

Zoning Commission

MINUTES

Public Hearings – Regular Meeting
January 22, 2018

7:30 p.m.

Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong
ALTERNATES PRESENT: Mr. Sivick, Ms. Radosevich, Ms. Lodsin
STAFF PRESENT: Ms. Hill, Ms. White
ALSO PRESENT: Atty. Kelly, Mr. Barnet, Mr. & Mrs. Solomon, Ms. Branson, Members of the Public

Call to Order:

Mr. Solley called the meeting to order at 7:30 p.m.

Public Hearing:

REGULAR MEETING:

Seated: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong

MOTION: To add discussion of PA 17-155/Temporary Healthcare Structures under Other Business, by Mr. Werkhoven, seconded by Mr. Averill, passed 5-0 vote.

MOTION: To add discussion of the lighting ordinance under Other Business, By Mr. Werkhoven, seconded by Mr. Averill, passed 5-0 vote.

Consideration of the Minutes:

The Regular Meeting Minutes of December 26, 2017, and the Special Meeting Minutes of January 9, 2018, were considered by the Commissioners.

MOTION: To approve the Regular Meeting Minutes of November 27, 2017, as presented, by Mr. Averill, seconded by Mr. Werkhoven, passed 5-0 vote.

Subsequent Business:

MOTION: To add discussion of PA 17-155/Temporary Healthcare Structures under Other Business, by Mr. Werkhoven, seconded by Mr. Averill, passed 5-0 vote.

MOTION: To add discussion of the lighting ordinance under Other Business, By Mr. Werkhoven, seconded by Mr. Averill, passed 5-0 vote.

Pending Application(s)

Town of Washington/10 Blackville Road/Special Permit: Section 8.4.20/Construct Fire Dept. Training Facility:

Mr. Solley announced that this public hearing will be delayed. He stated that the Fire Chief approach him to request a Special Meeting for this public hearing.

The Commissioners discussed scheduling the Special Meeting.

MOTION: To schedule a public hearing for the Town of Washington/10 Blackville Road/Special Permit: Section 8.4.20/To Construct Fire Department Training Building at a Special Meeting of the Zoning Commission on February 5, 2018, at 7:30 pm. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

101 Wykeham Road, LLC./101 Wykeham Road/Revision of Special Permit for an Inn (Public Hearing Continued to January 29, 2018):

Mr. Solley stated they would not discuss this matter tonight.

New Applications

Hamilton/183 West Shore Road/Special Permit: Section 13.11.3 Detached Accessory Apartment:
The Commissioners set a public hearing date.

MOTION: To schedule a public hearing for Hamilton/183 West Shore Road/Special Permit: Section 13.11.3 Detached accessory apartment at the Regular Meeting of the Zoning Commission on February 26, 2018, at 7:30 pm, by Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

There was a brief discussion regarding the location of the property. Ms. Hill noted that the applicant has a month to submit the rest of their materials for this application.

Other Business

Petition to Revise the Zoning Regulations/Add Section 4.4.20 to Allow Visual and Performing Arts Facilities by Special Permit in the R-1 District:

Atty. Kelly was present to discuss the petition to revise the zoning regulations to add section 4.4.20 to Allow Visual and Performing Arts Facilities by Special Permit in the R-1 District. He submitted copies of page 18 and 19 of the 2014 Plan of Conservation and Development. He noted that under ELEMENT 2: STRUCTURAL, Clusters, and Specialty Uses there are two sentences pertinent to this petition. Atty. Kelly read, "Washington has a significant economic advantage in arts, entertainment, and recreation activities. Even though this sector experienced a slight decline in growth during the recent economic downturn, it still accounts for almost 8% of the Town's jobs—more than double the percentage of any nearby community. Washington's various galleries, recreational facilities, and performing arts organizations contribute to its unique and attractive community vitality. These activities are important to the Town's economic life and should be supported in appropriate locations." He then read about the Creative Economy, "The creative economy encompasses a wide range of activities from the visual and performing arts to craftsmen and artisans to cultural heritage and tourism. It is a great focal point... Washington must increase support of its cultural institutions and community events in order to foster independent artists and craftspeople."

Atty. Kelly stated that the Town's Zoning Regulations do not allow the visual and performing arts in the R-1 zone.

Mr. Solley read the uses permitted by Special Permit in Section 4.4. He noted that it did not include Visual and Performing Arts Facilities.

Atty. Kelly stated that they are petitioning to add to the list, Section 4.4.20 – To allow Visual and Performing Arts Facilities. He noted that is completely consistent with the Town Plan of Conservation and Development. He briefly discussed how patrons of the arts are considering planning a small arts festival, which is a temporary event.

Atty. Kelly stated that the Commission should consider putting this as a permitted use by Special Permit in the Zoning Regulations. He noted that Special Permits allow the Zoning Commission to be discretionary and the applicant would have to meet the requirements. He said that in order for the Commission to even consider Visual and Performing Arts Facilities they would need to have it as a permitted use in the regulations.

Atty. Kelly stated that there are no facilities in Town that can accommodate these events.

The Commissioners and Atty. Kelly discussed the existing school facilities. Mr. Werkhoven pointed out the Shepaug auditorium. Atty. Kelly stated that these facilities would be on a smaller scale and it would be a place.

Mr. Solley asked that before the public hearing, Atty. Kelly finds regulations from other towns that address this.

There was a discussion regarding needing a definition of Visual and Performing Arts Facilities and whether the owner of these facilities should be not for profit. Atty. Kelly said he does not think a nonprofit owner would be a bad thing but the point is to let the artists sell their work.

The Commissioners and Atty. Kelly discussed requirements that should be made for this use.

Mr. Allen asked if temporary facilities for these events could be considered.

There was a lengthy discussion regarding temporary permits and special permits.

Atty. Kelly stated that once a Special Permit is granted it runs with the land. He noted that temporary permits for short-term festivals are not included in the Town of Washington's Zoning Regulations. He believes that either temporary or permanent there should be a process and the neighbors should be able to weigh in on the matter.

The Commissioners and Atty. Kelly discussed the subject of parking requirements for these events and that parking should be considered as part of the process.

MOTION: To schedule a public hearing for consideration of a Petition to Revise the Zoning Regulations/Add Section 4.4.20 to Allow Visual and Performing Arts Facilities by Special Permit in the

R-1 District, at the Regular Meeting of the Zoning Commission on February 26, 2018 at 7:30 pm, by Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

Discussion of T.O.W. Lighting Ordinance:

Mr. Werkhoven stated that Zoning was informed that the former Chuck Wagon has internally lit signs and Section 16.3.6 prohibits backlit or internally illuminated signs. He stated that he spoke with the ZEO and the First Selectman and was told that it is on the ZEO's list of things to do but it was not at the top of the list. Mr. Werkhoven suggested that the Commission do one of three things; 1. Leave the regulation on the books and continue to ignore it, 2. Enforce the regulation, or 3. Take it off the books.

Mr. Solley stated that he spoke with the ZEO this morning. Mr. Ajello, ZEO, told Mr. Solley that the owner of the restaurant with the internally lit signs was in the process of writing a letter to Mr. Solley. The internally lit signs were not discussed during the public hearing. Mr. Solley stated that he did not see a reason why it would be discussed because it is in the regulations. He noted that the situation is being addressed and as far as he is concerned the interior lit signs must be removed.

The Commissioners discussed how this could affect other establishments that have internally lit signs.

Mr. Werkhoven stated that enforcement of zoning regulations should be a priority by the ZEO in a timely manner.

There was a brief discussion regarding Section 16.3.6 and whether it should be taken off the books.

Discussion of PA 17-155/Temporary Healthcare Structures:

Mr. Solley stated that the Commissioners each received a copy of the letter from Mr. Devoe, Plainville, CT regarding Temporary Health Care Structures Opt-Out (on file in the Land Use Office). Mr. Solley read the letter in which listed the pro and cons of PA 17-155 and why Plainville would be opting out.

The Commissioners discussed the need for a public hearing if they decide to opt-out then the Board of Selectmen would vote to act in accordance with our findings at the public hearing. He stated that Litchfield, Roxbury, and Kent have already opted out, Warren, Barkhamsted, and Warren are still considering their options and Winchester, Torrington and Goshen are not planning to opt out.

There was a discussion of the process. It was noted that the Zoning Commission and the Board of Selectmen must vote whether to opt out or not. Ms. Hill noted that all towns are opted in automatically. If a town opts out they must revise zoning regulations to allow a modification to a property.

Mr. Solley stated that a public hearing must be scheduled and based on that public hearing the Zoning Commission will choose whether to opt in or opt out.

MOTION: To schedule a public hearing for consideration to opt out of (Public Act) PA 17-155 Concerning Temporary Health Care Structures, at the Regular Meeting of the Zoning Commission on March 26, 2018, by Mr. Solley, seconded by Mr. Averill, passed 5-0 vote

Enforcement

Enforcement Report:

The Enforcement Report dated January 22, 2018, by Zoning Enforcement Officer, Mike Ajello, was distributed to Commission members.

Privilege of the Floor

Mr. Barnet stated that when the public hearing was scheduled for 101 Wykeham Road, LLC, the Commission required that the applicant submit all new materials by January 16, 2018, and nothing has been received.

Ms. Hill confirmed that nothing has been received.

It was confirmed that the public hearing would still take place on January 29, 2018.

Administrative Business

Decision re: Attorney to Represent Zoning Commission:

The Commissioners and Ms. Hill reviewed the letter from Murtha Cullina Law Offices dated January 10, 2018, regarding Atty. Michael Zizka. This letter stated that Atty. Zizka would now be with the Hartford office of Halloran & Sage and asked whether the Zoning Commission would continue to work with Atty. Zizka as their lawyer.

The Commissioners discussed their options and agreed that they would transfer legal matters to Atty. Zizka's new office.

MOTION: To approve the transfer of matters from Murtha Cullina, LLP to Mike Zizka and Halloran & Sage concerning the Town of Washington Zoning Commission, by Mr. Averill, seconded by Mr. Armstrong, passed 4-1-0 vote. Mr. Reich abstained

Adjournment

MOTION: To adjourn the meeting at 8:44 p.m., by Mr. Averill, seconded by Mr. Reich, passed by 5-0 vote.

Submitted subject to approval:

By: _____
Shelley White, Land Use Clerk
January 29, 2018