

September 24, 2012

Present: Mr. Fitzherbert, Mr. Reich, Mr. Solley, Mr. Werkhoven, Mr. Abella

Alternates Present: Dr. Craparo, Mr. Dutton

Absent: Mr. Wyant

Staff Present: Shelley White, Janet Hill, Mike Ajello

Others Present: Mr. Talbot, Architect

Mr. Fitzherbert called the meeting to order at 7:30 p.m.

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Reich, Mr. Abella, Mr. Solley

Consideration of the Minutes

The Commission considered the August 27, 2012 regular Meeting Minutes of the Town of Washington Zoning Commission.

Corrections:

Page 3, 1st Paragraph, last sentence should read: Mr. Fitzherbert stated that the Town has some 'destination' restaurants but that is in the evening usually and he feels there are not enough businesses in Town that draw people into Town.

2nd Paragraph, 3rd sentence should read: Mr. Fitzherbert stated that he feels that with the more advance septic systems that are available the soil type requirements would not hinder the ability to use a lot.

3rd Paragraph, 2nd sentence should read: Ms. Hill stated that she has recommended this before.

Motion:

to accept the Zoning Meeting Minutes of August 27, 2012 as amended,
by Mr. Reich, seconded by Mr. Werkhoven, passed by 5-0 vote

Ms. Hill stated that Mr. Talbot would be coming in to discuss setting a Public Hearing date for 223 Litchfield Turnpike, LLC. She stated that the property owners of the Community Table restaurant have bought the neighboring property and would like to add a bar to the existing restaurant, add a greenhouse to the other building, increase the parking, install a septic system and put in a driveway crossing over the wetlands to connect the two parking lots. She stated that the application is missing a couple of items and Mr. Talbot needs to get Inland Wetlands and Health approval as well as a Variance from ZBA and the property owner wants to start work in November and be in the building by Memorial Day which means that a public hearing would need to be scheduled for October.

New Application(s)

Haddad/155 West Shore Road/Special Permit: Section(s) 6.6.12-Dock Extension:

The Commission considered the application for Haddad.

Motion:

to schedule a Public Hearing on October 22, 2012 at 7:30 pm at Bryan Memorial Town Hall in the

Upper Level Meeting Room to consider the application for Haddad/155 West Shore Road/Special Permit: Section(s) 6.6.12-Dock Extension,
by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

Komisar Investments/154 New Milford Turnpike/Special Permit: Section(s) 9.4.1-Retail Business and Exterior Changes to Commercial Building & 13.13-Housing in Business District:

The Commission considered the application for Komisar Investments.

Motion:

to schedule a Public Hearing on October 22, 2012 at 7:30 pm at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for Komisar Investments/154 New Milford Turnpike/Special Permit: Section(s) 9.4.1-Retail Business and Exterior Changes to Commercial Building & 13.13-Housing in Business District,
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Motion:

to amend the Agenda to include Discussion with Peter Talbot re: Community Table Restaurant,
by Mr. Fitzherbert, seconded by Mr. Solley, passed by 5-0 vote.

223 Litchfield Turnpike, LLC/223 & 227 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Retail Shop, Wine Bar & Greenhouse:

The Commissioners discussed what was allowed during a 'Preliminary Discussion' per the Zoning Regulations. Ms. Hill stated that she does have an application with a fee and plans and if it is a preliminary discussion a hearing cannot be scheduled for October 22nd. She stated that the Commission has 65 days in which to set a hearing. Mr. Talbot and the Zoning Commission considered the application for 223 Litchfield Turnpike, LLC.

Motion:

to schedule a Public Hearing on October 22, 2012 at 7:30 pm at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for 223 Litchfield Turnpike, LLC/223 & 227 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Retail Shop, Wine Bar & Greenhouse,
by Mr. Abella, seconded by Mr. Reich, passed by 5-0 vote.

Other Business

Possible Revisions of the Zoning Regulations and Zoning Map:

Ms. Hill distributed copies of three different town's regulations regarding Telecommunications. The Commissioners will take these copies home and compare them and bring their questions and comments to the next Zoning Meeting for discussion on October 22, 2012 at Bryan Memorial Town Hall in the Upper Level Meeting Room.

Plan of Conservation and Development – Issues and 10/2 Meeting with Planning Commission:

Mr. Fitzherbert stated that the Planning Commission has asked to meet with them at a Special Meeting on October 2, 2012 (7:30 pm at Bryan Memorial Town Hall in the Upper Level Meeting Room) to discuss the revision of the town Plan of Conservation and Development. Ms. Hill emailed the Commissioners the four main topics that are being focused on which are: 1. Enhancing Village Centers 2. Housing 3. Economic Development and 4. Sustainability. The Commission briefly discussed the school system. Ms. Hill stated that these topics were selected as a result of the three

POCD Subcommittee meetings in 2011 that included a member from each commission.

There was a brief discussion regarding demographics and how the numbers have change over the years.

Ms. Hill stated that the Planning Commission would like to hear the opinions of the Zoning Commissioners. She stated that in a great number of towns in the State of Connecticut have combined planning and zoning commissions and the role of planning is to plan and zoning to implement. Ms. Hill said that when the commissions are separate and the zoning commission doesn't necessarily agree with the plan then they do not have to implement it and what the T.O.W. Planning Commission would like to do is forge cooperation and understanding between the two commissions so that everybody is in agreement with the goals and recommendations in the plan so there would be a better chance that the Zoning Commission would implement it once it is done.

Ms. Hill stated that the Planning Commission is in the information gathering stage in this revision process and would like to involve as many commissions as possible.

Mr. Fitzherbert stated that most of the time Zoning is reacting to a plan.

Mr. Werkhoven suggested that the zoning regulations should say how many houses can be a certain size lot and the Z.C. could change that and would have to change it in order to alter some of the things to accomplish the Town's goals. He feels this is an area that Planning would like Zoning's input and whether or not the Zoning Commission is willing to change soil based zoning. Mr. Dutton stated that the Zoning Commission might be willing to make exceptions to soil based zoning. Mr. Solley questioned whether the Planning Commission really would want to change soil based zoning or just something with different parameters.

Mr. Fitzherbert stated that the driver is supposed to be the POCD and Zoning is supposed to react to it and come up with regulations to do it in the best possible way. Mr. Dutton stated that he feels the P.C. is looking for input to help shape the plan.

Mr. Fitzherbert feels that individually they would be able to provide input but he is not sure as a commission. He stated that what he would like is to not have the POCD be so general and that it should be specific.

Mr. Dutton asked if there actions that the Zoning Commission could make that would ameliorate some of the issues facing the Town such as adjusting the zoning regulations.

Ms. Hill stated that the more points of view that are considered for this revision the stronger the document would be and she suggested that they express that they have individual points of view.

There was a lengthy discussion regarding how specific the Planning Commission would want the Zoning Commission to be with their input as well as the bias that each Commissioner naturally has. Mr. Werkhoven feels that every individual came into the Commission with their opinions and biases and that there isn't anything wrong with discussing ideas that each one of them has. Mr. Abella feels that it would valuable to listen to and discuss options and have a healthy dialog between commissions.

Mr. Fitzherbert stated that in the current POCD Affordable Housing means one thing and the Zoning Commission never received a proposal for a regulation change and this is where he thinks

the POCD needs to be a lot more specific.

Mr. Solley feels that the Planning Commission is just seeking a 'pulse' regarding the four areas of concern that they are concentrating on. He gave an example that the Planning Commission could ask "how would you implement some new zoning regulations to support economic development?"

Mr. Abella stated that he would like to hear of successful examples and listen to what the planning consultants suggest.

Mr. Fitzherbert stated there are things that are addressed in the current POCD that have been stopped because of personal beliefs and since he has been on the Zoning Commission, they have discussed cluster housing once. He stated that it was certain individuals on the commission level that didn't believe in it so it did not get done.

Ms. Hill stated that she does not feel the Planning Commission is looking for the Zoning Commission to support changing soil based zoning down to a percentage of an acre but she thinks they are looking for a conversation with the Zoning Commission to see if they are willing to 'tweak' certain regulations in order to allow implementation of certain goals of the plan.

Mr. Reich stated that he would still like the Consultants to give examples of some successful towns and tell them how it works and why it works.

Mr. Solley stated that he believes Kent and Litchfield are examples of a successful town plan, at least with housing. He stated that they have successful plans in place that required them to adjust some of their regulations to allow limited equity housing, for example. Mr. Solley feels that it would be beneficial to have some good examples to look at and use as models that could be adjusted to fit the Town for each of these four issues.

Dr. Craparo stated that she feels that the POCD should be more specific and not filled with generalities. She stated that one specific example would be the abandoned garage site in the Depot.

The Commission discussed the changes in the New Preston Business District.

Mr. Fitzherbert stated that he feels the plan should give the Zoning Commission backing to make changes in the regulations.

Ms. Hill stated that the POCD may help the Town win a lawsuit but she does not think it would cut down on the number of lawsuits.

Mr. Ajello stated that in 2006 the Zoning Commission made some changes to the New Preston and Depot district to accommodate minimum lot coverage and minimum setback where the owner did not have to go to ZBA to get a variance to be closer to the neighboring store. Mr. Dutton stated that he thinks this is a perfect example of the Zoning Commission enabling the POCD process

The Commission discussed the lack of septic capabilities in the New Preston Business District. Ms. Hill stated that she feels that New Preston was more vibrant when it had the barbershop, diner, post office and grocery store. Mr. Dutton stated that it seems that the area has changed with the demographics.

The Commission had a brief discussion regarding the New Preston Open Space.

Mr. Ajello read Section 14.6 - Preliminary Plans in the Zoning Regulations referring back to the previous discussion regarding the Community Table.

Mr. Solley suggested that the Commission look at the 4 main topics that are being concentrated on for the revision of the POCD and determine which of the items Zoning could do anything about. The Commissioners discussed Housing. Mr. Fitzherbert stated that he feels that Zoning needs to know how many houses are needed and they would need to see some models. Mr. Dutton stated that his theory is that none are needed because the Town already has houses on the market in the \$200,000.00 range. Mr. Fitzherbert stated that the majority of young people don't want to live in an isolated area. Mr. Dutton stated that he would like to look at Housing intertwined with the other issues like Enhancing Village Centers and Economic Development. He stated that he feels if there were more economic opportunities more people would be willing to settle here. Mr. Solley stated that he feels that anything that could be done to lessen the burden on purchasing a building lot should be uniformly throughout Town, and should not be clumped together. He stated that if two or three affordable houses were built a year then that would be at least twenty houses over a 10-year period. Mr. Fitzherbert suggested that the Town talk to the young people/families and find out what they want.

Mr. Reich stated that he feels hiring Planning Director could help many of the issues and this professional would know what is going on in the towns in Connecticut and about grants that are available. The Commission noted that New Milford just hired one. Ms. Hill stated that she believes they hired an Economic Development person and she has recommended an Economic Development Commission or an Economic Development Director to the Board of Selectmen in the past. Mr. Reich stated that he feels this is worth discussing and looking into it.

Mr. Solley stated that he believes that they have come to a consensus that there is readily available information that can be gathered on how the Town could go about creating housing. He stated that he doesn't want to dictate to the Planning Commission what they should put in the revised POCD but he thinks these four topics are worth considering and worth mentioning and Zoning should provide their thoughts on them. He stated that there is something that the Zoning Commission could do about village centers such as make it easier for a commercial property to be developed in these areas. Mr. Solley stated that he was not sure what feedback they are looking for regarding 'sustainability' but feels that the Commission should listen to the Planning Consultants and Planning Commission and hear what they want from them. He stated that he is also in favor of hiring a Planner on a part-time or as needed basis.

Mr. Werkhoven stated that he feels the Zoning Commission should encourage the Planning Commission to make the revision of the POCD more specific and let them know that they are willing to amend regulations that would help these ideas. He stated that he agrees with Mr. Solley that Planning could gathering information from other towns and adapt it to our Town's needs.

Dr. Craparo stated that she feels the existing POCD is too general and needs to be more specific in order to back regulation changes.

Mr. Reich stated that he supports the idea of a community planner. He feels that the POCD needs numbers tied to these goals so that the Town knows what it is working towards.

Mr. Abella stated that he would like to see examples of what has worked and why it works. He feels that jobs need to be created to attract the young people.

Mr. Ajello stated that he believes the people that can plan and implement things in town are the people involved in the town. He stated that he feels it is necessary to identify specific goals, figure out what the Town can do with its regulations to create a stimulus to help implement those goals.

Mr. Fitzherbert stated that he is hoping that the revised POCD will have more specifics and sitting through a lot of public hearings over the years he has noticed that the POCD is utilized for and against because of the competing interests that exist within the POCD. He stated that he does not agree with the term 'rural character' being used to stop anything and everything and most towns talk use the term 'character' of their town.

Privilege of the Floor

There were no members of the public present.

Zoning Enforcement

Smith/35 East Shore Road:

The Commission discussed the letter addressed to the Washington Zoning Commission from Attorney Olson, dated September 20, 2012 (on file in the Land Use Office) regarding the zoning violations that have not been addressed at the Smith property and the lack of response from the property owner. They discussed the three option that Attorney Olson listed for them and how they would like to proceed.

Motion

to accept option number 2: issuing a formal "order" as well as put a notice on the land records of the existing zoning violations and the possibility of a fine if Ms. Smith does not respond, by Mr. Fitzherbert, seconded by Mr. Abella, passed by 5-0 vote.

Enforcement Report:

The Zoning Commission considered the Zoning Enforcement Report dated September 24, 2012 (on file in the Land Use Office).

Adjournment

Motion:

to adjourn at 10:25 pm. by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk,