

October 22, 2012

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

Alternates Present: Dr. Craparo, Mr. Dutton

Absent: Mr. Wyant

Staff Present: Shelley White, Janet Hill, Mike Ajello

Others Present: Mrs. Haddad, Mr. Komisar, Mr. Talbot, Architect, Mr. Neff, P.E., Mr. Ernhout, Mr. Pappas, Mr. & Mrs. Mathews, Ms. Laverge, Atty. Fisher, Residents

Mr. Fitzherbert called the meeting to order at 7:30 p.m.

PUBLIC HEARINGS

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

Haddad/155 West Shore Road/Special Permit: Section(s) 6.6.12-Dock Extension:

Mrs. Haddad, property owner was present to discuss this application. Ms. Hill read the legal notice published in Voices on 10-10-12 and 10-17-12 as well as the list of documents in the file. Mr. Ajello stated that the previous owners were approved for a Special Permit for a 190 sq. ft. dock. The Commission looked at photos of the existing beach (on file in the Land Use Office). Mrs. Haddad stated that they have 40 feet of frontage and pointed out that one of the pictures shows how a predominant portion of the dock has been on the sand. Mr. Fitzherbert asked Mrs. Haddad to address why they need to increase the square footage of their dock. Mrs. Haddad responded that she understands that the Regulations state that they are allowed 360 sq. ft. they currently have 280 sq. ft. and are proposing 340 sq. ft. to make it possible to moor their boat at the end of their dock. She stated that by the first week of July the existing dock was completely on the sand and they had to moor their boat further out into the water, which made it difficult to get their children and aging parents out to the boat.

Mr. Fitzherbert noted that the water in this particular cove has always been shallow and asked where the high water mark is located. Mr. Ajello stated that that is hard to determine but he thinks the high water mark may be about a foot below Mrs. Pond's boathouse and that there is a great deal of sedimentation in that cove.

Mr. Ajello stated that the Lake Waramaug Authority regulates the length of docks and they have assigned Trooper Sordi as the Safety Officer. He monitors the safety of Lake Waramaug and makes sure the navigable waters of the Lake are clear of obstructions.

Mr. Reich stated that this is a long extension for Lake Waramaug. Mr. Ajello confirmed that this is a long extension for Lake Waramaug but longer extensions do exist on the Lake.

Mr. Fitzherbert stated that he has driven by many times and it strikes him that the majority of docks on the Lake start at the waters edge and this one starts on the sand and the posts on the dock are ugly. Mrs. Haddad responded that when the previous owners were granted a Special Permit for their dock it floated on the water and the purpose of the posts were so they wouldn't have to invest in the bumpers to keep it off the water. She stated during the first couple years that they owned the

home there was free flowing water under the dock. Mr. Fitzherbert stated that 4 ft. posts were not needed. Mrs. Haddad stated that they are willing to mount their dock to the sand but she does not know of any docks on the Lake that are mounted on the sand and asked if the Commissioners had any suggestions.

There was a brief discussion regarding the water level.

Mr. Ajello stated that the point of this application is that the shoreline is very narrow and the docks are close together and they should be designed and built in such a way that there is the best opportunity for neighbors to live close to one another. He stated that this shoreline is convex and the further the docks go out the closer they become to the neighbors docks. Mr. Ajello stated that Ms. Hill's Administrative Report dated 10-22-12 (on file in the Land Use Office) states that the Land Use Office has not received any of the return receipt cards from the Haddad's neighbors. Mrs. Haddad stated that they received them at home and she would bring them into the office. Ms. Hill stated that the receipts of the mailings are on file. Mrs. Haddad stated that she is aware that Ms. Pond is concerned about the view.

Mr. Fitzherbert agreed that the view is also the thrust for Zoning and the intent of the regulations is to try to maintain a nice view for everyone including people who do not own property around the Lake. He stated that the water level in this area is not to the Haddad's advantage and he understands that but the look of the dock with the tall posts is a concern. Mrs. Haddad stated that if they could figure out a better system they would use it and that they have moved the platform at the end of the dock so that it does not encroach into the neighbor's area of the Lake.

Mr. Werkhoven stated that if the other neighbors installed docks they would get closer together as they extended and compared it to be similar to the spokes of a wheel. Mrs. Haddad stated that they own a large portion of the frontage in the cove. The Commission and Mrs. Haddad discussed where their beach ends and the neighbor's begins.

Mrs. Haddad stated that when they bought the house in 2008 the dock floated and felt this met their needs as they anticipated purchasing a boat.

There was a brief discussion regarding the changes in the water levels over the past two years.

Mr. Reich stated that it would be helpful to see an aerial view of the Haddad's and neighbor properties so that they could get a perspective of the proximity of the existing docks. Mrs. Haddad stated that it would get crowded if another neighbor decided to add a dock. The Commission and Mrs. Haddad looked at the photos and discussed the location of the neighboring properties.

The Commission asked Mrs. Haddad if she and her husband would be opposed to cutting the posts. Mrs. Haddad stated that they would not be opposed to cutting the posts approximately a foot above the dock. There was a brief discussion regarding other possibilities.

Mr. Solley asked hypothetically, if the Haddads bought this house and there happened to be a sand bar that went out 100 ft. on this 40 ft. beach, would they expect the Zoning Commission to grant them a dock that would extend 120 ft? He stated that they bought the house with a dock, added sections to the dock without approval and are now requesting more sections.

Mrs. Haddad responded that she and her husband did not feel they were doing this illegitimately.

She stated that her husband looked up the original permit, looked at the Zoning Regulations online and the permit did not specify 190 ft. and the regulations, as they understood them, allows for 360 sq. ft.

Mr. Fitzherbert asked how far the dock would extend in relationship to the neighbor's building. Mrs. Haddad responded that it would extend 20 ft. beyond the building. Mr. Ajello stated that he told Trooper Sordi that the application is for what exists and would like to check with him that the additional sections meet the safety standards of the Lake Waramaug Authority.

There was a brief discussion as to the location of where the boat was moored.

Mr. Solley stated that he feels there should be a continuance of this Public Hearing. He noted that after reading Section 6.6.12 it appears to him, that the Zoning Commission is not really acting on the setback from the dock to both property lines because the dock has already been permitted.

Mr. Ajello stated that this dock is a preexisting nonconformity that has been allowed by Special Permit and an increase in this nonconformity constitutes a new Special Permit or a modification of the existing Special Permit requires a new Special Permit

Mr. Solley stated that the Zoning Commission is talking about the length of the dock and the length of any dock does not come under their purview.

There was a brief discussion regarding whether there are property lines in the Lake. The State of Connecticut owns the water but lines are included on surveys for the purposes of Zoning. Mr. Solley stated that conceivably the further the dock goes out the more it moves toward the property lines.

The Commission asked that Mrs. Haddad to bring in the return receipt green cards from her neighbors, address the 4 issues listed in the letter dated 9-24-12 from Ms. Hill to the Haddads (on file in the Land Use Office) and record the depth of the water going out every 10 feet. Mr. Fitzherbert stated that he would like to see an application for a dock that would have the least intrusion into the Lake but allow the Haddads to dock their boat.

The Commission agreed to continue this Public Hearing.

Motion:

to continue the Public Hearing for Haddad/155 West Shore Road for a Special Permit: Section 6.6.12 to extend dock at 7:30 pm, November 26, 2012 at Bryan Memorial Town Hall, Upper Level Meeting Room,
by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

Komisar Investments/154 New Milford Turnpike/Special Permit: Section(s) 9.4.1-Retail Business and Exterior Changes to Commercial Building & 13.13-Housing in Business District:

