

## **Woodstock Planning and Zoning Regulation Review Subcommittee Minutes**

Thursday, April 7, 2011 Lower Level, Woodstock Town Hall 7:30 PM

1. The meeting was called to order at 7:32 PM
2. Roll Call: D. Fortin; J. Gordon, M.D.; G. Dickinson, M.D.; S. Blodget; D. Young; F. Rich; J. Adiletta (7:35). Staff: D. Fey, Planner. Excused absences: K. Goldsmith; D. Durst; J. Anastasi;
3. Minutes for March 3, 2011 were approved (J. Gordon / G. Dickinson). Motion carries.
4. Citizen's comments
5. Discussion Article VI, DRAFT Zoning Regulations on the following topics:
  - a. Lighting
    - i. Review will resume on both
      1. E. Brazeal's proposed DRAFT based on the Model Lighting Ordinance as prepared by the International Dark Skies Association
      2. The draft prepared by D. Fey with input from PZC from summer 2010.

D. Fey, Town Planner explains her comments on the draft lighting regulations as proposed by E. Brazeal. The best planning is done when we step back and figure out what we have in town including what problems we are trying to address. In regards to lighting, we should figure out if we have lighting problems and then move on to light problems that are happening on other towns or that could happen here. Once the problems are identified then regulations could be drafted so that they are done in a way that is written with Woodstock in mind, not some other incompatible town. Also, the regulations need to be manageable in order to handle the enforcement.

Discussion ensued on the current draft as proposed by E. Brazeal, which includes many references to standards intended to prevent problems associated with urban development or other types of uses that are prohibited here such as petrochemical manufacturing, none of the text regarding land uses that are clearly not applicable to Woodstock will not be used.

J. Gordon, M.D. stated we should consider the big picture and do planning before the zoning. He recommended the following approach including:

  1. What would we like to do about lighting?
  2. What are the problems now that we would need to address?
  3. What are the problems we may encounter that we could address before we are faced with them?
  4. We need to be certain to have regulations that are not difficult for the public to understand and for the ZEO to be able to enforce.

The guidance for amending the regulations is derived from the POCD. This planning should be done as part of the POCD update regarding issues like lighting. Other comments discussed the negative health impacts of too much light on plants, animals and people. Some debate occurred about what level of lighting regulation was appropriate for Woodstock. J. Adiletta proposed a phased approach which would focus on regulations for new non-residential, non-agricultural construction of special permitted uses first and then subdivisions and then moving on to regulating replacement of existing lighting. The only

concerns on residential / agricultural properties are about flood lights or lights at the end of driveways that could be very bright. The intent of the regulations PZC is looking have should be tailored to the community with common sense to prevent things from getting out of hand related to light trespass and utilizing the best technology available including Lumens and the BUG rating concept.

We need more public input. At all the POCD meetings no one mentioned lighting as a problem. There was some discussion of current lighting as not being a problem, it was thought that 97% of the town was not a problem. Occasional businesses have had complaints from neighbors regarding their parking lot lights; however tree buffers can often screen the light and reduce or eliminate the problem.

S. Blodgett recommended a community planning fact sheet called "Commercial Development: Lighting Standards" that was written by the Green Valley Institute which can be used as a resource.

Draft Review discussion ensued as follows:

To be reviewed following the overall revision of the draft per this meeting and evaluated for applicability: Proposed definitions, especially foot candles, luminaire and light pollution and the permitted lumen levels. We will have Galen Semprebon, the town's consulting engineer review these regulations once draft is completed.

The consensus was to incorporate the following sections from the DRAFT proposed by E. Brazeal into the current DRAFT that was prepared by D. Fey, Town Planning, September 2010. Use Brazeal's Purpose Section with the following changes: use "d. ...from artificial sources" instead of "gas or electric sources" and delete e. which refers to different light zones as proposed in the Model Lighting Ordinance from the Dark Skies Association because the consensus was not to create individual zones.

The revised DRAFT lighting regulation will not include standards or requirements for agricultural or residential land uses and only regulate lighting on special permitted uses and new construction for commercial/non-single-family residential development. Also, no confusing tables will carry over from Brazeal's draft unless it can be clarified and pertains to the regulated lighting. No vacancy sensors or percentage reductions will be used. The 'complex and non-conforming uses' section will not carry over.

Automatic timer switches will be required to be used so that all regulated lighting shall be turned off by one hour after the close of business. The lumen limit tables will be simplified and will have maximum height listed in feet not multiples of the mounting height.

Text will be drafted by D. Fey regarding how Zoning Permits will be required for existing non-residential, on-agricultural uses that will be putting in new lights that are not direct replacements of what was there prior, the permit is to be reviewed by ZEO with inspections by town's consulting engineer as necessary. If business is to put new light poles in new areas of their lot, to increase the number of lights or lighting level it may need a special permit from PZC or a modification of an existing special permit. The burden of proof to certify that lighting that was installed as approved by ZEO is on the applicant. ZEO can have consulting engineer do inspections, the cost to be reimbursed per the Fee Ordinance. An electrician will be required to sign off on the permit certifying the lighting installed met the regulations and the specifications of the permit. Direct replacement of the same kind of lights will not need the zoning permit. D. Fey stated this will be challenging as there are

likely no records on what the lighting that businesses have now so how would the ZEO determine if the lighting going in was different enough to require a zoning permit?

The regulations will allow for lighting related to temporary, seasonal or non-profit uses as described below:

#### Exemptions

The following are not regulated by this Regulation

- A. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.
- B. Lighting for public monuments and statuary
- C. Temporary lighting for theatrical, television, performance areas, construction sites and fairs
- D. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
- E. Lighting that is only used under emergency conditions.
- F. Lighting for temporary, non-profit events including but not limited to fairs and carnivals.

The current Zoning Regulations have the Town's municipal uses as both exempt (Art. I, Section 7) and as a permitted use in the Community District (Art. V, Section 1) which is conflicting and should be clarified in the next version of the Zoning Regulations so that it is clear as to what applies to the Town.

D. Fey, Town Planner will make the revisions described above for the May 5, 2011 Subcommittee meeting.

b. Landscaping, review will resume on Section 3.B Roadside – tabled to the May meeting

- 6. Agenda for May 5, 2011 Subcommittee meeting will include a review of the revised DRAFT lighting regulations per the discussion earlier and review of the DRAFT landscaping regulations.
- 7. Other
  - F. Rich mentioned that he, D. Durst and D. Fey attended the “How Planning and Zoning Impacts Connecticut Agriculture” 2nd Annual Statewide Conference sponsored by Connecticut Farm Bureau Association which was well worth it. The Powerpoint presentations will be online soon and an email with the link will be shared with the Commission when it becomes available.
- 8. Adjournment was at 10:05 PM (J. Adiletta / J. Gordon)