

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

MINUTES

July 8, 2019

7:00 P.M. – Main Level Meeting Room

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

MEMBERS ABSENT: Mr. Armstrong

ALTERNATES PRESENT: Ms. Radosevich, Ms. Rebillard

STAFF PRESENT: Ms. Rill

MEMBERS OF THE PUBLIC: Mr. Sherr, Mr. Bedini, Mr. Hubelbank, Ms. King, Ms. Fredlund, Ms. Audet, Mr. Solomon, Ms. Solomon, Ms. Revere, Other Members of the Public

Chairman Solley called the meeting to order at 7:00pm and seated himself, Mr. Reich, Mr. Averill, Mr. Werkhoven and Ms. Radosevich.

ZONING REGULATION 12.8 – TEMPORARY USES (1min 07sec):

Chairman Solley read a draft of Section 12.8, dated July 3, 2019, written by Attorney Zizka, titled: “3 July 2019 – MAZ Notes and Suggested Revisions of Draft of 21 June 2019”.

**** A COPY OF THIS DRAFT IS ATTACHED TO THIS FILE. PLEASE NOTE: THIS IS A DRAFT ONLY AND NOT THE FINAL REVISION OF THE ZONING REGULATION, SECTION 12.8****

PROPOSED SECTION 12.8.1, TEMPORARY CONSTRUCTION STRUCTURES (2min. 26sec.):

Chairman Solley stated that he had no objections or corrections to the language of this Section.

PROPOSED SECTION 12.8.2, TEMPORARY TRAILERS FOR LIVING PURPOSES (2min 57 sec.):

Chairman Solley again stated that he had no objections or corrections to the language of the Section. Ms. Radosevich asked for clarification of the proposed permit time frame of two years, and if the Commission really thought the construction of a home would take two years. Chairman Solley stated that this is a reasonable length of time nowadays and extremely common.

TEMPORARY EVENTS – REQUIRING NO PERMIT (5min. 38sec.):

Chairman Solley stated that Attorney Zizka had broken this Section down so that it was more direct and less confusing. In Section 12.8.3.D, Chairman Solley proposed that the language state, “Temporary Events to be held on non-residential property within the B1, B2, B3 and B4 Districts shall not require a permit”. Chairman Solley believed that the Commission had agreed at a previous meeting that they did not wish to “hamstring” businesses in town from holding events important to their business. Mr. Averill agreed with Mr. Solley, stating that this is exactly what the Business District is for. Mr. Reich also agreed, stating that it had been his understanding that the Business District would not be required to apply for a permit for an event, and saw no point in doing so.

Ms. Radosevich asked for clarification on Section 12.8.3.E – one day events expecting less than 25 vehicles, asking if, for example, she wished to have a Tupperware party or a Jewelry sale at her residence, would it be allowed even though she would be making a profit at this event. Chairman Solley, Mr. Averill and Mr. Werkhoven clarified that she would be able to do so 3 (three) times a year according to this draft, as long as she had less than twenty-five vehicles on the property. Mr. Averill added the importance of being a good neighbor when considering an event in a residential neighborhood.

TEMPORARY EVENTS – REQUIRING A ZONING PERMIT (18min 00sec.):

Chairman Solley stated that he would like to change the language in this Section to read as the following; “No more than 3 (three) such permits shall be issued in any one calendar year *on any site*”.

TEMPORARY EVENTS – REQUIRING A SPECIAL PERMIT (19min 43sec):

Mr. Averill wanted to bring to the attention of the Commissioner’s that this subsection was worded so that if the Commission wanted to make an event shorter that they could, but also they could make an event longer if they wanted. He stated that this could be positive, especially when it concerns how an event effects the neighbors. Chairman Solley stated that this was the intent, so that if there were complaints by neighbors, they could adjust the time or length of the event if needed. Mr. Averill then questioned whether or not this could legally be viewed as an issue, stating that if the Zoning Commission allows one property to do one thing, wouldn’t they also have to allow other properties to do the same. Chairman Solley clarified that if the Commission were to deny someone a permit, it would need to be for a very legitimate reason. Mr. Werkhoven asked for clarification on the language of Section 12.8.5.D. Chairman Solley stated that Attorney Zizka suggested the following; “No temporary event may be held for more than seven consecutive days, per calendar year”. Mr. Averill then pointed out that Section 12.8.5.D negates Section 12.8.5.C by stating that the Commission observes the right to

say how many days and event can be held for, then goes on to say an event can only be held for seven consecutive days. Chairman Solley agreed, stating that he would ask for clarification from Attorney Zizka. The Commission discussed that perhaps Section 12.8.5.C should read; "If the Commission grants a Special Permit under this subsection, it may specify or limit the dates and times that are permissible in any calendar year on one site".

After discussing Section 12.8.5.C at length, the Commission decided that it may be best to delete the Section entirely. Chairman Solley said he will refer to Attorney Zizka for his opinion.

Ms. Radosevich stated that her concern was that an applicant could have a seven consecutive day event, followed by three one day events, that it could possibly add up to five weekends in a row. Mr. Werkhoven stated that this is also a concern of his, from the aspect of the neighbors. Chairman Solley stated that the Enforcement Officer could regulate the events so that they were not one after another. Mr. Werkhoven questioned this, stating that if there was no permit needed for an event, how would the Enforcement Officer know about it? He suggested keeping the language to "seven consecutive day events" only. Ms. Radosevich stated that she was not comfortable with the proposed "three one-day events", because she believed it created a hardship for the neighbors. She stated that these events in residential neighborhoods, when there are numerous venues in Washington to hold such events, did not seem fair. Chairman Solley pointed out that there are numerous events currently in Washington, such as "farm-to-table" events, that host dinners or tasting events on their property, and he would not want to limit them. Mr. Averill quoted Mr. Reich from a previous meeting, stating that it would be impossible for the Commission to foresee every event in Washington's future. However, he did not think that property owners would take advantage of the three-day event rule. Chairman Solley agreed.

Chairman Solley went over the proposed changes made at this evenings meeting once again, to assure the Commissioners agreed with said changes.

Mr. Reich stated that he did not feel that the language of the proposed regulations was clear enough. He would like to see them written out, with corrections made, before the Commission moved forward. Ms. Radosevich agreed.

The Commission referred back to the language of Section 12.8.3 – "Temporary Events Requiring No Permit". Mr. Averill asked for clarification on Subsection 12.8.3.E, stating that the language used suggests an applicant could hold three "no-permit required" events, followed by three (3) one-day events permit, followed by a "seven consecutive day" permit, and he questioned whether or not the Commission agreed with this. Chairman Solley agreed with this point, and stated that he would contact Attorney Zizka for his opinion.

Mr. Reich asked if there would be a corrected draft at the Zoning Commission's July 22, 2019 Regular Meeting, and Chairman Solley said he hoped for a finished product by next week, but that he would not be in attendance at that meeting.

The Commissioner's briefly discussed the upcoming meeting, with Chairman Solley stating that the discussion could be continued at the August meeting if they wished, however he and Ms. White would be discussing the proposed changes with Attorney Zizka next week, and a cleaner, more accurate draft would be available by the July 22, 2019 Zoning meeting.

MOTION: To adjourn the July 8, 2019 Zoning Commission Special Meeting, by Ms. Radosevich, seconded by Mr. Averill, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

July 11, 2019

*All documents on file in the Land Use Office

**Minutes subject to approval

***A recording of this meeting is available upon request