

June 28, 2010

Present: David Owen, Lou Abella, Ray Reich, Ralph Averill, Gary Fitzherbert

Alternates Present: Andy Shapiro, A.J. Dubois, Harry Wyant

Absent:

Staff Present: Janet Hill, Shelley White

Others Present: Residents (see attached), Press, Mr. Bibb

Mr. Owen called the meeting to order at 7:35 pm.

PUBLIC HEARINGS

Seated: Mr. Owen, Mr. Averill, Mr. Fitzherbert, Mr. Abella, Mr. Wyant, Alt. (for Mr. Reich)

Sirowich/47 Sunset Lane/Special Permit: Section 13.11.3/Detached Accessory Apartment:

Ms. Hill read the legal notice published in Voices on June 16 and June 23, 2010. Mr. Owen read the list of documents on file for this application and the Administrative Review by Ms. Hill, dated 6/28/10. Mr. Fairbairn stated that the house was renovated about five years ago and at that point the apartment above the garage was finished. The Commissioners looked at Property Boundary Survey Map prepared for Carol Sirowich, 47 Sunset Lane by T. Michael Alex, Land Surveyor, and dated July 2007. There were no additional questions or comments.

Motion:

to close the Public Hearing for Sirowich/47 Sunset Lane/Special Permit: Section 13.11.3 for Detached Accessory Apartment, by Mr. Averill, seconded by Mr. Wyant, by 5-0 vote.

Revision of the Zoning Regulations/Proposed Section 13.5: Conveyance of Special Permit at time of property transfer or new lessee; Sections 4.4.1, 5.4.9, 6.4.14, 13.9: Addition of Inns, Deletion of Inn standards under Section 13; Sections 4.4.1, 4.4.6, 4.4.14, 5.4.1, 6.4.1, 7.4.5, 7.4.12, 8.4.5, 8.4.12, 9.4.8, 10.4.5, 13.14, 13.14.3, 15.2: Deletion of "Tourist Home," "Room and Board Establishment," and "Boarding House;" Section 2.3.6: Approval of applications requiring installation or modification of sewage disposal system and deletion of current language in Sections 13.6 (renumbered), 13.10, 13.11.2.d, 13.11.3.d, 13.14.7, 13.5, and 13.17.5; Section 21.1.10: Deletion of definition of "Boarding House," and addition of definition of "Bed and Breakfast Establishment;" Sections 21.1.30, 21.1.38, and 21.1.65: Addition of definitions of "Fitness Facility," "Inn," and "Spa;" Sections 6.4, 12.1.2, 13.17: minor deletions for consistent language throughout text, and renumbering throughout:

Ms. Hill read the legal notice published in Voices on June 16 and June 23, 2010.

Point of Order: Ms. Michelle Rodin read a statement requesting that any discussion of Section 13.9 be adjourned pending an investigation as to whether Commissioners Reich and Fitzherbert should recuse themselves. She submitted a letter dated June 28, 2010, from Ms. Teresa Peacocke, with enclosures, in support of her request (on file in the Land Use Office).

Mr. Reich arrives.

Mr. Owen read the list of documents on file for these proposed revisions. Mr. Owen stated that he would like to divide the discussion into parts:

Proposed section 13.5: Conveyance of Special Permit at time of property transfer or new lessee:

Mr. Owen read the proposed language. He stated that in the past, the Zoning Commission required that applicants renew the Special Permit when the property changed ownership. Town Counsel drafted this proposed language, which was then referred to the Town of Washington Planning Commission. Mr. Owen read the report of the Planning Commission, which finds that the proposed language for Section 13.5 is consistent with the Town Plan of Conservation and Development. Mr. Owen read a statement from Dan McGuinness of the Northwestern Connecticut Council of Governments. Mr. McGuinness stated that there are a couple issues to consider: 1. It is the property owner's responsibility to be aware that a Special Permit has been granted on the property. By State Statute all permits are filed on the Town land records. Therefore any new owner should be aware of the Special Permit. 2. The property owner is responsible for making sure that tenants adhere to the conditions of the Special Permit. If a zoning violation occurs, it is the property owner and not the tenant that should be issued the cease and desist order. 3. Neither Zoning Commissioners nor Land Use Officials are routinely notified whether property is sold or a new lease is signed. It would be difficult to enforce this proposed regulation as it would require the Land Use Officials to monitor property sales and determine which properties that have been sold have a Special Permit and then contact the new property owner and inform them of the requirements. 4. The Town Health Department, not the Zoning Commission, is responsible for enforcing its regulations. 5. This proposed regulation does not work with the basic principle of Zoning Regulations govern the use not the user by requiring that the use not be continued until the new user files an acknowledgement. Mr. Owen stated that, according to this report, Mr. McGuinness is not in favor of this proposed revision. Mr. Averill stated that he agrees with Attorney Zizka's recommended revision of the Section 13.5. Mr. Owen suggested that the Zoning Commission share Mr. McGuinness's comment with Atty. Zizka before proceeding. Mr. Reich asked if the Zoning Commission should be concerned with what the State permits the Commission to do or forbids the Commission to do. Mr. Owen stated that they are concerned that the State forbids the Town of Washington Zoning Commission what they have customarily done for years which is require new owners of Special Permit properties to reapply to the Zoning Commission when the property changes hands. There were no more comments or questions concerning this section.

Section 2.3.6: Approval of applications requiring installation or modification of sewage disposal system and deletion of current language in Sections 13.6 (renumbered), 13.10, 13.11.2.d, 13.11.3.d, 13.14.7, 13.5 and 13.17.5:

Mr. Owen read the proposed language that was provided by Atty. Zizka. He stated that this proposed revision is an effort to solve the current issue in which the Zoning Regulations prevents the Zoning Commission from considering certain applications until there is Health Department or State Health approval. However, the State refuses to act on applications until the Zoning Commission had approved them. The State does not want to invest time in a proposal that has the possibility of being turned down. The proposed language eliminates this problem. Mr. Owen read the Planning Commission response, which found that the proposed language is consistent with the Town Plan of Conservation and Development. Mr. Owen read the response from Dan McGuinness of the Northwestern Connecticut Council of

Governments. Mr. McGuinness stated that this proposed language is redundant and that the Town Health Department is independent of the Zoning Commission and is authorized to approve or deny sewage disposal systems. He states, in his report, that a facility could not legally be occupied without the approval of the Towns Health Department even if it has been granted a permit or special permit by the Zoning Commission. Mr. Owen stated that he agreed with Atty. Zizka. He stated that this proposed language eliminates inconsistency and will allow the Zoning Commission to deal with applications that require State approval.

Sections 4.4.1, 5.4.9, 6.4.14, 13.9: Addition of Inns, Deletion of Inn standards under Section 13; Sections 4.4.1, 4.4.6, 4.4.14, 5.4.1, 6.4.1, 7.4.5, 7.4.12, 8.4.5, 8.4.12, 9.4.8, 10.4.5, 13.14, 13.14.3, 15.2: Deletion of “Tourist Home,” “Room and Board Establishment,” and “Boarding House;” Section 21.1.10: Deletion of definition of “Boarding House,” and addition of definition of “Bed and Breakfast Establishment;” Sections 21.1.30, 21.1.38, and 21.1.65: Addition of definitions of “Fitness Facility,” “Inn,” and “Spa;” Sections 6.4, 12.1.2, 13.17: minor deletions for consistent language throughout text, and renumbering throughout:

Mr. Owen clarified some misconceptions: 1. “Inns are and remain, under the proposals, Special Permit applications. Which means that any application for an Inn is required to comply with Washington’s Special Permit standards.” Mr. Owen read the eight standards listed under Special Permits in the Zoning Regulations under Section 13. Mr. Owen read the report from the Planning Commission (on file in Land Use Office) that found that the proposed revisions to these sections of the Zoning Regulations are fundamentally inconsistent with the goal of the POCD to preserve rural character. Mr. Owen read the report from Dan McGuinness (on file in Land Use Office) in which he discussed a number of issues regarding the proposed revisions to these sections.

Mr. Fitzherbert asked Mr. Owen what his reaction is to the threat of a lawsuit at the beginning of this Public Hearing. Mr. Owen stated that he did not have a reaction to this threat and that “people threaten lawsuits all the time.”

Mr. Owen opened the discussion to the public. Mr. Owen stated that this is a Public Hearing for the proposed changes to the Zoning Regulations and that it is not about a specific application. He requested that the comments focus on what is being proposed by the Zoning Commission for this Public Hearing.

Mr. Ecton Manning of Painter Ridge Road asked Mr. Owen if it was in accordance with State Law that an absent member chooses an alternate member. Mr. Owen confirmed that it was. Mr. Manning stated that he sees an issue with the Zoning Commission allowing a restaurant, bar, spa, gym, or conference room in conjunction with an Inn in a residential or farming district, and how would they be able to avoid allowing these uses as freestanding applications, and have they sought legal counsel regarding this matter. Mr. Owen stated that the Zoning Commission has discussed this with legal counsel. He stated that the Town Zoning Regulations have permitted inns in the R-1 and other districts for a very long time. By custom the inns have included those facilities. These decisions were discussed and made in Public Hearings. He stated the Town has never had a definition of ‘inn’ and the current proposal includes the things that the Zoning Commission has historically approved with an application of an inn. Mr. Owen read the definitions that are part of this proposal. He stated that with or without these definitions the Zoning Commission is governed by the Special Permit requirements and standards that he read earlier. The elected Zoning officials are required to base their decision on the requirements and standards.

Mr. Paul Antosh stated that he worked at the Swiss Hospitality Institute and “the property in question.” Mr. Owen repeatedly stated that there is not a property in question and that this Public Hearing is regarding proposed revisions of the previously mentioned sections of the Zoning Regulations. Mr. Antosh stated that the Town has ‘conveniently misplaced’ an application for an inn that was approved at the

Wykeham Road property. He asked if there would be a criminal investigation. Mr. Owen stated that there would not be a criminal investigation.

Ms. Susan Bishop Wrabel of Baldwin Hill Road stated that she is “troubled by the proposed definition of ‘inn’ and how it was derived.” She stated that she was not in favor of defining ‘inn’ based on The Mayflower and feels, as she has stated at a previous Zoning Commission Meeting, that this is “retroactive thinking, retrospective thinking on the part of our esteemed Zoning Commissioners.” She stated that “we have no idea what a fitness facility might be in six months” as trends change around the world. She stated her “concern is that by enacting this broad proposal our citizens will be inviting the unscrupulous, opportunistic endeavors of people who would exploit our beautiful town.” She stated, “We cannot see it coming if we look only to the past.” She stated that she was concerned that this proposal would generate numerous lawsuits in town. Mr. Averill asked Ms. Wrabel and every resident what their personal definition of ‘inn,’ ‘hotel,’ and ‘resort’ is. Ms. Wrabel stated that she considers an ‘inn’ to be different from a ‘resort’. She stated that she considers an ‘inn’ provides lodging, “which may offer some food on a small scale to a small number of transient people. I would consider it to have none of the ancillary functions such as conference centers, fitness centers, spas and whatever else may occur in some large corporate inn. What we may call an ‘inn’ in Connecticut may not resemble an ‘inn’ in the Hunt Valley of Maryland...It’s a very regional thing.” She stated that she thought an ‘inn’ in Washington, CT should be “something small...I think it is not a resort.”

Ms. Constance Hill of New Preston read the Random House Dictionary definition of ‘inn,’ which is a small countryside hotel.

Mr. Rex Swain of South Street stated that he was concerned with the issue of scale as represented in these proposed revisions. He stated that the proposal does not address size. He stated that he feels that this is too much authority to “grant to five people the ability to decide by Special Permit what they consider to be harmonious in a residential zone.” He stated that he is a member of the Board of Finance and that there are limits on the amount of money that they can act on and that anything over \$20,000 must go to a Town Meeting. He stated that he does not see a limit in these proposed regulations and he feels that this is unacceptable. Mr. Owen stated that the current regulations do not contain a limit on the size of an inn and that the regulations have never had a numerical limit on the size of an inn, however the regulations do provide the stringent requirements of the Special Permit section.

Mr. Peter Tagley asked Mr. Owen, “As Chairman, can you explain under what conditions a chairman would have to recuse himself or any member of his committee?” Mr. Owen explained that it is a personal decision and that he cannot recuse anybody but himself. Mr. Tagley explained that he is a thirty-three year resident of the Town. He stated that one of the problems for him, “perceptively, this issue has become very tainted because of what many people perceive as the personal involvement of several of your commissioners and I think that’s very difficult for many of us. And it’s caused a problem which somehow you have to address.” Mr. Tagley stated that another issue he has is that “if we were discussing building one inn in Town, you may get approval of a lot of people...if this was an issue where the Zoning Commission was dealing with one individual building one inn on one piece of property...you may get some support. But there is so much apprehension in your proposal in changing the entire zoning laws, where, perceptively, anyone, everyone here owns a valuable piece of real estate...I see people being very concerned about what gets constructed in their neighborhood...What does it mean for all of the value that we have accrued as citizens? The investments we’ve made in our property? That has to bear on the Commissioners. When you change the zoning laws you can change the property values of many people in Town.” Mr. Owen stated that the Special Permit requirements specifically state that the Commission must consider these issues.

Ms. Debbie Forese stated that she was in favor of the Special Permit process and did not see the need for a finite definition of ‘inn’ or ‘restaurant’ and that each application should go through the Special Permit process. She stated that the Town of Washington has always benefited from the existing inns. She stated that the majority of the Town voted for the Zoning Commissioners. Mr. Owen clarified that there is a definition for ‘eating and drinking establishment’ in the Zoning Regulations.

Mr. Frank Monteleone of Cook Street stated that he feels that this situation is unfair and that the Town “has changed the rules halfway through the game.” He asked why Mr. Reich could not vote at this hearing tonight. Mr. Owen stated that Mr. Reich was not here at the beginning of the Public Hearing and he asked that Mr. Wyant, Alternate, be seated in his place. Mr. Monteleone stated that there was no reason for this to issue to be continuing after 2 years and that he thought it was unfair for Mr. Klauer. Mr. Owen stated that this Public Hearing was not about an application for an inn. Mr. Monteleone asked why the regulation was changed to allow inns only on State roads while there was an application pending. Mr. Owen stated that Zoning Commission revises their regulations all the time. Mr. Owen stated that the rules that were in effect at the time of the submission of the application are the rules that apply to that application. Mr. Monteleone stated that it would be a benefit to the Town to have a less expensive lodging choice in Town. Mr. Owen reminded the public that this Public Hearing is not about a specific application and that there is nothing in the Zoning Regulations that deal with the maximum and minimum pricing on rooms at inns.

Joan Lodsins of Tompkins Hill Road read a statement. She was concerned that a small group of people, “with an obvious agenda” will determine what is good for the majority of the Town. She stated that “any change in the Zoning Regulations should be for the good of all in Washington, to enhance the beauty of the town, to insure that the town grows in a way that is acceptable, to maintain the bucolic nature.” She stated that she believes that the original Zoning Regulation that allowed inns on town roads should be restored and that the Zoning Commission should allow the Special Permit process to assess each application “on its own merits and determine whether or not it conforms to the regulations.” She stated that many people in the Town have already spoken when they voted last year. She stated, “the voters elected people with a vision for how this town can grow, retain its charm, and not become stagnant with no room for new people or new ideas.” She asked that the Commission “vote to restore the regulation allowing inns on town roads and then judge each application without bias or prejudice.” Mr. Owen stated that there was a difference of opinion on the Zoning Commission as to the meaning of one element of the original regulation. It states what the required frontage is on a State road and some members believed that this meant that they were only allowed on State Roads. Mr. Owen stated that he raised the point that “grammatically it did not say that” and that it was just specifying what the frontage should be if an inn was on a State road. He stated that no one agreed with him except for Atty. Zizka and the Commission voted by 4-1 to change the regulation to what they thought it always intended. He stated that this did happen while there was an application for an inn going through the Special Permit process and he stated that it was not an issue in the decision of that application.

Mr. Jack Boyer of Nichols Hill Road stated that he thinks people in Town are not considering that there is still a great amount of opportunity in Town for someone to establish an properly sized inn on a State road and that inns are not being banned from Town under the proposed revisions.

Selectman Nick Solley stated that he was not representing any views on behalf of the Board of Selectman and that he was present to discuss this matter on his own behalf. Mr. Solley stated that including West Shore Road, which is a State Highway, the Town has approximately 26 miles of State road. He stated we have 88 miles of Town roads. Twenty-three of those Town roads are dirt. Mr. Solley stated that he was on the Zoning Commission years ago and he believes that the Zoning Commission did not want to burden Town roads with the truck traffic

going to inns so they limited the location of inns to State Highways. He stated that his personal feelings are consistent with the Planning Commission's decision. He stated that he has lived here for sixty years and that he does not feel the Town should open up the residential districts to commercial development. Mr. Owen stated that Ms. Hill had compiled information on the evolution of the regulations on inns and there was a regulation that stated "frontage shall be 500 feet and then a clause was added to that, maybe in 1978...that stated frontage on a State Highway shall be 500 feet."

Ms. Louise King of Wykeham Road stated that she would hardly call Wykeham Road a rural road since it's improvement.

Ms. Pat Mathews of Route 47 addressed her question to Mr. Monteleone. She asked if we need jobs why doesn't the Town come up with a "development plan, which is cogent." She stated that she does not want a promise from an individual that he will establish a business that will provide jobs for the Town. She stated "there is no way to run an inn at this time, in our economy without hiring cheap labor. And nobody in Washington gets low money." Ms. Mathews stated, "the illusion is that all the building and the construction is all going to be done by people in Washington." She stated that we all know that they're doing a large project so they would most likely hire larger, cheaper companies to do the work. Ms. Mathews stated that the Zoning Commissions job is to protect the Town.

Mr. Owen reminded everyone to stick with the topic.

Ms. Betsy Manning asked why the 500 feet required frontage is not in the proposed language. Mr. Owen stated that it was an "arbitrary number" and the standards of the Special Permit requirements enable the Zoning Commission to make judgments based on the size of the property. There was a brief discussion regarding the frontage requirement for any property. Ms. Hill stated that most properties are required to have 200 feet of frontage. Ms. Manning stated that this is "just one more criterion that is left to the discretion of the five people..." Mr. Fizerbert stated that the Town has sightline requirements for driveways.

Mr. Phil Dutton of Route 109 talked about how inns have played an important role in the history of Washington. He stated that The Mayflower Inn was allowed to expand and there was no definition of an inn and the Planning Commission did not oppose it. He stated that The Mayflower Inn and Spa is over 76,000 sq. ft. and has been considered an 'inn' by the Town. Mr. Dutton criticized the lack of attendance of the Planning Commission at the Zoning Meetings and accused them for "their lack of vision for the future other than that "protecting rural character." He stated that this is not the only goal that the Townspeople desire. He stated that allowing inns only on State roads is unfair to any person who owns property on a town road and would like to build an inn on their property. He stated that some people will inherit large properties and their only option to maintain the property would be to establish an inn. He states the other option would be to subdivide which would not be along the lines of preserving rural character. He suggested that 'rural character' should be defined. Mr. Dutton stated that the people of the Town spoke 'loudly and clearly' when they voted at the last Zoning Commission election. He mentioned that there is a petition that has been signed by over 400 people urging the Zoning Commission to restore the right of inns on Town roads.

Mr. Justin Primo owns land in Town but is not a resident. Mr. Primo stated that he feels the Town is reducing its potential by two-thirds by limiting inns to only State roads.

Ms. Diane Tagley of New Preston stated the Zoning Commission's job is to protect our town not businesses, and she moved to Washington for its bucolic nature.

Ms. Sharon Wyant McGuire stated that she would like to address that the Town Attorney was the only one that agreed with Mr. Owen that inns were not restricted from Town roads. She stated there couldn't be any more traffic going to an inn on Wykeham Road than there would be going to a hockey game at a private school.

Mr. Peter Pappas of Parsonage Lane stated that there have been a lot of comments as to whether business makes any difference to the Town or not. He stated that people in Town should get used to the idea of paying high taxes because businesses would not want to come to Washington if they are treated as Mr. Klauer has been treated.

Mr. Owen reminded the public that no one has an application before the Zoning Commission for an inn. He stated that this is a Public Hearing to discuss the proposal of the Zoning Commission regarding revisions of the regulations. He stated that he hopes that Mr. Klauer, even though he did not like the decision of the Zoning Commission, feels that he was treated fairly.

Mr. Hank Martin stated he was the past Chairman of the Zoning Commission. He stated he feels strongly about this issue and that for 32 years the Zoning Commission only allowed inns on State roads. He stated that these regulations have been established by past generations of Zoning Commissioners. He believes that the past generation believed that an inn is a more intensive use and needs extra restrictions. He stated that he would like to associate himself with the opinion expressed by the Planning Commission. He stated that he does not agree with the proposed language because the inns are not scaled and would be limitless in size. Mr. Owen stated that inns have always been limitless in size and scale in the regulations. Mr. Martin said while this was true, in the past there were more restrictions than now proposed and since inns weren't allowed everywhere in Town, the definition was not as important.

Ms. Erika Klauer stated that she would like to clarify that the Zoning Commission did unanimously approve an inn application in 1991 that was on a Town road. She stated that this paperwork was not available to any of the Zoning Commission members and feels that it is an unfortunate omission in the consideration of changing the regulation to allow inns on Town roads and the Wykeham Rise application. Mr. Averill stated that the inn that was approved was associated with the Swiss Hospitality Institute. Ms. Klauer stated that the paperwork shows that the approved inn was separate from the Swiss Hospitality Institute.

Mr. Averill stated that he was hoping that the public would come up with some kind of consensus of what the word 'inn' means.

Ms. Manning stated that she thought an inn would be a place for overnight accommodations with meals for the guests. She stated a resort would be someplace that would have full service recreational facilities, spa, etc.

Ms. Jane Boyer of Nichols Hill stated that she felt it was impossible to define 'inn'. She stated that she felt the Town should be dealing with 'eating and sleeping establishments'. She stated there should be small, medium and large eating and sleeping establishments and each category would have their own requirements.

Ms. Janet Hill, Land Use Administrator, stated that the approved inn on Wykeham Road was to be a teaching facility, run by the students to teach them the hospitality operation and it was housed in the classroom wing of the building.

Mr. Owen stated that the Commission wanted to prevent someone trying to establish a restaurant and using the inn as a shield. He stated the

simplest way to do this was to place a maximum number of seats in the restaurant as a multiple of the number of beds. Within the Special Permit requirements, it gives the Commission a tool to limit the size of the eating and drinking establishment based on the number of beds in the inn.

Drew Stickler of Calhoun Street asked how the numbers of the proposed language were derived. Mr. Owen stated that the numbers are based on the past experience of the Commission. Mr. Stickler stated that he found it “hard to understand how the Zoning Commission could limit someone’s ability to make a living with a number that you’re not really sure where it’s coming from.”

Wayne Hileman of River Road stated that there is a concern regarding people’s rights as property owners in the R-1 District. He stated no one expects or wants to live next to a commercial operation when they buy a home in a residential district. He stated that he does not support the “vague language that does not take the interest of homeowners to heart.” He asked why Marbledale and Woodville were not included in these proposed revisions. Mr. Owen stated that members of the Zoning Commission did not feel that inns were an appropriate use in these districts. Mr. Owen stated the Woodville district is too small; the use of an inn did not seem to fit in to Marbledale. Mr. Fitzherbert stated that the Special Permit process has a list of criteria that the Zoning Commission must consider when an application is before it and the size of an inn is under control using these criteria. Mr. Fitzherbert stated that he was not in favor of these definitions but finds that they have ‘cleaned up’ other areas in the Zoning Regulations. Mr. Owen stated that the current Special Permit requirements and standards give the Zoning Commission ‘extraordinary leeway’ in the decision making process. He stated that he does not think that “any wording that the Zoning Commission could use that would resolve” this issue of ‘inns’ that divides the Town. He said, “What we have tried to do is make the regulations consistent with the way the Commission has acted in the past...In the past...we repeatedly approved inn applications that...without the benefit of a maximum size limit or ...most of the requirements we have because we found the Special Permit standards to be adequate.”

Kelly Boling of New Preston stated that he was nervous that the proposed regulations would allow inns on any road in Town. He stated that one of the standards of the Special Permit process is that the proposed use is consistent with the POCD and he feels that these proposed revisions conflict with this standard. He asked the Zoning Commission since the Planning Commission has voted that these revisions are not consistent with the POCD how does the ZC reconcile the difference. Mr. Owen stated that the Zoning Commission would have to address the specific objections of the Planning Commission. Mr. Shapiro stated that the Zoning Commission must consider the POCD and “be mindful in amending any of our regulations, the end product we wind up with, however we change a given regulation, should also be internally consistent with all the rest of our regulations as they stand.” He stated that under our current regulations restaurants, spas, meeting facilities, bars, and gyms are not permitted in a residential district, unless they are included under the use of an inn. Mr. Shapiro referred to the lengthy section in the Zoning Regulations that deals with Home Occupations. He stated that these regulations limit to what degree a home occupation could intrude, in a commercial sense, on the surrounding homes and how it can or cannot change the residential character. He pointed out that, in these regulations, “we specifically prohibit people from using their homes to run a restaurant.” He stated that there are numerical limits on the amount of rooms for Bed and Breakfasts and Rooming Houses and that it would not be impossible to put numerical limits on Inns. Mr. Shapiro stated that he feels that allowing Inns with their accessory uses on any road in Town is not consistent with the “whole body of our Town’s Zoning Regulations.” Mr. Owen asked Mr. Shapiro if he was suggesting that Inns should be eliminated as a use by Special Permit in the R-1 Zone. Mr. Shapiro stated that he did not suggest that and that he agreed with the current regulation that allows inns only on State roads. He suggested using the Natural Resource Inventory to refine a list of roads where inns would be allowed. Mr. Owen suggested that maybe there were locations on State roads that the Zoning Commission would find an inn would not be appropriate.

Mr. Owen stated that, as the current Zoning Regulations are written, the Zoning Commission would be able to deny an inn on a State Road if they needed to. Mr. Shapiro stated that what “troubles him is opening up all of these roads...to a high intensity commercial use.”

Rob Parker asked, “Can you explain...that Mr. Klauer, in the past, hasn’t been treated fairly...David, could you remind everyone how much of the ‘inn on Town road’ was even a factor in the conclusion that was drawn in December of 2008 when his application was denied?” Mr. Owen stated that it was an important consideration for some of the Commissioners but he had suggested to the Commissioners that they not base their decision on this. Mr. Parker asked, “When you cast your final vote, where was the ‘Town road’ issue?” Mr. Owen stated that it was not part of his decision. Mr. Parker stated that he thought it was impressive that the entire Planning Commission “voted to not commercialize our residential zones, which is what your language, as proposed, enable. And I do think you guys had it right in June of ‘08 when you did decide to not commercialize our residential zones.” Mr. Owen reminded the public that in the current regulations inns are only allowed in the R-1 zone.

Mr. Antosh stated that the Zoning Commission is “confusing. They restrict the size of a restaurant to the amount of rooms but they don’t tell us how many rooms are allowed.”

Mr. Owen recommended the hearing be continued so the Commission could consult with its attorney regarding some of the issues raised.

Motion:

to continue the Public Hearing to consider the Revision of the Zoning Regulations/Proposed Section 13.5: Conveyance of Special Permit at time of property transfer or new lessee; Sections 4.4.1, 5.4.9, 6.4.14, 13.9: Addition of Inns, Deletion of Inn standards under Section 13; Sections 4.4.1, 4.4.6, 4.4.14, 5.4.1, 6.4.1, 7.4.5, 7.4.12, 8.4.5, 8.4.12, 9.4.8, 10.4.5, 13.14, 13.14.3, 15.2: Deletion of “Tourist Home,” “Room and Board Establishment,” and “Boarding House;” Section 2.3.6: Approval of applications requiring installation or modification of sewage disposal system and deletion of current language in Sections 13.6 (renumbered), 13.10, 13.11.2.d, 13.11.3.d, 13.14.7, 13.5, and 13.17.5; Section 21.1.10: Deletion of definition of “Boarding House,” and addition of definition of “Bed and Breakfast Establishment;” Sections 21.1.30, 21.1.38, and 21.1.65: Addition of definitions of “Fitness Facility,” “Inn,” and “Spa;” Sections 6.4, 12.1.2, 13.17: minor deletions for consistent language throughout text, and renumbering throughout, to seek advice from Town Counsel, by Mr. Owen, seconded by Mr. Averill, by 5-0 vote.

10:00 p.m. Break

10:10 p.m. Meeting resumes.

REGULAR MEETING

Consideration of the Minutes

The May 24, 2010 Zoning Commission Regular Meeting Minutes were considered:

Motion:

to accept the Zoning Meeting Minutes of May 24, 2010, as submitted,
by Mr. Owen, seconded by Mr. Averill, by 5-0 vote.

Pending Application(s)

Sirowich/47 Sunset Lane/Special Permit: Section 13.11.3/Detached Accessory Apartment:

There were no additional comments or questions.

Motion:

to approve Special Permit Application submitted by Sirowich/47 Sunset Lane/ Special Permit: Section 13.11.3/Detached Accessory Apartment,
by Mr. Averill, seconded by Mr. Abella, by 5-0 vote.

New Application(s)

There were no new applications to discuss.

Other Business

Mr. Owen announced that the Public Hearing regarding inns has been continued to the next Zoning Commission Regular Meeting on 7/26/10, in the Main Hall at Bryan Memorial Town Hall at 7:30 p.m.

Privilege of the Floor

Craig Bibb was present to discuss activity at 329 West Shore Road. He is a neighbor to this property. Mr. Owen stated that he has talked to the Zoning Enforcement Officer regarding this matter, which is currently before the Inland Wetlands Commission. Mr. Bibb stated that a “violation has occurred of Washington Zoning Regulations but nothing has come from Zoning because nothing has been presented to Zoning.” He stated he was here to get the damages that have occurred, cleaned up. Mr. Bibb explained that Tom Auth of 329 West Shore Road “built a retaining wall in the lake and began filling in behind it.” Mr. Bibb stated that the Inland Wetlands Commission had told Mr. Auth that he was not allowed to do this. Mr. Bibb stated that the regulations do not allowing any re-grading or re-contouring of the shoreline. Mr. Owen stated that issues such as this do not usually come before the Zoning Commission and the ZEO deals with these issues and comes to the Commission for help if needed. He stated that the Inland Wetlands Commission makes property owners fix any damage that is done. Ms. Hill stated that the Inland Wetlands told Mr. Auth what it had approved and Mr. Auth is required to submit plans showing what has been approved before he may proceed.

Communications

A letter from the State of Connecticut Department of Environmental Protection dated May 28, 2010, Re: Approval of Authorization, Minor Grading. There will be new sand spread at Mt. Tom State Park.

A letter from The Northwest Connecticut Regional Planning Collaborative, dated June 10, 2010, Re: availability of services.

Enforcement

The Commission considered the ZEO report date June 28, 2010. Ms. Hill stated that Mike Ajello, ZEO would like some clarification from the Zoning Commission regarding 329 West Shore Road. Ms. Hill discussed the history of Mr. Auth's Inland Wetlands Application. She stated that the Inland Wetlands Commission and Mr. Ajello are waiting for engineered plans from Mr. Auth. The Commissioners urged the enforcement office to resolve this matter.

Adjournment

Motion:

to adjourn at 10:29 pm by Mr. Averill, seconded by Mr. Abella, by 5-0 vote.

Mr. Owen adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk,

Partial List of Public in Attendance, Public Hearing – June 28, 2010

Mr. and Mrs. P. Dutton	Mr. G. Fairbairn	Mrs. Sutter	Mr. Pappas
Mr. and Mrs. Boyer	Ms. Adams	Mr. and Mrs. Bedini	Mr. Duncan
Mr. and Mrs. Desimone	Mr. Antosh	Mr. and Mrs. Tagley	Mr. Swain
Mrs. Friedman	Ms. Rodin	Mr. Adams	Ms. Bishop-Wrabel
Mrs. Middlebrook	Mr. & Mrs. Monteleone	Mrs. Canning	Mrs. Lodsine

Mr. and Mrs. E. Matthews	Ms. King	Mr. Boling	Mr. Primo
Mrs. Minor	Ms. McGuire	Mr. Mustich	Ms. Klauer
Mr. and Mrs. Roth	Mr. Klauer	Mr. R. Wyant	Mr. Chute
Mr. and Mrs. Davis	Mr. Hileman	Mr. and Mrs. Manning	Mrs. Roberts
Mrs. Peckerman	Ms. Gager	Mrs. McDonald	Ms. Purnell
Mr. and Mrs. Rickart	Mr. Werkhoven	Mrs. Silk	Ms. F. Hill
Mr. O'Toole	Ms. Forese	Mr. N. Solley	Mrs. Cheney
Mr. Martin Press	Mr. Papsin	Mrs. Johnson	Mrs. Hardee
Mrs. Addicks	Mrs. Greene	Mr. and Mrs. Solomon and son	Mr. Parker
Mr. Charles	Mr. and Mrs. Federer	Mrs. Wildman	Mr. and Mrs. Condon
Mr. Wool	Ms. McGarr	Mr. Tomlinson	Ms. Setlow
Mr. Frank			