Ms. Hill read the legal notice published in Voices on 10-10-12 and 10-17-12 as well as the list of documents in the file. Mr. Komisar, owner of Litchfield Kitchen & Bath and property owner was present to discuss this application. He stated that his intention is to move his business into this location. He submitted the a letter addressed to the Zoning Commission (on file in the Land Use Office) stating that the proposed apartment will be equipped with it's own kitchen, full bath and

utilities. Mr. Komisar also submitted a site plan titled Parking Layout prepared for Larry Komisar, by Berkshire Engineering & Surveying, LLC, dated 10-22-12 showing the existing parking spaces and the location of the proposed sign. Mr. Ajello stated that the previous owners of the property did have a design for an apartment in this building but it was never built. Mr. Komisar stated that the exterior changes are the peaked canopy over the side entrance on the south gable and the deck on the back of the building and the interior would include the proposed apartment on the lower level. He stated that he received a Variance from the ZBA for the deck and the canopy.

The Commissioners looked at the floor plans of the proposed apartment titled Basement, Site Location: 154 New Milford Turnpike, New Preston 06777, Drawing number A-2.1 with a revision date of 9-20-12. Mr. Solley calculated the square footage of the apartment as approximately 600-650 sq. ft. range.

Mr. Komisar stated that the driveway is paved and gravel and that he has plans to pave the driveway all the way to the garage. He stated that there is a two-car garage, eight parking spaces and one handicap space.

The Commission looked at the depiction of proposed sign and it is under the maximum 16 sq. ft. permitted and the location of the sign indicated on the site plan. Mr. Komisar stated that it would be double sided.

There were no further questions or comments.

Motion:

to close the Public Hearing for Komisar Investments/154 New Milford Turnpike for a Special Permit: Section 9.4.1 for a Retail Business and Exterior Changes to Commercial Building, Section 10.4.1.a for Housing in a Business District & Section 13.13:Housing in Business District, by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

223 Litchfield Turnpike, LLC/223 & 227 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Retail Shop, Wine Bar & Greenhouse:

Ms. Hill read the legal notice published in Voices on 10-10-12 and 10-17-12 as well as the list of documents in the file. Mr. Talbot, Architect, was present to represent 223 Litchfield Turnpike, LLC. Mr. Talbot submitted a letter authorizing him as agent. The Commission and Mr. Talbot looked at the drawing titled Site plan prepared for Community Table, by Peter Talbot Architects, sheet DD-SP-1, dated September 24, 2012, which including the existing site plan (1) and the proposed site plan (2) with hand drawn highlighted areas (yellow=new construction, pink=existing construction). Mr. Talbot stated that these site plans show the original property and the neighboring property that was recently purchased by the Community Table. He stated that the restaurant is not changing at the moment but they would like to add a wine bar off of the back of the original restaurant as well as a green house. Mr. Talbot noted that this is not part of this application but wanted to show it to the Commission in case they had questions regarding the parking accommodating future growth. He stated that they would not be using the approved parking spaces on Wilbur Road that they were approved for but would be keeping the additional spaces within the existing parking lot that they were previously approved for. Mr. Talbot stated that they have received approval from the Inland Wetlands Commission for the proposed wetlands crossing and that would increase the parking from 17 spaces to 39 spaces total. He said that they are requesting approval of this additional

parking, lighting (indicated on site plan with red dots), and a walking boardwalk path that goes over the wetlands and loops back. Mr. Talbot discussed the plantings and submitted a photograph of the proposed lights (on file in the Land Use Office).

Ms. Hill asked Mr. Talbot to address the size of the proposed additional sign that would be located at the new driveway entrance. Mr. Talbot responded that it would be similar to the existing sign but he would check and make sure that it does not exceed the limits stated in the Zoning Regulations.

Mr. Talbot stated that they do not have definite plans for the building on the newly purchased property.

The Commission and Mr. Talbot discussed buffering of the property from Route 202. Mr. Talbot stated that they have come before the Zoning Commission tonight for approval of the parking, lighting, sign and boardwalk. He read his cover letter addressed to the Zoning Commission, dated September 24, 2012 with a revised date of October 3, 2012 regarding The Community Table 223-227 Litchfield Turnpike (on file in the Land Use Office).

Mr. Ajello stated that since it is two properties two signs would be allowed.

The Commissioners and Mr. Talbot discussed lighting along the boardwalk path. Mr. Talbot stated that he assumes it would be low solar path lighting. Mr. Fitzherbert stated that it would be important that the lighting does not disturb the neighboring properties.

Mr. Ernhout, neighbor, stated that the residents on Wilbur Road do not want more trees cut down and that the trees are necessary to decrease the noise from Route 202. Mr. Fitzherbert stated that the Commission would address it.

Mr. Pappas, owner of a neighboring property, stated that he does not have any objections and he congratulates the owners of the Community Table for putting a very nice place in the neighborhood.

The Commissioners and Mr. Pappas looked at the drawing titled Proposed Landscape and Lighting, prepared for the Community Table by Dirk Sabin, Landscape Architect, sheet DD-SP-2 with a revision date of September 24, 2012. Mr. Talbot stated that they had planted trees for buffering and were hoping they would mature quicker. He stated that they are looking to create a buffer using wetland plantings and they have cut and cleaned out dead trees and are filling in these spaces. The Commissioners and Mr. Talbot discussed buffering for sound purposes. Mr. Talbot stated that he would have to revisit the landscaping plan with Mr. Sabin so that it would accommodate the neighbors as well as provide patrons with adequate and safe parking.

There was a lengthy discussion regarding buffering and parking. It was the consensus of the Commission that they would need to make conditions if they were to approve this application.

Motion:

to close the Public Hearing for 223 Litchfield Turnpike, LLC./223 Litchfield Turnpike for a Special Permit: Section 10.4.1.a for additional parking, lighting, connecting path and additional sign, by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

REGULAR MEETING

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

Consideration of the Minutes

The Commission considered the September 24, 2012 regular Meeting Minutes of the Town of Washington Zoning Commission.

Corrections:

Page 3 Paragraph beginning with Mr. Werkhoven, last sentence end sentence at zoning, delete: or just something with different parameters.

Motion:

to accept the Zoning Meeting Minutes of September 24, 2012 as amended, by Mr. Werkhoven, seconded by Mr. Mr. Solley, passed by 5-0 vote.

Pending Application(s)

Komisar Investments/154 New Milford Turnpike/Special Permit: Section(s) 9.4.1-Retail Business and Exterior Changes to Commercial Building & 13.13-Housing in Business District:

Mr. Ajello stated that this is a unique retail opportunity. Mr. Solley stated that this is a good use and a good addition of a residential unit in a business district. There were no further questions or comments.

Motion:

to approve the application for a Special Permit for Komisar Investments/154 New Milford Turnpike for a Special Permit: Section 9.4.1 for a Retail Business and Exterior Changes to Commercial Building, Section 10.4.1.a & Section 13.13 for Housing in a Business District, by Mr. Werkhoven, seconded by Mr. Solley, passed by 5-0 vote.

223 Litchfield Turnpike, LLC/223 & 227 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Retail Shop, Wine Bar & Greenhouse: The Commissioners discussed lighting, buffering and conditions of approval. There were no further questions or comments.

Motion:

to approve the application for a Special Permit for 223 Litchfield Turnpike, LLC./223 Litchfield Turnpike for a Special Permit: Section 10.4.1.a for additional parking, lighting, connecting path and additional sign, with the following conditions:

1. Only low level solar lighting permitted on the proposed path
 2. That applicant return to Zoning with a new landscape plan primarily for buffering the Wilbur Road border which shall be submitted to the Zoning Commission for approval,
- by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

New Application(s)

Nauiakas/170 Church Hill Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

The Commission scheduled a Public hearing following the continuance of Haddad for the November 26, 2012 regular Zoning Commission Meeting.

Motion:

to schedule a Public Hearing following continuance of Public Hearing for Haddad on November 26, 2012 at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for Nauiokas/170 Church Hill Road/Special Permit: Section 13.11.3 Detached Accessory Apartment,
by Mr. Fitzherbert, seconded by Mr. Abella, passed by 5-0 vote.

The Gunnery School/99 Green Hill Road/Special Permit: Section 4.4.10/Addition to Bourne Building:

The Zoning Commissioners scheduled a Public Hearing for this application.

Motion:

to schedule a Public Hearing following the Nauiokas Public Hearing on November 26, 2012 at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for The Gunnery School/99 Green Hill Road/Special Permit: Section 4.4.10 Addition to Bourne Building,
by Mr. Fitzherbert, seconded by Mr. Solley, passed by 5-0 vote.

Lancaster/244 West Shore Road/Special Permit: Section 6.5/Construction Within 75 ft. of Lake Waramaug:

The Zoning Commissioner scheduled a Public Hearing for this application.

Motion:

to schedule a Public Hearing following The Gunnery School Public Hearing on November 26, 2012 at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for Lancaster/244 West Shore Road/Special Permit: Section 6.5 Construction Within 75 ft. of Lake Waramaug,
by Mr. Fitzherbert, seconded by Mr. Abella, passed by 5-0 vote.

Other Business

Plan of Conservation and Development – Follow up on 10/2 Meeting with Planning Commission:

Mr. Fitzherbert felt that the meeting with the Planning Commission went very well and the Commissioners of both Planning and Zoning discussed the topic of Housing at length and did not get to the other three of the four topics that the Planning Commission has identified as areas of concentration in the revised POCD. He suggested that the two Commissions meet again.

Possible Revisions of the Zoning Regulations and Zoning Map:

Mr. Werkhoven stated that he drove around a couple of the business districts looking at the properties indicated on the maps distributed by Ms. Hill. He noted that the only land he thought that would be suitable for something such as housing would be behind the Washington Supply. Mr. Werkhoven believes the Steep Rock Association owns that property and suggested that perhaps there could be a land swap if needed.

Mr. Solley stated that he believes there are opportunities in New Preston and Woodville and that the Commissioners should all drive around and take a look.

Mr. Fitzherbert suggested that the Commissioners bring some concrete ideas to the next Zoning meeting.

Ms. Hill suggested passing along the three sets of telecommunication facilities regulations for the towns of Litchfield, New Milford and East Windsor to the Conservation Commission to see what their thoughts are regarding revising the telecommunication section in the Town of Washington Zoning Regulations. The Commission agreed that this was a good idea.

Privilege of the Floor

Mr. Fitzherbert asked if anyone present from the public would like to speak. There were no questions or comments from the public.

Zoning Enforcement

Laverge/226 Bee Brook Road/Unauthorized Commercial Use:

The Commissioners read the ZEO Report dated October 22, 2012 regarding Hidden Valley Bed & Breakfast (on file in the Land Use Office). Atty. Fisher and Ms. Laverge, Owner of the Hidden Valley B & B were present to discuss the Cease and Desist Order issued by Mr. Ajello. Atty. Fisher stated that his client, Ms. Laverge has unintentionally 'run afoul' of the regulations and he recommended that the Commission hear from her. The Commissioners read the letter to Mr. Ajello, from Atty. Fisher, regarding Ms. Laverge-226 Bee Brook Road, dated October 18, 2012 (on file in the Land Use Office). Atty. Fisher stated that Ms. Laverge was granted a Special Permit by the Zoning Commission in March 2009 for a 1-bedroom Bed & Breakfast and when the Commission approved the B&B it did not indicate how many bedrooms Ms. Laverge was limited to. He explained that, unfortunately, Ms. Laverge assumed that, since the Regulations allowed up to three guest rooms, that she was allowed to offer three guest rooms. Atty. Fisher noted that the Zoning Commission renewed her Special Permit in March 2012, with no changes, but there was no discussion about the number of guest rooms.

Mr. Reich asked how long it took to go from one guest room to three guest rooms. Ms. Laverge responded that it took one year.

Ms. Laverge stated that she told Ms. Hill, Land Use Administrator, that there were no changes because she was under the impression that the Town knew that she had three guest rooms. She noted that the Cease & Desist Order states that she is commercially offering six separate guest rooms. Ms. Laverge stated that there are only three guest rooms and that is all that she could physically handle but she has made the mistake of offering the choice for use of the playroom or the yellow room under situations for overflow when parents wanted to have a child stay with them.

Atty. Fisher stated that Ms. Laverge uses the Internet to post a website that describes the property, amenities, directions, etc but she does not create the website but hires someone to do it for her.

Ms. Laverge stated that she offers the house to the public for rental, which is through VRBO or for Bed & Breakfast, which is the website. She gave the information to her website designer who did not wait for her approval before posting it on the Internet. Ms. Laverge stated that September was a busy month and she did not have an opportunity to look at the website until she received the Cease & Desist Order. She said that the website was not what she planned to post and she takes responsibility for this oversight. She stated that her point is that she has never offered more than three guest rooms.

Ms. Laverge stated that the "Guest House" is her red bedroom, which was also called "Guest Suite" and "Carriage House". She stated that they always called it a Guest House because it is connected to the main part of the house by a breezeway, under the same roof but has a separate entrance. She stated that as a rental the "Guest House" and main house are offered for rent on the VRBO site. Ms. Laverge stated that this is her livelihood and that she is self-supporting and it is important to make the money to stay in this house or sell it. She stated that she has applied for a studio because she has to shuffle her paperwork between the house and guest house/red room and she would like to have a centralized area to manage and keep her paperwork. Ms. Laverge stated that she was approved for this separate building in September and that is when Mr. Ajello started to question her about the "Guest House." She stated that the studio is being used for storage at the moment until she figures out where things stand regarding her health and the Bed & Breakfast.

Mr. Ajello stated that there is an approval for a detached accessory apartment in the Land Use file and this has added to the confusion. Ms. Laverge stated that that building was not built. Mr. Ajello asked if she plans to do something with that approval. Ms. Laverge responded that she does not have the funds to build the structure at the moment. Mr. Ajello stated that when he read that a guesthouse was available he interpreted this to be a separate building from the house but he understands now that it is a separate part of the main house.

Ms. Hill asked for clarification. She asked if Ms. Laverge rents out the whole house, three Bed & Breakfast rooms and two overflow rooms for the Bed and Breakfast? Ms. Laverge responded that that is not correct and that it is either she rents out the house or take bookings for the B & B. She stated that it is difficult because she needs to know well in advance when someone would like to rent her house so she does not take bookings for that time period for the B & B. Ms. Laverge stated that she lives in the "Guest House" when someone rents the main house and moves her papers with her. She stated that she couldn't do both. Ms. Hill stated that the Health Department approved only one bedroom for the B & B and Ms. Laverge would need to get approval from the Health Department for the two additional bedrooms. Ms. Laverge acknowledged that she understood that now and it was her oversight.

Mr. Werkhoven asked Ms. Laverge to clarify what the "Studio" is and how it is used. Ms. Laverge responded that it is a little barn for storage and paper work and it does not have any plumbing.

Atty. Fisher asked that Ms. Laverge explain what happened with the wedding on her property in September in which a complaint was filed. Ms. Laverge explained how she had given permission to a couple that was renting her house to have a small family wedding on her property and they would arrange everything. She stated that it got bigger and bigger and she should have put a stop to it but she did not have the heart to stop it. Ms. Laverge stated that she had them stop the music at 10:30 pm and people stayed and how the photographer got lost and ended up turning around in the Mathew's driveway and got stuck in the mud and at that point she received an irate phone call from the Mathew's. She stated that they immediately went down and pulled the photographer out and the next morning requested that the young couple go to the Mathew's to apologize.

Ms. Laverge stated that she had agreed to 40 people for the wedding and it ended up being around 75 people in attendance, the music was loud and it was a nightmare and she deeply apologizes.

Mr. Solley asked if she had a lease with these people. Ms. Laverge responded that she did. Mr.

Solley stated that this was a short-term rental and he did not think there are regulations that address uses for renting houses. Mr. Ajello confirmed that the subject of house rentals is not address in the Zoning Regulations.

There was a brief discussion regarding large parties and the Zoning Regulations.

Mr. Fitzherbert stated that the approved business in the residential neighborhood is a 1-guest room Bed & Breakfast and the owner of the business has received a Cease and Desist Order in which she is complying. Mr. Ajello stated that the C & D Order requests that Ms. Laverge is to cease all unauthorized uses and she is permitted 1 guestroom. The Commission must decide whether to revoke Ms. Laverge's Special Permit or let her continue to run her 1 guestroom B & B.

Atty. Fisher stated that his client, Ms. Laverge, takes this very seriously and would like to continue to run her 1 guestroom B & B and revocation would be devastating to her.

Mrs. Mathew's requested to comment. Mr. Fitzherbert stated that this was not a Public Hearing.

Mr. Ajello read the email dated 9-26-12 from Janet Hill to Michael Ajello (on file in the Land Use Office) listing the complaints that the Mathews have regarding Ms. Laverge and the activities occurring on her property.

The Commissioners and Ms. Laverge discussed signs.

Mr. Fitzherbert stated that he was concerned that Ms. Laverge was authorized for one guestroom and she ended up with three but he does believe that it was Ms. Laverge's misunderstanding of the Zoning Regulations. He thinks that Ms. Laverge would have to show the Commission and her neighbors that she is operating a 1 guestroom B & B and is inclined to let her keep her Special Permit to operate the B & B as specified in the Special Permit. Mr. Fitzherbert asked that the other Commissioners share their thoughts as to whether Ms. Laverge's Special Permit should be revoked or whether the Cease & Desist Order should be upheld and she should be allowed to continue to operate the 1 guestroom B & B.

Mr. Dutton stated that Ms. Laverge has the right to operate a one bedroom B & B.

Mr. Werkhoven feels that the Cease & Desist be upheld and Ms. Laverge be allowed to operate a one-guest room B & B.

There was a brief discussion regarding short-term rentals of the house. Ms. Laverge stated that she could work something into the lease that would not allow large parties.

Mr. Abella stated that he is in favor of upholding the Cease & Desist Order and operate a one bedroom B & B.

Mr. Reich stated that he is also in favor or upholding the Cease & Desist Order and he would like the Mathews to know that the Commission that addressed that only one guest room is being offered for the B & B.

Mr. Solley asked Mr. Ajello to clarify the Cease & Desist Order. Mr. Ajello stated that the C & D Order states that the owner must cease all unauthorized activities. Mr. Solley stated that he agrees that the Cease and Desist Order should be upheld and thinks there should be some sort of

probation period.

Mr. Solley read a letter from Josephine Dobkin (neighbor to Ms. Laverge) to whom it may concern, dated October 21, 2012 (on file in the Land Use Office). In the letter Ms. Dobkin states that "Ms. Laverge has been a responsible and helpful neighbor" and that she supports her "running a viable hospitality business from her home".

Motion

to uphold the Cease and Desist Order issued by the ZEO to LaVerge/226 Bee Brook Road for Unauthorized Commercial Use, by Mr. Solley, seconded by Mr. Werkhoven, passed by 5-0 vote.

Smith/35 East Shore Road:

The Commission tabled this discussion for the next regularly scheduled Zoning Commission Meeting on November 26, 2012.

Enforcement Report:

The Zoning Commission considered the Zoning Enforcement Report dated October 22, 2012 (on file in the Land Use Office). Mr. Ajello stated that there are no immediate concerns that need to be addressed.

Adjournment

Motion: to adjourn at 10:55 pm. by Mr. Fitzherbert, seconded by Mr. Werkhoven, passed by 5-0 vote.

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk