

Town of Washington, CT
P.O. Box 383
Washington Depot, CT 06794
ZONING COMMISSION
MINUTES
 Regular Meeting
October 22, 2018

7:30 p.m.

Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong

ALT. PRESENT: Ms. Radosevich

ALT. ABSENT: Ms. Lodsin, Mr. Sivick

STAFF PRESENT: Ms. Hodza, Ms. White, Ms. Hill

ALSO PRESENT: Atty. Fisher, Mr. Sherr, Mr. Szymanski, Mrs. Solomon, Ms. Audet, Mr. Fletcher, Atty. Kelly, Ms. Branson, Ms. Van Tarwijk, Mrs. Mathews, Mr. & Mrs. Fredlund, Mr. Kubovy, Members of the Public

Call to Order

Chairman Solley called the meeting to order at 7:30 pm.

Seated: Mr. Solley, Mr. Reich, Mr. Averill, Mr. Werkhoven, Mr. Armstrong

Consideration of the Minutes

Consideration of the Regular Meeting of the Town of Washington Zoning Commission on September 24, 2018:

The following revisions were made:

Page 1:

The header should read: **Regular Meeting and 7:30 p.m.**

Page 5:

2nd Paragraph, 1st sentence should read: Mr. Stewart of Nettleton Hollow Road stated that he was proud that **an** internationally acclaimed group...

3rd Paragraph, 2nd sentence should have a comma after the word noise.

6th Paragraph should read: The Commissioners discussed continuing the public hearing to October 22nd ...

MOTION: To approve the Regular Meeting Minutes of September 24, 2018 as amended, by Mr. Solley, seconded by Mr. Reich, passed by 5-0 vote.

Pending Applications

Ingrassia/282, 284, 288 Bee Brook Road/Temporary Event/2019 Arts Festival:

Ms. Hill stated that she approved the administrative application this past spring while she was the temporary ZEO. She signed off for an event that would take place 1 weekend in July for 3 days, 1 weekend in August for 3 days and 1 weekend in August for 1 day. She noted that there was a tentative schedule at the time of approval.

Mr. Solley stated that the Zoning Commission received a letter that will not be read into the record because it could be misconstrued and is not germane to this application. He explained that they are asked to deliberate on this current application for an Arts Festival in the summer of 2019. He noted the current regulations must be considered and the petition that is under discussion does not pertain to this application.

Mr. Averill stated that this is an application requesting approval for a series of events next year and feels that this application was submitted at this time to get around any pending revisions. He does not see how the Commission could legally deny it. He included that he was not happy with the timing.

Mr. Solley asked the Commissioners if they feel that the approval in the spring set a precedent. He noted that Ms. Hill chose to approve the application for seven nonconsecutive days. He informed the Commissioners that, in the past, counsel has always said that each special permit application is to be treated independently. Mr. Solley read Section 12.8.1.

Mr. Averill stated that he feels that when Regulation 12.8.1 was written the writers meant seven consecutive days.

Mr. Werkhoven stated that this is a complicated situation. He noted that the applicants and people that ran the festival this year said that they are agreeable to working with the Commission and the neighbors' concerns regarding noise issues. He feels that the original application was approved by mistake and that Section 12.8.1 implies seven consecutive days based on other sections in the regulations. He stated that he would consider a couple of 3-day weekends. Mr. Werkhoven informed the Commissioners that there are some outstanding permit issues with this property and he feels those should be resolved before this permit is granted.

Mr. Reich said that the Commission should work with the neighbors and the applicant and that he agrees with the way Ms. Hill handled the application this spring. He informed the Commission that he is willing to be flexible on this for the time being while they are trying to figure out the language for this regulation.

There was a brief discussion regarding the outstanding permit issues at the property.

Mr. Armstrong stated that he is very much in favor of having this kind of activity in Town, but he has some concerns with some things. One of his concerns is the intersection of a public road into a private lane.

Mr. Solley stated that this property received a DOT permit for access onto Route 47.

Mr. Armstrong informed the Commission that he is concerned with the parking on the narrow driveway and if there had been an emergency, emergency vehicles would not have been able to make it up the driveway. He stated that this event should have emergency access.

Mr. Armstrong stated that his second concern is the refrigerated car that was put on tracks and a septic system was installed. He asked how this is allowed for a temporary event.

Ms. Hill noted that she thinks the former ZEO approved a farm stand on the property and that is what the septic is for. The septic would have been signed off by the Sanitarian and the former ZEO granted a permit.

Mr. Armstrong asked what the purpose was in relocating the Silo to the 30-acre lot. He questioned the use.

Mr. Solley stated that the former ZEO signed off on the administrative application to move the silo for agricultural use. An agricultural structure could be built on a lot in the R-1 zone that does not have a primary structure.

There was brief discussion whether the silo is being used for agricultural purposes. Mr. Armstrong stated that this should be looked at when revising the regulations.

The Commissioners discussed conditions such as the possibility of approving 2 3-day weekends, setting time limits for the hours open to the public, parking/emergency vehicle access and all zoning infractions must be taken care of before anything goes into effect.

Ms. Hodza, ZEO, listed the zoning infractions as being the stone platform/stage, was not applied for which, at this time, she is working with Ms. Audet. The stage is currently within the setback area. She informed the Commission that even if a lot line revision is carried out to correct the setback issue, there is the question as to whether the structure is accessory to the farm and there is no other structure for it to be subordinate to. She questions the use of the stage being accessory structure to the agricultural use. Ms. Hodza stated that the former ZEO did not issue a permit for the stage.

Ms. Hill informed the Commissioners that they should consult with Town Counsel before making the zoning infractions a condition because she believes all zoning applications are to be treated independently.

The Commissioners discussed the combining of some of the parcels so that the structures are subordinate to the main structure of the farm. They briefly discussed the lack of agricultural purpose of these structures.

Mr. Solley reminded the Commissioners that their charge tonight is to vote on this application for an event that will occur next summer. He advised them not to use the outstanding permits as part of a condition. The Commissioners had a lengthy discussion about the different conditions that could be added to the motion. They discussed hours of operation, noise, neighbors' concerns and number of days.

MOTION: To approve the Administrative Application dated September 9/14/18 submitted by Ingrassia, 282, 284 & 288 Bee Brook Rd. for a Zoning Permit- Temporary Event for an Arts Festival on July 21, 26-28, August 2-4 2019, contingent upon: 1. Public hours of operation will be no earlier than 9:00 am thru no later than 10:30 pm, 2. No offsite parking, 3. Ensure access for emergency vehicles, 4. Maximum public attendance of any event shall not exceed 300 people, by Mr. Solley, seconded by Mr. Werkhoven, passed by 5-0.

New Applications

Erben Partners, LLC/169 West Shore Road/Special Permit: Section 17.9/Reconstruct Nonconforming Accessory Building:

The Commissioners considered the new application submitted by Erben Partners, LLC to reconstruct the garage.

MOTION: To schedule a public hearing to consider the application submitted by Erben Partners, LLC., 169 West Shore Rd for a Special Permit: Section 17.9 to Reconstruct Accessory Building - Garage, for the Special Zoning Meeting on November 19, 2018 at 7:30 pm, Bryan Memorial Town Hall, by Mr. Solley, seconded by Mr. Reich, passed by 5-0 vote.

Other Business

Petition to Amend Sections 12.8 and 12.8.1 of the Washington Zoning Regulations re: Temporary Events:

Mr. Solley reminded everyone present that the hearing is closed and they are here to deliberate. He read the proposed amendments for Sections 12.8 and 12.8.1 and a section of Ms. Hill's Administrative Review dated September 7, 2018.

Mr. Solley stated that whether this language is approved or not, the Commission needs to take time to think about this. He asked for input from the Commissioners.

Mr. Averill informed the Commission that he spoke to the Chairman of the Planning Commission, Mr. Hileman. Mr. Hileman stated that the Planning Commission thought the language was too vague, general, and could apply to too many things so they voted unanimously that this proposed language was not in line with the Town's Plan of Conservation and Development.

Mr. Solley noted that since the Planning Commission did not approve this language that for this to pass it would have to have a super majority vote in favor to override the Planning Commission referral.

Mr. Werkhoven stated that he understands the neighbors' concerns, but he feels this language is too restrictive. He does not feel the Commission can approve this petition at this time.

There was a brief discussion about delaying the vote. Ms. Hill informed the Commission that they either need to vote tonight or could delay only until the next zoning meeting.

Mr. Armstrong feels uncomfortable with all the areas in Town that these events could occur. He stated that the regulations are too vague need to be tightened up.

Mr. Reich stated that he does not want to have to revisit this subject next October. He does not see that it is necessary to change the regulation tonight.

Mr. Averill stated that the event that this applies to has already been approved for next summer and he feels that if the vote on this tonight it should be denied.

The Commissioners agreed that this regulation needs work, but they don't think they are pressed for time at the moment to amend the regulation tonight. They feel they could work on this through the winter.

There was a brief discussion as to whether they would like to approve only part of the proposed language.

MOTION: To deny the Petition to Amend Sections 12.8 and 12.8.1 of the Washington Zoning Regulations, by Mr. Reich, seconded by Mr. Solley, passed by 5-0 vote.

Petition to Amend the Washington Zoning Regulations/Add Sections 7.8, 7.8.1 and 7.9 to permit waiver of Section 3.2 by Special Permit:

This petition requests for an addition to the zoning regulations for the New Preston Business District to include a provision to allow a waiver of Section 3.2 by Special Permit as may be applied for currently in the B-3 Marbledale Business District.

MOTION: To schedule a public hearing to consider the petition to amend the Washington Zoning Regulations/Add Sections 7.8, 7.8.1, and 7.9 to permit waiver of Section 3.2 by Special Permit for the Special Zoning Meeting on December 17, 2019 at 7:30 pm, Bryan Memorial Town Hall, by Mr. Solley, seconded by Mr. Werkhoven, passed by 5-0 vote.

Enforcement

Ms. Hodza informed the Commissioners of the latest enforcement issues that needed to be addressed per her Enforcement Report dated, 10-22-18 (on file in the Land Use Office).

Communications

There were no communications to discuss.

Privilege of the Floor

Mr. Funk, resident, thanked the Commission and stated that he is proud to live in a community such as Washington that supports the arts.

Administrative Business

Ms. Hill did not have any administrative business to discuss.

Adjournment

MOTION: To adjourn at 10:20 pm, by Mr. Averill, seconded by Mr. Solley, passed unanimously.

Respectfully submitted,

Shelley White

Shelley White, Land Use Clerk

October 29, 2018

***All documents are on file in the Land Use Office and a digital recording of this meeting is available upon request.**