

Zoning Commission

MINUTES

Revision of the Regulations Subcommittee

April 28, 2015

9:30 a.m.

Lower Level Meeting Room

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

STAFF PRESENT: Mr. Ajello, Mrs. Hill

Mr. Solley called the meeting to order at 9:30 a.m.

Mr. Solley briefly summarized the revisions to Sections 6.6 and 17.5.A.1 that had been agreed to at the previous subcommittee meeting and noted language regarding the effective dates for special permits, special exceptions, and variances had been added. Mrs. Hill asked whether the provision that floats could be no greater than 4 ft. above the surface of the water pertained to all floats or just inflatable floats. After a lengthy discussion, it was the consensus to delete this requirement from the proposed revisions.

Section 17.5.C.1 was reviewed and the following changes were agreed upon: 1) Under 17.5.1.C.1 the numbers 1) and 2) will become a) and b). 2) In 17.5.1.C.1.b a comma will be inserted following "single family dwelling." 3) At the end of 17.5.C.1 "and" will be inserted.

In Section 18 Mrs. Hill noted that 1) the language in 18.1.1 should be revised to match that already adopted in Section 2.3.5 and 2) in 18.2 the Town Clerk and Zoning Enforcement Office should be changed to Land Use Office to match language throughout the Regulations.

The difference between a special exception and a variance was briefly explained.

Regarding Section 19.1, Mrs. Hill recommended this be referred to Town counsel to learn if any updates are needed.

Definitions in Section 21 were reviewed.

21.1.32: Floor Area. a) Mr. Ajello said the definition does not say whether floor area includes multiple levels, although we assume it does as "floor area" is not the same as "footprint." It was the consensus to revise the definition to: The square footage of **ALL FLOOR LEVELS** within the outside perimeter of the outside walls... b) Also this section will be revised to clarify that open air porches and decks are not included when calculating floor area: ...but not including garages, breezeways, **OPEN AIR PORCHES AND DECKS**, and unfinished attics and unfinished basements."

13.11.3.e: Mr. Ajello said the term, "finished floor area" in this section should mirror that used in Section 21.1.32.

Therefore, the wording of this section was changed to: ...Floor area shall be the finished floor area **OF ALL FLOOR LEVELS** within the perimeter of the outside walls...

21.1.47: Lot Width: Mr. Ajello said that lot width relates to frontage and that he thought the definition of lot width only comes into play when a lot is created. He noted Section 11.4.1 also refers to lot width. He also noted that the Regulations are not consistent because 11.4.2 refers to the requirement that the minimum frontage along the street must be equal to the lot width requirement, but in 21.1.47 it states the lot width is measured in the center of the depth of the lot. He said the language is more confusing when corner lots are considered. The issues of frontage, lot width, setbacks, etc. will be addressed in detail at a later date.

7.3.6 and 8.3.6: These sections list uses permitted in the business districts and include "variety store." Mr. Ajello thought this term was outdated. It was the consensus that the use of "retail business" in these sections refers to many kinds of retail uses and so "variety store" will be eliminated from all sections in which it appears.

In Section 12.5.2 Mr. Ajello asked if there was or could be an exception for the maximum height for buildings housing indoor tennis courts like there is for agricultural buildings. It was the consensus that such an exception would not be a good idea because it could lead to requests for exemptions for other kinds of sports courts. It was also thought that currently indoor tennis courts could either be sunk into the ground or attached to primary dwellings so this revision was not needed.

2.3.2: Mr. Ajello asked if the Commission would consider a ban on drones as they can be an invasion of privacy. It was noted that realtors and schools have been using drones and that a ban on their use would be difficult to enforce.

Mr. Ajello noted Section 12.9 does not deal with the noise of roosters. He asked if there should be an acreage requirement to keep roosters. This matter was left for future consideration.

"Non Conforming Lot:" It was noted that staff had been considering lots without the required length of frontage as interior lots, but that recently Town Counsel had advised that in some cases they are actually non conforming lots, sometimes referred to as pre existing non conforming lots. Mr. Ajello recommended the definition of non conforming lot be added to the Regulations. Mrs. Hill read the definition of "non conforming use" in The New Illustrated Book of Development Definitions by Moskowitz and Lindbloom and found that by defining it as a use or activity that was lawful prior to the adoption or amendment of a specific zoning regulation, the use of the term, pre existing, was redundant and not needed. It was the consensus that this

definition was a good one, but that other corresponding revisions would also have to be made in Section 11.4, in sections concerning setbacks and lot coverage, and in the definitions of frontage lot and interior lot and so this matter would be addressed more fully in the future.

Grass terraces and other pervious surfaces: Mr. Ajello said these were not counted as lot coverage, but did level the land for human use and were an issue around Lake Waramaug. He said that lot coverage was not just about imperviousness, but also concerned density of use. Noting that technically large portions of lots could be covered by pervious pavement or by leveled off areas, he asked if the definition of lot coverage should be revised in some way to address these. It was the consensus that unnecessary contouring of the Lake Waramaug shoreline was discouraged and that no further revisions were required at this time.

The next subcommittee meeting was scheduled for Wednesday, May 13, 2015 at 9:30 a.m. in the lower level meeting room.

Mr. Solley adjourned the meeting at 11:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill
Land Use Administrator