

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

MINUTES

May 6, 2019

7:30 P.M. – Third Level Meeting Room

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

ALTERNATES PRESENT: Ms. Radosevich

STAFF PRESENT: Attorney Zizka, Ms. White, Ms. Rill

PUBLIC PRESENT: Mr. Gorra, Miss. Gorra, Mr. Solomon, Ms. Solomon, Mr. Sherr, Mr. Bedini, Ms. Frank, Ms. Sedelnick, Mr. Matthews, Ms. Audet, Mr. Fletcher, Mr. Hileman, Mr. Mustich, Mr. Fredlund, Ms. Fredlund, Ms. Stein, Members of the Public

Mr. Solley called the Special Meeting to order at 7:30pm. He informed the public that this Special Meeting was a work meeting, to discuss Zoning Regulation 12.8.2 – Temporary Uses, as well as Temporary Structures.

He then seated himself, Mr. Averill, Mr. Werkhoven, Mr. Armstrong and Mr. Reich.

Mr. Solley made note of the letters written to the Zoning Commission from members of community, stating that all letters are on file in the Land Use Office.

(3min. 21sec.):

A correspondence written by Attorney Zizka, dated April 18, 2019, outlined his suggestions regarding the revisions to Section 12.8.

For the Commissions consideration, Mr. Zizka suggested looking at the Section 12.8 in its entirety. He recommended that permits issuable by the Zoning Enforcement Officer, (ZEO), should only be listed in the subsections in which the ZEO can issue a Zoning Permit, with the Commission having the discretion as to whether a particular use “serves the public convenience and welfare”.

Attorney Zizka emphasized the importance of making the regulations as clear and specific as possible.

(7min. 40sec.):

Attorney Zizka stated that he approved of the listing of events by name, (i.e: Circus, Concerts, Carnival, Gala), saying that the list is clear and concise, but to also keep in mind that the Commission may want to limit the scope of the term “Special Event(s)” to only events that are permitted, as well as specify whether “events” *are* or *are not* open to the public.

(9min. 32 sec.):

Attorney Zizka suggested that a “Site Plan Review” showing event details such as parking, number of people expected, distance from neighboring properties for one-time events. This would eliminate the need of a Public Hearing, with the Commission having the liberty to approve the permit right away.

(16min. 32sec.):

For one day private events (private weddings, political events, private parties), Attorney Zizka suggested using the term “Residential Accessory Use”; these events would not fall under the category of the aforementioned carnival, concert, or gala.

(22min. 42sec.):

Mr. Solley made note of the Commissions suggestion that an event held on church, school or town property could be exempt from the Special Permit process. Mr. Armstrong questioned whether or not 501c3’s – non-profit organizations, should be included in the list of exemptions for Special Permits. Mr. Zizka clarified that the two types of events listed in the section that would be exempt from a Special Permit would be a one-day event held on church, school or town property *or* a customary residential accessory use.

(39min. 05sec.):

Mr. Werkhoven stated that he was in favor of the wording Attorney Zizka suggested for the proposed revisions and asked that the Commission not lose sight of what the regulations are for, which are to protect the citizens of the town and the effect events have on the surrounding area.

(46min. 00sec.):

Attorney Zizka advised that stating that a one-day event, as the regulations do currently, are exempt from obtaining a permit, leaves the opportunity wide open for someone to take advantage of the leniency and have a one-day event one weekend, followed by another one-day event the following weekend, without it being subject to the Commission’s questions.

(48min. 49sec.):

Mr. Reich voiced that he was concerned that a possible applicant could look at the list of “acceptable events”, list the title of an event *not* listed, and use that against the Commission as a way to

get around the rules. He also stated the importance of neighbors knowing about events and protecting their neighborhood.

(54min. 51sec.):

Attorney Zizka stated that the Commission may want to consider a “long time review” for one-day Special Permits – if an event takes place once a year, every year, with no changes – the Commission may consider a one-time review or possibly a once a year review. A “probationary permit” is also a possibility, where an event is observed the first year, or longer if need be. An event that has taken place for a number of years, without issue, could also be “Grandfathered” in some cases, and would simply be signed off by the Enforcement Officer – is another possibility for proposed regulation changes.

(1hr. 8min. 9sec.):

On the subject of Section 12.8.3.C, Mr. Reich suggested removing 12.8.3.C.1 – pertaining to whether an event is being held indoors or outdoors. Mr. Solley agreed.

(1hr. 11min. 12sec.):

Mr. Solley stated that he would like to take a look at Section 12 of the regulations – Temporary Structures. He conveyed that there had been somewhat of an issue lately with construction trailers. As he further explained, these structures (trailers/”pods”), are used to store a buildings belongings while the building is being demolished and rebuilt. However, it has been noticed that some use these boxes as permanent storage on their property, and that there is some concern that these could be rented out for storage by the property owner. Mr. Armstrong questioned if the tent referred to as “glamping” that was recently brought to the Commission’s attention, was considered a Temporary Structure, and if a Special Permit would need to be issued.

Mr. Zizka stated that the language of this regulation needs to be extremely clear and defined if the Zoning Enforcement Officer would be handling these cases. Should there be a limit on the number of buildings allowed? Should there be a time frame as to how long they are allowed? The current regulation does not have these limitations.

The Commission agreed that Attorney Zizka would work on the language of the Regulations to make them more clear and concise, without having to repeat themselves throughout each Section.

(1hr. 47min.23sec.):

A question regarding an event currently being advertised that will take place this Summer and the permit process that took place. Mr. Solley clarified that under current regulations, a permit was not needed for a one-day event.

The Commission is concerned about not putting a limit on the number of events per year for one property. Mr. Zizka stated that he would craft a number of different provisions for the Commission to agree upon and then they could decide which worked best.

(2hr. 03min. 10sec.):

Commissioners questioned whether or not there should be limits set if the property will be making a profit. A brief discussion took place.

The Commissioners verified that once Attorney Zizka submitted his feedback, it would then be discussed once again with the Commission. The Commission will then schedule a Public Hearing on the matter, and the proposed revisions will then be sent to the Connecticut Council of Governments, as well as the Planning Commission for referral.

(2hr. 04min. 44sec.):

Mr. Solomon requested that the Commission, along with Attorney Zizka, look into a possible “glitch” with the regulations regarding Agricultural Exemptions. Mr. Solley stated that he and the Commission would be more than willing to look at the Regulation closely, but wanted to get these current Regulations finished and underway first.

(2hr. 05min. 54sec.):

MOTION: To adjourn the May 6, 2019 Zoning Commission Special Meeting at 9:45pm, by Mr. Averill, seconded by Mr. Solley, passed unanimously.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

May 13, 2019

***Filed subject to approval**

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

