

Zoning Commission

MINUTES

Public Hearing - Regular Meeting

October 24, 2016

7:30 p.m.

Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Solomon

ALTERNATES PRESENT: Mr. Burnham, Mr. Sivick

STAFF PRESENT: Ms. Hill, Ms. Pennell

ALSO PRESENT: Mr. Sabin, Mr. Dobson, Mrs. Jacques, Ms. Westcott, Mr. Howard, Atty. Fisher, Ms. Sutter and others.

PUBLIC HEARING:

Mr. Solley called the Public Hearing to order at 7:30 p.m. and seated members Solley, Reich, Werkhoven, Averill and Alt. Sivick

Bazos/90 Tinker Hill Road/Special Permit: Section 6.5/Access and Steps within 50-75 ft:

Dirk Sabin, Landscape Architect, was representing the applicant. Mr. Sabin showed plans titled "Lake Access" dated February 10, 2016, Sheet LA-1 and LA-2 and plans titled "Existing Easements & Topographic Map for Lot 2 & Lot 6" dated January 29, 2016, Sheet EC.1. Mr. Sabin noted the plans he is presenting tonight are the same plans that the Inland Wetlands Commission has approved. He explained the topography of the property.

Mr. Sabin discussed the 25 ft. wide accessway down to West Shore Road to the lake frontage. He noted the proposed steps will be natural cleft granite slab steps and in some areas there will be wood steps. Mr. Sabin explained that this work will require all hand work as to keep any ground disturbance to a minimum, which was a condition of the Inland Wetlands approval. He discussed the rain gardens which will be put in place first to address drainage concerns. He said Arthur H. Howland and Associates have prepared detailed sediment and erosion control plans, which include a strictly limited work corridor, that the work be done by hand, and stabilization of work areas is required on a daily

basis. Mr. Sabin stated details were provided in a detailed construction sequence.

Mr. Sabin stated there will be no significant grading or clearing. He explained that tree removal will be restricted to the immediate road side area, which is to include an additional infiltration envelope per the plans.

Mr. Sabin explained that the Department of Transportation (DOT) was at the site and reviewed plans during the Inland Wetlands permit process. He noted that the DOT has informed him that 6 ft. apron at the bottom of these proposed steps can be no greater than the 6 ft. Mr. Sabin stated the purpose of this 6 ft. landing is to offer pedestrian protection from walking down the stairs and ending up directly in the road.

Mr. Sabin addressed various questions from the Commission members with regard to material being used for this project and drainage concerns.

Mr. Solley noted that a letter from Lake Waramaug Association (LWA) dated October 24, 2016 was received and read aloud for the record.

Mr. Solley asked if the public had any questions. Mr. Alan Howard 99 West Shore Road spoke. He stated that there has been two trees cut down on the top of the area where proposed steps will be installed. He stated that the hill "bleeds water" all year long and there is an ice problem, causing the DOT to sand quite often. Mr. Howard felt that a underground drainage would be a better idea if allowed. In reply to Mr. Howard's comments, Mr. Sabin explained that a clear cut was completed above on another property, but it was not part of this project being discussed. He noted there were two trees cut at the very bottom of the proposed accessway. Mr. Sabin stated when he mentioned earlier that no trees will be taken down, he was specifically referring to the area in which the proposed stairs will be installed on the long slope.

Mr. Sabin is not aware of the DOT installing drainage across the road, but would be in support of this. Mr. Sabin also addressed the Lake Waramaug Association's letter with recommendations. He stated that Arthur H. Howland & Associates completed soil boring data and drainage information, which was submitted to Inland

Wetlands. At Mr. Solley's request, Mr. Sabin will provide copies for the Zoning file. With respect to DOT approval, Mr. Sabin explained this is pending until local approvals have been granted.

There were no further questions from the public.

Mr. Solley asked members for their comments. Mr. Reich and Mr. Werkhoven stated they believe Inland Wetlands has done a thorough job reviewing this application. Mr. Werkhoven stated he would be willing to inspect the site, but suggested that Commission members do this promptly and hold a hearing in one week so as not to hold up this application. Mr. Averill stated he does not feel review by another engineering firm, as recommended by the LWA, is necessary. He agreed with Mr. Werkhoven to have members individually do a site inspection and continue the hearing in a week. It was the consensus of the members that referral to another engineering firm is not necessary.

MOTION: To continue the Public Hearing for Bazos/90 Tinker Hill Road/Special Permit: Section 6.5/Access and Steps within 50-75 ft. of Lake Waramaug to November 1, 2016 at 7:30 p.m. at Town Hall Main Floor Meeting Room. By Mr. Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Dobson/219 Litchfield Turnpike/Special Permit: Section 10.4.1.B/Personal Services/Exercise Classes:

Mr. Solley called the Public Hearing to order at 8:02 p.m. and seated members Solley, Reich, Werkhoven, Averill and Alt. Sivick.

Mrs. Jacques and Mr. Dobson were present for this application. Mr. Solley noted for the record that as three abutters for this property were not noticed properly, this Public Hearing will need to be continued.

MOTION: To continue the Public Hearing for Dobson/219 Litchfield Turnpike/Special Permit: Section 10.4.1.B/Personal Services/Exercise Classes to the November 28, 2016 at 7:30 p.m. at Town Hall Main Floor Meeting Room. By Mr. Solley, seconded by Mr. Werkhoven, Passed 5-0 vote.

Sirowich/39 Calhoun St./Special Permit: Sect. 13.10/ Residential Conversion of Older Home/Third Apartment:

Seated: Solley, Reich, Werkhoven, Averill, Solomon

Ms. Wendy Westcott of Klemm Real Estate was present to represent the applicant. Mr. Solley referenced a letter from 1997 that was addressed to Ms. Sirowich requesting she obtain a permit for the third apartment on the property. Mr. Solley stated that this application is strictly to obtain such permit at this time with respect to Section 13.10 and the third apartment. Ms. Hill stated that the Health Department has approved this application. Mr. Solley noted that all required documents requested of applicant to complete this application have been submitted. Mr. Solley noted that each apartment does each have its own bath and kitchen and the existing parking is adequate as well. Ms. Westcott did state two of the apartments are currently occupied and the third apartment is utilized on occasion by Ms. Sirowich. Ms. Westcott did provide a site plan for this home. Mr. Solley reviewed this file as well as Mrs. Hill and stated it is complete.

Mr. Averill did ask if these were attached accessory apartments or is this a conversion of a home. Mr. Solley stated this was an old school house converted into a home and then split into two separate apartments. He further stated that the walk out on lower level was converted into the third apartment. Mr. Solley stated this does meet Section 13.10. Mr. Averill stated that he supports having affordable housing within walking distance to the town's center.

Mr. Solley asked if Commission members or the Public had any questions. No questions were noted.

MOTION: To close the Public Hearing for Sirowich/39 Calhoun Street/Special Permit: Sect. 13.10/ Residential Conversion of Older Home/Third Apartment. By Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.

REGULAR MEETING:

Mr. Solley called the Regular Meeting to order at 9:00 p.m.
Seated: Solley, Reich, Werkhoven, Averill, Solomon

CONSIDERATION OF THE MINUTES:

With respect to the Zoning Minutes for September 26, 2016, Mrs. Hill and Mr. Solley noted that a correction to page 5, the sentence stating, "He noted that a complete tear down is not a removal." This sentence should read, "Mr. Zizka noted that a complete tear down is a removal."

MOTION: To accept the Regular Meeting Minutes from September 26, 2016 as amended. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

Pending Applications:

Sirowich/39 Calhoun St./Special Permit: Sect. 13.10/ Residential Conversion of Older Home/Third Apartment:

All members were in support of this application and no further questions or comments noted.

MOTION: To approve Sirowich/39 Calhoun St/Special Permit: Sect. 13.10/ Residential Conversion of Older Home/Third Apartment, as per material submitted with this application. By Mr. Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

NEW APPLICATIONS:

Harker/248 West Shore Road/Special Permit: Section 6.3.5/Fence on Lake Waramaug Side of West Shore Road:

MOTION: To schedule a Public Hearing on Monday, November 28, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Harker/248 West Shore Road/Special Permit: Section 6.4.6/Fence on Lake Waramaug Side of West Shore Road. By Mr. Mr. Solley, seconded by Mr. Averill, passed by 5-0 vote.

Mr. Solley stated that this fence has had modifications done to it and encouraged Commission members to visit the property and look at the changes.

MOTION: To schedule a Public Hearing on Monday, November 28, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Harker/248 West Shore Road/Special Permit: Section 6.4.6/Fence on Lake

Waramaug Side of West Shore Road. By Mr. Mr. Solley, seconded by Mr. Averill, passed by 5-0 vote.

Tierney/6 Green Hill Road/Special Permit: Section 8.5/Increase in Maximum Lot Coverage for Parking Area:

MOTION: To schedule a Public Hearing on Monday, November 28, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Tierney/6 Green Hill Road/Special Permit: Section 8.5/ Increase in Maximum Lot Coverage for Parking Area. By Mr. Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

OTHER BUSINESS:

Seated: Solley, Reich, Werkhoven, Averill, Solomon

Revision of the Zoning Regulations/Upcoming Work on Possible Revisions: Section 17.4, Signs for Town Land- Mark Sites, Woodville Business District, Accessways, Reconstruction of Non Conforming Buildings, etc.

Mr. Solley began by addressing the Woodville Business District first. Mrs. Hill provided a map of the Woodville Business District for the Commission's to review, which showed the current business district and the approximate additional area that was included before August 2000.

Mr. Solley reviewed the map with members and discussion took place regarding what areas would Commission like to include in the business district. Members discussed if they should restore the district to its previous boundaries to include the triangle of land between Litchfield Turnpike, Wilbur Road and Rt. 341.

Mr. Werkhoven stated that he supports including the triangle and the 600 ft. strip along Litchfield Turnpike, as well as allowing owners of lots divided between these two zoning district to apply by Special Permit to use their properties commercially.

Mr. Averill stated he is in favor of supporting the triangle as part of the business district. He is in agreement with Mr. Werkhoven.

Mr. Solley stated he talked to Delisse Locher, Town Assessor, who stated that putting this land back into the commercial district would not affect the taxes paid by those lots until the use changes from residential to commercial.

Mr. Reich is in support of including the triangle. Mr. Solomon was in support of the triangle as well, but neutral on the other areas being discussed.

It was the consensus that the Regulations should also be revised so that owners of lots split by zoning district boundaries to apply by Special Permit to commercially use the portion of the lot actually located within the business district.

Regarding off premises signage for Town Land Mark Sites, Mr. Solley stated there is one currently looking to have a sign put in place, Hollister House.

Members had a lengthy discussion regarding these possible changes and reviewed the possible language drafted by Ms. Hill. Members came to decision on what language they would like to have added to the regulations.

Mr. Solley then opened discussion on possible expansion of the Depot Business District. The question that has been brought up to the Commission for consideration is that three current properties (Atty. James Kelly Law Offices, Washington Pizza, Veterans/Senior Center) are currently in the R-1 Farming and Residential District and the Commission could consider extending this area to be in the business district. Members discussed this briefly and Mr. Solley requested members take time to think about this matter for further discussion.

Mr. Solley discussed the issue of the complete tear down and reconstruction of a nonconforming building. He noted currently Zoning regulations state that if you demolish/remove a nonconforming building, one is not allowed to rebuild this. Commission members noted some changes that would justify taking down a nonconforming building and allowing a rebuild. Consensus of the Commission was that this should be looked at and regulations should be clear and consistent with what is and is not allowed. Mrs. Hill pointed out there is current language in Regulations that supports the continued use of old and historic nonconforming structures throughout the town.

Atty. Robert Fisher was present to urge the Commission to revise the Regulations regarding removal and rebuilding of nonconforming buildings. He used a client of his as an example, explaining that they would like to keep their home, but the home has a foundation in poor shape and weak. Atty. Fisher would like to request to have the ability to have these two non-conforming

structures, home and detached garage, rebuild within the same footprints and setbacks. He would like to see a Public Hearing scheduled to address these issues.

Mr. Solley noted these topics will be further discussed.

Enforcement Report:

Michael Ajello, Zoning Enforcement Officer, submitted Enforcement Report dated October 24, 2016.

Privilege of the Floor:

N/A

Adjournment:

MOTION: To adjourn the meeting at 10:00 p.m. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

Filed subject to approval.

By: _____
Donna Pennell, Land Use Secretary
October 28, 2016