

**TOWN OF BARKHAMSTED
PLANNING AND ZONING COMMISSION
MINUTES OF WORKSHOP MEETING
THURSDAY, JULY 24, 2014**

Chairman Christina Lavieri called the meeting to order at 7:00p.m. Members present were James Hart, John Polderman, Greg Gordon and alternates, Tim Grohowski and Tom Anderson. Also present was Debra Brydon, Zoning Enforcement Officer. Tom Anderson was seated for Sharon Neumann-Lynes.

REVIEW PROPOSED AMENDMENTS TO BE SET FOR PUBLIC HEARING:

Staff passed out the latest correction on the Shared Driveway Regulation made by Martin Connor, as well as a comment sent in by Al Neumann, Alternate on the Planning and Zoning Board. The commission agreed to add the words “and preserve” to the addition made by Martin Connor. Staff also passed out a memo listing the other proposed amendments to be brought to public hearing. (See attached)

Hart made a motion to send the proposed amendments, as presented, with minor changes to Public Hearing on October 23, 2014, second by Polderman and unanimously approved.

APPROVAL OF MINUTES:

Hart made a motion to approve the minutes from June 26, 2014, seconded by Polderman and unanimously approved, with Gordon abstaining.

CORRESPONDENCE: Reviewed; with a discussion regarding the letter from the Town Attorney Mark Branse regarding the acceptance of applications.

ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE SAID MEETING:

Staff advised the commission that Mr. and Mrs. Caracciolo had amended their application to apply for a Special Exception for a Country Inn and a Public Hearing had been set for August 28, 2014. Mr. Caracciolo also paid review fees for the Town Planner to review his application. Staff will send the report to the commission members before the Public hearing. There will be no first meeting in August, due to vacations.

PUBLIC COMMENT: None

Hart made a motion to adjourn the meeting at 7:50 pm, seconded by Polderman and unanimously approved.

James Hart
Secretary

AMENDMENTS TO THE BARKHAMSTED ZONING REGULATIONS:

193-58. Bed and Breakfast establishments

Amend No. (8) Length of Stay. The length of stay shall not exceed **eight (8) days** per guest. Food service shall be limited to continental breakfast only.

193-57. Accessory Apartments

Amend A. to read “The purpose of this Section is to broaden the options for housing in the Town of Barkhamsted by permitting accessory apartments associated with a single family owner occupied residence. An accessory apartment may be permitted by a zoning permit within a single family residence **when there is no change to the footprint of the residence, or by special exception approval when there is new construction changing the footprint of the single family residence** or in an approved accessory building associated with a single family residence. In a residential zoning district, subject to the general standards of this Section and the following specific standards.

193-63. Country Inns

Proposed 193-63. Country Inns by Special Exception

A residence or other building which was in existence at the time of the adoption of this regulation on May 1, 1997 may be converted for use as a country inn.

For the purpose of this regulation a country inn shall be defined as a facility with ten or less transient guest rooms in which lodging is offered for compensation to transient guest lodgers.

A country inn may be permitted as a special exception subject to the following limitations and standards:

A. **With exception of existing lots in the PVC/RC Zone**, the minimum lot area shall be five (5) acres; however, where the applicant demonstrates to the satisfaction of the Commission that the lot is effectively buffered from existing or potential residential development by the presence of adjacent protected open space land, the Commission may reduce the minimum lot area requirement to three (3) acres.

B. **With exception of existing lots in the PVC/RC Zone**, the total area of impervious surfaces on the lot shall not exceed fifteen percent (15%) of the total area of the lot. For

the purpose of this section of the regulations, impervious surface shall include the footprint of any building and the area of any paved parking areas.

C. Modification or additions proposed to accommodate the use of the structure as a country inn shall not exceed fifty percent (50%) of the total habitable floor area of the existing structure.

D. **With exception of existing lots in the PVC/RC Zone**, all parking areas shall be screened from view from surrounding residences. Parking shall be located to the side and rear of the structure whenever possible. No parking shall be located within fifty (50) feet of the front line or twenty-five (25) feet of the side or rear line.

Recommendation:

The proposed minor revisions above will allow by Special Exception a Country Inn to operate in the in the PVC/RC Zone and give the Commission flexibility when reviewing plans for a Country Inn in the PVC/RC Zone. Existing Section 193.25 of the Zoning Regulations states, “the purpose of the RC/PVC Zone is to encourage a mix of appropriate uses and to preserve and maintain the unique mix of uses in the district. The regulations are intended to provide an opportunity for creative design. In this district, a site plan is required for any construction or reconstruction involving exterior alterations, including landscaping, parking and signs. The Commission may waive sections of the site plan requirements if it is determined that certain submission requirements are not necessary. The Commission may vary parking requirements in consideration of the historical nature of the centers.” The proposed revisions to allow Country Inns in the PVC/RC Zones is in my opinion consistent with the Future Land Use Recommendations for the Village Centers, Pleasant Valley and Riverton, contained in Section VI of the May 2007 Town of Barkhamsted Plan of Conservation and Development.

193-33 Definitions “Accessory buildings or Structures”

Amend to add at end of definition, **“For the purpose of this definition, the square footage of the principal structure is determined by using the total square footage of living space, as shown on the Assessor’s Property Card”**

193-35 Driveways

Amend to read as follows:

193-35. Driveway regulations

A. Angle of intersection. Every driveway shall meet at the edge of the highway pavement at an angle of no less than seventy-five (75) degrees and shall adhere to this angle to a distance of forty (40) feet, measured from the center line of the highway.

B. Grade of intersection. Every driveway shall have a finished grade of not more than four (4) percent extending a distance of twenty (20) feet from the edge of the highway pavement (travel way).

C. Maximum grade. No driveway shall contain any portion having a grade greater than twelve (12) percent along the length. No driveway shall contain any portion having grade of more than five (5) percent across its width. An as-built survey to include driveway and embankment grades and associated drainage may be required under questionable circumstances as determined by the town Engineer.

D. Drainage. No driveway shall be constructed or maintained so as to discharge water into any roadway. No driveway shall be constructed or maintained so as to allow roadway water to enter the main portion of the driveway. Driveway design shall provide low impact development techniques, best management practices, and erosion and sedimentation control measures. All best management practices and erosion and sedimentation control measures shall be maintained by the property owner/permittee. No driveway shall be constructed so as to allow untreated water to enter an inland wetland or watercourse.

E. Minimum width. All driveways shall have a minimum of at least ten (10) feet and shall be at least fourteen (14) feet across where joining any highway.

F. Pavement at intersection. All driveways must be paved to the street line or for a length of ten (10) feet, whichever is greater, from the point that they meet the existing road pavement (not required if existing road is not paved). The pavement will be two inch bituminous concrete on a six inch gravel base, approved by the Highway Foreman.

G. Where pavement is not required, the driveway shall be stabilized to prevent material from being washed onto or otherwise deposited on the highway.

H. Public or commercial driveway width. No public or commercial driveway shall be more than thirty (30) feet in width unless permitted with the approval of the Planning and Zoning Commission.

I. Sight lines. A minimum of two hundred (200) feet sight line distance shall be provided at the intersection of a driveway and a town road. The measurement of the sight line distance shall be based on a three-and-five-tenths-foot height of eye and a four-and-twenty-five-hundredths-foot height of the approaching vehicle. The sight line shall be measured ten (10) feet from the edge of the Town road.

J. Separation from intersection. No driveway shall be located within twenty (20) feet of a street intersection or within five (5) feet of an established or proposed crosswalk.

K. Culverts. Where determined necessary to control drainage, a culvert may be required for a driveway entering a street. Such culvert shall be a minimum of eighteen (18) feet long or two (2) feet wider than the driveway on each side. The First Selectman or his/her designated agent shall be responsible for determining when a culvert is necessary and also the type and diameter.

L. Intersection with state highway. All driveways entering state highways must also conform to the current specifications set forth by the Department of Transportation.

M. Erosion control. All erosion and sedimentation control measures shall conform to the 2002 Department of Environmental Protection Connecticut Guidelines for Erosion and Sedimentation Control Manual, as amended. The Highway Foreman shall consult with the Zoning Enforcement Officer regarding erosion control. Every reasonable precaution shall be exercised throughout the period of driveway construction to prevent, control and abate siltation, sedimentation and pollution of all waters. Unless a specific type of sedimentation control system is ordered by the Zoning Enforcement Officer, the type of system will be as designed by a Design Engineer on the site plan or at the contractor's option, in that order. Geotextile silt fence and/or hay bale systems will be allowed to remain at toe of-slope areas unless ordered removed by the Zoning Enforcement Officer.

N. Restoration. All earth slopes and areas of disturbed soil shall be loamed, seeded, and stabilized with hay or straw mulch. Erosion control blankets may be required in areas deemed critical by the Zoning and/or Inland/Wetlands Enforcement Officer or the Town Engineer. All erosion and sedimentation control measures shall remain in place until all disturbed areas have established permanent cover.

O. It shall be the duty of the permittee to comply with all applicable laws and regulations during driveway construction within highway boundaries.

P. Any existing payment and/or Town property that is damaged in any way during construction shall be restored to its original condition by the permittee. Failure to restore it shall give the Town and its designee the right to do so. The permittee shall be liable for the actual cost of restoration and administrative expenses. The Town shall have a cause of action for all fees and amounts paid out for such work together with attorney's fees.

Q Conn-OSHA regulations shall be adhered to at all times while on Town property.

193-35 N. Shared Driveways by Special Exception. The purpose of this regulation is to provide for the approval of a shared driveway to service up to two (2) lots by Special Exception. The applicant must demonstrate due to environmental, sight line or safety concerns such as for driveways entering on a State Highway or Collector Street that a shared driveway is preferable to individual driveways. *However, both lots shall have and preserve a corridor of land for location of a driveway which is suitable for safe access and meets the standards of the Zoning Regulations.* The shared driveway shall be subject to the General Standards and Objectives for Special Exceptions, Section 193-49 of the Regulations and the Specific Standards and Criteria listed in 193-35 N (1) below. In reviewing the Special Exception Application for a Shared Driveway the Commission shall consider reports provided by the Barkhamsted Inland Wetlands Commission, Town Engineer, Barkhamsted Highway Supervisor or State of Connecticut Department of Transportation Official for a driveway entering a State Road.

193-35 N (1) Specific Standards and Criteria:

- a. The design and the layout shall provide safe access for emergency services.

- b. The deeds for any lots which utilize a shared driveway shall include all appropriate easements to pass and repass; to install utilities as necessary; to grade, drain, and maintain; and provide slope easements where required by the Town Engineer. A driveway maintenance agreement shall be stipulated in the deeds of both lots and shall be presented as part of the application for a Special Exception. Such deeds shall also contain a provision that the driveway shall not be used for access to any other property and an acknowledgment that the Town shall have no responsibility to construct, maintain, repair, or replace the driveway or to provide any service on or along the driveway access to such lot that is not generally provided by the Town, on or along other individual driveways within the Town.
- c. Accessway. The shared driveway shall intersect with an existing or proposed town street or State highway. The driveway right of way shall be suitable in location and dimensions for the proposed driveway and 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.