

May 20, 2002

Present: Henry Martin, Chairman, Valerie Friedman, David Owen

Alternate: Andrew Shapiro

Guest: Bob Nicholas, Patti Brown, Edward Gilbert, John Friedman, Pat Werner, Vinnie Node

REGULAR MEETING

The Chairman, Mr. Martin called the regular meeting to order at 7:37pm and seated all regular members present and alternate Andrew Shapiro.

CONSIDERATION OF MINUTES

MOTION: to accept the minutes of the April 22, 2002 regular meeting of the Zoning Commission as submitted by Mr. Shapiro, seconded by Ms. Friedman, passed 4-0.

MOTION: to accept the minutes of the May 7, 2002 special joint meeting of the Zoning Commission and Planning Commission as submitted, with the condition they are accepted by the Planning Commission, by Mr. Owen, seconded by Ms. Friedman, passed 4-0.

MOTION: to include on the agenda the approval of the minutes of the April 8, 2002 special meeting of the Zoning Commission as submitted by Mr. Owen, seconded by Mr. Shapiro, passed 4-0.

MOTION: to accept the minutes of the April 8, 2002 special meeting of the Zoning Commission as submitted by Mr. Owen, seconded by Mr. Shapiro, passed 3-0-1. Ms. Friedman abstained because she did not attend the April 8th special meeting.

NEW APPLICATIONS - none

OTHER BUSINESS

Renewal of Special Permit: Section 13.16/ Gilbert/330 Old Litchfield Road/Shop and Storage Use

Mr. Martin read the ZEO report dated 5/20/02.

MOTION: to approve the renewal, without application, of the Special Permit: Section 13.16 for Gilbert/330 Old Litchfield Road for shop and storage use by contractors and building tradesman by Mr. Owen, seconded by Ms. Friedman, passed 4-0.

It is noted that Mr. Gilbert's checks will be returned to him.

Preliminary discussion/Nicholas/Revision of Section 10.4.1.a: Woodville Business District

Mr. Nicholas and Ms. Brown were present to seek clarification on what can be done as far as establishing a "coffee bar" type business on premises. Mr. Nicholas owns Sebec Trading at 330 Litchfield Turnpike and Ms. Brown wants to rent a portion of the building to serve coffee, donuts and accessory foods. It will be take out only, no preparation on site, no inside seating. In the future possibly incorporate the sale of sandwiches and a few outside tables. They are looking at limited hours (6:00am to 12:00noon). Mr. Martin thought this sounds like a reasonable request and encouraged Mr. Nicholas to petition the Zoning Commission to amend their regulations. Mr. Owen felt this was not a restaurant/fast food establishment but a small scale residential establishment and the regulations were not meant to exclude this type of business. Ms. Friedman felt the right way to proceed would be to amend the regulations as Mr. Martin had recommended. There was much discussion on the definition of restaurant/fast-food/ deli and the best way to proceed with both the application and amendment process and get things done in a timely fashion. Mr. Martin explained the special permit process and the applicants need to explain why this is not a restaurant as defined under the existing regulations. Ms. Friedman and Mr. Owen will work on a draft of the proposed change to the regulations. Ms. Hill reminded everyone of the need for health department sign off on all zoning applications.

Revision of Zoning Regulations

Members discussed revisions to Section 13.1.B and Section 17. All members received copies of correspondence from Atty. Byrne regarding revisions to both of these sections. Mr. Martin gave a brief overview of the proposed amendments to Section 13.1.B. and asked members to review them for next months meeting. In regards to Section 17 Atty. Byrne states that parts of current Section 17 are not consistent with state statutes(these parts were crossed out in the correspondence). Given Atty. Byrne's opinion, Mr. Martin asked Atty. Byrne to do a legal overview of the entire Zoning Regulations. Mr. Martin would like him to check for anything inconsistent with of state statutes or common sense changes in view of Atty. Byrne's experience. It was stressed that this will not be a complete rewrite but highlights only.

CORRESPONDENCE

5/10/02 Referral from Brown Rudnick Berlack Israels to ZEO re Telecommunications Tower in New Milford. Mr. Martin briefed members on this referral. It was unclear if the proposed site is within 2500' of Washington's town line. The telecommunications tower company was asking for comment from the Washington Zoning Commission. Members felt that this would be a good learning experience and that the Zoning Commission should take them up on their offer of attending a Zoning meeting. The First Selectman's office will invite Brown Rudnick Berlack Israels to the June 24th regular meeting. It was decided if this date was not convenient have them provide (3) alternate dates to meet.

Members briefly discussed the town web site. The minutes from the April 22nd Zoning Commission meeting were posted on the web site. Mr. Owen informed members that Rex Swain completely revamped the web site. There is still a problem will reformatting information to be posted. The zoning regulations are currently on the web site but need to be downloaded to your computer to access. Mr. Owen felt that more progress has been made in the last month than the last year and that the site will not be fully functional for a few years. Members discussed when the minutes should be posted on the web site. It was decided by the commission that minutes should be made available for posting when they are recorded with the Town Clerk, prior to approval by members, but with a warning that the minutes posted have not yet been approved and are subject to change.

Members also discussed the Zoning Board of Appeals (ZBA) recommendations for the revisions to Section 12.14 pertaining to generators and pool filter. Some members felt the revisions were fine others wanted slight changes. Mr. Martin would like to stay as close to ZBAs recommendations as possible. Mr. Owen will work on some slight wording changes. All members felt the proposed ZBA distances were reasonable.

ENFORCEMENT

Washington Montessori Association: Enforcement Issue

John Friedman, Chairman of the Board of Trustees, Pat Werner, and Vinnie Node, Site Manager were present. Mr. Martin referred members to a letter written by Janet Hill, ZEO (Zoning Enforcement Officer) to the Washington Montessori Association Re: Notice of Violation written 5/20/02. Mr. Martin read the amended motion from the 9/24/01 meeting of the Zoning Commission stating the limitation on outside construction hours. Mr. Friedman apologized and stated that they were lacking in the chain of communication and today they drew up new procedures. Mr. Martin wants no more violations and assurance that the message is conveyed and understood by all. Mr. Friedman stated that he understood and feels the new system of checks, put into place today will work. For the record it was stated that no machinery (engines running) is to be running before 8:00am.

Meeting adjourned at 9:54pm.

The next scheduled meeting of the Zoning Commission June 24th, 2002 at 7:30pm.

Submitted subject to approval,

Pamela L. Osborne, Acting Secretary