

Zoning Commission
MINUTES
Public Hearings – Special Meeting
June 25, 2018

7:30 p.m.
Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong
ALTERNATES PRESENT: Ms. Radosevich, Ms. Lodsin
ALTERNATES ABSENT: Mr. Sivick
STAFF PRESENT: Ms. Hill
ALSO PRESENT: Mr. Templeton, Ms. Updegraf, Mrs. Solomon, Ms. Hodza, Mr. Rogness, Mr. Barnet, Members of the Public

CALL TO ORDER:

Chairman Solley called the meeting to order at 6:40 pm and seated the five regular members.

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

PUBLIC HEARING

101 Wykeham Road LLC. /101 Wykeham Road/Revision of Special Permit for Inn:

Chairman Solley opened the public hearing and read a letter addressed to the Zoning Commission, dated 6-25-18 from Attorney Kelly requesting that this public hearing be continued as they are waiting for a decision from the Inland Wetlands Commission on their permit application.

After a brief discussion the Commissioners considered the availability of all parties involved.

MOTION: To continue the public hearing for 101 Wykeham Road LLC. /101 Wykeham Road/Revision of Special Permit for Inn to July 19, 2018 at 6:30pm in the Upper Level Meeting Room in Bryan Memorial Town Hall, by Mr. Solley, seconded by Mr. Reich, passed by 5-0 vote.

REGULAR MEETING

Mr. Solley called the regular meeting to order at 6:50 pm.

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

Consideration of the Minutes:

The Commissioners considered the regular meeting minutes from May 21, 2018.

MOTION: To approve the Regular Meeting Minutes of May 21, 2018, by Mr. Averill, seconded by Mr. Reich, passed by 5-0 vote.

Pending Applications:

101 Wykeham Road LLC. /101 Wykeham Road/Revision of Special Permit for Inn: Continued to 6-19-18.

Erben Partners, LLC. /169 West Shore Road/Administrative Permit - Dock:

Chairman Solley informed the other Commissioners that this is an administrative application for a permit and he and Ms. Hill visited the property. There is a question as to where the shoreline is located and the regulations are not clear. He stated that they will address a revision to clarify in the future.

Chairman Solley stated that Ms. Hill received a letter from Arthur Howland and Associates, dated June 25, 2018 granting a 35-day extension for Erben Partners, LLC.

There was a brief discussion regarding photos of the site.

This hearing has been continued to the next regularly scheduled Zoning Commission Meeting of July 23, 2018 at 7:30 pm.

New Applications:

SEBEC Investments, LLC. (Hardy)/233 Litchfield Turnpike/Special Permit: Section 10.4.1.A/Eating and Drinking Establishment/Hot Dog Cart:

Chairman Solley explained the proposed location of the hot dog cart. He explained that the proposed hot dog cart is subject to a permit issued by the Town Clerk and Health Department approval. He read Mr. Hardy's description of the proposed business and noted that Mr. Nicholas wrote a letter of authorization that was included in the submission for this application for Special Permit.

MOTION: To schedule a public hearing for SEBEC Investments, LLC. (Hardy)/233 Litchfield Turnpike/Special Permit: Section 10.4.1.A/Eating and Drinking Establishment/Hot Dog Cart on July 23, 2018 at the regularly scheduled meeting of the Zoning Commission beginning at 7:30 pm, by Mr. Solley seconded by Mr. Averill, passed by 5-0 vote.

Other Business:

There was no other business on the agenda for the Commissioners to discuss.

Administrative Business:

The Commissioners discussed Ms. Hill's Administrative Review regarding regulations that needed the Zoning Commission's consideration for revision or clarification. She included Section 21.1.60 – Definition of Shoreline, 12.8.1 under Section 12.8-Temporary Uses. Mr. Solley stated that there is an old issue on West Shore Road. The Town requires a Special Permit

for any building activity within 50-75 ft. of the shoreline. The Town does not have the same requirement for 0-50 ft. from the shoreline and that is probably because it is not allowed. Mr. Solley stated that it is recommended that this be revised for clarification.

Enforcement:

Ms. Hill included any enforcement issues in her Administrative Review.

Ms. Hodza was announced as the new Enforcement Officer and will begin at the Town Hall on July 2, 2018.

Communications:

6/10/18 Letter from Atty. Kelley re: Five Senses Festival

Chairman Solley stated that the Commission contacted Atty. Zizka with regards to the questions regarding Section 12.8.1. He read Atty. Zizka's response to these questions in an email dated 5-19-18, sent to Ms. Hill and Mr. Solley (on file). Atty. Zizka's email addressed the issue of large gatherings at one's residence for noncommercial purposes, whether art festivals are "similar" to a circus or carnival referred to in Section 12.8.1, the seven-day period meaning consecutive days and the discretion of the ZEO under this regulation.

There was a brief discussion regarding when the Commission would address this section of the regulations.

Mr. Averill stated that fundraisers usually last one day but not over a course of weekends. He advised that this should be differentiated in the zoning regulations.

Mr. Werkhoven stated that Atty. Zizka stated that "if" the Zoning Commission chooses to regulate these events not that they have to. He feels that this should be left alone.

Mr. Reich agreed with Mr. Werkhoven.

Mr. Armstrong feels that the issue is not the single day but the repetition and no longer deemed incidental to residential use. He suggested that the Commission would have to define incidental use.

Mr. Werkhoven feels that this is basically a month long and is not incidental.

Mr. Solley stated that the Commission will work on this at a later date.

Privilege of the Floor:

There were no requests from the public to speak.

Adjournment:

MOTION: To adjourn the meeting at 7:15 p.m., by Mr. Solley, seconded by Mr. Averill, passed unanimously.

Submitted subject to approval:

By: _____
Shelley White, Land Use Clerk, June 28, 2018

- *All supporting documents mentioned are on file in the Land Use Office
- **A recording of the meeting is available to the public in the Land Use Office.