

## April 24, 2006

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

MEMBER ABSENT: Mr. Fitzherbert

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

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Atty. Kelly, Mr. Cass, Mr. Brinton, Ms. Habib, Mrs. Leab

### PUBLIC HEARINGS

#### **Ingrassia/135 East Shore Road/Special Permit: Section 6.4.6/Fence of the Lake Side of West Shore Road**

Mr. Owen reconvened the public hearing at 7:31 p.m. and seated Members Averill, Friedman, Martin, and Owen and Alternate Abella for Mr. Fitzherbert. It was noted there were no new documents submitted since the last meeting.

Atty. Kelly represented the applicant. He said he had hoped for approvals from the DOT, but that he had learned that four departments had to sign off, surveying, transportation, engineering, and legal, and also a deeded easement would be required to put the fence on state land. He presented enlarged photos of the property with the proposed fence sketched in as it would appear when viewed from eye level from the middle of the highway. Mrs. Hill noted you would see less of the view if you were seated in a car. Atty. Kelly agreed, but said the height of the fence would not affect the view of the lake for walkers or bikers.

Mr. Shapiro asked where the fence would be in relation to the existing guard rail. Atty. Kelly said it would be immediately behind the guard rail and attached to it if the state would permit.

Mr. Martin noted the Commission had previously approved a 42" fence (approximately at eye level when seated in a car) and it had interfered with the view. He asked if the applicant would consider lowering it. Mrs. Hill suggested it could be kept at 42" along the house for privacy, but lowered elsewhere to preserve the view. Atty. Kelly said he would try to take some photos from car level to illustrate what the view of the lake would be, but said his clients would not be comfortable with a fence less than 42" tall. Mrs. Friedman noted, too, that this fence was a very long one, not a short span like the one Mr. Martin referred to. She supported the idea of lowering the fence away from the house so that both objectives, protecting the house and preserving the view would be accomplished. Mr. Ajello suggested Atty. Kelly string a line on site at the height of the top of the proposed fence, so it would be clear as you were driving by exactly how much of the view would be obscured. Atty. Kelly agreed to do so.

Mr. Owen did not think a 42" fence would unduly block the view in this location due to the way the road curves in this area. Atty. Kelly

noted there was also a lot of vegetation along this section of shoreline. The definition of "unduly obscure" in Section 6.4.6 was briefly discussed and Mr. Martin noted this language allowed the Commission to maintain discretion about which fences would impact the view and which would not.

Mr. Owen asked the commissioners to drive by the property before the next meeting.

Atty. Kelly submitted the 4/24/06 letter consenting to an extension of the public hearing, which was continued to Monday, May 22, 2006 in the Land Use Meeting Room, Bryan Memorial Town Hall immediately following the first hearing, which will begin at 7:30 p.m.

At 8:53 p.m. Mr. Owen continued the hearing to May 22, 2006.

### **Devereux-Glenholme School/81 Sabbaday Lane/Special Permit: Section 4.4.10/Additions to Maintenance Building, School Building, and Birchwood Dormitory**

Mr. Owen opened the hearing at 8:53 p.m. and the same commissioners remained seated. Mrs. Friedman read the legal notice, which was published in **Voices** on 4/12 and 4/19/06. Mr. Owen read the list of documents included in the file.

Representing the applicant, Mr. Cass summarized the application. 1) There would be a gambrel roof addition to the maintenance building that would house a 3 bay garage with 2 offices above. He said it would be 700 ft. from the nearest boundary line. 2) A science lab addition was proposed for the school building. This would be 28' X 55' and would contain two classrooms. It would have the same architectural style as the existing building and there would be no changes to any exterior lighting. 3) An addition to Birchwood Dormitory was proposed to add space to the existing living room. The existing exterior lighting would be moved to the corners of the building.

The site plan, "Devereux-Glenholme School," dated 3/1/06, an enlargement of a portion of that map, a floor plan of the science building addition, and elevations for the maintenance building addition were reviewed.

Mr. Ajello found no problems with the application and noted none of the construction would be visible from off site.

Mr. Martin asked if the number of students at the school would increase. Mr. Cass said it would not.

Mrs. Friedman noted the Health Department had not signed off on the application, but Mr. Cass said this was a formality because the state DEP had written in a letter dated 3/23/06 that it had no problems with permits being granted for the proposed additions.

There were no questions or comments from the public.

**MOTION:** To close the public hearing to consider the Special Permit application: Section 4.4.10 submitted by Devereux-Glenholme School for an addition to the maintenance building, an addition to a school building, and an addition to a dormitory at 81 Sabbaday Lane. By Mr. Martin, seconded by Mr. Averill, and passed 5-0.

At 8:01 p.m. Mr. Owen closed the public hearing.

**Collum/70 Bee Brook Road/Special Permit: Section 13.13/Housing in the Business District**

Mr. Owen called the public hearing to order at 8:02 p.m. Mrs. Friedman read the legal notice published in **Voices** on 4/12 and 4/19/06. It was noted the certified mailing to adjoining property owners to notify them of the hearing had not been done by the applicant.

**MOTION:** To continue the public hearing to consider the Special Permit application: Section 13.13 submitted by Mr. Collum for Housing in the Business District at 70 Bee Brook Road to Monday, May 22, 2006; the third hearing scheduled, the first begins at 7:30 p.m.; in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. because the applicant had not notified the adjoining property owners. By Mr. Owen, seconded by Mrs. Friedman, and passed 5-0.

**REGULAR MEETING**

Mr. Owen called the meeting to order at 8:04 p.m. and noted all the Regular Members and Alternate Abella were still seated.

**Consideration of the Minutes**

The minutes had been circulated late and so it was decided to act on them at the next meeting.

**Pending Applications**

**Ingrassia/135 East Shore Road/Special Permit: Section 6.4.6/Fence on Lake Side of East Shore Road:** The public hearing had been continued to May 22, 2006 in the Land Use Meeting Room, Bryan Memorial Town Hall, Washington Depot, Ct. immediately following the first hearing, which will begin at 7:30 p.m.

**Devereux-Glenholme School/81 Sabbaday Lane/Special Permit: Section 4.4.10/Additions to Three Buildings on the School Campus:**

**MOTION:** To approve the Special Permit application: Section 4.4.10 submitted by Devereux- Glenholme School for additions to the maintenance building, Birchwood Dormitory, and a school building at 81 Sabbaday Lane. By Mr. Martin, seconded by Mr. Averill, and passed 5-0.

There were no new applications.

**Other Business**

**Rumsey Hall School/184 Romford Road/Request to Revise Special Permit for Gymnasium-Auditorium:** Ms. Habib, Business Manager, read her 4/19/06 letter to the Commission, which explained an increase in the size of the building was needed to accommodate a regulation size basketball court instead of the junior size court drawn in the floor plans. The floor plan, Ground Floor Lighting Plan, EL 101," by the SLAM Collaborative, dated 8/23/05 and a plan, "Partial Foundation Plan - Gym Expansion," also by SLAM, dated 3/24/06 were reviewed. Mr. Ajello noted the proposal was to push the wall out 10 ft. on the east side of the building. Ms. Habib explained that due to the steepness of the grade in the area, 10 ft. was the maximum addition she could ask for. Mr. Martin asked if this was an amendment to the

original Special Permit and if the coverage would still comply with the Regulations. Mr. Ajello responded, yes, to both questions. Mr. Ajello thought the revision was minor because there would be no increase in the capacity of the building due to the addition. Mr. Owen also noted that the dimensions of the building, setbacks, and coverage had not been issues when the application was first considered.

**MOTION:** To amend the Special Permit: Section 4.4.10 issued to Rumsey Hall School for a gymnasium - auditorium at 184 Romford Road to include a new wall with revised dimensions per the modified plan, "Partial Foundation Plan," dated 3/24/06. By Mr. Martin, seconded by Mr. Abella, and passed 5-0.

**Depot Parking:** Mr. Sears advised the Commission that the Board of Selectmen would comment on the proposed revisions to the parking regulations at the May 22 hearing. He noted the Board had concerns about long term parking in the Depot. He questioned whether there was currently not enough parking or whether it was just poorly configured and/or not optimally utilized. Mr. Owen said he hoped the Commission would hear from the Washington Business Association at the hearing. It was noted one short term parking solution could be an employee parking area on the old Town Garage property.

**Revision of the Zoning Regulations/Parking and Setbacks and Coverage in the New Preston and Depot Business Districts:** Mr. Owen noted Atty. Zizka had attended the last meeting and had suggested worthwhile revisions, which were included in the updated 4/21/06 draft. He said issues that were not addressed in the proposed revisions were pervious/impervious surfaces for parking, shared parking, and fee in lieu of parking and that these matters required a thorough understanding before detailed regulations are proposed. He noted almost all the Depot parking is owned by the Town and suggested research into the legality of a fee in lieu of parking be carried out by the Board of Selectmen. Mr. Martin suggested a Town ordinance requiring employees to park at more remote locations to leave the spaces in front of businesses for customers. Mr. Owen thought this problem should be left to the business owners to solve. Mr. Sears suggested the Town might put up municipal parking signs to direct people to the more remote parking locations. Mr. Shapiro asked Mr. Owen if he had purposely left out a required size for parking spaces. Mr. Owen said he had because there was no scientific basis for the 300 sq. ft. now required and it would give the Commission the flexibility to determine in each case what an adequate size would be. Mr. Ajello noted so far the 300 sq. ft. requirement has worked well. Mr. Owen said he would do some additional research on parking space size. Mr. Shapiro suggested the requirement for an adequate all weather surface be retained until the Commission drafts a specific revision regarding parking surfaces. It was the consensus to leave it in for now and to further discuss it at the public hearing. It was noted the proposed revisions had been referred to the Planning Commission and that Mr. Owen would attend the next Planning meeting to discuss them.

**Certification Issues:** Mr. Martin noted the Commission had previously discussed the unfairness of the Ellsworth Apartments getting a tax abatement from the Town without being certified as affordable housing, and the two possible solutions to the problem would be 1) remove the abatement or 2) get the units certified. He said the Washington Housing Commission has the same concern and had already written the First Congregational Church about this matter. As the goal was to get the units certified, the Church was taking the request seriously, and the Housing Commission chairman was optimistic about the outcome, Mr. Martin recommended that the Commission hold off on any further action until October to give the Housing Commission the opportunity to work with the Church toward this goal. It was the consensus of the Commission to follow Mr. Martin's recommendation to delay any further action until October. Mrs. Friedman said the private schools had also been approached about certifying their staff housing units as affordable. The results here were not promising, however, as The Gunnery, for example, thought there would be a stigma if its faculty were to live in affordable housing units.

## Enforcement

Mrs. Friedman reported the back lit sign in the New Preston real estate office was in use again. This was her third complaint. Mr. Ajello noted it was visible from the road. Mr. Averill said he had received several complaints from area residents. Mr. Ajello said he had spoken to the owner previously and would now issue a written notice of violation saying the sign must be removed or enforcement action would begin.

The Bolek fence on East Shore Road was briefly discussed. It was decided Mr. Ajello would report the illegal fence to the state DOT as it had been erected in the state right of way and enlist its cooperation in having the fence removed.

Fines and citations were discussed. Mr. Ajello noted the Inland Wetlands Commission's citation system works well. He said, however, that per state law ZEO's may be fined treble damages for unreasonable fines and so fines have not been widely used as a zoning enforcement tool. He said the current legislative session might amend this statute, and if it does, the Commission might want to consider a fine ordinance. He said it would be useful in cases where property owners ignore his orders, but the issues aren't significant enough to warrant going to court. Mr. Owen said he would discuss this matter with Atty. Zizka. Mrs. Leab suggested the Town web site be used to educate the public and to list current enforcement matters.

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

Mr. Owen adjourned the meeting at 8:59 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator