

• June 23, 2003

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

ALTERNATE PRESENT: Mr. Abella

ALTERNATES ABSENT: Mr. Brinton, Mr. Shapiro

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. and Mrs. Larson, Mr. Frank, President Lake Waramaug Assoc., Mr. McGowan, Director Lake Waramaug Task Force, Mrs. Corrigan, Residents, Press

PUBLIC HEARING

Larson/64 Carmel Hill Road/Special Permit: Section 13.11.3/ Detached Accessory Apartment

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 6/11 and 6/18/03.

Mr. Martin reviewed the 6/23/03 ZEO Report, which stated the application was complete and the proposal complied with all the requirements of Section 13.11.3. The site plan and floor plans, which were all drawn by the property owner, were reviewed. Mr. Martin asked if there were any issues with coverage or setbacks. Mrs. Hill replied, no, the lot size was over 10 acres.

There were no other questions or comments from the Commission and none from the public.

MOTION: To close the public hearing to consider the Special Permit application: Section 13.11.3 submitted by Mr. and Mrs. Larson for a detached accessory apartment at 64 Carmel Hill Road. By Mrs. Friedman, seconded by Mr. Owen, and passed 5-0.

Mr. Martin closed the public hearing at 7:38 p.m.

This public hearing was recorded on tape. It is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot.

REGULAR MEETING

Mr. Martin called the meeting to order at 7:39 p.m. and seated Members Fitzherbert, Friedman, Martin, Owen, and Page.

Consideration of the Minutes

MOTION: To accept the April 28, 2003 Regular Meeting minutes as written. By Mrs. Friedman, seconded by Mr. Fitzherbert, and passed 5-0.

Pending Application

Larson/64 Carmel Hill Road/Special Permit: Section 13.11.3/ Detached Accessory Apartment

Mr. Martin noted again the application complied with all requirements.

MOTION: To approve the Special Permit application: Section 13.11.3 submitted by Mr. and Mrs. Larson for a detached accessory apartment at 64 Carmel Hill Road. By Mr. Owen, seconded by Mr. Fitzherbert, and passed 5-0.

Other Business

Enhancement of Zoning Regulations to Protect Lake Waramaug: Mr. Frank of the Lake Waramaug Association (LWA) and Mr. McGowan, Director of the Lake Waramaug Task Force (LWTF), were present. Mr. Martin noted the Commissioners had received a memo on this subject and a draft of revised dock regulations to review prior to the meeting. (Attached) Four main topics were discussed; 1) increasing the size of the Lake Waramaug Residential District (R-3) to conform to the Lake Waramaug watershed area, 2) discouraging concentration of development nearer to the shore via lot coverage requirements, 3) maintaining the current 50 ft. setback from the lake and adding a requirement that proposed development within between 50 and 75 feet of the shore require a Special Permit, and 4) providing stricter regulation and definition of docks. Mr. Martin said he had recently attended an LWA meeting and those in attendance had voiced their support for these types of revisions to the Zoning Regulations.

- **Expanding the District to Include the Entire Watershed In Order to Protect Water Quality:** Colored maps by Planimetrics showing the present R-3 District, the watershed, and a new proposed District boundary line were reviewed. Mr. Martin noted he had asked that existing lot lines be used as the District boundary wherever reasonable. There was a brief discussion of the lots and terrain along the watershed boundary line. Ms. Page noted that the areas where the Commission was debating whether the District boundary line should be drawn along lot lines or the watershed line were mostly very steep areas that would be difficult to develop. Mr. McGowan pointed out state owned and Steep Rock owned parcels. Mr. McGowan preferred the watershed line for the boundary as it is the same as the ridgeline should the Commission adopt ridgeline protection regulations in the future, but agreed some practical adjustments could be made for those lots with only a small portion within the watershed. He pointed out that more detailed site plan and drainage plan requirements for the redrawn District would help protect the lake from non point source pollution and chemicals such as phosphorous. It was the consensus of the Commission that subject to the work that Mr. Frank and Mr. McGowan agreed to do in evaluating individual lots along the watershed line, the Lake Waramaug District should be expanded to include the entire watershed.

- **Discouraging Concentrated Development or "Front-Loading" Along the Lake Shore:** Mr. Martin noted this was a concern of the ZBA as well as the LWA. He proposed keeping the current overall lot coverage regulations, but prohibiting more than 7.5% coverage within 200 feet of the lake. Mr. Owen questioned whether this would unfairly restrict some of the smaller lots around the lake and Mr. McGowan pointed out that when the setbacks from the lake and the road are considered, most of these smaller lots are already restricted. Mr. McGowan said there was research done that showed a direct correlation between lake shore development and degradation of water quality. He said 10% coverage is the limit beyond which there are adverse impacts to water quality and so noted the 10% coverage requirement that Washington has had for many years makes sense according to modern research. Mr. Martin noted the Commission could accomplish the same goal if it kept the current 10% and added a requirement that the 10% had to be evenly distributed over the entire lot and not "front-loaded" along the shore. Mr. Fitzherbert noted Maine allows greater coverage for every 25 feet further from the lake shore you get. Mr. McGowan thought the

Commission should finalize its policy on front yard setbacks (whether the setback is measured from the property line or from the state road right of way) before making a final decision regarding coverage. Mr. Abella voiced his concern that development might be too restricted on smaller lots, but Mr. Martin said in such cases the property owners could apply to the ZBA for variances. Mrs. Friedman thought decreasing the maximum coverage permitted near the shore was a good idea, but could result in home owners building up. She recommended the height of houses between the road and the lake be restricted. Mr. Martin agreed this was a matter that should be addressed, but on a townwide basis, not just for the R-3 District. He also thought height was an aesthetic issue, whereas the purpose of the proposed revisions was the protection of water quality. Mr. Owen suggested 10% coverage within 200 feet of the lake because he did not know whether the lake shore residents would support 7.5%. Mr. McGowan noted the LWA has been educating the public on protecting water quality since 1978 and so thought these property owners would understand the reasons behind the need for stricter regulations. The Commissioners agreed this issue should be studied in more detail. Mr. Frank and Mr. McGowan agreed to study individual lots to determine what the impact on smaller parcels would be.

- **Maintaining the 50 Foot Setback Requirement and Requiring a Special Permit for Development Between 50 and 75 Feet From the Lake:** Mr. Martin noted if such a regulation was to be adopted the Commission would have to develop standards that would have to be complied with. Mr. McGowan said he would get the Commission information on dry wells, swales, infiltration systems, etc. that can be utilized to decrease and slow down run off and would also draft model literature that he would distribute to property owners. Mr. Fitzherbert asked if the setback requirements would include septic systems and Mr. McGowan noted these must be at least 75 feet from the lake. Mr. Martin noted this proposal was also being considered by Warren and if the two towns should approve it, improved protection would extend to 95% of the lake properties. It was the consensus Washington should work to draft regulations consistent with those Warren is now considering.
- **Stricter Regulation and Definition of Docks:** Mr. Martin noted the current regulations governing docks are not detailed and he reviewed the proposed revisions, which would give the Commission greater control over the type, size, and use of docks on the lake. Ms. Page noted that the Commission would have to decide whether slides or other play equipment for children would be permitted on docks. Mrs. Friedman asked what the difference was between docks and piers and Mr. McGowan responded dock includes pier and wharf and recommended those other terms be eliminated. He also noted the proposed revisions would include floats. Mr. Owen noted the Commission should make sure terms such as pressure treated wood and polystyrene are accurate and up to date. Mr. McGowan reviewed how various shaped and sized docks could impact the water quality of the lake. It was noted this was a safety and aesthetics issue as well as an environmental one. It was the consensus that more specific regulations for docks should be adopted, but that the Commission should contact the Lake Waramaug Authority regarding safety issues prior to finalizing any new regulations.

Boathouses and other accessory buildings were discussed at length. Mr. Martin said there was no consensus at the LWA meeting he attended on whether boathouses should be deleted as a permitted use within 50 feet of the lake. The problems encountered in enforcing the current boathouse regulations and "grandfathered" buildings were noted. Mr. Frank explained Warren's policy regarding storage buildings around the lake. It was generally thought that revised regulations should include well defined size and use limitations for accessory buildings.

Mr. Fitzherbert suggested all revisions to the Regulations for the purpose of protecting the water quality of the lake be considered first and those for safety, aesthetic, or other reasons be considered separately at a later date.

Revision of the Zoning Regulations/Section 14: Mr. Martin reported he had discussed resuming work on this Section with Mr. Oley and

would soon forward him the latest updates.

