

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

MINUTES

March 27, 2023

7:30 P.M. – Virtual Meeting

MEMBERS PRESENT: Chair Solley, (via Zoom), J. Hill, D. Werkhoven, V. Andersen, (arrived at 7:35pm via Zoom), W. Farrell

MEMBERS ABSENT: None

ALTERNATES PRESENT: S. Smith, S. Mongar, E. White

ALTERNATES ABSENT: None

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

PUBLIC: Attorney Fisher, D. Buell, K. Gallagher, C. Karas, J. Harris, D. Pushlar, S. Branson, R. Solomon, M. Solomon, J. Kovacs, B. Adams, T. Adams, C. Charles, K. Hunt, M. Giampietro, L. Frank, M. Purnell, D. Varnish, G. Lewis, L. Glover, M. Revere, S. Ullram, M. Ewing, A. Martin, R. Boening, R. Bartfield, C. Francis, Other Members of the Public

Chair Solley called the Public Hearing to order at 7:32pm.

PUBLIC HEARING(S):

Chair Solley, J. Hill, D. Werkhoven, W. Farrell were seated, and S. Smith was seated for V. Andersen.

Request of Harris, 254 New Milford Turnpike, for a Modification to an Existing Special Permit, Section(s): 9.5 – Maximum Lot Coverage, 9.6-Minimum Setback and Yard Dimensions, 11.6.3.A – Open Fences, 12.3-Buffers, 12.15 Outdoor Lighting in Residential Districts and 15.2 – Number of Parking Spaces (01min. 46sec.):

Dean Pushlar, Landscape Architect, and representative for the applicant, stated that the proposed modification would reduce the lot coverage by 50% as shown on page two of the plans submitted with the application. The applicant is asking for a reduction in the setback – from 15ft to 7.6ft. for a buffer in the gravel parking area. The applicant is also proposing a fence in the north east section of the property line. The fence would be 4 feet tall. A landscape buffer is also being proposed in the area between the gravel parking area and the property line. For the lighting on the property, Mr. Pushlar is proposing 10 feet high lighting that will shine down and meet the dark sky requirement. The parking will increase by 20 spaces on a gravel area.

S. White read her Administrative review. Section 9.6.1 – Ms. White stated that while the parking lot is not visible from the road, it is visible from neighboring homes. For 9.6.4 – Ms. White suggests that the dumpster be moved away from residences and the East Aspetuck River, and that an enclosure for the container be considered. Ms. White suggested that cars back in to parking spaces in the area, to avoid shining their lights in to windows of neighboring homes.

Ms. White requests that clarification be provided regarding 11.6.1.A – sheet L-2.1 states that the building setback 5 feet, but the site plan indicates a proposed 7.5 feet. Clarification regarding the type of fencing proposed for the area – whether it will be open or closed. She also questioned if a 4-foot tall fence would be adequate.

Section 12.15.6 – Ms. White questioned how low the parking area lighting will be installed, if the lights should be on timers or have motion sensors.

Ms. White noted there had been enforcement action on the property, including a fine, which has been paid.

Mr. Pushlar stated that there are approximately 34 parking spaces – 13 to 16 of those were for the apartments, 20 for employees or patrons. Parking across the street was no longer allowed, and there are approximately 33 spaces roadside.

Ms. Andersen questioned why the Post Office parking lot across the street was not being utilized, and if the White Horse could somehow negotiate a rental agreement. J. Harris, owner of the White Horse, explained that there had previously been an agreement with that property owner, however, this was no longer an option.

Attorney Robert Fisher, representing Karen Gallagher of 3 Findlay Road, stated that his client's concerns are the parking area with cars parked up to the property line, the need for a separation buffer is requested along with a fence higher than 4-feet. Currently, lights are shining into Ms. Gallagher's windows. While the White Horse area is in a B-3 business district, Ms. Gallagher is in a residential zone. Ms. Gallagher stated that the current lighting shines directly into her home. She is requesting that the light (marked on survey as "pole") be removed and current lighting be dimmer and facing the ground.

Mr. Pushlar stated that the lighting will be updated once approved, and that if the setback of 7ft. 6in. is allowed, a six-foot fence could be installed.

Mr. Werkhoven asked for clarification regarding the fence and buffer location. Mr. Pushlar explained that if the 7-foot 6-inch setback change was approved, the fence (which could be upwards of eight-feet), will be on the property line with a vegetation buffer on the 254 New Milford Turnpike side of the fence.

Ms. Hill stated that the regulation for a parking space is considered 9'x18', and when she had visited the site earlier that day, she had calculated roughly 28 spaces. Mr. Pushlar explained that aisle space is needed to meet code.

J. Hill added that she had observed a light located in the tree – which is not allowed in accordance with 12.15.3, as well as a light on during daylight hours – which is also not allowed. She also questioned the need for the 7-foot-six setback. Mr. Pushlar explained that the dumpster will be relocated as requested by the Inland Wetlands Commission, due to its proximity to the river.

Chair Solley questioned if a lighting engineer has been consulted. Mr. Pushlar stated one had not been consulted, but he would look into one. Mr. Werkhoven encouraged him to do so. Ms. Hill added that 13.1.C.8 should be considered at length.

Ann Martin, a resident of Pleasant View Drive stated that the lights can be visible all night long from her home, which was quite a distance away with a wooded area in-between.

Ms. Hill would like the applicant to address all of the concerns stated and submit updated plans to the Commission, along with pictures of the fence type, an aerial view of the buffer area along with types and heights of trees that will be used.

MOTION: To continue the Request of Harris, 254 New Milford Turnpike, for a Modification to an Existing Special Permit, Section(s): 9.5 – Maximum Lot Coverage, 9.6-Minimum Setback and Yard Dimensions, 11.6.3.A – Open Fences, 12.3-Buffers, 12.15 Outdoor Lighting in Residential Districts and 15.2 – Number of Parking Spaces, to the April 24, 2023 Washington Zoning Commission Regular Meeting at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall and via Zoom Video Conference, Motion made by J. Hill, seconded by Chair Solley, approved unanimously.

Request of Karas, 58 Shearer Road, for a Special Permit, Section(s): 13.11.3 - Detached Accessory Apartment (1hr.18min.22sec):

Chair Solley, J. Hill, D. Werkhoven, W. Farrell and V. Andersen are seated.

Charles Karas, owner of 58 Shearer Road, explained that there is an existing barn on his property that he would like to convert to a home office as well as a detached accessory apartment. He explained that he and his wife will be renovating their main home and will be occupying the apartment while doing so. He added that he and his wife own a kitchen remodeling and millwork business, and the office will be for that. The bottom portion of the barn will be the apartment and the second story will be the home office. There are no proposed structural changes.

The square footage of the office is less than 900 square-feet; however, the Commission’s focus is on the detached accessory apartment. The property owner will be living on premises.

Chair Solley stated that he would like to condition the Special Permit by requesting that the common wall between the stairwell that separates the office and the doorway that leads to the apartment remains.

MOTION: To close the Public Hearing for the Request of Karas, 58 Shearer Road, for a Special Permit, Section(s): 13.11.3 - Detached Accessory Apartment, by V. Andersen, seconded by W. Farrell, approved unanimously.

REGULAR MEETING:

The Regular Meeting was called to Order at 9:02pm.

Chair Solley, J. Hill, D. Werkhoven, W. Farrell and V. Andersen are seated.

CONSIDERATION OF THE MINUTES:

MOTION: To approve the February 27, 2023 Regular Meeting Minutes as submitted, by J. Hill, seconded by W. Farrell, approved unanimously.

PENDING APPLICATIONS:

MOTION: To approve the Request of Karas, 58 Shearer Road, for a Special Permit, Section(s): 13.11.3 - Detached Accessory Apartment, as shown on the plans titled, "Karas/Blank – Barn, 58 Shearer Rd.", dated 2.28.2023, by Sarah Blank Design Studio, with reference to Sheet(s) 1.00E, 1.02E, 1.03D, A1.00, and A1.02, with the following condition: the two finished spaces will have a single wall to separate each entrance. Motion made by J. Hill, seconded by V. Andersen, approved unanimously.

NEW APPLICATIONS:

No new applications

OTHER BUSINESS:

No other business

ENFORCEMENT:

M. Haverstock reported that there were several standard zoning permits approved throughout the month of March. Several clarification letters have been sent to property owners requesting more information regarding reported activity.

The Commission questioned the change of use in Bryan Hall Plaza. Ms. Haverstock reported that a flower shop will be in the space once occupied by Litchfield Bancorp.

INVOICES AND COMMUNICATIONS:

March 9, 2023 – Halloran & Sage Invoice #11405551 for Professional Services re: Wykeham Site Plan Application 2021 – from 2-02-23 to 2-27-23

and

March 9, 2023 – Halloran & Sage Invoice #11405550 for Professional Services re: Washington Zoning Commission General Matters – from 2-20-23 to 2-14-2023:

Chair Solley informed the Commission that a Town Meeting will take place on Thursday, March 30th, 2023 at 6:00pm at Bryan Memorial Town Hall and a vote will take place to approve funds for legal fees. Currently, the Zoning Commission is over budget by approximately \$6,000. The Commission is also requesting funding to complete the review of the 101 Wykeham plans as well as the regulation changes regarding PA 21-29.

Ms. White stated that beginning July 1st, she will be creating a spreadsheet that will inform the Commission how funds are spent going forward. The Commission will be asking for \$8,000 for the next fiscal year.

Letters from residents re: 101 Wykeham Road:

The Land Use Office received the following letters from residents for the month of March 2023:

R. McMackin

M. Giampietro (x2)

R. Bartfield

C. Harris / M. Lang

S + R Ullram

A + M Debenedetti

A Seitz

E. Lovejoy

M. Madden

M. Purnell

Chair Solley explained that the cancellation of the 6:00pm meeting scheduled for earlier in the evening happened due to a possible change in the site plan regarding the water usage at 101 Wykeham, LLC, as well as the need for the lighting plan. Mr. Werkhoven suggested adding septic to the Cardinal review as well. Mr. White questioned the review from the Fire Marshall.

The Commission decided that a Special Meeting was not needed prior to the April 24, 2023 regular meeting at 7:30pm.

PRIVILEGE OF THE FLOOR (1hr.10min.05sec.):

M. Purnell: discussed the need for separation of potable water and fire suppression water. She also discussed the inclusion of both of the parties of the Settlement Agreement in accordance of a Restrictive Covenant. She stated that due to the changes of the Site Plan, a new application should be submitted.

R. Solomon: questioned the reason for having to obtain permission from 101 Wykeham, LLC to review certain aspects of the site plan. She requested transparency from the applicant and its team.

M. Giampietro: voiced concerns over fire suppression. She also showed a super imposed picture of the Depot Plaza and The Mayflower in comparison to the proposed 101 Wykeham building.

C. Francis of Arthur H. Howland and Associates stated that there was no intention of hiding anything in reference to the 101 Wykeham site plan. He stated that 101 Wykeham, LLC had not been on the Agenda, therefore should not be discussed.

Mrs. Hill clarified that during Privilege of the Floor, the public is allowed to speak – however, the Commission is allowed to listen and not respond.

R. Bartfield: discussed the property values of neighboring homes and what effect 101 Wykeham could have on them.

R. Boehning: stated that he believed he had consent rights due to the site plan changes made for 101 Wykeham and would continue to pursue those rights.

ADMINISTRATIVE BUSINESS:

None.

ADJOURNMENT:

MOTION: To adjourn the March 27, 2023 Washington Zoning Commission meeting at 9:56pm, by W. Farrell, seconded by E. White, approved unanimously.

The meeting recording can be found here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EWcYAtVlxbBHunXEao8ZAjkBkQoNJwYQ0W6h7EMuNWNlnw?e=MCTOTe

Signed,

Tammy Rill

**Tammy Rill
Land Use Clerk**

March 31, 2023

*Minutes submitted, subject to approval