

Zoning Commission

MINUTES

Public Hearing - Regular Meeting

May 23, 2016

7:30 p.m.

Main Level Meeting Room

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

ALTERNATES PRESENT: Mr. Sivick, Mr. Burnham, Mr. Solomon

STAFF PRESENT: Mrs. Hill, Ms. Pennell

ALSO PRESENT: Mr. Tittman

Mr. Solley called the meeting to order at 7:35 p.m. and seated members Solley, Reich, Brinton, Werkhoven and Averill.

PUBLIC HEARINGS:

**Laffont/10 Sunrise Lane/Special Permit: Section 13.11.3/
Detached Accessory Apartment:**

Mr. Harold Tittman of Tittman Design and Consulting, LLC presented site plans A.00 through A.04, S.01, and EX.02, dated 05-11-16. Plans were reviewed by members. Per these revised plans dated 05-11-16, the accessory apartment is at 408 sq. ft., meeting the requirements of Sections 13.11.3.E and F. Mr. Tittman stated they are raising the roof 5 ft., bringing the roof height to 21 ft. which is within the allowable height regulation. Mr. Tittman stated they are using the same foundation and everything is within setbacks. He noted that the size of this proposed structure is subservient to the main house. Mrs. Hill stated all adjoining property owners were notified within the required time frame. Mr. Solley informed Mr. Tittman that after looking at Mrs. Hill's Administrative Review, the applicant submitted a letter stating they will reside on the premises for the duration of the "building permit". Mr. Solley advised Mr. Tittman that if this application is approved, it will be with the condition that an amended letter stating that

the applicant will reside on the premises for the duration of the "special permit" rather than "building permit" will need to be submitted. Mr. Tittman was in full agreement and will have this letter prepared and submitted to the Commission.

Mr. Solley noted for the record that no public was present for this hearing.

MOTION: To close the Public Hearing to consider the application for Laffont/10 Sunrise Lane/Special Permit: Section 13.11.3/ Detached Accessory Apartment. By Mr. Averill, seconded by Mr. Reich, passed 5-0.

Revision of the Zoning Regulations/12/28/15 Proposed Revisions:

Mr. Solley noted for the record that no public was present for this hearing.

Mr. Solley stated that some these revisions are necessary to make them more user friendly, to clarify existing regulations and to make corrections to some errors. Mr. Solley stated that new language was proposed.

Mr. Solley read an email that Mrs. Hill received from Mr. Howard Barnet dated 05/22/16. In this letter, Mr. Barnet stated that he felt in agreement with the opinion of Atty. Olson, feeling that it is better for the Town if all requested modifications to special permits are subject to Commission and a public hearing.

After a lengthy discussion between Commission members, it was agreed that the proposed language of Section 13.1.A-C should be revised per Atty. Olson's recommendations. The Commission was in agreement that any modifications to a special permit should be handled by the Zoning Commission and not the Zoning Enforcement Officer. The members felt that the Commission itself can determine if a public hearing would be necessary based on its review of the modifications being requested.

At the suggestion of Mr. Solley, it was the decision of Commission members to have a special meeting to discuss the necessary changes in the language of Section 13.1.A-C and the other revisions to proposed language recommended by Atty. Olson.

This special meeting was scheduled for June 15, 2016 at 7:00 p.m. at Bryan Memorial Town Hall.

Mrs. Hill noted for the record, according to policy, when regulation changes are initiated by the Commission, the deadline for making the decision is at the discretion of the Commission.

MOTION: To continue the Public Hearing for Revision of the Zoning Regulations to the next Zoning Commission regular meeting scheduled for Monday, June 27, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall. By Mr. Averill, seconded by Mr. Werkhoven, passed 5-0.

REGULAR MEETING:

Consideration of the Minutes:

MOTION: To accept the special meeting meetings from May 3, 2016 and to accept the regular meeting minutes from May 23, 2016 as submitted. By Mr. Solley, seconded by Mr. Reich, passed 5-0.

Pending Applications:

Laffont/10 Sunrise Lane/Special Permit: Section 13.11.3/
Detached Accessory Apartment.

The Commission members all felt that this was an appropriate application for a detached accessory apartment and in complete compliance with the regulations.

MOTION: To approve the application for Laffont/10 Sunrise Lane/Special Permit: Section 13.11.3/Detached Accessory Apartment with condition that the applicant submits a letter stating that they will reside on property for the duration of the Special Permit. By Mr. Solley, seconded by Mr. Werkhoven, passed 5-0.

Whalen/270 Litchfield Turnpike/Special Permit: Section
17.6.C/Changing Non-Conforming Use to Another Non-Conforming
Use; Retail to Service Business.

Mrs. Hill noted that Health approval has already been approved for this application.

MOTION: To schedule a Public Hearing on Monday, June 27, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town

Hall to consider the application for Whalen/270 Litchfield Turnpike/Special Permit: Section 17.6.C/Changing Non-Conforming Use to Another Non-Conforming Use; Retail to Service Business. By Mr. Solley, seconded by Mr. Brinton, passed 5-0.

OTHER BUSINESS:

Alexson/88 Tinker Hill Road/Trailer-Storage Structure:

Mrs. Hill explained that Mrs. Alexson went to the Building Department and they informed her that they were unable to approve a foundation to convert the storage trailer to a building until Zoning approval was obtained. Mrs. Alexson then came to the Land Use office and stated that she was confused with this process, Mr. Alexson was ill and requested this application be continued to the next scheduled Zoning Commission meeting.

Mr. Solley suggested to the members that they do a site visit to this property before the next meeting.

Washington Community Housing Trust/Request to Revise Special Permit Condition of Approval/16 Church Street.

The members reviewed the application. Mr. Solley stated that this request is for a removal of a gate on the property that prevented a driveway from the Church Street apartment to exit onto Hinckley Road. Mr. Averill added that this will allow easier access to the offices, as well as to a few of the apartments. It was noted that during the original public hearing Hinckley Road residents had expressed their concerns about this exit.

In response to Mr. Averill's question, Mrs. Hill stated she will send the applicant a certified letter notifying them they must notify all adjoining property owners of the public hearing by certified mail.

MOTION: To schedule a Public Hearing on Monday, June 27, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Washington Community Housing Trust/Request to Revise Special Permit Condition of Approval/16 Church Street. By Mr. Solley, seconded by Mr. Reich, passed 5-0.

Lake Waramaug Country Club/22 Golf Links Road/Request to Revise
Special Permit/Add Accessory Building, Relocate A/C Units,
Enlarge Main Building.

MOTION: To schedule a Public Hearing on Monday, June 27, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Lake Waramaug Country Club/22 Golf Links Road/Request to Revise Special Permit/Add Accessory Building, Relocate A/C Units, Enlarge Main Building. By Mr. Solley, seconded by Mr. Averill, passed 5-0 vote.

Revision of the Zoning Regulations/Current Revisions: Soil Based
Zoning, Signs for Town Landmark Sites, Woodville Business
District, etc.

Mr. Solley stated that Mr. Tom McGowen spoke to the Commission previously regarding his thoughts on some of the issues that the Commission has been dealing with respect to revision of Zoning Regulations. As Mr. McGowen is no longer able to assist the Commission, Mr. Solley will contact Mr. Glen Chalder of Planimetrics to see if he would be willing to meet with the Commission to go over these topics, such as soil based zoning. Mr. Solley stated that he feels it is essential to have someone with experience as a rural planner, as well as working with commissions on revising regulations, specifically when making revisions to soil based zoning.

ENFORCEMENT REPORT:

Enforcement Report dated May 23, 2016 from Zoning Enforcement Officer, Mike Ajello, was distributed to Commission members for review.

MOTION: To adjourn the meeting at 8:50 p.m. By Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.

By: _____
Donna Pennell
Land Use Secretary
May 25, 2016