

• April 25, 2005

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

ALTERNATES PRESENT: Mr. Abella, Mr. Shapiro

MEMBER ABSENT: Mr. Brinton

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Approx. 100 Members of the Public, Press

Mr. Martin called the meeting to order at 7:30 p.m. and seated Members Fitzherbert, Friedman, Martin, Owen, and Page.

Mr. Martin read the press release, which explained the Zoning Commission is considering revisions to the Zoning Regulations, which would allow multifamily housing by Special Permit under very limited circumstances, as follows: 1. The areas where multifamily housing would be permitted would be restricted to: a) the Marbledale, New Preston, and Washington Depot business districts, b) the area within 1000 feet of the Marbledale Business District boundary, but not closer than 100 feet to the East Aspetuck River, and c) properties in the Farming-Residential District where an institutional use such as an inn or a school already exists. 2. The maximum number of units that could be approved, cumulatively, would be 50. He noted that under the current regulations, for the most part, only single family dwellings and their accessory structures are permitted under the Zoning Regulations unless an applicant applies under the Ct. Affordable Housing Appeals Act. Mr. Martin noted this type of revision to the Zoning Regulations was not unprecedented. In 1971 the Commission amended its Regulations, which resulted in the construction of the Bee Brook Condominiums, and then deleted those regulations in 1973. In 1984 the Commission enacted regulations to create a multifamily corridor along Rt. 202, which enabled the Quarry Ridge Condos to be built, and deleted this regulation in 1987. Mr. Martin pointed out that the Zoning proposal was consistent with the recommendations made in the 2003 Town Plan of Conservation and Development, which called for housing diversity and prioritized the siting of multifamily housing near the village centers. He asked the audience the following questions: Do we want to revise the Regulations to permit an additional, limited increment of multifamily housing, or do we already have enough of these units in Town? Have the Quarry Ridge and Bee Brook condominiums proven to be good or harmful to the Town?

Comments from the public included the following:

John Allen, former Zoning Commission chairman: Mr. Allen stated in 1984 the Commission had been charged by the First Selectman to study housing diversity and had consequently made revisions to the Zoning Regulations to permit 1) housing in the business districts, 2) attached and detached accessory apartment, and 3) multifamily housing in the Rt. 202 corridor. He noted that although many condo units were approved at that time, due to the economic times, only Quarry Ridge was built. He noted the three affordable developments in Town were full, which, he said, showed there is a need for more affordable units and also pointed out the need for condos for older people who want to downsize. He said he would have had to move out of Town if there had been no Quarry Ridge. He encouraged the Commission to

draft regulations to permit multifamily housing with control over the size, location, and impact of the development, which would be missing under the state's Affordable Housing Appeals Act. Mr. Owen stated that if the proposal were adopted, a developer could still apply under the state Act if he chose to do so.

Laura Gatto: Mrs. Gatto asked how affordable housing was defined. Mr. Martin stated the state uses HUD figures as the basis and defines affordable based on the income of the area and the cost of housing and requires a deed restriction on the property for 40 years. Mr. Shapiro noted this area's median income is posted on the HUD website.

Carlos Canal: Mr. Canal questioned whether Washington qualified for a 4 year moratorium under the state's Affordable Housing Appeals Act since it is close to meeting the temporary 2% affordable housing goal. Mr. Shapiro explained the 2% figure is irrelevant in Washington because towns must meet 2% or 75 housing points, whichever is greater, and Washington is still short on housing points.

John Millington: Mr. Millington was in total support of Zoning's proposal. He noted an important point to consider was that single family dwellings use up more open space than condos. He said housing options were desperately needed in Town so retirees and young people can remain in Town. Mrs. Friedman pointed out that Zoning's proposal only requires that 10% to 15% of the units built would be affordable under the state definition.

Jeffery Lines: Mr. Lines said he was glad the Town was investigating "adaptive reuse," but hoped the Commission would be thorough, especially as it would relate to the Wykeham Rise property. He did not think it would work there because the property is rural, with narrow roads and wetlands. He asked the Commission to work on overlay criteria so that some institutions, such as Wykeham Rise, would be eliminated from consideration.

Valerie Cooper: Mrs. Cooper liked the idea of permitting more housing options in the village centers as there aren't many people living in them now. However, she did not support allowing multifamily housing on the Wykeham Rise property because the roads in the area are narrow and unsafe.

Gayle Canal: Mrs. Canal asked if under the Affordable Housing Appeals Act there are regulations governing density and open space. Mr. Martin said the state of Ct. process is not required to comply with local regulations and that the only local issues typically considered were Health Department and wetlands issues. Local arguments against a proposed development such as density and traffic have not proven to be persuasive under the state Act, he said.

John Paris: Mr. Paris stated that development begets development. He urged severe architectural restrictions on any multifamily housing to ensure the units would be in keeping with the character of the neighborhood. He urged the Commission to be proactive and to control growth rather than lose control as New Milford has. He noted in Connecticut towns are attempting to draft local regulations to protect them from the state statutes, while in other states such as Massachusetts towns are able to use state laws to help them to protect their communities. He concluded by stating that developers are not concerned with the environment or the permanency of what they put up and so the Commission must be extremely careful when issuing permits to take into account the surrounding architecture and to protect the "local flavor."

Addie Roberts: Mrs. Roberts pointed out that the price of condos in Town has risen because the number of units is limited. She supported

regulations, which would allow more multifamily housing units, in the hope that increasing the number of units would stabilize prices and enable more low and middle income people to remain in Town.

Bob Williams: Mr. Williams asked why the multifamily units would be limited to the business districts and questioned whether that was the best use for the Town's limited commercial areas. He suggested that allowing multifamily units in the commercial districts would encourage a socio-economic division in Town. Mr. Owen said the Planning Commission thought that it would be beneficial to increase the uses permitted in the commercial districts and that increasing the population density in the village centers would make it easier for people to live in Town without cars and would increase the "captive clientele" and so encourage local businesses. Mr. Owen also noted that putting the units in the village centers would help to keep them affordable. Mr. Shapiro pointed out that enhancing the village centers was one way to preserve the rural character, which was a major goal of the Plan of Development.

Kitty Hunt: Mrs. Hunt voiced her concern about the possibility of multifamily housing on the Wykeham Rise property. Mr. Martin noted the purpose of the informational meeting was to discuss a townwide regulation and not to discuss any specific property or rumored project.

Carol Ward: Mrs. Ward noted the Commission was proposing to revise its Regulations due to the "threat" that developers could apply under the state's Affordable Housing Appeals Act. She asked how many of the state's 169 towns have had the state approve developments under this Act. She cautioned the Commission to proceed carefully and to draft regulations only after in depth consideration.

Eric Federer: Mr. Federer urged the Commission to answer the larger question, how will we evolve as a Town, before enacting a specific regulation on multifamily housing. He feared there was a "rush" to adopt regulations for adaptive reuse before it was determined how it would impact the Town's rural character and before the Town's various departments had an opportunity to cooperate to find the ultimate solution. Any multifamily housing regulations, he said, would have to address architecture, setbacks, environmental concerns, density, neighborhood character, and traffic. Mr. Martin noted that the Zoning Commission was not rushing to judgment; it had taken 16 months to work out the proposed concept.

Ruth Krajnak: Mrs. Krajnak asked if there was a map available to show the areas where multifamily housing would be permitted. Mr. Martin said the Commission had used a draft map for discussion purposes and again described where multifamily housing would be permitted; in the New Preston, Depot, and Marbledale business districts, within 1000 ft. of the Marbledale district with the exception of those areas within 100 ft. of the East Aspetuck River, and on institutional properties in the R-1 District. Mrs. Krajnak said most people had moved to Washington to get away from traffic and feared condo developments would generate hazardous conditions on the Town's country roads. She also felt that if too many multifamily housing developments were permitted 1) a good and bad side of the tracks would develop, 2) they would become an eyesore, and 3) there would be environmental problems. Mr. Martin explained the Special Permit process would consider such criteria as design, architecture, lighting, buffering, neighborhood impact, traffic, and parking. He also noted if the Commission should decide to amend its Regulations, the public would have the opportunity to comment at a public hearing and that if multifamily housing applications were considered in the future, each would also require a hearing where the public could comment.

Dimitri Rimsky: Mr. Rimsky noted the Depot had been a true town center and had had two to three times as many residents prior to the 1955 flood. The redevelopment efforts after the flood had changed the character of Town and he hoped that its citizens would be able to reclaim some control over its future and make it walkable and have more people living here as in the past. Concerning the Wykeham Rise

property, he pointed out that if the school were to be converted to an inn or another private school, it would have a minimum of 50 staff driving in and out every day and he urged the Commission to find a way to let the property be reused so its buildings would be maintained. Addressing the previous remarks about multifamily housing creating a socio-economic divide, Mr. Rimsky thought that already existed in Washington due to market pressures. He asked the Commission to take proactive measures or warned that the Town would lose its elderly and young people. He concluded saying, it was inevitable that the Town would change, but we need to direct that change ourselves.

Allan Grunberg: Mr. Grunberg cautioned that permitting multi-family housing would not solve the Town's problems, but would encourage similar development, which would change the nature of Town by increasing traffic and demands on services. Mr. Martin noted that it had been 19 years since multifamily housing had been built under Washington Regulations. Thus, he did not understand the concern about development begetting development.

Richard Carey: Mr. Carey stated the upcoming Depot study should interface with the components of the Depot, which have uncertain futures. He named the Washington Supply as an example. He asked the Commission to consider economics and possibly a sewage treatment plant for the Depot. He did not think the public should fear affordable housing due to the good track record of the Washington Community Housing Trust in Town. He urged the Commission to take its time to explore the pros and cons. Mr. Martin noted the Commission always considers unintended consequences when it amends its Regulations.

Valerie Cooper: Mrs. Cooper noted the Wykeham Rise School had been sold to a developer who proposed luxury condos and asked if there was a specific project proposed within 1000 ft. of the Marbledale Business District. Mr. Martin explained the reasons why the proposal did not permit multifamily housing within 1000 ft. of the other commercial districts; 1) Woodville was too small, 2) the Commission would wait until after the completion of the Planning Commission's Depot study before deciding whether to allow it beyond the current Depot District boundaries, and 3) New Preston is governed to the north by state statutes, which do not allow developments with 2000 feet of Lake Waramaug and the Marbledale Business District is located within 1000 feet to the south.

Sandy Papsin: Mrs. Papsin asked why the Commission was interested in expanding the Marbledale Business District when many of the businesses there had gone out of business. Mrs. Friedman stated the Commission did not propose to expand the business district, but only to allow multifamily housing within 1000 ft. of the District. Mr. Martin said the Commission was trying to create more vitality in and near the Marbledale Business District.

Rena Collum: Mrs. Collum asked if the Commission would also consider permitting assisted living facilities. Mr. Martin said the Commission was open minded and would be willing to consider them in the future.

Danielle Baechle: Ms. Baechle asked the Commission to think outside the box; to build a consolidated school and to use the Primary School building for multifamily housing. Mrs. Friedman explained that reusing the Primary School goes well beyond the jurisdiction of the Zoning Commission.

Bill Hawley: Mr. Hawley said he agreed with Mr. Rimsky's statement. He supported the multifamily housing proposal because he felt condos were generally cheaper than single family dwellings and so would be a way to keep the elderly and younger people in Town. He also thought cluster housing would help the Town maintain a diverse population.

Carlos Canal: Mr. Canal asked the Commission to post the answer to Mrs. Ward's question (How many towns in Ct. have had developments approved under the state's Affordable Housing Appeals Act?) on the Town website. He also asked whether the Commission had consulted with other towns that already allow multifamily housing to find out if they thought it was worthwhile, did they need sewers, did it affect their villages, would they do it again, etc.

Helga Hershey: Mrs. Hershey said she was concerned about the Wykeham Rise property.

Ruth Krajnak: Mrs. Krajnak asked that the current regulations and the proposed multifamily proposal be posted on the website. Mr. Martin stated the current Zoning Regulations are already on the website as was a memo, which explained the proposal. Mrs. Krajnak noted condos are not too affordable because there are association dues that must be paid.

Ken Cornett: Mr. Cornett asked if the Town really wanted 50 new multifamily units and remarked that the Commission would have to deal with the "not in my backyard" attitudes expressed here tonight.

Allan Grunberg: Mr. Grunberg said a survey had been taken last year, which found only 37% of Washington residents thought housing diversity was important. He asked where the Commission had gotten the idea that there was a significant need for this in the Town. Mr. Martin pointed out that the Plan of Conservation and Development and the Town Housing Study identified this need. He also explained the strategic plan survey conducted by the Board of Selectmen asked a different question than what the Zoning Commission was presently considering. That survey, he said, had been aimed at finding out how residents wanted the Town to spend taxpayer money. The Zoning Commission was merely considering permitting a multifamily use that would not be funded by taxpayer dollars. Mr. Grunberg thought the survey was relevant, however, because the Town would have to pay for increased services. Mr. Shapiro pointed out that the 2003 Plan of Conservation and Development identified the Town's two highest priority issues (tied) as preserving open space and providing a diversity of housing options.

Mark Lyon: Mr. Lyon suggested regulations to permit multifamily housing could require affordable units and open space set asides be included. He also thought there would not be adequate area for this type of development if it was allowed only in the existing commercial districts and thus, supported allowing it in the residential district.

Ruth Krajnak: Mrs. Krajnak asked if the Town is at risk of developers coming in under the state's Affordable Housing Appeals Act. Mrs. Friedman noted this is already an option for developers and would continue to be an option even if new multifamily housing regulations were adopted.

There being no further comments from the public, Mr. Martin thanked everyone for attending and adjourned this portion of the meeting.

Consideration of the Minutes

MOTION: To accept the 3/28/05 Regular Meeting

minutes as written. By Ms. Page,

seconded by Mr. Owen, and passed 5-0.

New Applications

Meeker/269 New Milford Turnpike/Revision of 11/24/03 Special Permit/Outside Storage: Mr. Meeker was present. Mr. Ajello said the application was complete and a public hearing could be scheduled. The hearing date was set for Monday, May 23, 2005 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

VonHoorn/179 West Shore Road/Renewal of Special Permit: Section 13.14/Bed and Breakfast Establishment: Mr. Martin read Mr. Ajello's 4/25/05 report, which stated there had been no complaints received about this business and no changes proposed in its operation.

MOTION: To approve the request submitted by Mrs.

Von Hoorn to renew the Special Permit:

Section 13.14 for a bed and breakfast at

179 West Shore Road. By Mr. Owen,

seconded by Ms. Page, and passed 5-0.

Pels and Stacy Matthews/142 Upper Church Hill Road/First Cut: Mr. Martin read Mr. Ajello's 4/25/05 report and noted both the Inland Wetlands Commission and the Health Department had approved the application. It was also noted Mr. Neff had provided the required calculations for the Residential Density Determination Form and Mr. Ajello had confirmed this was actually a first cut and not a subdivision.

MOTION: To approve the application submitted by

Mr. and Mrs. Matthews for a first cut at

142 Upper Church Hill Road and Sunset

Lane. By Mr. Owen, seconded by Mr.

Firzherbert, and passed 5-0.

Town of Washington/10-12 Blackville Road/Special Permit: Section 4.4.9/Town Garage Building, Outside Storage, Extension of Driveway: Mr. Sears was present. Mr. Ajello reported the application was straightforward and did not require Inland Wetlands approval. A public hearing was scheduled for Monday, May 23, 2005 immediately following the Meeker public hearing in the Land Use Meeting Room, Bryan Memorial Town Hall.

Shayne-Sunshine/27 Turner Road/Special Permit: Section 13.11/ Detached Accessory Apartment: Mr. Ajello reported the application was in order except for the issue of an unfinished area upstairs. He will consult with the applicants about this prior to the hearing. A public hearing was scheduled for Monday, May 23, 2005 in the Land Use Meeting Room immediately following the Town of Washington hearing.

Attardi/75 West Church Hill Road/Special Permit: Section 13.11/ Detached Accessory Apartment: A public hearing was scheduled for Monday, May 23, 2005 in the Land Use Meeting Room immediately following the Shayne-Sunshine public hearing.

Communications

Mr. Martin noted a very thoughtful letter had been sent by Washington's Inland Wetlands Commission to the New Milford Inland Wetlands Commission concerning the proposed Walker Brook Subdivision.

Enforcement

Mr. Ajello will work on sign issues and report to the Commission at the next meeting.

Other Business

Multifamily Housing: There was a brief discussion regarding the informational meeting that had taken place earlier in the evening. Points raised included:

- Sewers: It was the consensus that sewers were not being considered.
- Affordable housing: It was noted the public does not understand the difference between housing that is "affordable" and the state mandated "Affordable" housing.
- Public input: Mr. Martin noted the Commission would have to consider the comments by NIMBY's vs. the comments by those who were thinking in terms of what would be best for the Town in the long run.
- Mr. Shapiro will check with the Superior Court clerk to try to obtain information on where the Affordable Housing Appeals Act had been used.

Mr. Martin asked all Commissioners to consider what they had heard tonight and to come to the next meeting prepared to discuss it.

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

Mr. Martin adjourned the meeting at 10:20 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator