

TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Commission Regular Meeting

MINUTES

October 25, 2021

7:30 P.M. – Hybrid Meeting

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

ALTERNATES PRESENT: Ms. Smith, Ms. Anderson

ALTERNATES ABSENT: Mr. Sivick

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

PUBLIC PRESENT: T. Gugel, M. Gugel, D. Tagley, R. Owens, J. Shrednick, R. Solomon, S. Branson, M. Connor, C. Koppel, Other Members of the Public

The meeting was called to Order at 7:30pm.

Chairman Solley seated himself, Ms. Hill, Mr. Werkhoven, Mr. Reich and Ms. Radosevich.

PUBLIC HEARING(S):

Revisions to the Washington Zoning Regulations – Definition of Helipads:

Ms. White read the call which is an addition to Section 21: Definitions – 21.1.36 – Helipads, of the Washington Zoning Regulations. The language is as follows:

“Helipad: An area of land or surface of a structure used for the taking off and/or landing of any helicopter for private or commercial use.”

The decision to add the definition of Helipads was based on several complaints of helicopters taking off and landing in the areas of Sabbaday Lane as well as Revere Road. Helicopters taking off and landing in Washington has not been permitted for some time, with the exception of Lifestar or emergency landings. The Commission felt that a definition of Helipads was needed so that the regulations could be enforceable.

Mr. Koppel of Sabbaday Lane stated that he had not been notified of helicopters taking off and landing in this area, and he was the owner of the property that the helicopters were allegedly taking off and landing from according to complaints.

MOTION: To close the Public Hearing regarding Revisions to Washington Zoning Regulations – Definition of Helipads, by Mr. Reich, seconded by Ms. Hill, passed 5-0 vote.

Request of Wright, 202 Baldwin Hill Rd, for a Special Permit, Section 13.11.3 - Detached Accessory Apartment:

Mr. Gugel, representative for the property owner, stated that the proposed Detached Accessory Apartment would be used as an in-law apartment for his fiancée’s parents to reside in when they visit for holidays and Summer. The proposed is 1,188 square feet of living space and has Health Department approval. The proposed will have one bedroom, one full bathroom and kitchen.

Mr. Gugel clarified that the basement area will have a stairwell, but will not be finished and will be used for utilities and storage only. He added that in order to address the volume regulations, he will raise the grade around the entire structure to meet the height requirements, making the total volume 25 feet, 7 inches.

MOTION: To close the Public Hearing regarding Request of Wright, 202 Baldwin Hill Rd, for a Special Permit, Section 13.11.3 - Detached Accessory Apartment, by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.

REGULAR MEETING:

The Regular Meeting was called to order at 7:49pm, with Chairman Solley, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich seated for the Regular Meeting.

Consideration of the Minutes:

Chairman Solley proposed the following correction:

To the September 27, 2021 meeting minutes, page 2 – “Ms. Gorra added that concerning setbacks and lot coverage, she felt that Washington had very few undeveloped lots currently....”

Chairman Solley requested that the word, “commercial” be added to, “....very few undeveloped *commercial* lots”.

Ms. Hill proposed the following correction:

Page 4, “MOTION: To Defer the Public Hearing regarding Revisions of the Zoning Regulations....”

Edit the phrase, “Public Hearing” to “deliberations”.

Ms. Radosevich proposed the following correction:

Page 3, “Attorney Zizka stated that he received dated September 26, 2021 from Ms. Purnell....”

Add the word, “letter” between “received” and “dated”.

Ms. Rill stated that she had received the following communication from Ms. Purnell:

“Good afternoon Tammy,

I read through the draft minutes of the last WZC regular meeting, and I have a suggested edit for your/the commission's consideration:

- **Privilege of the Floor** section on page 5 - My question to the WZC was essentially: *What's the best way for the public to participate in the administrative process for 101 Wykeham, especially now that a Special Meeting (not a Public Hearing as the draft minutes currently reflect) has been scheduled?*

I was not asking the question solely for myself, but for all those who might like to provide information or to address the WZC on matters pertaining to 101 Wykeham's "compliance" with their 2018 permit modification approval. If it's at all helpful, you can listen to the brief exchange on the recording at 1:39:18 to 1:41:18.

Thank you Tammy.

Appreciatively,
Margie”

MOTION: To accept the September 27, 2021 Regular Meeting Minutes and the October 14, 2021 Special Meeting Minutes, as amended, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

PENDING APPLICATIONS:

Revisions to Washington Zoning Regulations – Definition of Helipads:

MOTION: To approve the Revisions to Washington Zoning Regulations – Definition of Helipads, by Mr. Werkhoven, seconded by Ms. Radosevich, passed 5-0 vote.

Request of Wright, 202 Baldwin Hill Rd, for a Special Permit, Section 13.11.3 - Detached Accessory Apartment:

MOTION: To approve the Request of Wright, 202 Baldwin Hill Rd, for a Special Permit, Section 13.11.3 - Detached Accessory Apartment, with the following conditions; 1.) the 1188 square footage is the first and second floor only, and the basement shall not be finished and used for utilities only. Motion made by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

NEW APPLICATIONS:

Request of Kohn, 23 Ferry Bridge Road, for a Special Permit, Section 13.11.3 – Detached Accessory Apartment:

Mr. Owens, representing the property owner, presented the completed application for a proposed one bedroom, detached accessory apartment that is less than 1200 square feet.

The Commission accepted the application and scheduled the Public Hearing.

MOTION: To schedule the Public Hearing for the Request of Kohn, 23 Ferry Bridge Road, for a Special Permit, Section 13.11.3 – Detached Accessory Apartment, for November 22, 2021 at 7:30pm at Bryan Memorial Town Hall and via Zoom Video Conference, by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

Request of Region 12 School District, 159 South Street, Modification to Special Permit issued 4/23/2018, Section 4.4.10, relocate athletic equipment storage shed:

This Application has been withdrawn.

OTHER BUSINESS:

Request of the Washington Conservation and Inland Wetlands Commissions – proposed Tree Clear Cutting Regulations:

The Conservation Commission has requested that the Zoning Commission review suggested language and consider proposing a Tree Clear Cutting Regulation.

The Zoning Commission questioned if this was a formal petition.

Ms. Branson stated that she did not believe it was a petition, just a request to consider adding a regulation for Tree Clear Cutting. The Conservation Commission had developed draft language and were hoping the Zoning Commission would consider them and add or clean up what they have submitted.

Chairman Solley stated that Section 14 would be the proper section for the proposed regulation and the Zoning Commission could begin discussions regarding the matter.

The Commission discussed how this process may work, with Mr. Reich voicing concerns over enforcing a regulation such as this. Ms. Hill stated that clear cutting was not addressed in the proposed language and should be clarified.

Chairman Solley requested that the Commissioner's review the submission and decide the next steps at a future meeting.

Vote to Authorize Washington Zoning Enforcement Officer and Deputy Zoning Enforcement Officer on behalf of the Zoning Commission:

Chairman Solley stated that Attorney Zizka has suggested that the Zoning Commission take an official vote to accept Ms. Haverstock as their new Zoning Enforcement Officer and Ms. White as the Deputy Enforcement Officer and that both will be reporting to the First Selectman and acting on behalf of the Zoning Commission.

The Commission questioned how this came to be. Ms. Haverstock explained that to her understanding this is how it had been done historically. The Land Use Department along with First Selectman Brinton, Chairman Solley, Vice Chairwoman Hill and Inland Wetlands Chairman Bob Papsin had met and discussed the protocol of whom the ZEO and Deputy ZEO will be reporting to, and Attorney Zizka had suggested that a Motion be made for future clarification.

MOTION: For the Washington Zoning Commission to accept the appointment of MaryAnn Haverstock as the Zoning Enforcement Officer and Shelley White as the Deputy Zoning Enforcement Officer, by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

ENFORCEMENT:

Ms. Haverstock reported that 23 permits were issued in the month of October to date.

Five Certificate of Zoning Compliance reports were issued.

Ms. Haverstock stated that there were a few properties of concern, adding that this did not mean there were any issues, just that there had been a concern brought to the Land Use Departments attention, and she had reached out to the property owners to discuss the concerns and resolve any issues there may be.

37 Old Litchfield Road: an issue concerning a barn that may have been larger than the main dwelling has been inspected, resolved, and a Certificate of Zoning Completion had been given to the property owner.

253 Old Litchfield Road: concern from Commission regarding temporary structures (trailer/shipping container on the premises). Ms. Haverstock has reached out to the property owner via Certified Letter. The letter had been received, but Land Use has not had a response to date.

57 Flirtation Avenue: several permit applications have been submitted to the Land Use Office. A zoning permit had been issued to the property owner, however there had been a few changes to the submission that were addressed and a revised permit was issued. Ms. White clarified that there were aspects of the project that were not permissible according to the Zoning Regulations, and the property owner made the changes to resolve the issues. The Land Use Department is now addressing issues with fencing surrounding the property. Ms. White has asked the property owner for an application for the fence and a walkway that are currently on the property. The property owner has also submitted an application for a detached accessory apartment, however, Ms. White explained that there would not be enough lot coverage for the apartment based on the current percentage that is being used.

Advertising Flags on Route 202: The property owner had been contacted and the flags have been taken down.

236 Nettleton Hollow: concern that the site had not been built within the same footprint, site visit confirmed it had been built within same footprint.

60 River Road: a building on the premises had been reported, however the building was on the plans and had been approved.

207 Bee Brook Road: a fence had been placed that was not permitted. A letter has been sent to the property owner with no response to date.

Mr. Reich questioned if there were any outstanding Cease and Desist Orders. Ms. Haverstock stated she had not issued any Cease and Desist Orders. Ms. White stated that the only Cease and Desist Order issued from the Land Use Department was for the Mayflower due to noise, but that the event season would be finished on November 1st, and The Mayflower expressed that they would be remedying the situation and would apply for proper permits when the time comes.

COMMUNICATIONS:

Ms. White confirmed that there would be a Special Meeting held by the Zoning Commission on Thursday, November 4, 2021 at 5:00pm to discuss the Land Tech Report regarding 101 Wykeham Road.

PRIVILEGE OF THE FLOOR:

None.

ADMINISTRATIVE BUSINESS:

None.

ADJOURNMENT:

MOTION: To adjourn the Washington Zoning Commission meeting at 9:00pm, by Mr. Werkhoven, seconded by Chairman Solley, passed 5-0 vote.

A recording of this meeting can be listened to here:

<https://1drv.ms/u/s!AhqOocBm3HM3iTKMpO6Jzjb3cZS?e=rpU6xw>

Respectfully Submitted,

Tammy Rill

Land Use Clerk

October 29, 2021

Revised November 4, 2021 with correct recording link

*Minutes are subject to Approval