

## May 24, 2004

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

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

STAFF PRESENT: Mr. Chalder, Mrs. Hill

ALSO PRESENT: Mr. Meeker, Press

### REGULAR MEETING

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

#### Consideration of the Minutes

MOTION: To accept the 3/29/04 Special Meeting minutes as submitted. By Ms. Page, seconded by Mrs. Friedman, and passed 5-0.

The 4/26/04 Regular Meeting minutes were accepted as corrected. On page 2 under the Rumsey Hall School public hearings, the first hearing was closed at 7:52 p.m. and the second hearing commenced at 7:53 p.m.

MOTION: To accept the 4/26/04 Regular Meeting minutes as corrected. By Mrs. Friedman, seconded by Mr. Fitzherbert, and passed 5-0.

Mr. Abella arrived at 7:34 p.m.

#### New Applications

##### **Town of Washington/11 School Street/Special Permit: Section 4.4.9/Restroom-Kitchen Addition to Pavilion**

Mrs. Hill noted the application was complete. A public hearing was scheduled for Monday, June 28, 2004 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

##### **Hildeman/34 Popple Swamp Road/Special Permit: Section 4.4.3/ Commercial Horseback Riding Establishment**

The application was complete although there were several questions raised in the 5/24/04 ZEO Report. A public hearing was scheduled for Monday, June 28, 2004 at 7:40 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

#### Pending Matters

##### **Revision of the Regulations/Section 14/Site Development Plans**

Mr. Martin circulated and read excerpts from the 5/4/04 memo from Mr. McGuinness, Director of the NW Ct COG reviewing the current

draft. Mr. McGuinness thought the proposed site plan requirements are still too onerous for residential applicants. Given this input, Mr. Martin asked the Commission to consider whether or not the threshold at which a site plan is required for residences (2500 sq. ft. overall building footprint) should be retained. Mrs. Friedman noted under the proposal someone with a small project in the Lake Waramaug District would have to meet very strict requirements. Mr. Martin agreed, but noted the Commission would have the ability to waive requirements. Mr. Martin suggested that instead of using the size of the structure to be built to determine whether a sketch plan or site plan is required, the Commission could use factors associated with the land and its topography as the criteria. He explained this would be consistent with the existing soil based zoning and residential density regulations. Steepness of slope and proximity to wetlands and watercourses could be considered. It was the unanimous consensus of the Commissioners that there was a strong rationale for basing the plan requirements on these environmental factors instead of more arbitrary footprint or site disturbance square footage. The Commissioners then discussed whether site plans should be required for projects on 15% vs. 20% slopes; Mr. Oley had recommended 20%, but the regulations for driveways and residential density refer to 15%. Mr. Owen thought it was arbitrary to use a percentage other than that which our engineering consultant recommended. Mrs. Friedman asked if there were additional factors that should also be considered in light of the fact that footprint, site disturbance, and location within the R-3 District will not be used as criteria. Mr. Martin will contact Mr. Oley to ask him if additional criteria should be listed and whether he thinks 15% or 20% slopes should be referenced. It is hoped the draft will be finalized at the June meeting. Mr. Martin thanked Mr. McGuinness for taking the time to twice review drafts before the final proposal was completed.

**Conclusion: There was unanimous support for including only criteria such as slope steepness and proximity to wetlands as factors determining whether site plans or sketch plans are required for residences. Given this decision, Mr. Oley will be asked for his opinion on whether any other environmental factors should be considered and whether the slope percentage should remain at 20%.**

### **Implementation of the Plan of Development**

Mr. Chalder, consultant, was present. Discussion was based on the three draft documents attached. Mr. Martin hoped the Commission would be ready with drafts to present to the public at an informational meeting(s) in September.

**Washington Green District:** Mr. Martin explained the basis of the revised map of the proposed expanded R-2 District, which included 1) the existing R-2 District, 2) the existing Historic District, and 3) any lots split by either of these two districts. He noted Mrs. Hill had referred to the source documents used to create the Historic District to verify its boundaries. One inconsistency in the map was that the second house on Wykeham Road, the Wersebe house, was not included in the proposed new district. The Commission will have to decide whether or not to include it.

**Conclusion: The Commission liked the proposed district boundary resulting from the above methodology. This district is substantially smaller than that proposed in the POCD.**

Mr. Chalder reviewed the draft regulations.

5.1: The statement of purpose was expanded.

5.2 and 5.3: Sections addressing principal uses and accessory uses were set up as has already been done for the Marbledale, Woodville, and

Lake Waramaug Districts. Mr. Owen noted the existing Post Office and restaurant were not listed as permitted uses and asked the Commission to consider making them conforming uses that would be permitted throughout the District. Mr. Martin asked if there was some way to allow them by Special Permit without making it possible for them to proliferate to other properties in the district. Mr. Chalder said this would be very difficult and thought that allowing these uses throughout the District would compromise what the Commission was trying to accomplish with these revisions. Most Commissioners did not think these uses should be added to the list of permitted uses.

5.6: Mr. Owen suggested the Green and the rest of Town would be improved by requiring a maximum number of parking spaces and smaller parking lots. Mr. Martin agreed this was a townwide issue that should be considered in the next round of revisions. Mrs. Hill worried that building designs and designs for other structures would have to be approved by both the Historic District and Zoning Commission and it might happen that a design would be approved by one and denied by the other. She suggested applicants be required to show proof of Historic District approval and the Zoning Commission review designs for only those properties not located in the Historic District. Mr. Chalder noted an applicant would have to know whether the Zoning Commission would approve an increase in lot coverage prior to going to the expense of detailed architectural drawings for the Historic District Commission. He recommended the regulation be left as is. Mrs. Friedman agreed it should be left as is to provide applicants with information about what the Zoning Commission would be looking for in an application. Mr. Martin suggested the Commission could set up a procedure for informal preliminary guidance for applicants.

5.6.2: Mr. Owen noted when the library and first Rossiter houses were built they weren't like anything else in Town, and so suggested it was not necessarily good to limit the types of construction that could take place under this regulation.

5.6.3.1: "Is attractive" will be deleted.

5.6.3.3: Mr. Owen thought the buffering requirements should be more specific, but Mr. Martin favored the proposed wording to provide the Commission with the flexibility to handle different situations.

5.6.3.5: Pedestrian access was discussed in detail. Mr. Owen thought this section should be deleted because it addressed a non existing problem. Mrs. Hill thought in order to preserve the character of the District it was important to stress non automobile orientated design. Mr. Chalder pointed out the Commission could waive this standard when it was not appropriate. It was the consensus to keep this section, again, to illustrate what the Commission is looking for in an application.

5.6.4.2: Mrs. Friedman recommended "driveways" be added. It was questioned whether 25 feet was a large enough setback for parking areas from residential uses, but Mr. Martin pointed out it called for at least 25 feet, which would give the Commission some discretion for dealing with this issue.

**Next steps: The preceding comments will be factored into the next draft.**

**Senior Housing Floating District:** This concept was discussed again at length. While the Commissioners understood the Plan of Conservation and Development calls for increased housing diversity, and felt the two-step floating district concept would allow the Commission to have substantial control over multifamily housing developments, they also feared the possible unknown effects of such developments. At the last meeting it had been decided to begin cautiously on a small scale by considering only a senior housing floating

district. However, at this meeting several Commissioners pointed out that both housing for young families and affordable housing are needed, too, and so thought the regulation should be broadened. Others feared multifamily developments with no price controls would not benefit Washington residents and would increase the population and adversely impact rural character. Mrs. Friedman suggested the Commission wait to decide on the type of regulation to be implemented until the Housing Diversity Committee finalizes its recommendations. It was the consensus to provide this draft proposed regulation to the Housing Diversity Committee in order to inform it of the general concept the Zoning Commission is willing to support and, in return, to ask for input from this committee. Also, Mr. Owen had asked for more information on how a floating district would work, and so Mr. Martin asked Mr. Chalder to provide additional information.

**Conclusion: The revised draft will be discussed at the Commission's June meeting and then provided to the Housing Diversity Committee.**

**Scenic Resource Overlay Zone:** Mr. Chalder briefly reviewed the Special Permit criteria for the overlay zone, and noted the Commission would have to define the specific geographic zone for which they would apply. Mr. Martin stated the scenic vista map in the Natural Resources Inventory Report was too broad to use as the overlay because it includes approximately one third of Town. Mr. Chalder asked the Commission to consider how it would define the scenic resources it will preserve. Mr. Martin noted Mr. Sinclair from the Housatonic Valley Association had helped with the scenic vistas map and had a methodology for defining and narrowing down scenic resources.

**Conclusion: It was the unanimous consensus of the Commissioners to continue making progress on this issue by seeking help from Mr. Sinclair on the appropriate geography for the overlay zone.**

Enforcement

### **Meeker/269 New Milford Turnpike/Outside Storage**

Ms. Page recused herself. Mr. Martin briefly reviewed the matter. Mr. Meeker had been granted a Special Permit for a spa and pool store in November 2003. The permit did not include outside storage because there was none shown on the site plan and Mr. Meeker had specifically stated at the public hearing that there would be none. It was noted Mrs. Hill had sent him a letter to notify him he was not in compliance with his permit and he had moved most of the materials to the basement. Mr. Meeker proposed to apply for a 12' X 24' temporary building for the storage of pool equipment and materials. Mr. Martin read the 5/24/04 ZEO Report. The Commissioners decided the outside storage should be by Special Permit application and that Inland Wetlands Commission and Health Department approvals were prerequisites. Mr. Meeker said the proposed building would not be under Wetlands jurisdiction because it would be more than 100 feet from the river, but due to the corrosive nature of the chemicals to be stored, he was advised to apply to Wetlands first. Mr. Martin informed him a specific plan would be required with the application and told him both neighborhood impact and environmental factors would be considered. Mr. Martin thanked Mr. Meeker for cooperating with the Commission and removing the items stored outside until this matter is resolved.

Other Business

### **Washington Montessori School/240 Litchfield Turnpike/Release of Bond**

Mrs. Hill noted the School had requested the release of the bond per letter dated 4/5/04. She reported she had inspected the site twice for compliance and said a detailed list of the conditions of approval, site plan requirements, and landscaping items she had checked was in the 5/24/04 ZEO Report. She had found only two minor problems; two trees required in the landscaping plan had died and there was a small eroded area on the bank of the ball field, and so recommended the release of the majority of the bond. She noted the trees would be replaced under the contract with the landscaper. There was a brief discussion about whether to release the full amount or to hold a small portion until the two items noted were corrected.

MOTION: To release the \$75,000 bond posted by the Washington Montessori School for construction of the school at 240 Litchfield Turnpike with the understanding that Mrs. Hill will obtain assurances from the school that the two dead trees will be replaced and the eroded area on the bank of the ball field will be repaired. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

### Communications

Mr. Martin briefly updated the Commission on the following:

- 1) Effective July 1, 2004 the state tax on land use applications would increase to \$30 and the Town can keep \$2.
- 2) The state legislature had acted on the Poirer case. The new legislation states vacant lots in subdivisions must meet the zoning regulations in effect at the time of their approval, but all developed subdivision lots must meet current zoning standards.
- 3) The Smart Growth bill discussed by the Commission earlier in the year was substantially diluted and then killed.
- 4) The legislature had unanimously approved a bill containing an amendment setting a limit of 12,000 sq. ft. of total development area within 2000 feet of any lake 500 acres or larger. This would include Lake Waramaug.

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

Mr. Martin adjourned the meeting at 11:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Zoning Enforcement Officer