

**TOWN OF BARKHAMSTED
PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
THURSDAY, AUGUST 8, 2019**

Chairman Christina Lavieri called the meeting to order at 7:00 p.m. Members present were James Hart, Frank Kaczinski, Jr., John Polderman and alternates, Tom Andersen, Rejean Labrie and Robert Pulford. Also present was Zoning Enforcement Officer, Debbie Brydon. Andersen was seated for Greg Gordon.

NEW APPLICATIONS: None

PUBLIC HEARINGS: None

PENDING APPLICATIONS: None

CONTINUE DISCUSSING POSSIBLE ZONING REGULATION CHANGES FOR AGRICULTURAL DEFINITION AND ACCESSORY STRUCTURES AND REAR LOTS AND TABLE OF USES:

The Commission reviewed the attached letter from the Town Planner, Martin Connor regarding the proposed changes to allow for minor site plan amendments to be approved by the Zoning Enforcement Officer. Changes were made to the wording in Section 193-11. Site Plan to add the word “significant” before outside alterations.

All the proposed amendments were reviewed and Hart made a motion to set a Public hearing for the proposed amendments (see attached) for October 10, 2019 at 7:00 pm at the Barkhamsted Town Garage, seconded by Andersen and unanimously approved.

APPROVAL OF MINUTES: Hart made a motion to approve the minutes from July 11, 2019 as presented, seconded by Kaczinski and unanimously approved.

CORRESPONDENCE: Reviewed; no action taken.

ZONING ENFORCEMENT OFFICERS REPORT:

Zoning Enforcement Officer, Debbie Brydon reported on a potential business that is being run out of a home. She will contact the home owner and ask them to come in to apply for a Special Exception for a Home Occupation if they fall into this category.

ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE SAID MEETING: None

PUBLIC COMMENT: None

Meeting was adjourned at 8:00 pm.

James Hart
Secretary

The commission with the guidance of Marty Connor agreed to the following proposed amendments to the zoning regulations:

1. Amend Section 193-27 Table of Uses by Zone – Residential RA-2 Zoning District, add Accessory buildings that exceed square footage of the principal structure as determined by using the total square footage of living space as shown on the Assessor’s Property Card by Special Exception (SE);
2. Amend Section 193-27 Table of Uses by Zone – RC/PVC Riverton Center/Pleasant Valley Special Design District Zone and PO Professional Office Zone, add Accessory buildings that exceed square footage of the principal structure as determined by using the total square footage of living space as shown on the Assessor’s Property Card by Special Exception (SE);
3. Amend Section 193-27 Table of Uses by Zone – RC/PVC Riverton Center/Pleasant Valley Special Design District Zone and PO Professional Office Zone, add Contractor Shop and Storage, including outside storage by Special Exception (SE);
4. Amend Section 193-28, Table of Area and Dimensional Requirements to change “See Article V for definitions of the following terms used in this table and table of uses: “building height”, “lot”, “lot frontage”, “floor area”, “front yard”, “front yard setback”, “Maximum lot coverage” and “barn”;
5. Amend Section 193-31 “Rear lot special exception permit” to read as follows:
“Section 193-31, Rear lot by Special permit

A “rear lot” is defined as a lot that does not meet the lot frontage requirements of these regulations. A rear lot may be permitted for single-family residential use in a residential zone by special permit from the planning and zoning commission, subject to the following standards and requirements:

A. Accessway. Each rear lot shall be served by an accessway suitable for the location of a driveway. The accessway shall intersect with an existing or proposed public street and shall be not less than twenty-five (25) feet in width at all points.

B. Minimum lot area. The minimum lot area shall be one hundred thirty thousand (130,000) square feet. The area of the accessway shall not be included in the calculation of the required minimum lot area.

C. Accessway ownership. The accessway shall be owned in fee simple by the owner of the rear lot.

D. Yard and frontage requirements. The rear lot shall meet all of the yard setback requirements of these regulations. However, the minimum lot frontage requirement shall be measured along the lot line of the rear lot which intersects the accessway and is most parallel to the Street line.

E. Driveway plan. The Commission may require a driveway construction and drainage plan where the driveway grade is in excess of ten percent (10%) or its length is in excess of two hundred (200) feet.

F. Accessway separation distance. No two (2) accessways to rear lots shall be closer to each other than the minimum lot frontage measured along the street line, except as permitted in subsection G below.

G. Accessway to two (2) rear lots. The accessways may be closer to each other than the minimum lot frontage requirement only if the two (2) lots have a common driveway entrance within all or part of the street right-of-way and at the intersection with the town street or state highway. The common driveway intersection shall be maintained by the owners of the rear lots. The shared portion of the driveway shall only be the length required to solve the safety or environmental issue and shall be a minimum of twenty-five (25') in width. A common driveway maintenance requirement shall be stipulated in the deeds of both rear lots and presented as part of the application for a special use permit.”

6. Amend Section 193-33 Definitions to add this language at the end of the “Barn” definition, “a barn is limited in size to the square footage of the primary residence except that for lots of three acres to five acres, the maximum may be twice the square footage as the primary residence to a maximum of 2500 square feet. For lot sizes of over five acres, the maximum may be 3000 square feet. The Commission may by Special Exception (SE) approve larger barns or a barn without a primary residence.”

7. Amend the Section 193-33 Definitions to change the definition of Agriculture to read as follows:

the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the

production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

8. Amend Section 193-6. Permitted Uses to add in the first sentence after “Zoning Enforcement Officer, “have issued a site plan approval”

9. Amend Section 193-11. Site Plan to add after the first sentence in the first paragraph, “The Zoning Enforcement Officer will either approve Site Plan applications for changes of use where no additional parking or landscaping is required and no significant outside alterations are proposed for permitted uses in the non-residential zones or refer such site plan applications to the Planning and Zoning Commission for their considerations.”

10. Amend Section 193-40. Site Plan Standards and Requirements to add at the end of Section B. “Site improvements and development, including architectural design, shall be carried out in strict compliance with the site plan approved by the Commission. If an applicant determines that minor changes to the approved plan are needed because of unanticipated site conditions, the applicant shall request, in writing, minor changes. The Zoning Enforcement Officer shall notify the Commission of any request for changes and the action taken. All other changes to the approved site plan shall be approved by the Commission.”

11. Replace Section 193-42 Outdoor Lighting with the following:

A.PURPOSE

These regulations are intended to provide specific standards for lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination, indirect lighting and illumination of adjacent properties, and to reduce glare.

B. APPLICABILITY

Except as herein provided, these regulations shall apply to any outdoor lighting fixtures installed, modified, refurbished, repaired or serviced within the Town of Barkhamsted.. All businesses, and community roadways, sidewalks and town property luminaires should be planned and installed with the idea of being a “good neighbor” by keeping unnecessary direct light from shining onto abutting lots or roadways, both public and private.

C. DEFINITIONS

Direct light: light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Direct light source: the lamp or bulb that produces the actual light.

Full Cut-Off Type Fixture: A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.

Fully Shielded Lights: Fully shielded luminaire light fixtures allow you to control the glare in any direction.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Height of Luminaries: The height of luminaries shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Lighting: Direct light that has been reflected or has scattered off of other surfaces.

Isodiagram: An Isodiagram is a graphical representation of points of equal illuminance drawn as single line circular patterns or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

Lamp: The light source component of luminaries that produces the actual light.

Light Pollution: Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Lumen: A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: A complete lighting system, and includes a lamp or lamps and a fixture or an LED assembly.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Ratio: Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or 4 times less than the average (4) level of illumination.

Uplighting: Any light source that distributes illumination above a 90 degrees horizontal plane.

D. GENERAL REQUIREMENTS

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a. Prevent direct or objectionable glare, light trespass, spill light, or obtrusive light;
 - b. Be shielded if required to control light trespass.
 - c. Employ soft, transitional light levels that are consistent from area to area;
 - d. Minimize contrast between light sources, lit areas and dark surroundings;
 - e. Be confined within the target area.
 - f. Use full cut off fixtures.
2. In all non-residential districts and in all areas adjacent to a residential lot, no externally mounted direct light source shall be visible at the lot line at ground level or above. The illumination measured at the lot line shall be zero (0.0) foot-candles, excluding driveway entrances.
3. Lighting designed to highlight flagpoles shall be low level (no more than 100-watt incandescent equivalent) and shall be targeted directly at the flag.
4. Lighting shall include timers or dimmers or sensors to reduce unnecessary light level during non-business hours to a minimum level required for overnight security.
5. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of twenty-four (24) feet. The height of a luminaire shall be measured from the finished grade (not the top of a supporting concrete base) to the bottom of the luminaire.
6. Light standards within a parking lot shall be located within landscaped islands or buffer strips, where possible and shall be set back two (2) feet from any parking space unless wheel-stops are provided.
7. In reviewing and approving outdoor lighting, the Commission may utilize recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark-Sky Association, or other reference.
8. The use of owner owned utility poles for outdoor lighting is permitted provided they meet the requirements of Section 193-42 D
9. Any light determined by the ZEO to be obtrusive, spill light, upward lighting, light trespass, or otherwise not in compliance with these regulations shall constitute a violation.
10. A photometric survey shall be submitted as part of any site plan that demonstrates compliance with these standards.
11. Exemptions: Traditional seasonal lighting and temporary lighting used by Police, Fire Department or Emergency services are exempt from these regulations