

• April 28, 2003

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

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

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mrs. Leab, Press

PUBLIC HEARING

Revision of the Zoning Regulations/Sections 17.4 and 17.4.a Re: Nonconforming Structures

Mr. Martin called the public hearing to order at 7:30 p.m. and seated Members Fitzherbert, Friedman, Martin, Owen, and Page. Ms. Page read the legal notice published in **Voices** on 4/16 and 4/23/03.

Mr. Martin read the 4/28/03 letter from Mr. Bender, Planning Chairman, which stated the Planning Commission voted unanimously to support the proposed amendments. He then noted that the memo from the Northwest Ct. Council of Governments had no comment on the proposed revisions. He also briefly reviewed the comments received from the Housatonic Valley Council of Elected Officials and the Litchfield Hills Council of Elected Officials. None of these agencies voiced any objections.

Mr. Martin explained the purpose of the amendment to 17.4 was to include the intent of this section of the Regulations. He noted this language was entirely new and he read it for the record. Regarding the proposed amendment to Section 17.4.a, he said the purpose of the revisions was to clarify Washington's consistent historical interpretation of this section. Vertical expansions in the setback area for nonconforming structures would continue to require variances. He then read proposed Section 17.4.a.

Mr. Owen made a few grammatical corrections to the text.

Mrs. Friedman asked whether the word, "lot" should be included in the 7th line of Section 17.4.a. Mr. Martin said it was correctly worded because what makes a nonconforming structure nonconforming from a setback point of view is its placement on the lot.

There were no other questions or comments from the Commissioners or from the public.

MOTION: To close the public hearing to consider amendments to Sections 17.4 and 17.4.a of the **Washington Zoning Regulations**. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

REGULAR MEETING

Mr. Martin called the meeting to order at 7:38 p.m. He seated Members Fitzherbert, Friedman, Martin, Owen, and Page.

Consideration of the Minutes

The 3/34/03 Regular Minutes were accepted as corrected. Mrs. Friedman pointed out two typos on pages 1 and 2 where the date was written 02 instead of 03.

MOTION: To accept the 3/24/03 Regular Meeting minutes as corrected. By Mrs. Friedman, seconded by Mr. Fitzherbert, and passed 5-0.

Other Business

Revision of the Zoning Regulations/Sections 17.4 and 17.4.a/Non- conforming Structures

There was no further discussion regarding the proposed text. An effective date of May 15, 2003 was set.

MOTION: To approve amendments to Sections 17.4 and 17.4.a of the **Washington Zoning Regulations** regarding nonconforming structures as corrected at the 4/28/03 Zoning Commission meeting effective May 15, 2003. By Mrs. Friedman, seconded by Mr. Owen, and passed 5-0.

Recommendations to the Board of Selectmen Regarding the Non Binding Recommendations for the WCHT, 16 Church Street

Mr. Martin asked for the opinion of the other commissioners on whether the three way stop sign recommended by the Zoning Commission for the corner of Church Street and Hinckley Road should be installed as soon as possible instead of waiting for the project to be completed. He pointed out the Housing Trust's traffic consultant had stated the sign would improve safety and also that the neighbors thought it was a good idea. Mr. Shapiro and Mr. Fitzherbert said the signs should be installed right away because it was more important to have them up now before the sight line is improved by the demolition of a portion of the building and before construction vehicles begin to operate in the area. It was the unanimous consensus of the Commission that Mrs. Hill should write a letter to the Board of Selectmen, which would include the following points: 1) a reminder of the non binding recommendations, 2) the WCHT's traffic consultant thought the three way stop sign would improve safety, 3) the neighbors were in favor of the sign, 4) it would be better to install the sign now than to wait until the project is completed, and 5) a request that this matter be taken up at the next Board of Selectmen meeting.

Future Priorities of the Zoning Commission

Mr. Martin briefly discussed possible future projects for the Commission including revision of Section 14 and enacting provisions for ridgeline protection. He noted work on Section 14 had been interrupted after the first draft due to the Commission's heavy workload since last fall. It was generally thought major initiatives should be held off until adoption of the updated Plan of Conservation and Development, although Mrs. Friedman thought the Commission should begin working now in anticipation of completion of the Plan.

- Section 14: It was noted that the input received to date, indicated that single family dwellings should not be included under the updated requirements being drafted. Mrs. Friedman noted the immense size of some of the new houses in Town and suggested that criteria for when to include very large single family dwellings under the new regulations should be established. Enhanced site plans would be required for the more complicated projects. The input received last year will be organized and sent to Mr. Oley, consultant. Hopefully he can prepare a

second draft for the June meeting.

- **Ridgelines:** Mr. Shapiro asked whether the Commission has the authority to draft ridgeline protection regulations as Washington's ridgelines are not specifically referenced in the state statutes. Mr. Martin explained the Town could adopt its own regulations in the Zoning or Subdivision Regulations or both. Mrs. Hill has obtained the latest draft model regulations from COG and Woodbury's ridgeline protection regulations. These will be mailed to the Commissioners.

- **Other Projects:**

1) **Enlarging the Lake Waramaug Residential District:** It was noted Mr. McGowan of the Lake Waramaug Task Force had recommended this district be enlarged to include the entire watershed to help protect the water quality of the lake. It was generally thought this was a good idea, although a revised map has not yet been drafted for review. Mr. Martin noted the Plan of Conservation and Development would probably recommend this expansion.

2) **Revision of the Depot Business District:** Mr. Martin noted the Plan may also recommend a study to determine the feasibility of dividing the Depot Business Districts into core and gateway sections so that different regulations could be applied to these different sections.

3) **Expansion of the New Preston Business District:** It was also noted the Plan may recommend studies to determine the feasibility of the expansion of the New Preston and Marbledale Business Districts to provide additional parking area. It was generally agreed that Zoning should wait for the adoption of the Plan before beginning these studies.

Plan of Conservation and Development: Mr. Martin and Mrs. Hill gave a brief review of the progress by the Planning Commission to date and noted there would be a lot of work for the Zoning Commission to accomplish once the Plan was adopted.

Section 17.4.b: Mrs. Leab, ZBA Commissioner, said the ZBA is working to provide feedback on an amendment to the Regulations to add a new section 17.4.b to allow the ZBA to grant Special Exceptions for residential setbacks under specific circumstances, but first must know exactly how to measure minimum setback requirements. She said Stonington has exact measurement details included in its Regulations. Mr. Owen said it is only the marginal lots where this makes a difference and so hoped the subcommittee currently working on this matter would keep the process simple. Mr. Martin agreed, noting that as the Regulations become more complicated the workload increases. He thought the goal should be to simplify procedures so that additional personnel will not be required.

Change in 2003 Calendar: Mr. Martin announced the May meeting would be cancelled due to a lack of business.

Substitute House Bill 6641: Mr. Martin noted that the COG feedback on this proposed bill had been mailed out with the Agenda. The Commissioners had many concerns about lines 126-130, which would require zoning commissions to revise their zoning regulations to be consistent with the town's Plan of Conservation and Development within two years of the adoption of an updated Plan. The discussion included the following points. 1) Considering the time it takes to conduct a thorough study of a single issue, draft appropriate language, and obtain public input and considering the large number of recommendations in the Plan that will be under the jurisdiction of the Zoning Commission, two years is an unreasonable time frame. 2) The bill provides no funding for commissions that would have to hire consultants

to accomplish the required zoning amendments within the two year time limit. 3) The bill would require implementation of all recommendations no matter what legitimate objections were raised by the public, taking away the discretion of local zoning commissions and possibly overriding public opinion. 4) This would be a liability for the Town as it would be open to lawsuits if it did not get the regulations amended within the timeframe or if the language of the Zoning Regulations differed from that in the Plan. It was the consensus of the Commissioners to write a letter to Mr. Roraback in opposition to this section of Bill #6641. As the vote would be coming up soon in the Legislature, Mr. Fitzherbert said he would also call Mr. Roraback.

Enforcement

Piskura/Woodbury Road/Shop and Storage Use: Mrs. Hill said she had received an application from Mr. Piskura and was waiting for Health Department approval. A public hearing will be scheduled for June 23 if Health approval is received.

Underwood/New Milford Turnpike/Self Storage Units: Mr. Martin said the required planting had not been installed and asked Mrs. Hill to inspect the property and to write a letter asking when the landscaping will be completed. Ms. Page will review the letter before it is sent.

Carter/West Shore Road/Stone Wall: Mr. Martin asked Mrs. Hill to renew her efforts to contact Mr. Carter to inform him a Special Permit is required for the stone wall he constructed.

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

Mr. Martin adjourned the meeting at 8:50 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill
Zoning Enforcement Officer