

Zoning Commission

MINUTES  
Special Meeting  
June 4, 2015

7:00 p.m.

upper level meeting room

MEMBERS PRESENT: Mr. Averill, Mr. Reich, Mr. Solley,  
Mr. Sorce, Mr. Werkhoven  
ALTERNATES ABSENT: Mr. Sivick, Mr. Wyant  
STAFF PRESENT: Mrs. Hill

Mr. Solley called the meeting to order at 7:12 p.m. and seated Members Averill, Solley, Sorce, and Werkhoven. He stated the purpose of the meeting was to deliberate the potential elimination of Section 11.6.2 of the Washington Zoning Regulations; the 30 ft. setback requirement from Town boundary lines.

Mr. Solley noted Mrs. Hill's 6/4/15 memo, which reported the information she had collected from six of Washington's surrounding towns regarding whether they had a similar setback requirement and whether they had any concerns about the possible deletion of 11.6.2. He said the memo did not include information from the 1983 Zoning Commission minutes when this section was first enacted. He explained that the minutes did not cite the reasons for the regulation, but did state that the chairman of the Warren Zoning Commission at that time, "did not think it was a bad idea."

Mr. Solley noted that during the public hearing Atty. Slater stated that Washington was only one of two towns in Ct. to have this setback regulation, but as mentioned in Mrs. Hill's report, the day following the hearing the Roxbury ZEO reported that the Roxbury Zoning Regulations also require a 30 ft. setback from Town boundary lines.

Mr. Werkhoven said he had spoken with Mr. Conway, chairman of the Roxbury Zoning Commission, who had confirmed this and so noted Atty. Slater had been incorrect. He then reported that he had also spoken with the New Milford Assessor, who told him she did have concerns about the possible elimination of this section and so said that Atty. Slater had also been incorrect when he had stated at the hearing that she had no concerns. Based on this information, Mr. Werkhoven said he had changed his opinion and made the following motion.

MOTION: To maintain the current Zoning Regulation:  
Section 11.6.2 as it now stands. By Mr.  
Werkhoven, seconded by Mr. Averill.

Mr. Solley said he recognized that some towns had no issue with the possible elimination of this section, while others did have concerns. He noted, for example, that when different uses are permitted in bordering towns there could be conflicts when buildings straddle town lines.

Various scenarios for possible subdivision and lot line revisions and whether they might result in non conforming buildings if the setback was eliminated were discussed.

Mr. Sorce suggested the Commission consider each of the concerns raised by the surrounding towns to determine whether each was valid. He said only one compelling reason was needed to justify the retention of this section. Mr. Averill countered, saying he had not seen a compelling reason to eliminate it. Mr. Werkhoven did not know whether any one reason could be considered compelling, but said the fact that the Commission had been presented with incorrect information at the hearing was reason enough to keep the current regulation.

Mr. Reich arrived at 7:30 p.m. and the discussion up to this point was briefly summarized.

Mr. Solley noted that this was the first time that there had been an issue with this section of the Regulations or that anyone had proposed the construction of a building that would straddle the Town line.

Mr. Averill pointed out that the property owner had admitted at the hearing that he had not reviewed the Regulations prior to purchasing the property.

Mr. Solley compared usual required distances between buildings (at least 50 feet when considering a 25 ft. setback from each property's side boundary line) to the 30 ft. or less distance that would be possible with the elimination of 11.6.2. Mr. Sorce agreed this could potentially be a problem, but not if the property crossed the town line.

Mr. Reich thought property owners should make themselves aware of the Regulations and did not think the Commission should have to made adjustments because they had failed to do so.

Mr. Solley asked if any circumstances in Town had changed since 1983 that would indicate Section 11.6.2 had outlived its worth.

In considering the specific proposal for the addition that would straddle the Town boundary line, Mr. Werkhoven stated that he did not buy the argument that that was the only place where the addition could be constructed.

Mr. Solley read the motion.

Mr. Reich noted the petition had been previously rejected and so asked why the Commission was voting a second time. Mrs. Hill explained that when the petition had been denied the Commission stated it did so because it did not think the Regulations should be revised based on what was best for a single property, but had told the petitioner that in the future it would decide whether it would consider the elimination of Section 11.6.2 based on what was in the best interests of the entire Town and that was what this vote was about; whether this matter would be taken up again by the Zoning Commission.

VOTE: Mr. Solley asked for those in favor of maintaining the current regulation. The vote was 5-0 in favor of retaining Section 11.6.2.

MOTION: To adjourn the meeting. By Mr. Averill.

Mr. Solley adjourned the meeting at 7:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill  
Land Use Administrator