TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Commission Regular Meeting

**MINUTES**

May 24, 2021

7:30 P.M. – Meeting Via Zoom Conference

**MEMBERS PRESENT:**  Chairman Solley, Mr. Reich, Ms. Hill, Ms. Radosevich, Mr. Werkhoven

**ALTERNATES PRESENT:**  Ms. Smith

**ALTERNATES ABSENT:** Mr. Sivick

**STAFF PRESENT:** Ms. White, Ms. Rill

**PUBLIC PRESENT:** R. Solomon, K. Jeon, R. Parker, A. Dyer, S. Branson, M. Gil-Rogers, W. Hileman, P. Talbot, S. Averill, J. Averill, T. Averill, H. Barnet, T. Zorn, L. Reynolds, P. Rogness, D. Tagley, J. Lodsin, Other Members of the Public

The meeting was called to Order at 7:33pm.

Chairman Solley, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich were seated for the Regular Meeting.

**CONSIDERATION OF THE MINUTES:**

**MOTION: To approve the April 26, 2021 Meeting Minutes as submitted, by Ms. Hill, seconded by Mr. Reich, passed 5-0 vote.**

**NEW APPLICATIONS:**

There were no New Applications for this evenings meeting.

**PENDING APPLICATIONS:**

There were no Pending Applications for this evenings meeting.

**OTHER BUSINESS:**

**Discussion Regarding J. Hill’s Draft of Revisions to the Woodville Business District**:

Ms. Hill submitted the following draft for the Commissioners consideration:

“Second Draft: Revision of Business District Regulations 5/20/2021

Commissioners:

Upon review of Draft #1, which was sent out last week, Nick made the following additional recommendations now incorporated in Draft #2:

1. Use the normal underlining and bold caps to more clearly indicate the proposed revisions.
2. To come closer to the goal of identical language and requirements for each of the business districts as recommended by the Planning Commission, add a development options section to each district. New Preston already had this in the current section 7.8 and Marbledale in section 9.5 so this language was copied for the Depot and Woodville.
3. Again, to come closer to the goal of identical language and requirements for each of the business districts, match Marbledale’s 50 percent limitation for increase in coverage and reduction of setback requirements per Special Permit as specified in Marbledale’s current sections 9.5.1 and 9.5.3.
4. Correct the footnote on page 25.

Three more issues still to be considered:

1. Regarding the split lots in the business districts: Will there be a minimum setback requirement from the district boundary line and if so, what will it be?
2. The section on split lots was added to Woodville to help meet the goal of identical language for the business districts. However, currently there are no lots divided by the district boundary line in the Woodville business district. Will we retain this section as proposed?
3. Should a new section 11.6.3 be added to address the minimum setback distance from any zoning district boundary line in cases when a Special Permit is granted per Section 7.8.1, 8.5.1, 9.5.2, or 10.5.1? If so, the current 11.6.3 would be renumbered 11.6.4.

Janet

Underlined: language to be deleted

**BOLD CAPS:** proposed new language

7.5 **Maximum lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase **UP TO 50 PERCENT** in the maximum permitted lot coverage if….

7.6 **Minimum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction **UP TO 50 PERCENT** in the minimum setback and yard dimensions if….

7.8.1 A waiver of Section 3.2 of these Regulations, which requires that a lot situated in two districts must be governed in its entirety by the more restrictive district conditions. **SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B1 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B1 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B1 DISTRICT.**

Page 25 Footnote:

Sections 17.8, 17.8.1, and 17.9 adopted 12/17/18

Sections **7.8, 7.8.1, AND 7.9** adopted 12/17/18

8.5 **DEVELOPMENT OPTIONS PERMITTED BY SPECIAL PERMIT. THE COMMISSION MAY PERMIT ONE OR MORE OF THE FOLLOWING SITE DEVELOPMENT OPTIONS UPON APPROVAL OF A SEPARATE SPECIAL PERMIT APPLICATION. TO BE CONSIDERED FAVORABLY, THE APPLICANT MUST DEMONSTRATE TO THE COMMISSION’S SATISFACTION THAT THE REQUIREMENTS AND CONDITIONS OF SECTIONS 8.6, 8.7, AND ALL OTHER APPLICABLE SECTIONS OF THESE REGULATIONS HAVE BEEN MET.**

**8.5.1 SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B2 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B2 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B2 DISTRICT.**

The current 8.5 is renumbered 8.6.

8.6 **Maximum Lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase **UP TO 50 PERCENT** in the maximum permitted lot coverage if….

The current8.6 is renumbered 8.7.

8.7 **Maximum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction **UP TO 50 PERCENT** in the minimum setback and yard dimensions if….

The current 8.7 is renumbered 8.8.

9.5.2 A waiver of Section 3.2 of these Regulations, which requires that a lot situated in two districts must be governed in its entirety by the more restrictive district conditions.

**SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B3** **DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B3 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B3 DISTRICT.**

10.5 **DEVELOPMENT OPTIONS PERMITTED BY SPECIAL PERMIT. THE COMMISSION MAY PERMIT ONE OR MORE OF THE FOLLOWING SITE DEVELOPMENT OPTIONS UPON APPROVAL OF A SEPARATE SPECIAL PERMIT APPLICATION. TO BE CONSIDERED FAVORABLY, THE APPLICANT MUST DEMONSTRATE TO THE COMMISSION’S SATISFACTION THAT THE REQUIREMENTS AND CONDITIONS OF SECTIONS 10.6, 10.7, AND ALL OTHER APPLICABLE SECTIONS OF THESE HAVE BEEN MET.**

**10.5.1 SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B4 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B4 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B4 DISTRICT.**

The current 10.5 is renumbered 10.8.

**10.6 MAXIMUM LOT COVERAGE. THE COMMISSION MAY, BY SPECIAL PERMIT, UPON REVIEW OF A SITE PLAN AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, APPROVE AN INCREASE UP TO 50 PERCENT IN THE MAXIMUM PERMITTED LOT COVERAGE IF:**

**10.6.1 THE PROPOSED LOT COVERAGE WILL ENHANCE THE VILLAGE CHARACTER OF THE DISTRICT BY MAKING THE PROJECT MORE IN KEEPING WITH THE COVERAGE, BUILDING SPACING, BUILDING ALIGNMENT, PEDESTRIAN AND VEHICULAR ACCESS, AND OTHER CHARACTERISTICS GENERALLY ESTABLISHED BY NEIGHBORING EXISTING LOTS AND BUILDINGS IN THE DISTRICT, AND 10.6.2 THE PROPOSED PROJECT IS HARMONIOUS IN STYLE, SIZE, AND PROPORTION WITH ARCHITECTURE TYPICAL ELSEWHERE IN THE DISTRICT, AND EMPLOYS BUILDING MATERIALS THAT ARE HARMONIOUS IN APPEARANCE WITH THOSE TYPICAL ELSEWHERE IN THE DISTRICT. 10.6.3 THE APPLICANT SHALL PROVIDE SURVEYS, PHOTOGRAPHS, ARCHITECTURAL DRAWINGS, EXPERT OPINIONS, OR OTHER INFORMATION TO SUPPORT THE APPLICATION. 10.6.4 IN REVIEWING AN APPLICATION PURSUANT TO THIS SECTION 10.6, THE COMMISSION MAY TAKE INTO CONSIDERATION ANY EXISTING AND PROPOSED OUTDOOR STORAGE ON THE LOT OF MERCHANDISE, GOODS, SUPPLIES, MACHINERY, MOTOR VEHICLES, AND OTHER EQUIPMENT AND MAY CONDITION THE SPECIAL PERMIT UPON AN APPROPRIATE LIMITATION OR PROHIBITION ON SUCH OUTDOOR STORAGE IN ORDER TO PRESERVE THE VILLAGE CHARACTER OF THE DISTRICT.**

**10.7 MINIMUM SETBACK AND YARD DIMENSIONS. THE COMMISSION MAY, BY SPECIAL PERMIT, UPON REVIEW OF A SITE PLAN AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, APPROVE A REDUCTION UP TO 50 PERCENT IN THE MINIMUM SETBACK AND YARD DIMENSIONS IF:**

**10.7.1 THE REDUCTION, AS DETERMINED BY GRAPHICAL AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, WILL ENHANCE THE VILLAGE CHARACTER OF THE DISTRICT BY ALIGNING THE PROPOSED STRUCTURE OR STRUCTURES GENERALLY WITH NEIGHBORING EXISTING BUILDINGS IN THE DISTRICT, AND WILL MAINTAIN BUILDING SPACING, STREETSCAPE ELEMENTS, AND PEDESTRIAN ACCESS GENERALLY ESTABLISHED BY NEIGHBORING EXISTING BUILDINGS IN THE DISTRICT, AND 10.7.2 THE PROPOSED PROJECT IS HARMONIOUS IN STYLE, SIZE, AND PROPORTION WITH ARCHITECTURE TYPICAL ELSEWHERE IN THE DISTRICT, AND EMPLOYS BUILDING MATERIALS THAT ARE HARMONIOUS IN APPEARANCE WITH THOSE TYPICAL ELSEWHERE IN THE DISTRICT. 10.7.3 THE APPLICANT SHALL PROVIDE SURVEYS, PHOTOGRAPHS, ARCHITECTUAL DRAWINGS, EXPERT OPINIONS, OR OTHER INFORMATION TO SUPPORT THE APPLICATION. 10.7.4 IN REVIEWING AN APPLICATION PURSUANT TO SECTION 10.7, THE COMMISSION MAY TAKE INTO CONSIDERATION ANY EXISTING AND PROPOSED OUTDOOR STORAGE ON THE LOT OF MERCHANDISE, GOODS, SUPPLIES, MACHINERY, MOTOR VEHICLES, AND OTHER EQUIPMENT AND MAY CONDITION THE SPECIAL PERMIT UPON AN APPROPRIATE LIMITATION OR PROHIBITION ON SUCH OUTDOOR STORAGE IN ORDER TO PRESERVE THE VILLAGE CHARACTER OF THE DISTRICT.”**

The Commission discussed the changes Ms. Hill had made.

Mr. Reich questioned the increase of up to 50 percent under revised Section 10.6 – Maximum Lot Coverage. As an example, Ms. Hill stated that if the front yard setback were 50 feet, under Special Permit in the Business District the owner could ask for a reduction in setback of 25% - which would make the setback now 25 feet.

The Commission agreed to review the language once again, as well as providing a copy to Attorney Zizka to review. From there the Commission will vote to send the language to the Planning Commission as well as the Northwest Hills Council of Governments, possibly at the June Zoning Commission Meeting.

**Discussion Regarding Further Revisions to Zoning Regulations Section - 12.8 – Temporary Uses - temporary trailers for seasonal farm workers (39min 35sec):**

Ms. White received feedback from Ms. Futh of Starberry Farm as well as Ms. Averill from Averill Farm. Both stated that six weeks, (the proposed allowable time frame for a trailer to be parked on the farms property for housing), is simply not long enough. Ms. Averill also questioned why, in the proposed language, a trailer/RV was required to be parked 50-feet away from the property line, but were only required to be parked 25-feet if the trailer/RV belonged to a visiting friend or relative. Ms. Averill added that asking for the trailer to be removed off of the property after use was “onerous”, and questioned why they could not be kept on a property year round.

Mr. Reich questioned if fruit farmers were the only farms that were facing this issue.

Mr. Averill of Averill Farm stated that his family harvested much more than just fruit. Their farm also harvested hay, flowers, Christmas trees and vegetables all throughout the year. Chairman Solley questioned if there would be a need for year round trailers for out-of-town workers. Mr. Averill stated that there would definitely be a need. Currently, the farm is finding it more and more difficult to hire local help and felt that offering housing at the farm would be enticing for perspective employees.

Chairman Solley asked Mr. Averill if he could envision how many trailers would be needed for the workers. Mr. Averill stated that he was unsure how many trailers would be needed, but could not understand why the Commission wanted to limit farms in this way.

Mr. Werkhoven stated that he felt that the Commission had proposed a limitation on the amount of weeks a trailer could be parked on a farm was from the Commissions lack of understanding how long it would be needed for.

Ms. Dyer, a Washington resident, stated that she was heavily involved in the farming community as a member of the Litchfield Farmers Forum as well as the Connecticut Farm Bureau. She asked the Commission to consider ways to help young, second generation farmers and support them however possible. She explained farming has a high burn-out rate and it was becoming more and more difficult to find workers in our area, and that putting a time limit such as six-weeks only made this more difficult.

Ms. Hill stated that the Commission’s intention was to help the farming community, and felt that completely starting over with the language with the input of local farms was the best idea. Mr. Reich stated that he had not understood the amount of time that was needed for harvesting and wished to learn more. Chairman Solley agreed with Ms. Hill and felt that the Commission could take the comments made tonight into consideration when moving forward, as well as gathering information from other area towns.

**ENFORCEMENT REPORT (1hr. 03min 12sec.):**

57 Flirtation Avenue – Mr. Ryder submitted the lot line revision for his property. Eversource now needed to submit their end of the application and a Mylar map needed to be filed with the Town Clerk before it becomes valid.

60 River Road – There had been numerous questions regarding the farm status of this property and what was grown on premises.

101 Wykeham Road – There ha has not been any communication with the property owner, engineer or developer or attorney.

289 Litchfield Turnpike – Questions surfaced regarding the status of this property possibly being an auto repair shop. The Enforcement Officer has taken photographs of the property from across the street. There has been no contact with the property owner.

Ms. Hill clarified that she is not concerned with the farming happening at 60 River Road. She stated that she is concerned with the size of the barn, an accessory building that seems much larger than what is allowed, unless the structure is for a farm – which is why she had asked the Enforcement Officer to take a few photos to prove there was farming happening on the property and he had not done so.

Chairman Solley had questioned if the Enforcement Officer had checked on 37 Old Litchfield Road regarding a garage that seemed much larger than the main dwelling. Ms. White stated that she had not received any additional information for the property. Chairman Solley stated that he had asked the Enforcement Officer to look at the permit issued for the garage, then check on the square footage of the main dwelling. Ms. White stated that she would look into the issue.

**COMMUNICATIONS (1hr. 17min. 09sec.):**

Letter from H. Barnet Regarding Settlement Agreement – 101 Wykeham Road:

Attorney Zizka had responded to Mr. Barnet’s letter by referencing his April response on the matter.

Ms. Hill stated that she disagreed with Attorney Zizka’s opinion, explaining that an inn had been approved for the property, therefore the driveway should be abandoned off of Bell Hill Road.

Chairman Solley questioned if the Zoning Commission wished to send the owner of 101 Wykeham Road a statement clarifying that the access way should be abandoned. Mr. Werkhoven stated that he felt that notifying the owner of 101 Wykeham Road that the use of the driveway caused issues, including incurring attorney costs. The Commission agreed. The Commission however did not agree if whether the Commission itself should send the letter, or if the Enforcement Officer should do so.

Ms. Radosevich stated that she agreed that a letter should be sent, however she did not think the current Enforcement Officer would distribute the letter the way the Commission would like. Mr. Reich agreed stating that he had asked Mr. Tsacoyannis to look into 289 Litchfield Turnpike and did not feel as though he had really done so. Ms. Radosevich added that when she had brought up the helipad issue at previous meetings, she did not understand why Mr. Tsacoyannis had not enforced the issue, as helipads were not allowed in Washington, and the real estate agent for the property on Romford Road had been advertising the property as having a helipad.

Ms. Tagley, a resident of Sabbaday Lane in Washington stated that in recent months a helicopter had been landing in a field across from her home, and as recent as a few weeks ago two helicopters had landed in the field. The noise, she explained, was incredible and shook her home. This happened at night.

Ms. Radosevich stated that she has looked into the issue further and discovered that a helipad was not defined by a particular shape or structure. Ms. Tagley stated that she had spoken to First Selectman Brinton and was now coming to the Zoning Commission before this became a trend and an issue. Ms. Radosevich stated that this is, in her opinion, an Enforcement issue. The Commission agreed that the Enforcement Officer needs to contact the owners of the properties in question, and inform them that helipads are not allowed in Washington. Mr. Reich stated that the Commission really needed to decide if they wanted helicopters allowed in Washington or not and state so. A helicopter lands where it is safe to do so, not on a particular area marked out, he explained. He added that there should also be a discussion with the Board of Selectman on the issue, to hear their thoughts.

**PRIVILEGE OF THE FLOOR (1hr. 46min. 32sec.):**

Ms. Gil-Rogers stated that she is a neighbor of 60 River Road and agreed with Ms. Radosevich’s statement that there is an enforcement issue in Washington, explaining that there was no farming happening at her neighbors address and that the Enforcement Officer was doing nothing about it.

**ADMINISTRATIVE BUSINESS:**

There was no Administrative Business for tonight’s meeting.

**ADJOURNMENT:**

**MOTION: To adjourn the May 24, 2021 Washington Zoning Commission Meeting at 9:17pm, by Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.**

**Respectfully Submitted,**

**Tammy Rill**

**Land Use Clerk**

**May 25, 2021**

<https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/Ec6fIrAHgiZMtGBBSpTh0nIBcyueeToznj108AfL1srxug?e=Xi2mM6>