

## September 27, 2010

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

**Alternates Present:** Andy Shapiro, Harry Wyant

**Absent:** A.J. Dubois

**Staff Present:** Shelley White

**Others Present:** Mr. Monteleone, Mr. & Mrs. Davis, Mr. Rogness, Mr. Templeton, Mr. & Mrs. Boyer, Ms. Federer, Ms. Klauer, Atty. Kelly, Mr. Woodruff, Mr. Collum, Residents

### **PUBLIC HEARINGS**

Seated: Mr. Owen, Mr. Averill, Mr. Fitzherbert, Mr. Abella, Mr. Reich

Motion:  
to add two items to the agenda: Executive Session to Discuss Wykeham Rise Appeal after VIII. Enforcement on the Agenda and Discussion of Section 13.10 Residential Conversion of Older Home before VI. Privilege of the Floor on the Agenda, by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

#### Town of Washington/10 Blackville Road/Revision of Special Permit:

Section 4.4.9/Facilities of the Town of Washington/Driveway, Stormwater Management, Outdoor Storage Area:

Mr. Owen read the Legal Notice published in Voices on September 15 and September 22, 2010 and then read the list of contents that are in the file for this application. Mr. Owen explained that the Town of Washington's Public Hearing with the Zoning Board of Appeals was continued until the next ZBA Meeting on October 21, 2010 at 7:30 at Bryan Memorial Town Hall. There were no additional comments or questions.

Motion:  
to continue the Public Hearing for 7:30 pm, on October 25, 2010, at Bryan Memorial Town Hall for the Town of Washington/10 Blackville Road/Revision of Special Permit: Section 4.4.9/Facilities of the Town of Washington/Driveway, Stormwater Management, Outdoor Storage Area, by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

#### Davis/120 Roxbury Road/Special Permit:

Section 13.11.3/Detached Accessory Apartment:

Mr. Owen read the Legal Notice published in Voices on September 15 and September 22, 2010 and then read the list of contents in the file for this application. Mr. Monteleone, Mr. and Mrs. Davis were present to represent this application. The Commission looked at the hand drawn floor plans and elevations for the detached garage at 120 Roxbury Road. Mr. Monteleone stated that the Health Department has approved the proposed septic plan. Mr. Owen stated that the proposed plan meets all the criteria for a detached accessory apartment. It was

noted that the applicant submitted proof of certified mailings. There were no additional comments or questions.

**Motion:**

to close the Public Hearing for Davis/120 Roxbury Road/Special Permit: Section 13.11.3/Detached Accessory Apartment, by Mr. Abella, seconded by Mr. Reich, passed by 5-0 vote.

Elbow Partners, LLC/110 Calhoun Street/Special Permit:

Section 13.11.3/Detached Accessory Apartment:

Mr. Owen read the Legal Notice published in Voices on September 15 and September 22, 2010 and then read the list of contents in the file for this application. Attorney Kelly was present to represent Elbow Partners, LLC for this application. Atty. Kelly submitted a letter from Ben E. Nickoll, owner of Elbow Properties, LLC, dated September 21, 2010, stating that he will reside on the premises for the duration of the permit. He submitted a letter from Robert Micheletto and Brigitte Kleine to the Town of Washington Zoning Commission, dated September 21, 2010, (on file in the Land Use Office). Mr. Owen read the letter, which states that they have entered into a contract with Elbow Partners, LLC for the purchase of 110 Calhoun Street, that they support this application and that the present owner must obtain all the permits prior to the closing. Mr. Micheletto and Ms. Kleine stated in this letter that they would comply with the condition that the owner resides at the property whenever the apartment is occupied. Attorney Kelly gave a brief history of the property and stated that both the farmhouse and the barn have been gutted and stabilized. He stated that this proposed plan has been approved by the Historic District Commission, Conservation Commission and has received a Special Exception from the Zoning Board of Appeals. He stated that the barn would be the main residence and the farmhouse would be turned into a detached accessory apartment and a recreation room, which will have separate entrances and will not have any interior doorways connecting the two spaces. Mr. Owen read Ms. Hill's Administrative Report dated 9/21/10. Atty. Kelly stated that there are Conservation Easements on most of the property and that this plan will preserve the existing structures. He submitted and the Commission looked at three revised drawings titled Project B, Guest House, 1st Floor & 2nd Floor, Proposed Construction Plan, sheet A.B-02 & A.B-03, and a map titled Project B, Guest House, Site Analysis, sheet T-04, all have a revision date of 9/27/10 and are by Daniel Frisch Architect, P.C. Sheet T-04 indicates that the total interior square footage of the proposed accessory apartment would be 1197 sq. ft and will be subordinate to the main dwelling. Atty. Kelly stated that there would be one driveway for both structures and no additional parking area or curb cuts. There was a brief discussion as to whether an additional note would need to be recorded on the Land Records that an interior door to connect these two spaces is not permitted. There were no further questions or comments.

**Motion:**

to close the Public Hearing for Elbow Partners, LLC./110 Calhoun Street/Special Permit: Section 13.11.3/ Detached Accessory Apartment, by Mr. Fitzherbert, seconded by Mr. Averill, passed by 5-0 vote.

**REGULAR MEETING**

**Consideration of the Minutes**

The minutes of the August 23, 2010 Zoning Commission Meeting were considered.

**Motion:**

to accept the Zoning Meeting Minutes of August 23, 2010, as submitted, by Mr. Owen, seconded by Mr. Abella, passed by 5-0 vote.

**Pending Application(s)**Davis/120 Roxbury Road/Special Permit:

Section 13.11.3/Detached Accessory Apartment:

There were no additional comments from the Commission.

**Motion:**

to approve Special Permit Application submitted by Davis/120 Roxbury Road/Special Permit: Section 13.11.3/Detached Accessory Apartment, by Mr. Fitzherbert, seconded by Mr. Reich, passed by 5-0 vote.

Elbow Partners, LLC/110 Calhoun Street/Special Permit:

Section 13.11.3/Detached Accessory Apartment:

Mr. Owen stated that he agreed with other members of the Commission that this proposed plan is an unusual solution but it does preserve a historic property in a historic district. There were no additional comments or questions.

**Motion:**

to approve Special Permit Application submitted by Elbow Partners, LLC./110 Calhoun Street/Special Permit: Section 13.11.3/ Detached Accessory Apartment, by Mr. Averill, seconded by Mr. Abella, passed by 5-0 vote.

**New Application(s)**Wykeham Rise, LLC./101 Wykeham Road/Revision of Special Permit:

Section 4.4.10/School:

Mr. Owen stated that the application is for a Special Permit for a school on Wykeham Road. He stated that the file would be in the Land Use

Office and available to the public.

**Motion:**  
to schedule a Public Hearing on October 25, 2010 in Bryan Memorial Town Hall, to consider the application for Wykeham Rise, LLC./101 Wykeham Road/Special Permit: Section 4.4.10/School,  
by Mr. Owen, seconded by Mr. Abella, passed by 5-0 vote.

## **Other Business**

Petition by Mrs. Carron to Add Section 12.17 to Zoning Regulations and Amend Zoning Regulations /Section(s) 13.8 and 21.1.24 re: Excavation:

A Public Hearing has been scheduled for 7:30 pm, October 25, 2010 at Bryan Memorial Town Hall.

Revision of Zoning Regulations/Section 12.14/Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment:

A Public Hearing has been scheduled for 7:30 pm, October 25, 2010 at Bryan Memorial Town Hall.

Possible Revision to Zoning Regulations/Addition of Camp as a Permitted Use in the R-1 District:

Mr. Owen stated that the owners of a summer camp in Washington have purchased adjoining property to the camp and are looking to expand their operation to this additional property. He stated that “Summer Camp” is not a permitted use in Washington (this property has been grandfathered in). He stated that he consulted with Atty. Zizka and suggested that the Commission should define “camp” in the Town of Washington Zoning Regulations and make it a permitted use in the R-1 District and possibly the Lake Waramaug District. Mr. Owen read a proposed definition of “camp” that he drafted. Mr. Averill stated that he thought it was a good definition but thinks there should be a minimum lot size of about 40 acres. Mr. Owen read the definition of “Summer Camp” from *The New Illustrated Book of Development Definitions*. There was a brief discussion regarding a “central dining facility” and the definition of “Summer Camp”. The Commission discussed the nationwide decrease in camps. Mr. Averill stated that he felt that a summer camp needs a lake. Mr. Owen’s definition will be circulated among the members.

**Motion:**  
to schedule a Public Hearing on November 22, 2010 in Bryan Memorial Town Hall, to consider the Revision to the Zoning Regulations to add Camp as a Permitted Use in R-1 District,  
by Mr. Owen, seconded by Mr. Fitzherbert, passed by 5-0 vote.

**Discussion of Possible Revision to Amend Section 13.10 Residential Conversion for Older Home to allow Studio Apartments:**

Mr. Collum was present to discuss the demand for Studio Apartments in the Town of Washington. He stated that under Section 13.10 it is required that the apartment be at least 550 sq. ft. Mr. Collum submitted a letter to the Zoning Commission dated September 27, 2010 (on file in Land Use Office). The Commission looked at section 13.10 in The Zoning Regulations. Mr. Owen read section 13.10 and suggested that section 13.10.3 be modified by taking out the size requirements.

**Motion:**

to schedule a Public Hearing on November 22, 2010 in Bryan Memorial Town Hall to consider the Revision to Section 13.10.3/Conversion of Older Home to remove the minimum size requirement, by Mr. Owen, seconded by Mr. Reich, passed by 5-0 vote.

**Privilege of the Floor**

Mr. Woodruff of 3 West Shore Road stated that his neighbor has been encroaching the setback for the past 14 years and has not obtained the proper permits. Mr. Owen read Section 11.6 Minimum Setback and Yard Dimensions in the Zoning Regulations. Mr. Woodruff read a list of these encroachments and submitted the list and two photographs. Mr. Woodruff stated that he is requesting that these items be removed. The Commission looked at a Property/Boundary Survey prepared for Riverdance, 35 East Shore Road, by T. Michael Alex. Mr. Owen stated that he would talk to the ZEO regarding these issues.

Mrs. Boyer stated that it is not true that summer camps need a lake to be a camp. Mr. Owen stated that the requirement of a lake would not be included in the definition of a camp and Mr. Averill was just making an observation.

Mr. Peter Rogness submitted a letter dated September 27, 2010(on file in the Land Use Office). He stated he is requesting that the architectural and engineering files for the Wykeham Rise, LLC application be submitted in digital format as well as printed. Mr. Owen stated that he would look into it but does not think that the Town could require this of an applicant.

**Communications****Ethics Workshop 11/30/10:**

Mr. Owen announced that there would be an Ethics Workshop sponsored by the Planning Commission on Tuesday, November 30, 2010 at 7:30 pm. Representatives from the Connecticut Bar Association and the Connecticut Ethics Board will conduct the workshop.

**Enforcement**

Mr. Owen stated that the ZEO has reported that there has been some resolution to the Carron/Gambino issue.

**Executive Session to discuss Wykeham Rise, LLC Appeals**8:50 pm

Motion:

to go into Executive Session to discuss Wykeham Rise Appeals,  
by Mr. Owen, seconded by Mr. Averill, passed by a 5-0 vote.

8:55 pm

Motion:

to come out of Executive Session,  
by Mr. Owen, seconded by Mr. Averill, passed by a 5-0 vote.

There was a brief discussion regarding whether or not the Zoning Commission should consider a time frame in which documentary evidence is filed in support of an application. Mr. Owen read a letter from Attorney Zizka to the Inland Wetlands Commission date December 8, 2009 addressing this issue.

**Adjournment**

Motion:

to adjourn at 9:05 pm.  
by Mr. Averill, seconded by Mr. Owen, passed by 5-0 vote.

Mr. Owen adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk