

July 25, 2005

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

MEMBER ABSENT: Mr. Owen

ALTERNATES PRESENT: Mr. Abella, Mr. Shapiro

ALTERNATE ABSENT: Mr. Brinton

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr./Mrs. Federer, Mr. Swain, Mr. Rimsky, Mr. Charles, Mr. Worcester, Mr./Mrs. Payne, Mr. Bedini, Mr. Etherington, Mr. Washington, Mr. Fairbairn, Ms. Adams, Mrs. Condon, Mr. Finkler, Mr. Talbot, Ms. Baechle, Residents, Press

PUBLIC HEARING

Institute for American Indian Studies/38 Curtis Road/Special Permit: Section 4.4.10/Deck Addition to Museum

Mr. Martin called the public hearing to order at 7:34 p.m. and seated Members Fitzherbert, Friedman, Martin, and Page and Alternate Abella for Mr. Owen. Ms. Page read the legal notice published in **Voices** on 7/13/05 and 7/20/05.

Mr. Martin reviewed the list of documents in the file. He then read the 7/25/05 ZEO Report.

Representing the applicant, Mr. Worcester, architect, reviewed his 5/16/05 site plan and deck plan. The proposed deck would be located off the children's discovery room and would have benches around it. He stated the approximate size of the deck was 42' 8" by 17', handicapped ramps and rails would be installed per the State Building Code, pressure treated lumber would be used, and no trees would be cut. It was noted the deck would be at least 75 feet from the closest boundary line.

Mrs. Payne, a member of the Institute's Advisory Board, spoke in favor of the application, saying it would enhance the museum.

Mrs. Friedman asked where nearby residences were located and Mr. Worcester pointed them out on the map.

There were no further questions or comments from the public or the Commission.

MOTION: To close the public hearing to consider the

Special Permit application: Section 4.4.10

submitted by the Institute for American
Indian Studies to construct a deck addition

on the museum at 38 Curtis Road. By Ms.

Page, seconded by Mr. Abella, and passed 5-0.

Mr. Martin closed the public hearing at 7:43 p.m.

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

REGULAR MEETING

Mr. Martin called the meeting to order at 7:44 p.m. and seated Members Fitzherbert, Friedman, Martin, and Page and Alternate Abella for Mr. Owen.

Consideration of the Minutes

The June 27, 2005 Regular Meeting minutes were accepted as amended. In line 2 on page 9 "provide" should be inserted to read, "...low enough to provide an incentive...."

MOTION: To accept the 6/27/05 Regular Meeting minutes

as amended. By Mrs. Friedman, seconded by

Ms. Page, and passed 5-0.

Pending Application

Institute for American Indian Studies/38 Curtis Road/Special Permit: Section 4.4.10/Deck Addition to Museum

Mr. Martin noted there were no outstanding issues and Mr. Fitzherbert thought the design of the proposed deck was a good one.

MOTION: To approve the Special Permit application:

Section 4.4.10 submitted by the Institute for

American Indian Studies to construct a deck

addition to the museum at 38 Curtis Road as

submitted. By Mrs. Friedman, seconded by Mr.

Abella, and passed 5-0.

Other Business

Preliminary Discussion/Les Amis/101 Wykeham Road/Multi Family Housing: Mr. Martin announced the owners had withdrawn from tonight's agenda.

Revision of the Zoning Regulations/Section 12.1/Wetlands and Watercourses Setbacks: Mr. Martin noted a public hearing had been scheduled for August 22, 2005 at 7:30 p.m.

Standards for Multi Family Housing: "Specific Multi Family (MF) Standards (in addition to those in 13.1.B)" was circulated. (See attached document.) Mr. Martin stated these standards were drafted based on the discussion at last month's meeting. He reviewed each of the proposed standards and most were briefly discussed. 2biii was corrected to read, "minimum ground floor area per Section 11." In response to a question from Mr. Shapiro, Mr. Martin explained the reason for 4iii was to prevent cars from backing out of garages directly onto any road. Standard 8: the maximum number of units allowed within any individual project shall be 25, was discussed at length. Mrs. Friedman and Mr. Abella thought projects consisting of 25 units would be too large. They favored more projects with fewer units in each. They thought a limit of 20 units per development might be appropriate. The rest of the Commission was comfortable with 25 because 1) they did not want to establish an arbitrary lower limit when applications could be dealing with very large parcels and 2) they thought the dimensional requirements listed in 2a and 2b would help to control the number of units in each project. It was decided the maximum number of units would remain at 25 per project.

The Commission then considered whether this standard should allow 25 units per site or per project. To permit 25 units per project would mean there could be no more than 25 units in total, whether or not the affordable units were on site or off. To permit 25 units per site would mean there could be 25 market value units on site and the requirement for affordable units off site would be in addition. An informal poll of the Commission found it split 3-3 on this matter. Discussion will continue at the next meeting. Mr. Martin briefly provided the public with an overview of why the revision of the Regulations to permit a limited number of new multi family housing units was being proposed by the Commission and explained that 10% of the total number of units proposed would be required to meet the state definition of affordable, and that legal research had indicated the required affordable units would not have to be located on the same parcel as the market value units. Mr. Ajello had three technical comments: 1) in 4i "structures" should be changed to "buildings" so that fences and walls would not be taken into consideration, 2) in 6 the term, "utilities," should be more completely described, and 3) in 10g language to prohibit all night lighting should be clarified. Mr. Shapiro asked if there would be an open space requirement for multi family housing projects. Mr. Martin stated there was no such requirement in the proposed standards. He said the requirement to double the setbacks in residential districts would make it more difficult to preserve open space on these sites. More importantly, he noted the Commission was favoring development that was spread out to look more residential and village-like in character. Mr. Fitzherbert asked what would prevent a developer from constructing a single very large building. Mr. Martin said he would ask Atty. Zizka to include the Commission's intent to promote development that is spread out and

village-like in introductory guidelines for the new regulations. It was the consensus that except for Section 8, which will be discussed again at the next meeting, the standards were ready to be forwarded to Atty. Zizka for a legal review.

Revision of the Regulations/Viewshed Protection/Section 14.3: Mr. Fitzherbert reported that the subcommittee had not yet met. He will meet with Mr. Sonder and Mr. Ajello prior to the next meeting. Mrs. Payne agreed to provide Mr. Fitzherbert with Mr. Sonder's email address.

Revision of the Zoning Regulations/Section 16/Signs: Mrs. Friedman said she had spoken at a poorly attended meeting of the Washington Business Association and had received no constructive input on the latest draft regulations. The tag sale sign and permit procedure used in Bridgewater was briefly discussed and it was the consensus it would be too burdensome on the Town staff to implement in Washington. Mrs. Friedman will draft a simpler application form for sign permits. Mr. Martin thought that there should be a separate category in the fee schedule for sign application fees. The Commissioners will review draft #7 a final time and discuss it again at the August meeting. Mr. Ajello will work on a revised zoning application form.

Review of Zoning Fees: The Board of Selectmen asked all land use commissions to review their fee schedules. Mr. Martin circulated a chart from the NW Ct. COG, which compared the zoning application fees in area towns. It was generally thought the zoning fees should be increased as Washington was on the low end of the fee chart. Mr. Shapiro suggested a procedure similar to Warren's be adopted where simple zoning applications have a lower fee than do larger, more complicated applications. After a brief discussion it was the consensus to relate the fee to the complexity of the proposed work with an increase in the application fee to \$45 for small projects and \$90 for projects larger than 500 sq. ft. The Special Permit application fee will remain \$150. A petition for the revision of the Zoning Map or Zoning Regulations will be increased by \$25 to \$200. Fees for sign permits will be discussed at the August meeting. A revision of the Town Fee Ordinance must be approved at a Town Meeting before the proposed increases in the zoning fees will become effective.

New Applications

Milstein/36 Hinkle Road/Special Permit: Section 13.11/Detached Accessory Apartment: Mr. Washington, agent, was present. Mr. Martin read the 7/25/05 ZEO Report, which stated there were no major problems and both Health Department and Inland Wetlands Commission approvals were expected by the next Zoning meeting. A public hearing was scheduled for Monday, August 22, 2005; the second public hearing to be held that evening.

The Gunnery/ South Street/Special Permit: Section 4.4.10/ Driveway and Classroom Building: A public hearing was scheduled for Monday, August 22, 2005; the third public hearing to be held that evening.

Rumsey Hall School/184-201 Romford Road/Special Permit: Section 4.4.10/Gymnasium Addition and Auditorium: A public hearing was scheduled for Monday, August 22, 2005; the fourth public hearing to be held that evening.

Communications

Proposed Eminent Domain Ordinance: Mr. Martin noted the Commission had expressed its disagreement with the 6/24/05 Supreme Court

decision, which ruled against the property rights of individuals in New London, Ct. He said the Commission did not object to the use of eminent domain for traditional publicly owned uses or for blighted property, but did object to its use for economic development by private entities where property could be taken from one private owner and transferred to another private owner. He noted the Supreme Court decision encouraged state and local governments to more strictly regulate the use of eminent domain for private development. As he was authorized to do at the last Zoning meeting, Mr. Martin said he had discussed this matter with the Board of Selectmen. He reported Mr. Sears had been supportive and had asked him to work with counsel to draft a proposed Town ordinance. A copy of the proposed ordinance was circulated and the Commission unanimously supported it.

Enforcement

Mrs. Friedman said the Klemm Real Estate sign at the corner of East Shore and New Preston Hill Roads was internally lit and visible from the road. It had been reported at a previous meeting that this sign would be removed. Mr. Ajello said he had already spoken with Mr. Hammer, who said he would take down the sign. Mrs. Friedman asked that he notify Mr. Hammer in writing that the sign must come down.

Privilege of the Floor

Mr. Finkler asked if 10% affordable housing would be mandatory for all projects. Mr. Martin said it would. He then asked if the Commission had checked out whether allowing the 10% affordable requirement to be met off site complied with state law. Mr. Martin said the Commission had asked counsel for an opinion on this matter. The opinion was that the Zoning Commission has the authority to allow the affordable unit requirement to be met off site.

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

Mr. Martin adjourned the meeting at 8:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator