

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Commission Regular Meeting

MINUTES

November 27, 2023

7:30 P.M. – Hybrid Meeting

MEMBERS PRESENT: J. Hill, D. Werkhoven, B. Farrell, V. Andersen, J. Averill

MEMBERS ABSENT: None

ALTERNATES PRESENT: S. Smith

ALTERNATES ABSENT: S. Mongar, L. Adams

STAFF PRESENT: S. White, T. Rill, M. Haverstock

PUBLIC PRESENT: R. Solomon, R. Rebillard, M. Revere, S. Payne, Ann Jamieson (Press: Voices)

PUBLIC HEARING(S):

None.

REGULAR MEETING:

The meeting was called to order at 7:37pm.

ELECTION OF OFFICERS:

MOTION: To nominate and appoint Janet Hill as Chair of the Washington Zoning Commission, by Mr. Farrell, seconded by Mrs. Andersen, approved unanimously.

MOTION: To nominate and appoint David Werkhoven as Vice Chair of the Washington Zoning Commission, by Mr. Farrell, seconded by Mrs. Averill, approved unanimously.

CONSIDERATION OF THE MINUTES:

October 23, 2023, Regular Meeting Minutes:

MOTION: To approve the October 23, 2023, Regular Meeting Minutes of the Washington Zoning Commission, as submitted, by Mr. Werkhoven, seconded by Mrs. Averill, approved unanimously.

November 2, 2023, Special Meeting Minutes:

Mrs. Andersen stated that she had sited the January 7, 2013, Meeting Minutes during the discussion regarding the Settlement Agreement on page 1, paragraph 6 of the November 2, 2023, Meeting Minutes

MOTION: To approve the November 2, 2023, Special Meeting Minutes of the Washington Zoning Commission, as amended, by Mrs. Andersen, seconded by Mr. Farrell, approved unanimously.

November 6, 2023, Special Meeting Minutes:

Chair Hill requested an edit on page 5, first paragraph – “She did not feel that several of the issues brought up by the public were under the Zoning Commission’s jurisdiction.”

MOTION: To approve the November 6, 2023, Special Meeting Minutes of the Washington Zoning Commission as amended, by Mr. Werkhoven, seconded by Mrs. Averill, approved unanimously.

PENDING APPLICATIONS:

None.

NEW APPLICATIONS:

None.

OTHER BUSINESS:

Discussion regarding 12.5.2 – Accessory Structures:

Mrs. White distributed the comments from Chair Hill and Mrs. Andersen regarding Section 12.5.2. She would like more feedback from the Commissioners as well.

Chair Hill stated that she believed there were two separate issues at hand– one would be the Commission’s thoughts in general regarding Accessory Structures, the second would be if this would be something to consider under Regulation Section 13.16 - Shop and Storage Use. She questioned if there could be revisions made that would allow a “break” under a Special Permit but added the importance of protecting a residential neighborhood as well.

The Commission discussed a possible increase in setbacks for the structures, noting that under a Special Permit, the Commission could add language to implement that.

The Commission agreed to form a subcommittee on the matter that will meet to discuss and brainstorm ideas. Chair Hill, Mr. Werkhoven and Mrs. Averill will be joining Ms. White on Thursday, December 14, 2023, at 5:00pm in the Main Conference Room at Bryan Memorial Town Hall.

PA-23-142 – Group Day Care Home Compliance:

Ms. White informed the Commission that this Public Act went into effect on October 1, 2023, and the Washington Zoning Commission needs to confirm if the current regulations comply with this act. Ms. White requested that the Commission review the current regulations and prepare for a discussion at the December 18, 2023, meeting.

Enforcement:

Ms. Haverstock presented her monthly report to the Commission (please see attached).

She added that noticeably, property owners that come in for pre-application meetings the permitting process runs more smoothly than those that do not have pre-application meetings.

Mrs. Andersen questioned if 101 Wykeham, LLC had filed the necessary paperwork to surrender the ability to pursue a public or private school or university on the property for 50 years. Land Use staff agreed to verify this information.

Invoices and Communications:

Ms. White informed the Commission that there is approximately \$3,700 left in the budget until the fiscal year ends on June 30, 2024.

Privilege of the Floor:

Mrs. Solomon began by congratulating Mrs. Averill and Mr. Werkhoven for their recent election victories. She also thanked the entire Commission for their service.

She then asked if there had been any more information regarding Cardinal Engineering's final review, and if it had been provided to the Commission. Ms. White stated that she was unsure if Cardinal would be providing the final review or not but would reach out to them the following day.

Mrs. Solomon added that she felt Attorney Zizka had implied a threat to the Commission by stating that he feared the Commission was putting themselves at risk for a civil lawsuit for deliberate delay. Mrs. Andersen agreed with Mrs. Solomon, adding that she had noted in previous meetings that 101 Wykeham, LLC had not supplied any information to the Commission for several months and would then flood the Commission with information. Mrs. Solomon reiterated that she felt the Cardinal Engineering final review was pertinent information that the Commission needs, and felt the ball was dropped repeatedly over an 8-month span. She asked Ms. White if she felt it was her responsibility to follow up with Cardinal Engineering or the Zoning Commission Chair's. Ms. White clarified that she takes direction from the Commission and/or legal counsel and that had followed up when directed to do so. She stated that she would contact Cardinal Engineering regarding a final review. Mrs. Andersen added that due to the project being an ongoing process with 41 Conditions, that the Cardinal review should be ongoing so that the town's Building Inspector would be aware of the situation and that the Conditions were being met. Ms. White explained that there were several Conditions that were categorized as ongoing as they would be finalized during construction. Mrs. Solomon stated that her concern is that the project is very complicated, adding that the applicant has not been very good at following any precision and they needed to stay on top of it. She requested that the Commission put a procedure into place moving forward as to how information would be channeled. She added that she believed Attorney Zizka made decisions and presented them to the Commission and then compelled the Commission to take a vote so that it could be done prior to former Chair Solley stepping down from the Commission.

Chair Hill and Mr. Werkhoven assured Mrs. Solomon that they did not take Attorney Zizka's statement as a threat. Chair Hill stated that Ms. White was going to look into the review by Cardinal.

Administrative Business:

Chair Hill announced that for the first time in 84 years of the Zoning Commissions history, five out of the eight members elected are women.

Adjournment:

MOTION: To adjourn the November 27, 2023, Washington Zoning Commission Regular Meeting at 8:46pm, by Mr. Werkhoven, seconded by Mr. Farrell, approved unanimously.

Meeting Recording can be found here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/jrebillard_washingtonct_org/EQEF_Mc_HupGnBif00A1QvoBnsocF9q4wZq3MRRHcEpkYA?e=FYzfD8

Respectfully Submitted,

Tammy Rill

Land Use Clerk

December 4, 2023