

August 23, 2004

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

MEMBER ABSENT: Mr. Fitzherbert

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

STAFF PRESENT: Mrs. Hill, Mr. Sears

ALSO PRESENT: Mr. H. Averill, Mr. R. Averill, Mr. Lambert, Mr. Paggioli, Mr. Meeker, Mr. Waldron, Press

PUBLIC HEARINGS

Paggioli/1 Tinker Hill Road/Special Permit: Section 6.4.6/ Fence on Lake Side of West Shore Road

Mr. Martin called the public hearing to order at 7:30 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Abella for Mr. Fitzherbert. Ms. Page read the legal notice published in **Voices** on 8/11 and 8/18/04. Mr. Martin reviewed the list of documents in the file. The site plan, a portion of the map, Survey Prepared for Kenneth Duncan," by Mr. Farnsworth and the written statement by Mr. Paggioli, "Application for Fence/Trellis," were reviewed

Mr. Paggioli briefly explained the purpose of the proposed fence was to discourage trespassers and misuse of the property as well as to provide some privacy for the dock area. He said the design proposed was the least obtrusive, noting the Commission had previously approved a similar trellis fence further down West Shore Road. He stated the fence would not exceed 6 ft. high. Mr. Paggioli said he did not plan to landscape, but would allow vegetation to grow up around the fence. Mr. Martin noted the Commission strives to balance the rights of the property owner with the public's right to view the lake, and so asked if Mr. Paggioli would agree to maintain the vegetation so it would not obscure the view. Mr. Paggioli said he would do so.

There were no questions or comments from the public.

Ms. Page supported the proposal, noting she had observed the owners had been trying to keep the property neat and that the proposed fence was better than the one recently installed nearby on Town property.

Mrs. Friedman asked if the objectives could be met with a lower fence. Ms. Page noted the bottom would be at least one foot lower than the edge of the road due to the steep slope there and Mr. Owen pointed out that a 3 ft. high fence would not keep out trespassers.

Mrs. Hill noted Mr. Pagiolli submitted proof he had notified the State Scenic Roads Committee of the application, but it had not responded.

It was noted the public hearing only addressed the trellis fence on the lake side of the road and the other fence listed in the application would be acted on by the ZEO.

MOTION: To close the public hearing to consider the Special Permit application: Section 6.4.6 submitted by Mr. Paggioli for a fence on the

lake side of West Shore Road. By Ms. Page, seconded by Mr. Owen, and passed 5-0.

Mr. Martin closed the public hearing at 7:47 p.m.

Averill/10 New Preston Hill Road/Special Permit: Section 13.11.3/Detached Accessory Apartment

Mr. Martin called the public hearing to order at 7:48 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Abella for Mr. Fitzherbert. Ms. Page read the legal notice published in **Voices** on 8/11 and 8/18/04. Mr. Martin reviewed the list of documents in the file, including the proposed floor plan.

Mr. Martin read the 7/17/04 written statement from Mr. Averill, which indicated how the apartment proposed in the existing barn would comply with each section of the Regulations and the 8/23/04 ZEO Report, which concurred the apartment would comply.

Mr. Heman Averill, described his efforts over the years to preserve the 200 year old barn and said every effort would be made to preserve the outward appearance of the building. This commitment was also made in Mr. Averill's 7/17/04 written statement.

Mr. Lambert, contractor, said the apartment would fill 30% of the barn. He circulated photos of the past restoration of the building and noted the exterior work needed would include new siding and some new windows.

Mr. Martin reread Mr. Averill's statement and noted the Commission has always been supportive of the preservation of historic buildings.

There were no questions or comments from the public.

MOTION: To close the public hearing to consider the Special Permit application: Section 13.11.3 submitted by Mr. Averill for a detached accessory apartment at 10 New Preston Hill Road. By Mr. Owen, seconded by Ms. Page, and passed 5-0.

Mr. Martin closed the public hearing at 7:56 p.m.

These public hearings were recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington, Ct.

REGULAR MEETING

Mr. Martin called the Meeting to order at 7:56 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Abella for Mr. Fitzherbert.

Consideration of the Minutes

MOTION: To accept the 7/26/04 Regular Meeting minutes as written. By Mrs. Friedman, seconded by Mr. Abella, and passed 5-0.

Pending Applications

Paggioli/1 Tinker Hill Road/Special Permit: Section 6.4.6/ Fence on the Lake Side of West Shore Road

The issue of maintenance of the vegetation near the fence was discussed. It was generally thought that see-through fences such as this one should be encouraged over stockade fences and that some vegetation growing around it would improve its appearance. It was agreed, however, the landscaping should be maintained in such a way so that the view would remain.

MOTION: To approve the Special Permit application: Section 6.4.6 submitted by Mr. Paggioli, Tinker Hill Road, for a fence on the lake side of West Shore Road with the condition that shrubbery and landscaping around the fence be maintained in such a way that the view of the lake is not unduly obscured. By Mr. Martin, seconded by Mr. Owen, and passed 5-0.

Alternate Brinton arrived at 8:00 p.m.

Averill/10 New Preston Hill Road/Special Permit: Section 13.11.3/Detached Accessory Apartment

MOTION: To approve the Special Permit application: Section 13.11.3 submitted by Mr. Averill for a detached accessory apartment at 10 New Preston Hill Road as submitted. By Mr. Owen, seconded by Mr. Abella, and passed 5-0.

New Applications**Waldron/167 New Milford Turnpike/Special Permit: Section 9.4.1.a/Workshop and Retail Business**

It was noted the Health Department had approved the application. A public hearing was scheduled for Monday, September 23, 2004 in the Land Use Meeting Room contingent upon receipt of the application fee.

Other Business**Tracy/47 Rabbit Hill Road/Renewal of Special Permit: Section 13.16/Shop and Storage Use by Contractors and Building Tradesmen**

Mr. Martin read the 8/24/04 ZEO Report. Mrs. Hill, ZEO, noted there had been no change in the operation since the permit had first been issued and no complaints had been received.

MOTION: To approve a two year renewal of the Special Permit: Section 13.16 granted to Mr. and Mrs. Tracy for Shop and Storage Use by Contractors and Building Tradesmen at 47 Rabbit Hill Road. By Ms. Page, seconded by Mr. Owen, and passed 5-0.

Meeker/269 New Milford Turnpike/Revision of Special Permit: Section 9.4.1.a/Add Outside Storage

Mr. Martin noted outside storage had not been included in the Special Permit granted for the pool store. Although storage of the pool chemicals outside was a potential environmental concern due to the proximity of the river, the Fire Marshal had advised that the chemicals should not be stored inside a building, which includes a residence.

Mr. Meeker read a written statement dated 8/23/04 in which he proposed to construct a storage structure on the stone "patio" behind the existing building. Construction plans, which included a wooden catch basin lined with foam and a vinyl liner to trap any leaks, were described. He said the Fire Marshal would write a letter to state he had approved the plans.

Mr. Martin said the Commission needed to decide whether the request for outside storage was a significant enough revision of the Special Permit that it would require a public hearing or was a sufficiently minor modification that could be addressed without a hearing. He thought because the Fire Marshal was recommending storage outside a building containing a residence, it should be considered a minor change and acted upon as soon as possible. Mr. Shapiro pointed out the Fire Marshal had not yet approved the plans. Mrs. Friedman did not think the modification was insignificant. Mr. Abella asked whether the proposed structure would be seen from off site and whether the proposed construction would, indeed, provide adequate protection from leaks. Mr. Meeker described the types of chemicals that would be stored there. Mr. Owen noted there are no regulations against storing these chemicals on residential lots with pools. Ms. Page thought the proposed structure was not a significant change because it would be erected on the existing patio.

It was decided a public hearing would not be held, but the following information/documentation would be required before the Commission would act on the request: 1) written approval by the Fire Marshal, 2) approval by the Inland Wetlands Commission, 3) a photo or sketch showing what the structure will look like. The Commission will notify the adjoining property owners of the proposal before the next meeting.

Mrs. Friedman asked if the proposed structure was the absolute smallest to accomplish the objective. Mr. Meeker said it was and discussed the size and number of pallets to be stored. Mr. Shapiro asked if the proposed structure had adequate venting. Mr. Meeker said it was made of a fabric that would breathe and so no vents were necessary.

Other Business

Meeker/269 New Milford Turnpike/Signs

The 8/23/04 ZEO Report indicated there had been a complaint regarding the signs erected on this property and that Mrs. Hill had met on site with the owners to discuss the problem. As a result, one of the signs on the building had been removed, another had been lowered, and Mr. Meeker submitted an application to the ZBA for a variance for the location of a free standing sign. Mrs. Friedman thought the remaining signs were too large, but Mrs. Hill said they were in compliance with the Zoning Regulations. Mr. Meeker asked if he could keep his neon "open" sign lit during business hours only. Mr. Martin said no internally illuminated signs are permitted and thanked Mr. Meeker for his cooperation.

Proliferation of Signs: Copies of Mrs. Friedman's draft letter to be sent to all business owners were circulated for review. It was noted the Town does not have a list of all the business owners in Town so the letter will be sent to all members of the Washington Business Association and to all owners of properties in the business districts. Mr. Martin liked the tone of the letter as it will let business owners know the Commission is willing to revise its Regulations and to work with them where possible, while also advising them the current Regulations will be enforced. Mr. Owen will do a final edit before the mailing is done.

Communications

Lake Waramaug Agreement: Mr. Martin said he had sent a copy of the Agreement to Atty. Zizka for review. Atty. Zizka said the Zoning Commission has no jurisdiction over most of the document, but would have jurisdiction over Exhibit B, which deals with the site improvements proposed along the shoreline. He explained further that either the Town would have to exempt itself by ordinance from local land use regulations or amend the Zoning Regulations to permit municipal boat ramps, etc. within 50 feet of the lake before the Town could apply to Zoning for a permit for the Exhibit B improvements. Mr. Martin, Mr. Sears, and Atty. Zizka did not think it would be a good idea for the Town to exempt itself from the Regulations. Mr. Martin noted that a regulation amendment would be appropriate for the Zoning Commission to consider whether or not the Lake Agreement is executed because it was never intended to make the pre existing municipal boat ramp structure non conforming. Mr. Sears noted that Exhibit B is a concept plan, not the finished proposal. He said he expects input from the public and the land use commissions will improve it before it is ultimately approved. He said he had already asked for changes such as permeable parking areas to help protect the shoreline. He also noted the Town has two years, with a possible two year extension, to get the plan approved.

Washington Community Housing Trust/16 Church Street/Special Permit: Section 13.15/Request to Amend Condition of Approval for Affordable Housing Units: Mr. Martin noted both the 8/19/04 letter from Mr. Talbot and the 8/23/04 ZEO Report. He said regardless of whether the changes proposed were major or minor ones, the application had been submitted under the State Affordable Housing Appeals Act and so a public hearing was required. The hearing was scheduled for the September meeting.

Revision of the Zoning Regulations/Height of Primary and Accessory Structures: Mr. Martin circulated the text of the proposed revisions to Sections 11.7.3, 12.5.2, 21.1.4, and the Height Chart that had been agreed to at previous meetings. (See attached.) These would lower the permitted maximum height of primary structures from 45 to 40 feet and would permit accessory structures that are higher than the primary structure on the same property as long as they 1) do not exceed 26 feet and 2) are clearly subordinate and smaller in ground floor area, volume, and scale than the primary structure. A public hearing was scheduled for the October meeting.

Referral from the Town of New Milford/Rt. 109 and Walker Brook Road/80 Lot Cluster Conservation Subdivision: It was noted the Land Use Office has a copy of the proposed plans and that the Board of Selectmen, Highway Department, and land use commissions had been notified. New Milford will hold a public hearing on 9/28/04.

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

Mr. Martin adjourned the meeting at 9:14 p.m.

FILED SUBJECT TO APPROVAL Respectfully submitted,

Janet M. Hill, ZEO