

## Zoning Commission

## MINUTES

## Public Hearing - Regular Meeting

**February 22, 2016**

7:30 p.m.

Main Level Meeting Room

**MEMBERS PRESENT:** Mr. Brinton, Mr. Reich, Mr. Solley,  
Mr. Werkhoven

**MEMBER ABSENT:** Mr. Averill

**ALTERNATES ABSENT:** Mr. Sivick, Mr. Wyant

**STAFF PRESENT:** Mrs. Hill, Ms. Pennell

**ALSO PRESENT:** Mr. Tierney, Mr. Johnson, Atty. Kelly,  
Mr. Angell, Mr. Hileman, Mr. Barnet,  
Mr. Solomon

**PUBLIC HEARING:****Angell/47 West Shore Road/Special Permit: Section 6.4.9/Boathouse**

Mr. Solley reconvened the public hearing at 7:30 p.m. and seated Members Brinton, Reich, Solley, and Werkhoven. He noted the list of documents associated with the application was in the file.

Mr. Angell gave a brief history of the property. He said that in 2011 he had put in a concrete base near the shoreline on which he placed a pressure treated storage box. He had since replaced the storage box with a small 84" high X 70" X 57" moveable storage shed in the same location on the concrete pad. He noted that he stores life jackets and other water equipment in it and was applying for a permit to keep it on the site.

Mr. Angell noted he had not been aware he was required to notify his adjoining property owners of the hearing, but said he would do so prior to the next meeting. He also stated that he would not be able to attend the next meeting and so asked the commissioners to raise questions and concerns now and he would provide whatever additional information was needed prior to the next meeting.

The map, "Septic Asbuilt, Proposed Site Plan," by Mr. Neff, dated 1/18/99 on which Mr. Angell had sketched in the location of the shed and its distance to the side property lines was reviewed and

photos of the shed were circulated. Mrs. Hill noted the exact distance between the shed and the front property line was also needed. There was a brief discussion regarding whether 47 West Shore Road was one lot with the state right of way running through it or two separate parcels. Mrs. Hill explained that if it is two separate parcels, the exact measurement to the front property line is needed so that it can be determined whether or not a variance is for the required 50 ft. front yard setback. Mr. Angell said he thought it was one parcel, and would research the deed to be certain.

Mr. Solley advised the applicant that a building permit will also be required.

**MOTION:** To continue the public hearing to consider the Special Permit application: Section 6.4.9 submitted by Mr. Angell for a boathouse at 47 West Shore Road to March 28, 2016 at 7:30 p.m. By Mr. Solley, seconded by Mr. Werkhoven, and passed 4-0.

**REGULAR MEETING:**

Mr. Solley called the Meeting to order and seated Members Brinton, Reich, Solley, and Werkhoven.

**Consideration of the Minutes**

The 01/25/16 minutes were accepted as corrected. It was noted that Mr. Brinton had not attended the last meeting and so his name should be deleted throughout.

**MOTION:** To accept the 1/25/16 Public Hearing-Regular Meeting minutes as corrected. By Mr. Werkhoven, seconded by Mr. Reich, and passed 4-0.

**Pending Applications**

**Angell/47 West Shore Rd./Special Permit: Section 6.4.9/Boathouse:**

The public hearing was continued to March 28, 2016 at 7:30 p.m. in the main level conference room.

## **New Applications**

### **Rumsey Hall School/201 Romford Road/Special Permit: Section 4.4.10/Reconstruct and Enlarge Office Building, Add Parking Spaces:**

Mr. Solley noted a public hearing was required.

**MOTION:** To schedule a Public Hearing to consider the Special Permit application: Section 4.4.10 submitted by Rumsey Hall School to reconstruct and expand the office building and add parking spaces at 201 Romford Road on March 28, 2016 at 7:30 p.m. By Mr. Solley, seconded by Mr. Reich, and passed 4-0.

### **Valley Spirit Cooperative/11 Titus Road/Retail, Gallery, Health Services Business:**

Mrs. Hill noted that while the proposed business uses could be approved administratively, Mr. Ajello, Zoning Enforcement Officer, had thought parking and other aspects of the proposed business should be reviewed by the Commission and had addressed the application in his enforcement report. Mr. Johnson, contractor, read the document, "List of Intended Use of Buildings Known As 11 Titus Road, Washington Depot, CT." Two existing commercial spaces in the building would be combined for the proposed business. Proposed were retail space, a gallery, a design studio, class space, and treatment rooms for health services such as acupuncture and massage. It was noted that parking in front of the building was limited, but there were additional spaces in the nearby Town parking lot and four spaces behind the building for employees. The floor plan was briefly reviewed to see how the two spaces would be joined. Mr. Tierney, property owner, spoke in favor of the application. It was noted that no details for signs had been submitted, and Mr. Johnson said that signs would most likely be placed on the building where there had been previous signs, and that the regulations for signs would be followed. Regarding the proposal for a monthly sock hop, Mr. Johnson said all activities would take place inside the building. There was a brief discussion regarding whether the Commission should direct the EO to approve the application or whether it would act tonight. It was the consensus to act tonight.

**MOTION:** To approve the application submitted by Valley Spirit Cooperative for a retail, gallery, and health services business at 11 Titus Road per the narrative, "List of Intended Use of Buildings Known As 11 Titus Road, Washington Depot, Ct." with the condition that the approval does not include signs, which must be applied for separately. By Mr. Brinton, seconded by Mr. Werkhoven, and passed 4-0.

### **Other Business**

#### **Referral from the Planning Commission/Ingrassia/292 Bee Brook Road/6 Lot Subdivision:**

Planning Commission has asked the Zoning Commission for its opinion on this application.

Mrs. Hill did note for the record that Atty. Kari Olson has not yet given a formal opinion on this application.

Discussion took place regarding Zoning regulations for right of way/accessway. Mr. Solley defined Accessway per Zoning Regulations as a strip of land that fronts on a street and serves as the means of access to the usable portion of an interior lot. Mr. Solley also defined per Zoning Regulations, Lot Interior, which is a lot that has less than the minimum required frontage on a street as set forth in Section 11.4 and which is connected to the street by an accessway, as set forth in Section 11.4.5. Mr. Solley stated the Commission has to take the language in the regulations to translate into this application so that a vote can be reached, despite regulations not addressing the situation as they should.

Atty. Jim Kelly, representing the applicant, explained this six lot subdivision application. He asked the Commission to think about some distinctions in this application; one being the regulations that define what a lot is (frontage lot and interior lot). Atty. Kelly stated that five lots on this property are frontage lots and one is an interior lot (lot 2). He stated an interior lot requires an accessway, which is defined in Zoning Regulations as a strip of land being at least 50 feet wide across which that owner accesses his interior lot. Atty. Kelly stated lot 2 is the only lot requiring an accessway, which is provided across the 50 foot right of way in favor of lots 2 and 6. The driveway to lot 2 is within the accessway, which is handled by a schedule of easements on this lot. Atty. Kelly

stated he believes it is in compliance with Zoning Regulations. Atty. Kelly explained that Lot 4 is a frontage lot and does not require an accessway. He stated its means of egress from the public street is also served by the half of bridge it owns. Atty. Kelly noted Lot 3 owns half of the bridge, it is a frontage lot, and has 11 ft. of bridge in place to access its lot. Atty. Kelly stated if this application was approved, all the lots would share in the maintenance of the bridge. He noted that the easements on the property allow for all lots to maintain the bridge.

Atty. Kelly stated lot 1, 5 and part of 6, have extensive wetlands. He informed the members that the applicant wants to use this one bridge for all lots. Atty. Kelly's question is may two frontage lots share a driveway. Atty. Kelly referenced Zoning Regulations defining driveways.

Mr. Brinton asked Atty. Kelly if anyone has contacted the Fire Marshal to see what the weight limit for this bridge is. Atty. Kelly has not talked with him. He did report, however, that Mr. Brian Neff stated it was built to qualify as a public road.

Atty. Kelly explained what the Ingrassia's plans are for this subdivision. He stated the Ingrassias are very involved in the Arts and would like to host art events on this property. They would also like to have very small housing that they could offer to individuals involved in the Arts to use. Atty. Kelly stated they have no immediate plans to do anything with these lots. The Board members inquired where the location of the houses would be.

Mr. Solley stated he wants to be sure that this subdivision conforms to Zoning Regulations. Mr. Solley would like to consult counsel with questions the Board has. It was the consensus that all Board members would list specific questions they have and give the lists to Mrs. Hill. Mrs. Hill would forward a formal email to Atty. Kari Olson to address and give her professional opinion. Atty. Kelly also has questions as well to submit to Atty. Olson regarding this application.

Atty. Kelly's questions that he would like answered are:

- 1.) May two frontage lots share a driveway with an interior lot?
- 2.) May three frontage lots share a single driveway?
- 3.) Does an accessway have to be travelable its entire 50 ft. width?
- 4.) Can you have side by side driveways?

**Enforcement Report:**

Zoning Enforcement Report from Michael Ajello, dated February 22, 2016 was submitted to members for their review.

**Communications:**

N/A

**Privilege of the Floor:**

N/A

**Administrative Business:**

Commission members discussed revision of the Zoning regulations. Mr. Werkhoven stated he would like to encourage and simplify getting new businesses in Washington. He also feels soil based zoning is hurting the town and feels it needs to be changed. Mrs. Hill did note for Mr. Werkhoven that the questions he mentioned are actually on the list already to be addressed. Mr. Solley instructed Board members to take the list of "Significant Issues to Address" that was done by Mrs. Hill, look them over, and list their five most important issues to work on next, and submit them to Mrs. Hill so she can compile them before the next meeting.

Mrs. Hill informed the Board that Hollister House Gardens, located on Nettletown Hollow in a residential district, is stating no one can find them. Mrs. Hill suggested that when the Commission goes through the next round of revision of the regulations, that it considers allowing off the premises directional signs in residential districts for town landmarks sites that don't have frontage and/or are not on a highway. Hollister House Gardens would like a permanent sign in place at both ends of Nettletown Hollow. Hollister House stated a State sign is not allowed as they are not open enough hours to permit this.

**MOTION:** To adjourn the meeting at 9:35 p.m. By Mr. Werkhoven, seconded by Mr. Brinton, passed 4-0 vote.

By: \_\_\_\_\_  
 Donna Pennell, Land Use Clerk  
 February 29, 2016