

March 25, 2013

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

Alternates Present: Dr. Craparo

Absent: Mr. Dutton, Alt, Mr. Wyant, Alt.,

Staff Present: Shelley White, Janet Hill, Mike Ajello

Others Present: Atty. Fisher, Ms. Laverge, Mr. Laverge, Mr. & Mrs. Payne, Mr. Johnson, Residents

Mr. Reich, Vice Chairman, called the meeting to order at 7:30 p.m.

PUBLIC HEARINGS

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

Laverge/226 Bee Brook Road/Special Permit: Section 13.14/Expand Existing Bed and Breakfast Establishment to Three Rooms:

Ms. Hill read the legal notice published in Voices on March 13 & 20, 2013 and the list of documents in the file for this application.

Atty. Fisher gave a brief background of the existing Bed and Breakfast establishment. He stated that a Special Permit was granted to Ms. Laverge for the Hidden Valley B & B four years ago and the establishment has been very successful so she would like to expand to three guest rooms. He note that there is ample space for parking and that Ms. Laverge runs the B& B from April to November and the other months the house is rented to a single family.

Atty. Fisher addressed the complaints from the two neighbors that share a driveway with Ms. Laverge. It was noted that Ms. Dobkin and Mr. and Mrs. Mathews submitted letters objecting to the expansion of the B & B establishment. He submitted two letters of support from the Johnsons (neighbor) and Ms. Keilty, owner of the Hickory Stick Bookshop and President of the Washington Business Association.

The Zoning Commission discussed it's jurisdiction over the shared driveway. Mr. Ajello stated that Zoning has control over the number of lots that could be developed from the driveway. Atty. Fisher stated that Ms. Laverge and the Mathews have deeded rights to share a 50-foot wide access way that runs from Bee Brook Road to the Mathew's property. He stated that the Mathews only use the last 300 feet and the Dobkins, Ms. Laverge and the Mathews share the first \pm 1300 feet. It was noted that the property line runs midway through the 50-foot wide driveway and there are no restrictions on the deed.

Mr. Fitzherbert stated that the Commissioners had visited the site and asked if they had any questions.

Mr. Reich asked about the intensity of use of the driveway. Ms. Laverge responded that there would be very little increase in traffic on the driveway because she rents the house out to one family from December to March and the Bed and Breakfast is active from April thru November and mostly on weekends or long weekends.

Mr. Werkhoven asked if the directional signs were reflective. Ms. Laverge responded that they are partially reflective and that she would make sure that they are visible at night.

The Commissioners reviewed the letters from Ms. Dobkin dated October 21, 2012 in favor of Hidden Valley Bed and Breakfast and another letter dated March 22, 2013 opposing the expansion of the Bed and Breakfast. They reviewed a letter from Mr. & Mrs. Mathews dated January 31, 2013 opposing the Bed and Breakfast (all three letters on file in the Land Use Office).

The Commission discussed the concerns of the neighbors.

Mr. and Mrs. Payne spoke in favor of the expansion of the Hidden Valley Bed and Breakfast and feel that this is a successful, sustainable business in the Town of Washington.

Mr. Ajello stated that the Zoning Regulations allow the maximum of 3 guest rooms.

Mr. Fitzherbert feels that this is a large, 42-acre property that is tucked away and he does not find a problem with the establishment increasing to 3 guest rooms. He agrees that clearer, reflective signage on Ms. Laverge's side of the driveway would be necessary.

There was a brief discussion regarding the Zoning Regulations on signs.

Mr. Solley asked if this expansion would be added to the existing Special Permit or would a new permit be granted.

The Commission discussed the 3-year length of the Special Permit.

Ms. Laverge stated that most of her customers are parents visiting their children at the local boarding schools and they stay for a long weekend most of the time but there is very little business during the week.

There were no further questions or comments.

Motion:

to close the Public Hearing for Laverge, 226 Bee Brook Road for Request to Revise Special Permit: Section: 13.14: To expand existing Bed and Breakfast establishment to three rooms, by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

8:10 pm

REGULAR MEETING

Seated: Mr. Reich, Mr. Werkhoven, Mr. Abella, Mr. Solley, Dr. Craparo, Alt. (for Fitzherbert)

Consideration of the Minutes

The Commission considered the February 25, 2013 regular Meeting Minutes of the Town of Washington Zoning Commission.

Addition:

Under Zoning Enforcement at the end of the first paragraph, add: The Commission discussed

possible action it could take and decided that the notice on the Land Records was sufficient.

Motion:

to accept the Zoning Meeting Minutes of February 25, 2013 as amended,
by Mr. Abella, seconded by Mr. Werkhoven, passed by 5-0 vote.

The Commission considered the March 5, March 13 & March 20, 2013 Minutes of the Special Meetings of the Town of Washington Zoning Commission.

Motion:

to accept the Zoning Special Meeting Minutes of March 5, March 13 & March 20, 2013 as submitted,
by Mr. Solley, seconded by Mr. Abella, unanimously approved.

The Commission considered the March 13, 2013 Minutes of the Site Visit of the Town of Washington Zoning Commission at 226 Bee Brook Road.

Motion:

to accept the Zoning Special Meeting Site Visit Minutes of March 13, 2013 as submitted,
by Mr. Reich, seconded by Mr. Abella, unanimously approved.

Pending Application(s)

Seated: Mr. Fitzherbert, Mr. Reich, Mr. Werkhoven, Mr. Abella, Dr. Craparo, Alt. (for Solley)
Mr. Solley abstained from voting on this Special Permit for personal reasons. Dr. Craparo was seated.

Laverge/226 Bee Brook Road/Special Permit: Section 13.14/Expand Existing Bed and Breakfast Establishment to Three Rooms:

Mr. Ajello feels that the directional signs should take care of the neighbors concerns about lost drivers and he does not feel that such a low intensity use of the driveway should bring more concern to the neighbors more than any other homeowner. Mr. Fitzherbert stated that the neighbors were concerned about large events being held at the property and he feels that it has been made very clear to Ms. Laverge that these events are not permitted and should not occur again. He said the allowable use is very clear that the house could be rented out as a vacation home or run as a bed and breakfast and any other use would jeopardize the allowable use granted by Special Permit.

Mr. Reich asked what would happen if there were complaints during the three year term of the Special Permit. The Commissioners agreed that this would be an enforcement issue and the Special Permit could always be revoked.

Mr. Fitzherbert stated that he does not see why the Hidden Valley Bed and Breakfast should not be allowed to expand to three guest rooms.

Ms. Hill stated that the Zoning Regulations do not say that a B & B needs a separate driveway.

Mr. Werkhoven feels that night visible directional signs are necessary and must be maintained.

The Commission discussed Section 13.14.8 under *Room and Board or Bed and Breakfast Establishment*: No exterior signs regarding this activity are permitted. The Commissioners agreed that reasonable, minimal directional signs on property owner's side of the driveway.

Ms. Hill asked if Ms. Laverge needs to worry that her B & B would be shut down if an occasional driver pulls in to the wrong driveway because they are lost. The Commissioners agreed that this would not be a reason to jeopardize the establishment because it is an every day occurrence in any town.

It was the consensus of the Commissioners that they did not see any reason to not grant the expansion of the Hidden Valley B & B from one guest room to three guest rooms.

Dr. Craparo implored that there be no further aggravated circumstances with the property owners that share this driveway.

There were no further questions or comments.

Motion:

to approve the Special Permit Application: Section 13.14 submitted by Laverge to expand existing Bed and Breakfast establishment to three rooms at 226 Bee Brook Road, with the condition that appropriate night visible signs are located at possible turn offs,
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Other Business

Mr. Solley was reseated.

Revisions to Zoning Regulations:

Mr. Solley reported the progress of the Zoning Regulation Revision Committee to the Zoning Commission.

Telecommunications Facility-10 Blackville Road:

Mr. Fitzherbert stated that the Town of Washington Zoning Regulations, Section 13.19 *Telecommunication Antennae, Facilities and Antenna Towers Including Personal Wireless Service Facilities and Towers*, was written before the State took over. He said that if there were an application submitted by the Town the Zoning Commission would have to review it against the Town Zoning Regulations and most likely deny it. He continued explaining that the application would still go to the Connecticut Siting Council, which considers the towns zoning regulations, but they can override the Towns decision. Mr. Fitzherbert noted that it is not the Zoning Commissions job to demand somebody submit an application to the Zoning Commission. He has been informed that the company that has the lease with the Town has offered to come to any meetings that the Town asks them to come to. He does not see an application coming to the Zoning Commission for the proposed cell tower at 10 Blackville Road.

Ms. Hill stated that a local attorney informed her that a town resident that wanted to appeal the approval of the cell tower at 10 Blackville Road had approached him. This attorney did not take the case but was concerned that even though the CSC has jurisdiction, the Town gave the Zoning Commission jurisdiction in the Town of Washington Zoning Regulations and therefore residents of

the Town have the right to have their attorneys do a writ of mandamus and force the Zoning Commission to abide by their Zoning Regulations.

The Commission discussed the possibility requiring a cell tower application, reviewing it and then denying it rather as well as requiring an application for the cell tower.

Privilege of the Floor

Ms. Hill distributed a letter address to Mr. Fitzherbert from Christopher Charles LLC, dated March 25, 2013 regarding possible Zoning Regulations for an 8-30g Affordable Housing application and an amendment to Section 13.15 in the Zoning Regulations (on file in the Land Use Office).

Zoning Enforcement

Enforcement Report:

Mr. Ajello, ZEO distributed the Zoning Enforcement Report dated March 25, 2013 (on file in the Land Use Office).

The Commission briefly discussed accessory buildings. Mr. Ajello stated that the Commissioners might want to consider how the Zoning Regulations address structures such as playhouses and tree houses.

Adjournment

Motion:

to adjourn at 8:58 pm. by Mr. Fitzherbert, seconded
by Mr. Solley, passed by 5-0 vote.

Mr. Fitzherbert adjourned the meeting. SUBMITTED SUBJECT TO APPROVAL:
Shelley White, Land Use Clerk