

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
ZONING BOARD OF APPEALS REGULAR MEETING  
**MINUTES**  
May 12, 2022

**MEMBERS PRESENT:** Chair Bowman, Mr. Wyant, Mr. Horan, Mr. Wildman, Mr. Weber

**MEMBERS ABSENT:**

**ALTERNATES PRESENT:** Mr. Sarjeant, Ms. Sweeney

**ALTERNATES ABSENT:** Ms. Rebillard

**STAFF PRESENT:** Ms. Rill

**PUBLIC PRESENT:** A. Mennillo, M. Micoli, S. Branson, R. Hackney, K. Feldman

Chairman Bowen called the meeting to order at 7:31pm

**\*Continued\* - ZBA-1137: Request of Bowen, 121 West Shore Rd., for a Variance from Section 11.5 – Maximum Lot Coverage – and 11.5.1 – Maximum Lot Coverage - Residential – for propane tanks and a generator:**

Seated for this Public Hearing is Chairman Bowman, Mr. Wildman, Mr. Horan, Mr. Wyant and Mr. Weber.

Ms. Mennillo, representative for the property owner, explained that since the April 14, 2022 meeting the surveyor updated the survey to include the information requested. The proposed generator will be 65dB up to 23 feet at a normal working load.

The Commission discussed the Washington Zoning Regulations Section 12.14.4 – that states, “the sound level at the nearest property line will be no higher than 50dB” and discovered that the applicant would need a variance granted from 12.14.4 as well.

The Commission asked Mr. Bowen to explain his hardship for the Variance. Mr. Bowen explained that due to the frequency of power outages in the area, he was concerned with losing power to the well and furnace – which could lead to frozen pipes in the winter months.

Mr. Bowen explained that this was not a full-time residence currently, but he and his wife will be spending more time at the home when they retire.

Neighboring property owner, Mr. Hackney, requested that the Commission consider denying the proposed due to the lack of hardship. Ms. Feldman of 123 West Shore Road stated that there have been several permitting issues with the property that she has questioned and brought to the attention of the Zoning Commission, Enforcement Officer and the Land Use Office and has not received any response to date.

**MOTION: To close the Public Hearing in the matter of ZBA-1137: Request of Bowen, 121 West Shore Rd., for a Variance from Section 11.5 – Maximum Lot Coverage – and 11.5.1 – Maximum Lot Coverage - Residential – for propane tanks and a generator, by Mr. Horan, seconded by Mr. Wyant, passed 5-0 vote**

Chairman Bowman asked the Commission to share their thoughts on the matter.

Mr. Wyant stated that he was concerned with the lack of hardship as well as what the neighbors had presented.

Mr. Horan agreed that the lack of hardship was his main concern.

Mr. Wildman stated that he had no objections to the proposed adding that generators were quieter than what they used to be and are now placed closer to the home.

Mr. Weber agreed with Mr. Wildman with no objection to the proposed.

Chairman Bowman stated he was concerned with the decibel level of the generator exceeding the 50dB level at the property line as well as the lack of hardship.

**MOTION: To deny ZBA-1137: Request of Bowen, 121 West Shore Rd., for a Variance from Section 11.5 – Maximum Lot Coverage – and 11.5.1 – Maximum Lot Coverage - Residential – for propane tanks and a generator, with the Commission voting as follows; Mr. Wildman and Mr. Weber voting in favor and Mr. Wyant, Mr. Horan and Chairman Bowman voting against. Denied 3-2 vote.**

**ZBA-1139- Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Variance – Section(s): 7.5 – Maximum Lot Coverage, and 11.5.2 – Maximum Lot Coverage – Business Districts – for additional parking:**

Ms. Micoli of Artel Engineering was asked by Chairman Bowman if 124 New Milford Turnpike and 9 Main Street were owned by the same person, and if so, he explained that in the Washington Zoning Regulations under Section 17.2 – Nonconforming Lots, it states that, “If at or after the time a lot became nonconforming, it was contiguous to one or more lots under the same ownership, the contiguous lots involved shall be considered to be an undivided parcel for the purposes of the Regulations, and no division of such parcel may be made unless the division results in contiguous lots that each comply with the lot dimensions requirements established by these Regulations, nor shall any division of any parcel be made, which creates a lot with width or area below the Requirements stated in these Regulations”.

Chairman Bowman explained that if this is the case, the two lots would be considered one large lot.

Ms. Micoli presented the Commission with information provided by O and G Industries regarding their porous pavement mixture.

Chairman Bowman questioned if there would be a sub-service system under the porous pavement. Ms. Micoli explained that it would be installed in layers and would not be piped to a drainage system.

The Commission discussed if the applicant could provide, in-writing, what number of the parking spaces would be dedicated to the 124 New Milford Turnpike property and which spaces could be used via the New Preston Business District.

**MOTION: To Continue the Public Hearing in the matter of ZBA-1139- Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Variance – Section(s): 7.5 – Maximum Lot Coverage, and 11.5.2 – Maximum Lot Coverage – Business Districts – for additional parking, for the Thursday, June 16, 2022 Washington Zoning Board of Appeals meeting, at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall as well as via Zoom Video Conference. Motion made by Mr. Wyant, seconded by Mr. Wildman, approved 5-0 vote.**

**Consideration of the Minutes:**

**MOTION: To approve the April 14, 2022 Meeting Minutes as submitted, by Mr. Weber, seconded by Mr. Wyant, passed 5-0 vote.**

**Other Business:**

Ms. Rill informed the Commission that there would be a Freedom of Information Act Informational Meeting taking place at Bryan Memorial Town Hall as well as via Zoom on Tuesday, June 14, 2022 at 7:00pm. The Board of Selectmen are strongly encouraging all Commission members to attend.

**Adjournment:**

**MOTION: To adjourn the May 12, 2022 Washington Zoning Board of Appeals meeting at 8:30pm, by Mr. Weber, seconded by Mr. Wyant, passed 5-0 vote.**

To listen to this evenings meeting, please click here:

[https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/EU\\_D11xG9nJt45DG8XSag4BpUiXhr8u8uX43YNGrjMiHg?e=9caxzH](https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EU_D11xG9nJt45DG8XSag4BpUiXhr8u8uX43YNGrjMiHg?e=9caxzH)

Respectfully Submitted,

Tammy Rill  
Land Use Clerk  
May 13, 2022