

August 24, 2009

Present: David Owen, Valerie Friedman, Gary Fitzherbert, Lou Abella, Ralph Averill

Alternates Present: A.J. DuBois, Andy Shapiro

Absent: Harry Wyant, Alt.

Staff Present: Janet Hill, Shelley White

Others Present: Brian Neff, Ann Compton, Rob Parker, Mr. Charles, Applicants

Mr. Owen called the meeting to order at 7:30 pm.

PUBLIC HEARING(S)

Seated: Mr. Owen, Ms. Friedman, Mr. Fitzherbert, Mr. Abella, Mr. Averill

Bowman/44 Plumb Hill Road/Special Permit: Section(s) 13.11.3: Detached Accessory Apartment:

Ms. Friedman read the legal notice published in Voices on 8/12/09 and 8/19/09. Mr. Owen read the list of documents on file for this application. Mr. Neff briefly described the proposal. There were no concerns raised.

Motion:

to close the Public Hearing to consider the Special Permit Application submitted by Bowman for a Detached Accessory Apartment at 14 Plumb Hill Road,
by Ms. Friedman, seconded by Mr. Abella, by 5-0 vote.

Revision of the Zoning Regulation(s)/Section 6.4.13 to allow accessory structures used to operate or maintain a pre existing golf course by special Permit in the Lake Waramaug Residential District:

Mrs. Friedman read the legal notice published in Voices on 8/12/09 and 8/19/09. Mr. Owen noted the documents in the file, which included Planning Commission Minutes stated that Planning had no objections to the revision. He briefly reviewed the proposed revision.

Motion:

to close the Public Hearing to consider the revision of Zoning Regulation Section 6.4.13 to allow accessory structures used to operate or maintain a pre existing golf course by Special Permit in the Lake Waramaug Residential District,
by Ms. Friedman, seconded by Mr. Abella, by 5-0 vote.

Revision of the Zoning Regulation(s)/Section 12.14.2 to require only noise generating pool equipment to be located within 50 ft. of the pool served:

Mrs. Friedman read the legal notice published in Voices on 8/12/09 and 8/19/09. Mr. Owen noted the documents in the file, which included Planning Commission Minutes stated that Planning had no objections to the revision. There were no questions of comments.

Motion:
to close the Public Hearing to consider the revision of Zoning Regulation Sections 12.14.1 - 12.14.3 to require only noise generating pool equipment to be located within 50 ft. of the pool served,
by Ms. Friedman, seconded by Mr. Averill, by 5-0 vote.

REGULAR MEETING

Regular Business

Mr. Owen called the Regular Meeting to order at 7:45 pm.

Seated: Mr. Owen, Ms. Friedman, Mr. Fitzherbert, Mr. Abella, Mr. Averill

Consideration of the Minutes

Corrections:

Page 1:

Under Absent:, should read: Harry Wyant, Alt.

Page 2:

Under 9th sentence, should read: Mr. Owen stated that if the property owner was willing to give the land up...

Under Pending Application(s), Motion:, should read: to approve the Special Permit Application: Section 7.5 and 7.6 submitted by 10 Main LLC...the following conditions: 1) There will be no outdoor storage per sections 7.6.4 & 7.5.4 and 2) There will only be soffit lighting...

Page 3:

Under Discussion Re: Possible Revision of Section 13.9, 10th sentence, should read: Mr. Fitzherbert suggested that if the Commission were to amend this regulation it would allow the applicant of an inn to apply for an inn on a town road...

Under paragraph beginning with: Mr. Owen stated that he agreed..., 7th sentence, should read: She disagreed with Mr. Fitzherbert, stating that having an inn at the Swiss Hospitality Institute was not comparable to the inn recently proposed for the Wykeham Rise property because the property's main use had been a school and the inn was proposed as part of the school, and had been proposed...

13th sentence should read: Ms. Hill asked Mr. Fitzherbert if...

Page 4:

Under Communications, 4th sentence, should read: Mr. Owen volunteered to draft a possible revision that would allow someone with more property some leeway.

Motion:

to accept the Zoning Meeting Minutes of July 27, 2009 as corrected,
by Mr. Owen, seconded by Mr. Averill, by 5-0 vote.

Pending Application(s)Bowman/44 Plumb Hill Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

There were no questions or comments from the Commission.

Motion:

to approve the Special Permit Application: Sections 13.11.3 submitted by Bowman for a Detached Accessory Apartment at 44 Plumb Hill, by Ms. Friedman, seconded by Mr. Owen, by 5-0 vote

New Application(s) There were no new applications.

Other BusinessRevision of Zoning Regulations: Section 12.14.2/Location of Non Noise Generating Pool Equipment:

There were no questions or comments from the Commission.

Motion:

to approve the revision of Zoning Regulation Sections 12.14.1-12.14.3/Location of Non Noise Generating Pool Equipment, by Ms. Friedman, seconded by Mr. Averill, by 5-0 vote.

Possible Revision of the Zoning Regulations: Addition of Section 17.5.a.3/Special Exceptions for Section 12.1 under specific circumstances:

It was the consensus of the Commission that they would hold a Public Hearing for the alternative draft regulation written by Mr. Shapiro.

Motion:

to schedule a Public Hearing at 7:30 p.m. on October 26, 2009, in the Land Use Meeting Room, Bryan Memorial Town Hall, to consider the Revision of Zoning Regulation Section 17.5.A, by Mr. Owen, seconded by Ms. Friedman, by 5-0 vote.

Section 6.3.11: Accessory Structures Used to Operate or Maintain a Pre Existing Golf Course:

There were no questions or comments from the Commission.

Motion:

to approve the revision of the Zoning Regulation Section 6.4.13 to allow accessory structures used to operate or maintain a pre existing golf course by Special Permit in the Lake Waramaug Residential District, by Ms. Friedman, seconded by Mr. Averill, by 5-0 vote.

Possible Revision of Zoning Regulation(s)/To Require Eating and Drinking Establishments in the New Preston and Washington Depot Business Districts by Special Permit:

Ms. Friedman distributed to the Commission and read a copy of her 'rationale' (on file in Land Use Office), which listed many reasons for

her recommendation of this possible revision. Ms. Hill stated that she felt it would add consistency to the regulations. Mr. Abella stated it makes sense to have regulations in all four areas of the town be consistent. Mr. Shapiro agreed with Mr. Abella. Mr. Fitzherbert stated that he was not in favor of this revision because he feels it is over-regulating the businesses. Mr. Dubois stated that it would add uniformity to the regulations. Mr. Averill agreed with Mr. Dubois yet he respects Mr. Fitzherbert's concerns with over-regulating. Mr. Owen requested that Ms. Friedman put this request into a proposal and present it at the next meeting.

There was a brief discussion as to who provides input at the beginning stages of possible revisions to the regulations. Ms. Hill stated that by law, proposed changes in the Zoning Regulations must be referred to all the surrounding councils of government and to the Planning Commission. Ms. Hill stated that she has begun forwarding these proposed changes to ZBA by the request of the ZBA. When Mr. Fitzherbert suggested that proposed revisions to the Zoning Regulations should be reviewed by the Selectmen, Mr. Owen stated that it was the Zoning Commissioners who were elected to make and enforce the Zoning Regulations of the Town.

Privilege of the Floor

Mr. Owen stated that he would like to discuss how people with larger parcels of land would be able to locate noise-generating equipment farther from the structure principally served and that he had forwarded his ideas to Reese Owens, Architect and Darryl Wright of Wright Electric. He stated the basic idea would be to revise section 12.14.5 to say "under certain circumstances this equipment can be placed farther away and if the nearest building lot the distance between the proposed equipment location and the nearest building line is greater than 250 feet the maximum spacing would increased by 1 foot for every 10 feet of additional separation up to a maximum of 100 feet." Mr. Owen stated that the numbers could change but that this would be one way to give some flexibility without losing the simplicity of the current regulation. Another change he suggested would be to define what the 'structure principally served' is in section 12.14.3. Ms. Friedman stated she liked the concept but was not sure about the numbers. Mr. Averill stated he was curious if anyone addressed the issue of exhaust. Mr. Owen stated the exhaust could be handled in the same way as the noise in that if the equipment is kept in a relatively short distance to the owner that they would be most bothered by it and more likely to improve the situation. Mr. Charles stated that he had recently read about micro chip generators and heating systems that would be a quieter and be installed directly inside the house. Mr. Owens asked that the Commission think about this and get back to him with any input. The draft will also be sent to Mr. McGuiness at the Northwest Connecticut Council of Government and to ZBA for their input.

Communications

There were no communications to discuss

Enforcement

The Zoning Commission read the ZEO Report dated August 24, 2009.

Adjournment

Motion:

to adjourn at 8:25 pm by Ms. Friedman, seconded by Mr. Averill, by 5-0 vote.

Mr. Owen adjourned the meeting.

FILED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk