought the 1000 ft. expansion proposed was a modest distance and would be close to and accessible from the village centers and would provide more properties where multi family housing would be feasible. Mr. Martin thought there were so few properties within the existing business districts where multi family housing would be feasible that greater geographical flexibility was needed. He suggested the 3000 ft. expansion along the state highways could be deleted as a way of focusing more closely around the business districts. He also agreed with leaving Woodville out of the multi family zone because of its small size and suggested leaving the 1000 ft. area surrounding New Preston out as well because it is bordered by Lake Waramaug to the north (state statutes restrict development within 2000 ft. of the lake) and Marbledale within 1000 ft. to the south. Finally, he suggested that the Commission wait for the recommendations of the Depot Business District study before allowing multi family housing outside of that district's boundaries. It was noted that allowing multi family housing 1000 ft. beyond the borders of the Marbledale Business District in all directions was not feasible due to the location of the Aspetuck River.

**As to the areas immediately surrounding the business districts, it was the consensus, as step one, to allow multi family housing in the area immediately surrounding the Marbledale Business District only. The area in which this will be allowed is 1000 ft. from the business district boundary, except where it comes in contact with the Aspetuck River. Any further decisions will await the Depot Business District study.**

Adaptive reuse of institutional properties was briefly discussed. It was noted the Commission already has standards in place that require new development to be compatible with the surrounding neighborhood. In addition, the Commission would regulate setbacks and buffering and support development that preserved the natural elements of the site. It thought that the existing structures would not necessarily have to be reused. 16 Church Street was noted as an example of a successful multi family project where the original building was torn down. Mr. Fitzherbert noted these projects would also be limited by the septic capacity of the property.

Mr. Martin thought that setting a cumulative cap on the number of units to be permitted would help the Commission maintain control and noted the precedent set over 20 years ago when the Zoning Commission deleted the multi family zone until it could be determined what effect the construction of the units approved by the Commission at that time would have on the Town. A cumulative cap was considered and the Commissioners quickly arrived at a range of 50 to 80 units; and then decided to set the cap at 50 units. Mr. Sears thought this cumulative cap was too low. Mr. Martin stated this would be the initial cap, which would be reviewed and rethought as actual progress was made. He pointed out that it was a big step going from zero to 50 units and that it was appropriate for the Zoning Commission to proceed carefully and deliberately in this matter. **It was the consensus the cumulative cap would set initially at 50 dwelling units, which would include both affordable and market units applied for under the proposed zoning regulation.**

There was a discussion on the percentage of affordable units required to be set aside in multi family projects. Most commissioners thought it should be in the 10% to 15% range as a means of working towards the 10% goal set by the state. **It was the consensus that 10% to 15% of the units should be required to be affordable (per the state definition of affordable.)**

**A public informational meeting on multi family housing will be held in April.**

**Revision of the Zoning Regulations/Section 12.1:** The proposed revisions to this section are attached. Mr. Martin explained they were general clarifications plus added language to enable the construction of the boat ramp and facilities negotiated under the Lake Waramaug Agreement. As there was general agreement that the proposed revisions were OK, the draft will be forwarded to the Board of Selectmen for review.

#### Communications

Mr. Martin reported the Conservation Commission will report at the next Zoning Commission meeting regarding viewshed protection.

Mr. Martin reminded the Commissioners a meeting regarding the Town's GIS mapping capabilities would be held at 5:00 p.m. on March 9.

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

There being no further business, Mr. Owen adjourned the meeting at 10:20 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator