

# February 11, 2013

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

**Alternates Present:**

**Absent:** Mr. Wyant, Alt., Mr. Dutton, Alt., Dr. Craparo

**Staff Present:** Shelley White, Janet Hill, Mike Ajello

**Others Present:** Mr. Boyer, Mr. Whitney, Ms. Bishop-Wrabel, Mr. Wrabel, Mr. Charles, Ms. Gavenas, Mr. Wren, P.E., Mr. Quicquaro, Architect, Press, Mr. Oskandy, P.E., Residents

Mr. Fitzherbert called the meeting to order at 7:35 p.m.

## **PUBLIC HEARINGS**

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

Continued:

Washington Community Housing Trust/181 New Milford Turnpike/Special Permit:

Section 13.15/Town of Washington or Non Profit Sponsored Affordable Housing/Construct Two Dwellings:

Ms. Hill read the list of documents submitted to the file since the December 17, 2012 meeting of the Town of Washington Zoning Commission. Mr. Whitney was present to represent the Washington Community Housing Trust for this application.

Mr. Whitney displayed the map titled Zoning Location Map by Arthur H. Howland & Associates, sheet ZL-1, dated 10-14-2012. He stated that they are proposing affordable limited equity housing to qualified applicants and explained how the Housing Trust works. Mr. Whitney stated that currently there is one two-story, four-bedroom home on the property. He stated that there is a curb cut on New Milford Turnpike as well as one on Mygatt Road and a portion of the driveway between the existing house and one of the proposed houses would be discontinued and a third curb cut has been approved for the other proposed house. Mr. Whitney stated that the proposed plan has been approved by the Health Department and he discussed the soils and topography. He stated that Arthur H. Howland & Associated created the drainage and run off water plan and noted that the lighting plan for the two proposed houses meet the Zoning Regulations Section 12.15.

Mr. Whitney submitted a spec. sheet for the two different styles of the proposed houses designed by Westchester Modular Homes, Inc. and stated that the existing house is about 2,000 sq. ft. and the two proposed houses would be approximately 1,600-1,700 sq. ft. with three bedrooms each. He stated that the property is 2.8 acres, there are good distances between houses, and a garage is optional for any of the three dwellings. Mr. Whitney said that the WCHT plan to install driveways, septic systems and wells in order to have the property ready for delivery of the proposed houses.

Mr. Whitney noted that the WCHT would retain ownership of the property and are not proposing to subdivide it. He stated that the land lease defines by metes and bounds the property that comes with each house and that is what the homeowner is responsible for.

There was a brief discussion regarding the responsibilities and obligations of the homeowners.

Mr. Fitzherbert asked what the WCHT plans to do with the existing house on the property.

Mr. Whitney responded that they plan to sell it as soon as they can. He stated that they have had the house inspected and are going to make the improvements that were recommended. He stated that the plans show an optional garage for the existing house.

The Commission and Mr. Whitney discussed outbuildings and garages

Mr. Whitney discussed the income requirements to qualify for one of these homes.

Mr. Boyer stated that these requirements are for entry qualification only and does not limit the homeowner if their income increases over the years.

There was a brief discussion regarding the point system that is used to qualify potential homeowners.

Mr. Solley asked if there were public funds involved in the purchase of this property and what would happen in the event of a foreclosure.

Mr. Whitney responded that there is a grant from LISC local initiatives and a private loan that they will have to pay in a few months. He stated that there is a tri-party agreement with the bank and it is in the lease that the WCHT has the right of first refusal in the case of a foreclosure.

Mr. Charles read his letter addressed to Ms. Adams of the Washington Housing Commission, dated February 11, 2013 requesting that WCHT withdraws its request for \$325,000.00, until they can present a plan that requires no subsidy (on file in the Land Use Office).

Ms. Gavenas, President of the WCHT, responded that they have spent a great amount of time in deciding what would be the best for people who would have homes on the property as well as people in the community. She stated that they considered other forms of housing and what they wanted is to have individual houses that would be, as much as possible, close to an individual home for a family.

Mr. Fitzherbert stated that the funding aspect of this proposed project is not part of Zoning but a revision of the Zoning Regulations is and the Commission would be working on it.

Mr. Charles discussed the "Cape Cod" style for the proposed modular homes.

Ms. Bishop-Wrabel, Trustee of WCTH, responded that they considered footprints that would maximize the property.

There was a brief discussion regarding silt-fencing placement.

Mr. Whitney stated that the existing trees provide adequate buffering and the WCHT would not be providing additional landscaping,

Mr. Ajello asked if there were provisions for patios, steps, decks, etc.

Mr. Whitney responded that they have made provisions for the stoops and sidewalks in the proposed plan.

Ms. Hill stated that the proposed application is well under the maximum lot coverage.

There were no further questions or comments.

Motion:

to close the Public Hearing for Washington Community Housing Trust, 181 New Milford Turnpike for Special Permit: Section: 13.15 Town of Washington or Non Profit Sponsored Affordable Housing to construct two dwellings,  
by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

EIS Realty, LLC/92 Bee Brook Road/Section 8.3.9: Offices and Special Permit:

Section(s) 8.5: Increase in Maximum Lot Coverage and 8.6: Reduction in Minimum Setback Requirement:

Mr. Wren, P.E. and Mr. Quicquaro, Architect, were present to represent EIS Realty, LLC. Mr. Wren stated that EIS Realty, LLC are proposing to turn the former furniture store into offices and would like to take this existing space and renovate it.

The Commissioners and Mr. Wren looked at the drawing titled Site Plan by Indigo Land Design, LLC, prepared for Solidus Inc., sheet SP-1 Dated 10-24-12 and revised to 2-11-13.

Mr. Wren noted that the request for Section 8.6: Reduction in Minimum Setback Requirements is no longer required because they have eliminated the two bump outs on the front corners of the building that were part of the original submission. He stated that the existing building is in the front yard setback because there is a very wide State right of way, which is approximately 19-feet away from the front of the building.

Mr. Wren discussed the proposed planters, noted that the scale bars on the drawings were adjusted, the existing sign in the southwest corner is a sign support, which can be removed and they are keeping the main sign and would change the sign plate.

A site lighting plan was submitted. Mr. Wren reviewed the proposed lighting with the Commissioners.

Mr. Wren noted that the footprint of the building would remain the same; some pedestrian access and enhancements as well as landscaping have been added around the building. He stated that they are proposing to widen the driveway to 24-feet and expand the parking to the back of the property, which is the reason they are requesting a lot coverage increase. He noted that the number of parking spaces (32) meet the zoning requirements. Mr. Wren said that the utilities would essentially remain the same except for the conversion from oil to propane heat. He noted that the existing oil tank and 3 a/c compressor units at the north side of the property would be removed and showed the proposed location of the buried LP tank, the back up generator, well and septic system on the Site Plan.

Mr. Fitzherbert asked for clarification regarding the removal of the bump outs at the front.

Mr. Quicquaro responded that there is no change in the footprint and the changes to the building

are cosmetic.

It was noted that the applicant does not need a Special Permit for the reduction in setback but does need it for the lot coverage increase.

Mr. Wren stated that the lot coverage is increasing by 10% because of the proposed additional pavement and some handicap walkways/access.

There was a discussion regarding the State right of way.

There was a discussion regarding the width of the driveway, number of employees and proposed dimensions and number of parking spaces.

Mr. Werkhoven expressed concern about the proposed amount of bituminous pavement and asked if pervious surfaces were considered.

Mr. Wren responded that it would not be cost effective regarding application and maintenance. He discussed the proposed drainage plan for the property and the addition of two catch basins on the property.

Mr. Wren briefly explained the landscaping plan and noted that the Inland Wetlands Commission and the Health Department have approved this proposed plan.

The Commissioners and Mr. Wren discussed pervious versus impervious pavement.

Mr. Solley asked if there are 28 people working for the Ericson Agency now.

Mr. Quicquaro responded that there are.

The Commissioners discussed the existing circular driveway that is within the State right of way.

Mr. Quicquaro displayed the drawing titled Proposed Building Renovation for Ericson Ins. Advisors, Proposed Plan, Sheet A-1, by Quicquaro Architecture, with a revision date of 12-7-12. He stated that they are not proposing any changes in the massing of the building and all changes are cosmetic in nature. The Commissioners and Mr. Quicquaro looked at the elevation drawings title Proposed Building Renovation for Ericson Ins. Advisors, Proposed Elevations, Sheet A-3, by Quicquaro Architecture, with a revision date of 12-7-12. Mr. Quicquaro circulated samples of the product that they are proposing for the façade of the building that is an exterior insulation system as well.

There was a lengthy discussion regarding the proposed lighting plan. The Commission requested that the tall parking lot lights that would be on at night be put on timers and that the wattage of the bulbs not exceed what it is necessary to maintain safety and security. Mr. Ajello noted that the regulations require that the maximum height of a lighting fixture may not exceed 15 feet above grade. Mr. Wren stated that the closest light is 30 feet away from the property line and there is a row of trees blocking it from the residential property to the north.

Mr. Solley calculated the lot coverage as 29-30% coverage is approximately 15,000 sq. ft. of existing coverage and the proposed coverage "to be bumped up to" almost 40% and approximately 20,000 sq. ft. He asked if there was any attempt to decrease the number of parking

spaces.

Mr. Ajello stated that the opportunity for shared parking at this location is not available and the Depot Study encourages businesses to have parking behind the buildings.

There was a brief discussion regarding the size of the proposed parking spaces.

Mr. Wren stated that he could ask the property owner if they would consider removing the circular driveway in the State right of way over a period of time to decrease the amount of pavement but it is not in the budget to remove it at this time.

The Commissioners agreed that this would be favorable but could not be a condition of approval.

There were no further questions or comments.

Motion:

to close the Public Hearing for EIS Realty, LLC, 92 Bee Brook Road/Section(s) 8.3.9:Offices and for Special Permit: Section(s) 8.5: Increase in Maximum Lot Coverage & 8.6: Reduction in Minimum Setback Requirement,  
by Mr. Werkhoven, seconded by Mr. Abella, passed by 5-0 vote.

**9:40 pm**

## **REGULAR MEETING**

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

### **Consideration of the Minutes**

The Commission considered the December 17, 2012 regular Meeting Minutes of the Town of Washington Zoning Commission.

Motion: to accept the Zoning Meeting Minutes of December 17, 2012 as submitted,  
by Mr. Werkhoven, seconded by Mr. Reich, passed by 5-0 vote.

The Commission considered the January 7, 2013 Minutes of the Special Meeting of the Town of Washington Zoning Commission.

The Commission briefly discussed how the minutes are meant to be a summary of the meeting and the public has access to the recordings.

Motion:

to accept the Zoning Special Meeting Minutes of January 7, 2013 as submitted,  
by Mr. Werkhoven, seconded by Mr. Reich, passed by 5-0 vote.

### **Pending Application(s)**

Washington Community Housing Trust/181 New Milford, Turnpike/Special Permit:  
Section 13.15/Town of Washington or Non Profit Sponsored Affordable Housing/Construct 3 Dwellings:

Mr. Fitzherbert stated that he likes the proposed plan.

Mr. Werkhoven stated that they have been working on this for years and he applauds them for their efforts.

Mr. Reich feels that it is a reasonable size project, which makes it possible to be executed successfully. He stated that he likes the eligibility rating system that has been put in place.

Mr. Abella stated that he was in favor of the proposed plan.

There was a brief discussion regarding landscaping and drainage.

Motion:

to approve the Special Permit Application: Section 13.15 submitted by Washington Community Housing Trust for 3 Single Family Dwelling Units of Affordable Housing at 181 New Milford Turnpike per "Proposed Sanitary Disposal System Plan," By Arthur H. Howland & Associates, Dated 11-9-12 and revised to 12-17-12 and supporting File Documents, by Mr. Reich, seconded by Mr. Solley, passed by 5-0 vote.

EIS Realty, LLC /92 Bee Brook Road /Special Permit: Section(s)8.3.9 Offices and 8.5 to increase the maximum lot coverage and to reduce the minimum side yard setback:

There was a brief discussion regarding a possible condition of approval for lighting.

Mr. Solley volunteered to draft a letter to the business owners requesting the removal of the circular driveway in the State right of way to decrease the amount of pavement.

There was a brief discussion regarding pervious and impervious surfaces.

Motion:

to approve the Special Permit application: Section 8.5 submitted by EIS Realty, LLC to increase the maximum lot coverage and to reduce the minimum side yard setback at 92 Bee Brook Road per "Site Plan," by Indigo Land Design, LLC, Dated 10-24-12 and revised to 2-11-13 & "Proposed Building Renovation for Ericson Insurance Advisors," 4 sheets, by Quicquaro Architecture, Advent Design, Solidus, LMG Consulting Engineers, LLC, dated 12-4-12 with sheets A-1 and A-3 revised to 1-9-13 & Supporting Documents as revised, by Mr. Fitzherbert, seconded by Mr. Werkhoven, passed by 5-0 vote.

Motion:

to approve the Special Permit application: Section 8.3.9 submitted by EIS Realty, LLC for Professional Offices at 92 Bee Brook Road per "Site Plan," by Indigo Land Design, LLC, Dated 10-24-12 and revised to 2-11-13 & "Proposed Building Renovation for Ericson Insurance Advisors," 4 sheets, by Quicquaro Architecture, Advent Design, Solidus, LMG Consulting Engineers, LLC, dated 12-4-12 with sheets A-1 and A-3 revised to 1-9-13 & Supporting Documents as revised; subject to the following conditions:

1. The Zoning Commission prefers that exterior lighting fixture do not to exceed the height of the building.
2. Maximum amount of outdoor lighting be put on timers without compromising security.

3. That minimum wattage is used on fixtures without compromising security, by Mr. Abella, seconded by Mr. Fitzherbert, passed by 5-0 vote.

### **New Application(s)**

#### **Laverge/226 Bee Brook Road/Revision of Special Permit: Section 13.14/Expand Existing Bed & Breakfast Establishment to Three Rooms:**

The applicant's attorney requested that the public hearing be scheduled for the regularly scheduled meeting for March 25, 2013 of the Town of Washington Zoning Commission.

#### **Motion**

to schedule a Public Hearing for March 25, 2013 at 7:30 pm, in the Upper Level Meeting Room at Bryan Memorial Town Hall for Laverge/226 Bee Brook Road/Revision of Special Permit: Section 13.14/Expand Existing Bed & Breakfast Establishment to Three Rooms, by Mr. Fitzherbert, seconded by Mr. Abella, passed by 5-0 vote.

Ms Hill distributed copies of the letter addressed to the Zoning Commission from Mr. & Mrs. Matthews, dated January 31, 2013 regarding the Special Permit for Ms. Regine Laverge to conduct as bed and breakfast at 226 Bee Brook Road, Washington, CT (on file in the Land Use Office).

It was the consensus of the Commissioners that a site visit would be beneficial. The Town of Washington Zoning Commission scheduled a site visit for Thursday, March 20, 2013 at 5 pm at 226 Bee Brook Road.

#### **Discussion of Lancaster:**

There was a brief discussion regarding a possible new application for the Lancaster property on West Shore Road.

It was the consensus of the Commission that Ms. Hill would seek advice from Town Counsel.

### **Other Business Revisions of the Zoning Regulations:**

Minor revisions throughout:

Mr. Fitzherbert recommended a publicly noticed scheduled work meeting to go through some of the minor changes in the Zoning Regulations with Mr. Ajello, ZEO and Ms. Hill, Land Use Administrator.

Mr. Solley volunteered to chair the subcommittee and the group scheduled a work session for Wednesday, February 13, 2013 at 9:30 am in the Upper Level Meeting Room at Bryan Memorial Town Hall.

#### **Section 12.14 Noise Generating Equipment:**

There was a brief discussion regarding the process of applying for a Special Exception/Variance for standby generators. Mr. Ajello feels that it is necessary to regulate generators and above ground propane tanks for property setbacks.

There was a brief discussion regarding location of a generator and safety.

**Zoning Enforcement Smith/35 East Shore Road:**

Ms Hill stated that she has contacted Town Counsel for some addition advice on this matter. There was a brief discussion regarding the notice that was put on the Land Records for this property.

**Enforcement Report:**

Mr. Ajello, ZEO distributed the Zoning Enforcement Report dated February 11, 2013 (on file in the Land Use Office).

**Adjournment**

Motion: to adjourn at 10:43 pm. by Mr. Solley, seconded by Mr. Werkhoven, passed by 5-0 vote.

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk