

Zoning Commission

MINUTES

Public Hearing - Regular Meeting

September 26, 2016

7:30 p.m.

Main Level Meeting Room

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

ALTERNATES PRESENT: Mr. Burnham, Mr. Sivick

STAFF PRESENT: Ms. Pennell

ALSO PRESENT: Ms. Holiman, Ms. Allen, Mr. Ciarlone, Mr. Hollinger

Mr. Solley called the Public Hearing to order at 7:30 p.m. and seated members Solley, Reich, Werkhoven, Averill and Solomon

PUBLIC HEARING:

C. Harker/248 West Shore Road/Special Permit: Section 6.3.5/Fence on Lake Waramaug Side of West Shore Road as per plot plan accompanying the application from C. Harker dated 07-15-16.

Mr. Solley read aloud for the record Mrs. Hill's Administrative Report which gave a recap of this application from last's months meeting.

Mr. Solley noted that two correspondences in opposition of this fence were received in the Land Use Office. The letters were from Ms. Shauna Holiman dated August 23, 2016 and August 28, 2016 and are on file.

Mr. Solley asked if the public had any comment regarding this application.

Ms. Allen, resident of the town of Washington, spoke stating that she believes this fence is too high and obstructs the view of the lake. She has driven past this property a couple of times, stating the top of the fence is very level with the far shore blocking the view of the lake. It is Mrs. Allen's belief that once a fence goes up, the hedge goes up behind it soon after. She stated this is what the neighbor of this property has done and the hedge is now above the height of the fence which was approved, stating this is now in violation of the

regulations. Ms. Allen stated this is possibly due to the homeowners not having a desire to look at this fence themselves. She feels they would rather look at the vegetation instead. Ms. Allen stated there are numerous other fences around the lake and it appears that the lake is getting "walled in". Ms. Allen stated this goes against what the town has voted on, against the regulatory process and is not preserving the rural character of the town. In closing, Mrs. Allen stated this should be the Zoning Enforcement Officer's responsibility to address these violations and not that of neighbor's to do so, which causes relations between property owners to be impacted in a negative manner.

Ms. Holiman of 125 West Shore Road spoke. She referenced individuals that actually trespass onto homeowner's property, as well as construction sites strictly labeled no trespassing. After which these individuals go into the Land Use office to complain, sometimes about things that are not necessary to complain of. Ms. Holiman stated as a result, Zoning Enforcement comes out due to these individuals second guessing a property owner that has followed all steps in the permit process. She feels it is done with no transparency and causes upset with property owners dealing with this issue. Mrs. Holiman stated enforcing rules and reporting violations should not be left to the various volunteer lake organizations or their Board members, as these individuals are not elected bodies and do not represent the community as a whole. Mrs. Holiman stated Zoning has the ability to manage development without stepping on personal property rights and this should be done. Ms. Holiman hopes this can be resolved by Zoning Commission to prevent any legal actions that might arise as a result of these issues/concerns at hand.

Mr. Solley stated that Mrs. Hill is the Land Use Administrator that Zoning works with. He explained that Mr. Mike Ajello is the Zoning Enforcement officer. Mr. Solley suggested that if she feels Mr. Ajello is not doing his job enforcing violations, then Ms. Holiman can contact the First Selectman who is Mr. Ajello's superior.

No further discussion was noted.

MOTION: To close the Public Hearing for C. Harker/248 West Shore Road/Special Permit: Section 6.3.5/Fence on Lake Waramaug Side of West Shore Road. By Mr. Reich, seconded by Mr. Averill, passed 5-0.

REGULAR MEETING:

Mr. Solley called the regular meeting to order. Seated members Solley, Reich, Werkhoven, Averill and Solomon.

CONSIDERATION OF THE MINUTES:

Mr. Solley stated that a discussion was held between Mrs. Hill and Mrs. Holiman. Mrs. Holiman reported to Mrs. Hill that she was not satisfied with what was reported on her behalf in the August 22, 2016 minutes. Ms. Holiman had requested an addendum be added. Mr. Solley requested on behalf of Mrs. Hill this request be considered by the Commission. This addendum would be on page 3 and the following added to the last paragraph at Mrs. Holliman's request, "She stressed the need for clear regulations, even handed, consistent application of the same, and equitable enforcement for everyone."

MOTION: To accept the 08-22-16 Public Hearing meeting minutes as amended. By Mr. Reich, seconded by Mr. Averill, passed 4-1 vote. Mr. Werkhoven abstained, stating that he does not agree with something that was not said at the meeting to be added into the meeting minutes.

Pending Applications:

C. Harker/248 West Shore Road/Special Permit: Section 6.3.5/Fence on Lake Waramaug Side of West Shore Road

Mr. Averill stated that with regards to this application, he feels it is in violation of the regulations as this fence obstructs the view of the lake. He further noted that seeing the lake through the fence is not the same as having a full view of the lake. Mr. Averill stated the fence should be cut down to 24" above the center line of the road.

Mr. Werkhoven stated he believes this fence is in clear violation of the regulations.

Mr. Solomon visited this property and stated he feels the view of the lake from 248 West Shore Road is obstructed by this

fence. Mr. Solomon stated he feels this is in violation and needs to be corrected.

Mr. Reich stated he feels this fence is in violation of regulations and should be eliminated.

Mr. Solley was in agreement with members, stating it is in clear violation and viewscapes from the road are obstructed by this fence.

MOTION: To deny application for C. Harker/248 West Shore Road/Special Permit: Section 6.3.5/Fence on Lake Waramaug Side of West Shore Road as per plot plan accompanying the application from C. Harker dated 07-15-16. By Mr. Reich, second by Mr. Solley, passed 5-0 vote.

MOTION: To add subsequent business to the agenda: 1.) Carol A. Sirowich, Land Trust/39 Calhoun Street/Residential Conversion of Older Home per Section 4.4.7. 2.) Jim and Julie Dobson/219 Litchfield Tpke./10.4.1B Personal Services. By Mr. Solley, seconded by Mr. Werkhoven, passed 5-0.

NEW APPLICATIONS:

**Bazos/90 Tinker Hill Road/Special Permit: Section 6.5/
Pedestrian Access and Stairs within 50 - 75 ft. of Lake Waramaug**

MOTION: To schedule a Public Hearing on Monday, October 24, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Bazos/90 Tinker Hill Road/Special Permit: Section 6.5/Pedestrian Access and Stairs within 50 - 75 ft. of Lake Waramaug. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

MOTION: To schedule a Public Hearing on Monday, October 24, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Carol A. Sirowich, Land Trust/39 Calhoun Street/Residential Conversion of Older Home per Section 4.4.7. By Mr. Solley, seconded by Mr. Averill, passed 5-0 vote.

MOTION: To schedule a Public Hearing on Monday, October 24, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Jim and Julie Dobson/219 Litchfield Tpke./10.4.1B Personal Services. By Mr. Solley, seconded by Mr. Averill, passed 5-0 vote.

OTHER BUSINESS:

Mr. Solley discussed the revision of Zoning Regulations pertaining to the Woodville Business District. Members discussed reinstating areas of Woodville to be zoned as business district. Mr. Solley would like members to consider these regulation changes and what direction they would like to move in. There were assessor questions raised with respect to how this would affect the assessment of home owners, as well as taxation. These questions will be looked into and discussed at next scheduled meeting.

Mr. Solley discussed signage for landmarks. Specifically Hollister House was discussed as they would like signs placed on Rt. 109 and Nettleton Hollow Road. It was noted that Hollister House is a town landmark site.

Mr. Solley then discussed correspondence received from Atty. Kari Olson and Atty. Michael Zizka with regards to questions presented with respect to tearing down a non-conforming home and allowing one to be rebuilt in accordance with current zoning regulations. Mr. Solley stated that this has been allowed for forty plus years. He noted that the regulations do not allow what the Zoning Commission is permitting. Atty. Ziska's letter to the Commission stated the current regulations in Section 17.1 does not allow for a tear down and rebuild. He noted that a complete tear down is not a removal. Atty. Zizka recommends the Commission to make a decision on a clear policy on what individuals should be able to do with non-conforming homes and under what circumstances. A lengthy discussion amongst members continued regarding this matter.

Enforcement Report:

Michael Ajello, Zoning Enforcement Officer, submitted Enforcement Report dated September 26, 2016.

Privilege of the Floor:

Mr. Hollinger, chairman of the Historic Committee, was present. He stated they are currently rewriting their design guidelines on fences and new enclosures. He stated they have a heightened concern on fences and stone walls within the historic district.

MOTION: To adjourn the meeting at 9:16 p.m. By Mr. Reich, seconded by Mr. Solley. Passed 5-0 vote.

Filed subject to approval.

By: _____
Donna Pennell, Land Use Secretary
September 30, 2016