

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

MINUTES

December 20, 2021

7:30 P.M. – Hybrid Meeting

MEMBERS PRESENT: Chairman Solley, Ms. Hill, Mr. Werkhoven, Mr. Farrell

MEMBERS ABSENT: Ms. Radosevich

ALTERNATES PRESENT: Ms. Smith, Mr. Mongar

ALTERNATES ABSENT: Ms. Andersen

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

PUBLIC PRESENT: J. Kelly, R. Solomon, M. Solomon, J. Rosenberg, S. Branson, H. Barnett

PUBLIC HEARING(S):

Request of Rosenberg-Murphy, 72 Upper Church Hill Rd., for a Special Permit, Section(s): 4.4.8 – Uses Permitted by Special Permit and 13.11.3 – Accessory Apartment – Detached:

Attorney Kelly, representing the property owner, stated that his clients were requesting a Special Permit for a detached accessory apartment which was permitted as an art studio and pool house by a previous owner. That owner had added a full bath and kitchen – both of which were not permitted, unbeknownst to the current owner. When the current property owners discovered the apartment was not permitted, they removed the kitchen appliances and bed so that the structure was conforming, but are now requesting to convert the space back to a detached apartment. The square footage of the area 1,144 sq. feet, which would include the main room, bathroom and loft.

Ms. Hill noted that in section H of Ms. White's Completion Report it states that, "The apartment shall utilize the same driveway as the principal use", however the map provided by the applicant shows two driveways and Attorney Kelly had stated in his presentation that the second driveway would be utilized. Attorney Kelly explained that both driveways were used, however most of the parking was by the main house.

Ms. Hill stated that she would like to flag that Section of the Regulations for future review.

MOTION: To close the Public Hearing for the Request of Rosenberg-Murphy, 72 Upper Church Hill Rd., for a Special Permit, Section(s): 4.4.8 – Uses Permitted by Special Permit and 13.11.3 – Accessory Apartment – Detached, Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

REGULAR MEETING:

Chairman Solley called the Regular Meeting to order at 7:52pm.

He seated Ms. Hill, Mr. Werkhoven, Mr. Farrell and Ms. Smith.

CONSIDERATION OF THE MINUTES:

Ms. Hill made the following corrections:

November 29, 2021 Minutes:

Page 1: Edit to, "Discussion Regarding 101 Wykeham, LLC – Zoning Compliance".

Page 2: Edit to, "Ms. Hill counted 46 units, which is less than the 54 units permitted per the Settlement Agreement, but which may or may not be a concern for the Health Department as it is more units than the applicant stated."

Page 2, number 4: "The restaurant is limited to a total of 68 seats, which includes a maximum of 30 outdoor seats".

Also, add to second sentence: "Mrs. Hill stated the lounge was closer to the kitchen than the dining room, was connected to the kitchen staff area by a double door, and there was no door between the lounge and the dining room so she thought there would be no way to prevent serving meals in the lounge, then continue with, "Mrs. Hill stated that the "lounge""

Page 2, number 6: "Mrs. Hill stated that the site plan showed the limit of disturbance line included the entire Bell Hill driveway, which was supposed to be abandoned per the Settlement Agreement".

Chairman Solley added that in the November 22, 2021 Minutes under "New Applications" it should read, "for a detached accessory apartment", not attached.

MOTION: To approve the November 22, 2021 Regular Meeting Minutes, the November 29, 2021 Special Meeting Minutes, and the December 7, 2021 Special Meeting Minutes, with corrections to the November 22, 2021 and the November 29, 2021 Meeting Minutes, by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

PENDING APPLICATIONS:

Request of Rosenberg-Murphy, 72 Upper Church Hill Rd., for a Special Permit, Section(s): 4.4.8 – Uses Permitted by Special Permit and 13.11.3 – Accessory Apartment – Detached:

MOTION: To approve the Request of Rosenberg-Murphy, 72 Upper Church Hill Rd., for a Special Permit, Section(s): 4.4.8 – Uses Permitted by Special Permit and 13.11.3 – Accessory Apartment – Detached, by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Chairman Solley reminded the Commission that there were two Public Hearings coming up for the January 24, 2022 Regular Meeting at 7:30pm as well as a Special Work Session meeting regarding 101 Wykeham, LLC on January 25, 2022 at 5:00pm in the Main Meeting Room of Bryan Memorial Town Hall and via Zoom Video Conference.

OTHER BUSINESS:

Discussion Regarding Proposed Tree Cutting Regulations with Conservation Chair:

Conservation Chair, Ms. Payne was not available for the meeting, so Ms. Branson, whom was also involved in crafting the language of the proposed Regulation, would speak on her behalf.

The Commission reviewed the following document:

14.3 Site Plans.

I. BOUNDARIES OF WOODED AREAS

J. LOCATION OF NATIVE SPECIMEN TREES AND DESIGNATED NOTABLE TREES WITHIN THE AREA TO BE DISTURBED OR AFFECTED BY CONSTRUCTION ACTIVITIES

(renumber following sections)

L. The disturbance of any area exceeding one half acre shall require a Sedimentation and Erosion Control Plan....

7. BOUNDARIES OF WOODED AREAS

8. LOCATION OF NATIVE SPECIMEN TREES AND DESIGNATED NOTABLE TREES WITHIN THE AREA TO BE DISTURBED OR AFFECTED BY CONSTRUCTION ACTIVITIES

(renumber following sections)

14.7.13 Existing Topography and Natural Features. THE IMPACT OF INDISCRIMINATE TREE CLEARING AND REGRADING ON THE VOLUME AND RATE OF STORM WATER RUN-OFF IS INCREASING DUE TO THE OCCURANCE OF MORE FREQUENT HIGH INTENSITY STORMS. PRESERVATION OF THE FOREST CANOPY, LAYERED FOLIAGE, AND LEAF LITTERED FOREST FLOOR WHERE POSSIBLE, HELPS TO MODERATE STORM WATER RUN-OFF.

A. The existing topography, NATURAL FEATURES, AND VEGETATION shall be [disturbed to a minimum] PRESERVED TO THE FULLEST EXTENT POSSIBLE. THE GRADING OF LAND AND FELLING OF TREES SHALL BE HELD TO A MINIMUM.

B. RIDGELINES, SLOPES GREATER THAN 25 PERCENT, AND DISTANT OPEN VIEWS VISIBLE FROM PUBLIC ROADS SHALL BE PRESERVED.

C. NATIVE SPECIMEN TREES AND NOTABLE TREES THAT ARE TO BE PRESERVED AND ARE WITHIN OR ON THE EDGE OF THE CONSTRUCTION AREA SHALL BE PROTECTED DURING CONSTRUCTION BY BARRIERS. BARRIERS SUCH AS REINFORCED SNOW FENCING SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION ACTIVITES AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION ACTIVITIES ARE COMPLETED.

21.1.65 **SPECIMEN, NOTABLE TREES. A SPECIMEN TREE IS NATIVE WITH A DBH (DIAMETER AT BREAST HEIGHT) OF 16 INCHES OR MORE. NOTABLE TREES ARE OFFICIALLY DESIGNATED AS SUCH BY CONNECTICUT'S NOTABLE TREE PROJECT.**

(renumber following sections)

Notes, comments, edits as follows

- Letter I and Number 7 are the same due to one is for Site Plans, the other for Sediment and Erosion Control.
- The Commission discussed the use of the phrase "shall", stating that it implies that the work is not allowed at all and not a strong suggestion. The Commission agreed using, "to the fullest extent possible", omitting "shall" with the only exception being Section C; **"NATIVE SPECIMEN TREES AND NOTABLE TREES THAT ARE TO BE PRESERVED AND ARE WITHIN OR ON THE EDGE OF THE CONSTRUCTION AREA SHALL BE PROTECTED DURING CONSTRUCTION BY BARRIERS. BARRIERS SUCH AS REINFORCED SNOW FENCING SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION ACTIVITIES ARE COMPLETED"**.
- Ms. Branson clarified that the Conservation Commission consulted with an arborist, a forester and a landscape architect to determine the DBH (diameter at breast height) of 16 inches or more.
- The Commission discussed adding an introduction/summary to the language. Ms. White suggested the Commission not add too much verbiage, as applicants often prefer more direct, concise language.

The Commission decided to move forward and schedule a Public Hearing that will take place on February 28, 2022 with the edit made to Section B – add, "to the fullest extent possible".

MOTION: To schedule a Public Hearing for the Proposed Revisions to the Zoning Regulations Regarding the Preservation of Trees, Natural Features for February 28, 2022 in the Main Meeting Room of Bryan Memorial Town Hall, Washington Depot, Connecticut, at 7:30pm. Motion made by Ms. Hill, seconded by Mr. Werkhoven, passed 5-0 vote.

ENFORCEMENT:

Ms. Haverstock reported that there were several permits issued as well as Certificates of Zoning Compliance. There were some complaints that have been investigated and either resolved or the property owner has been contacted and were working on resolving the issue.

COMMUNICATIONS:

No communications for this evening.

PRIVILEGE OF THE FLOOR:

Mr. Mongar asked for clarification regarding Accessory Apartments – if hypothetically an owner wanted to build another accessory apartment on the property. Ms. White explained that the Regulations only allow one detached accessory apartment on the property.

ADMINISTRATIVE BUSINESS:

Washington Zoning Commission 2022 Meeting Calendar:

MOTION: To approve the 2022 Washington Zoning Commission Regular Meeting Calendar as presented, by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Election of Officers:

The Commission decided to wait until the January meeting to hold the Election of Officers.

ADJOURNMENT:

MOTION: To adjourn the Washington Zoning Commission December 20, 2021 Regular Meeting at 8:44pm, by Chairman Solley, seconded by Ms. Smith, passed 5-0 vote.

To listen to this evenings meeting, please click here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/Ecl7lUm7dqxGh3-ZaoH7EY4BC0jlwm5SnGXhfhxG8PGn5g?e=1o0l0c

Respectfully Submitted,

Tammy Rill
Land Use Clerk
December 22, 2021

*Minutes are subject to approval