

September 27, 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. Waldron, Mr. Murgio, Mr. Talbot, Mr. Boyer, Mr. Millington, Mr. and Mrs. Frenkel, Mr. Cannavaro, Mr. Anderson, Ms. Rourke, Ms. Schrier, Mrs. Buziak, Mr. Gerst, Mr. Bachelier, Press

PUBLIC HEARINGS

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

Mr. Martin called the public hearing to order at 7:30 p.m. and seated Members Friedman, Martin, and Owen, and Alternates Brinton and Shapiro for Mr. Fitzherbert and Ms. Page. Mrs. Friedman read the legal notice published in **Voices** on 9/15 and 9/22/04.

Mr. Martin reviewed the application form and read the list of documents in the file.

Mr. Waldron explained he would use the existing two car garage as a workshop to make metal and wooden items, which he would sell in the proposed retail area attached to his house.

Ms. Page arrived at this point.

Mr. Martin read the statement regarding the proposed operation and noted points from the 9/27/04 ZEO Report.

Parking, noise, and lighting were briefly discussed. Mrs. Friedman was concerned about possible noise from the workshop at night. Mr. Waldron said any machinery would be used inside and he would work only until 7:00 p.m. It was noted Studio Steel is located in a barn on the adjoining property and Mr. Waldron said he could not hear any noise from its metalworking equipment. It was noted the existing parking was sufficient to handle the proposed business. Mr. Waldron stated he had one existing floodlight that would be used.

Mr. Martin noted the adjoining property owners had been notified as required and that none were present to speak for or against the application.

MOTION: To close the public hearing to consider the Special Permit application: Section 9.4.1.a submitted by Mr. Waldron for a workshop and retail business at 167 New Milford Turnpike. By Mr. Owen, seconded By Mr. Shapiro, and passed 5-0.

Mr. Martin closed the public hearing at 7:40 p.m.

Washington Community Housing Trust/16 Church Street/Special Permit: Section 13.15/Affordable Housing Units/Request to Amend Condition #7 and to Revise Site Plan

Mr. Martin called the public hearing to order at 7:41 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Brinton for Mr. Fitzherbert. Mrs. Friedman read the legal notice published in **Voices** on 9/15 and 9/22/04.

Mr. Martin reviewed the list of documents in the file and noted a letter dated 9/27/04 from Commissioner Fitzherbert and the 9/27/04 ZEO Report.

The site plan by Peter Talbot Architects, revised to 8/18/04 was reviewed.

The following proposed changes/revisions were discussed with Mr. Talbot, architect. No one from the public spoke for or against the first three items.

1) Lighting: There was a net decrease by two fixtures. Lighting was realigned due to the proposed sidewalk changes. Mrs. Hill, ZEO, thought the reduction in lighting would help make the units look less institutional.

2) Relocation of the Gate to Prevent Through Traffic: Mr. Talbot noted the change on the site plan reflected the change required by the Commission at the time of approval and not a further change. Mr. Fitzherbert favored the relocation in his 9/27/04 letter.

3) Change in Location of Buried Propane Tank: This was considered an insignificant revision.

4) Possible Changes to the Buried Fire Cistern: Mr. Martin read the 9/25/04 letter from the Fire Marshal, which stated he would prefer a 20,000 gallon cistern be buried at the Town owned Nick Platt field over the 10,000 gal. cistern proposed for the WCHT property, although he could not require it. Mr. Talbot noted the WCHT is committed to installing the 10,000 gal. tank, but was willing to work with the Town towards installation of the larger tank, which would serve the entire community. He hoped, however, that if installation of the 20,000 gal. tank could be worked out, that this would not hold up the zoning signoff needed for the certificate of occupancy for the project. He said the original location proposed for the cistern on the WCHT property would not work due to ledge found there, but said there was room elsewhere on site where a 10,000 tank could be buried. Mr. Sears, First Selectman, stated the Town was generally willing to use Platt field, but had questions about financing. Mr. Martin asked for comments from the public. Mrs. Schrier asked if all the land use commissions had approved the Platt field location. Mr. Martin noted a separate application would be required to bury the tank on property not owned by the WCHT. Mr. Gerst stated there is an existing well behind the Quist house on Town property and asked if that could be used for fire fighting purposes. Mr. Cannavaro thought the entire neighborhood should support the installation of the fire cistern. Mr. Boyer noted installation of the cistern could benefit the whole community by reducing insurance costs for the neighborhood. Mr. Talbot pointed out that a second cistern, this one for potable water, would not be buried on WCHT property because an agreement had been worked out with the New Preston Water Co. to bury it off site near the well.

5) Request to Allow Paving of Rear Parking Area and Change Condition #7 of Special Permit to Allow Asphalt Sidewalks: Mr. Martin read the portion of Mr. Talbot's 8/19/04 letter pertaining to walkways and asphalt, Mrs. Rourke's 9/27/04 letter to the Commission, Mr.

Fitzherbert's 9/27/04 letter, and the 9/27/04 ZEO Report. Mrs. Rourke's letter included photos of residential walks in the neighborhood. Mr. Fitzherbert did not support the use of asphalt in front of the project, but did support paving the rear parking area if buffering was provided. Mr. Martin noted the reason for condition #7 was to prevent a commercial appearance. Mr. Talbot presented reasons why he thought asphalt should be permitted. Mr. Martin asked for comments from the public. Mr. Gerst did not think asphalt would hold up better than concrete and said asphalt looks more commercial. Mrs. Rourke referred to the photos she submitted and said asphalt was not typical on the residential properties in this area. Mrs. Buziak stated asphalt is hazardous. Mr. Cannavaro asked if cost was the issue. Mr. Talbot said it was not. Mr. Anderson thought unless a high fence was installed along Hinckley Road, its residents would be able to see the rear paved parking area. He also thought the runoff from a paved parking area would be channeled and flow down towards the septic system. Finally, he was concerned about the proposed removal of one of the front sidewalks for reasons of safety. Mr. Talbot responded that there would not be many people who would park in the front and walk around to the back and so the sidewalk was not necessary. Mr. Frenkel noted concrete could be dyed to make it look more like the bluestone installed at the entries to the units. It was the consensus of the Commissioners that asphalt was not a safer alternative and it was not aesthetic. Regarding the paving of the rear parking area, the WCHT's calculations showed this would result in only a 1% increase in impervious lot coverage. It was also noted that condition #7 pertained only to walkways and not to driveway or parking areas. Mr. Talbot clarified for the record that the front driveway had already been approved as asphalt and there were no changes proposed. There were no further comments or questions from the public.

MOTION: To close the public hearing to consider the request by the Washington Community Housing Trust to revise the approved site plan and condition #7 of the Special Permit for affordable housing units at 16 Church Street. By Mr. Owen, seconded by Mr. Brinton, and passed 5-0.

Mr. Martin closed the public hearing at 8:35 p.m.

These public hearings were 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 8:36 p.m. and Seated Members Friedman, Martin, Owen, and Page and Alternate Brinton for Mr. Fitzherbert.

Pending Applications

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

Mr. Martin seated Alternate Shapiro for Ms. Page who had not been seated for the public hearing.

Mr. Martin voiced his support for the application, which would allow Mr. Waldron to sell his crafts on his property.

Mr. Owen noted the Commission should consider regulations that specify maximum rather than minimum parking requirements as one way to reduce impervious surfaces in Town.

MOTION: To approve the Special Permit application: Section 9.4.1.a submitted by Mr. Waldron for a workshop and retail business at 167 New Milford Turnpike. By Mr. Owen, seconded By Mr. Shapiro, and passed 5-0.

Ms. Page was reseated.

Washington Community Housing Trust/16 Church Street/Special Permit: Section 13.15/Affordable Housing Units/Request to Amend Condition #7 and to Revise Site Plan

The Commissioners decided to address the proposed revisions in separate motions so there would be no misunderstanding regarding which revisions were approved.

MOTION: To approve revisions to the site plan for the Washington Community Housing Trust/16 Church Street to reduce and realign lighting, change the gravel parking lot in the rear to asphalt, and relocate a buried propane tank per the revised site plan, "16 Church Street," by Peter Talbot Architects, revised to 8/18/04. By Mr. Owen, seconded by Mr. Brinton, and passed 5-0.

It was clarified that installation of the cistern would not hold up the zoning sign off for the certificate of occupancy for the dwelling units. Mr. Martin stated Zoning could not comment on the Fire Marshal's sign off, which is also required. The Commission also encouraged the WCHT to work together with the Town to find a way to install the larger cistern on Town property as it would benefit the entire neighborhood.

MOTION: To approve the relocation of the buried fire fighting cistern with a minimum capacity of 10,000 gallons as located on the site plan, "16 Church Street," by Peter Talbot Architects, revised to 8/18/04 or in a better location to be determined by the Washington Fire Marshal and the Washington Community Housing Trust. By Mr. Martin, seconded by Mr. Brinton, and passed 5-0.

It was noted condition #7 referred to all sidewalks and did not differentiate between pre existing and new walks. Therefore, none of the sidewalks could be asphalt.

MOTION: To deny the request by the Washington Community Housing Trust to modify its Special Permit condition #7 pertaining to sidewalks and accessways for its affordable housing units at 16 Church Street. By Mr. Owen, seconded by Mrs. Friedman, and passed 5-0.

MOTION: To approve changes to the site plan requested by the Washington Community Housing Trust relating to deletion and relocation of sidewalks per the revised site plan, "16 Church Street," by Peter Talbot Architects, revised to 8/18/04. By Mr. Martin, seconded by Mr. Owen, and passed 5-0.

New Application

Connolly/249 New Milford Turnpike/Special Permit: Section 9.4.1.a/Addition to Commercial Building

It was noted the application was incomplete. The Health Department had not approved it and no fee had been submitted. Therefore, a public hearing was not scheduled.

Other Business

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

It was noted Mrs. Hill had sent Mr. Meeker a letter dated 9/8/04 to remind him of the information Mr. Meeker agreed to provide to the Commission at the last meeting. She received no response. Mrs. Hill also advised the Commissioners that the Inland Wetlands Commission had determined it would require an application for the storage structure. Mr. Martin stated the Zoning Commission would not act on the request because the promised information had not been submitted and because an application to Inland Wetlands was required.

Several residents were in attendance and asked if they would be notified by the Commission when this matter would next be considered. Because 1) there was public interest; 2) the promised information had not been submitted; and 3) the Inland Wetlands Commission had determined it had jurisdiction, the Commissioners agreed a public hearing should be held to consider the request for outside storage. The applicant will be required by the Regulations to notify all adjoining property owners of the public hearing.

Signs - Revision of the Regulations and Enforcement: Mr. Martin noted the letter to ask the business community for suggestions on how to revise the sign regulations and to advise it the current regulations will be enforced had been mailed out to business property owners and members of the Washington Business Association. The letter will be sent with a short cover to other property owners such as schools, the library, the museum, and churches that own property in the residential districts, but often put up signs. It was the consensus to give the public until October 15th to comply with the Regulations before beginning enforcement action. Signs for which complaints have been received will be dealt with first, but eventually all illegal signs will be addressed. Mrs. Schrier, president of the Business Association, noted signs will be discussed at the next Assoc. meeting. Mr. Martin asked the Assoc. for constructive ideas on how the current regulations can be improved.

Conto/17 River Road/Request for Zone Change: Mr. Martin informed the Commission that the petition had been withdrawn. He noted that the Depot Business District (B-2) boundary was relocated on River Road from Cook Street to Canoe Brook in 1984. He said he had consulted with Atty. Zizka who had confirmed that since the office use at this property had been a legal permitted use at the time the zoning district boundary lines had been redrawn, in 1984, the office use was "grandfathered." He noted the "grandfathering" runs with the property, not with the owner. Therefore, the Conto property could be used for any kind of professional office such as dentist, doctor, lawyer, etc. without petitioning for a zone change. The Commission will consider boundary changes in the Depot commercial district after the Depot study is completed.

Communications

Zoning Staff: Mr. Martin explained upcoming changes in staffing. Mrs. Hill will continue as Land Use Coordinator and Mr. Ajello will take on zoning enforcement under her supervision. Mr. Ajello will attend Zoning meetings when there are significant enforcement matters to consider.

Referral from N. Milford Zoning Comm./Petition for Zone Change/Rt. 109 and Walker Brook Road: The Commissioners had been mailed copies of the letters from Washington land use commissions that will be received at New Milford's 9/28/04 public hearing.

2003-2004 Annual Report: Copies of the annual report had been mailed to the Members.

Lighting: A recent article from the **Waterbury Republican** regarding the town of Salisbury's negotiations with CL&P to purchase its own street light fixtures and bulbs in order to install street lighting that will preserve the integrity of the dark night sky had been mailed out to the Members. The Commission agreed excess lighting is a concern and on the following: 1) Mr. Martin and Mrs. Hill will send a letter to the Board of Selectmen to urge them to work for the removal of unnecessary street lights in Washington and to show support for the Salisbury selectmen and 2) Mrs. Hill will write to Dark Sky International for guidance and ideas on how to control outdoor lights.

Possible Revision of the Zoning Regulations: Section 12.14 /Noise Generating Equipment: Martin noted the Zoning Board of Appeals was receiving many variance applications for noise generating equipment such as generators and pool filters. Mr. White, ZBA Chairman, is currently researching the matter and may submit revised language for the Zoning Commission to consider. It was generally thought that distance was a good standard to use to regulate such equipment because there was no judgment involved in determining whether a proposed location was in compliance. Mr. Owen suggested noise generating equipment could be added to uses permitted by Special Permit and be considered by the Commission on a case by case basis. He will draft language for the Commission to review at the next meeting.

Town Meeting on Planning Process: Mr. Martin noted all Commissioners were invited to a meeting on Monday night, 10/4/04 to learn about the Town's planning process. There will be seven meetings on various topics such as housing, education, and open space in the upcoming months.

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

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill, Land Use Coordinator