Revision of the Zoning Regulations/Section 17.4.b: The attached draft written by the ZBA was discussed. The Commissioners questioned why accessory buildings were added to this section when the original intent had been to address only non conforming single family dwellings. After a lengthy discussion it was decided Mr. Owen would attempt to draft language that would include accessory structures with specific limitation. He will also work on improving the clarity of this section.

Revision of the Zoning Regulations/Definition of Setback: Mr. Martin explained the ZBA was concerned about the method used to measure setbacks and had proposed the attached definition. Again, the Commission was concerned about clarity and Mr. Owen offered to work on improvements to the proposed language. It was the consensus to add a definition of setback to Section 21 when the Zoning Commission is satisfied with the wording.

Wright/14 Kinney Hill Road/Section 13.16/Request to Renew Special Permit for Shop and Storage Use by Contractors and Building Tradesmen: Mr. Martin noted a request for a two year renewal had been received and that according to the Regulations, reapplication was not required. Mrs. Hill reported she had recently driven by the property and found it looked residential in character and saw no violations. Ms. Page said she had seen six or seven vehicles parked across the street on several occasions, but she did not think this was a problem. Mrs. Hill said there were three vehicles parked in the barn driveway and next to the barn when she drove by. She noted there had only been one complaint since the permit was issued in 1990 and none since the last reapproval. Mrs. Friedman thought action should be delayed until there was more information submitted about parking. Several other Commissioners thought they could vote to reapprove tonight as there had been no complaints made by neighbors.

MOTION: To approve the request for a two year extension of the Special Permit: Section 13.16 granted to Mr. and Mrs. Wright for Shop and Storage Use by Contractors and Building Tradesmen at 14 Kinney Hill Road. By Mr. Owen, seconded by Ms. Page and passed 4-0-1. Mrs. Friedman abstained because she thought more information was needed about the parking situation.

Update of the Plan of Conservation and Development: The Commissioners had all received an invitation to the Planning Commission's POCD presentation on July 15 from 4:00 to 6:00 p.m. or July 18 at 7:30 p.m. Mr. Martin strongly recommended the Zoning Commissioners attend one of these meetings as the revised Plan would raise serious issues for Zoning to wrestle with. He said this subject would be included for discussion on Zoning's July 28 agenda and that Zoning's reactions, comments, and opinions would be forwarded to the Planning Commission.

Land Use Application Process: Mr. Martin reported he and Mrs. Hill had met with ZBA Members and that concern was raised the current land use application procedures did not always ensure identical plans were approved by all departments. Mrs. Hill, in turn, had discussed this problem with Mr. Jenks, Building Official, and had compiled a list of optional solutions/ improvements, which the Commission reviewed. Mr. Martin noted that these varied in effectiveness, the most effective being the most time consuming. He also noted this was an issue for all departments to consider, not just Zoning. Mr. Owen noted Atty. Zizka has been working to revise the Zoning application forms and thought requiring more explicit information on the forms would help facilitate the process. Mr. Fitzherbert said he had heard many complaints from residents who thought the current application process took too long and cost too much. Mrs. Hill feared residents might be tempted to do work without permits if the process became even more complicated. In general, the Commissioners favored changes that would not

substantially slow down the process. They also thought increases in hours or staff in the land use offices would enable staff to check application forms for accuracy and ensure identical plans were approved by all departments. Mrs. Hill said she would soon be discussing this matter with the First Selectman. She added now that she and Mr. Jenks had been made aware that there is a problem, they would work more closely together to find a solution.

Communications

Mr. Martin reported the stop sign recommended at the corner of Church Street and Hinckley Road had been installed.

Mr. Martin noted the telecommunications tower applied for by Sprint on Rt. 109 in New Milford had been approved as submitted by the Siting Council.

Mr. Martin reported Bill #6640 had not been approved by the state legislature. This was because the session ran out of time and so it is expected it will be raised again next year. This will give the Commission the opportunity to educate the legislators about the negative impacts to small towns this bill will cause if enacted. He noted Senator Roraback had been very helpful and responsive and that he had also had a good discussion with Representative O'Neill.

Enforcement

Mr. Martin asked for a report about the landscaping at Underwood's self storage units on New Milford Turnpike. Mrs. Hill reported the trees had been planted as required, but the dead stock had not yet been replaced. She said she had spoken with Atty. Fairbairn and Ms. Page who agreed the work had been completed as agreed upon at their on site meeting. She had also spoken with Mr. Underwood who assured her the dead trees would be replaced.

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

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, ZEO