

**TOWN OF WASHINGTON**  
**Bryan Memorial Town Hall**  
**Post Office Box 383**  
**Washington Depot, CT 06794**

**ZONING COMMISSION MINUTES**

**Public Hearings - Regular Meeting**

**June 22, 2015**

**Present:** Mr. Reich, Mr. Solley, Mr. Averill, Mr. Sorce, and  
Mr. Werkhoven

**Absent:** Mr. Sivick, Alt., Mr. Wyant, Alt.

**Staff Present:** Mrs. Hill, Mrs. Nelson

**Others Present:** Mr. Williams, Mr. Fuller, Attny. Fisher,  
Mr. Harris, Mr. Studer

The Chairman called the Public Hearing to order at 7:30 p.m.

**Seated:** Mr. Reich, Mr. Solley, Mr. Averill, Mr. Sorce, and  
Mr. Werkoven

**Tittman/18 East Shore Rd./Special Permit: Section(s) 7.4.17/  
Eating & Drinking Establishment and 7.6 Reduction of Minimum  
Setback Requirements**

Mr. Solley noted the documents that were in the file as of the public hearing. Mr. Tittmann addressed the commission. He recently purchased Oliva's (restaurant) in New Preston. He has converted the top two floors into his offices. He is proposing some improvements in order to start a restaurant. Mr. Tittmann is exploring different options and is considering a bistro style restaurant. He is also applying for a wine and liquor license. The plan Mr. Tittmann is proposing will seat 24 inside and the same amount outside. He envisions a quiet eatery, a peaceful destination. The commissioners looked at Existing Basement Floor Plan, EX.01, by Tittmann Design dated 5/6/15. Mr. Tittman showed the commissioners what he is proposing. The Structure and design of the balcony is not changing. The commissioners looked at Elevations, A.04, by Tittmann Design, dated 5/6/15. The administrative report by Mrs. Hill stated that Health has signed off, there is adequate

parking and there are no changes to the lighting on the exterior of the building.

There were no comments from the public. Mr. Solley asked about the fence on map Existing Site Plan by Tittman Design, EX.04, dated 5/6/15. Mr. Tittman said it was to be replaced by a stonewall three feet high. There was some discussion about the requirements to decrease the minimum setbacks and Mr. Solley read regulation 7.6.

**MOTION:** To close the public hearing for Tittmann/18 East Shore Road/Special Permit: Section(s) 7.4.17/Eating & Drinking Establishment and 7.6/Reduction of Minimum Setback Requirements By Mr. Averill, seconded by Mr. Sorce, and passed 5-0.

#### REGULAR MEETING

Mr. Solley called the meeting to order and seated members Averill, Reich, Solley, Werkhoven and Sorce.

#### Consideration of Minutes:

The Commission considered the May 18, 2015 Regular Meeting Minutes and June 4, 2015 Special Meeting minutes of the Zoning Commission.

**MOTION:** To accept the May 18, 2015 Regular Meeting minutes and June 4, 2015 Special Meeting minutes as submitted. By Mr. Reich, seconded by Mr. Sorce, and passed 5-0.

#### Pending Applications:

**Tittmann/18 East Shore Road/Special Permit: Section 7.4.17/  
Eating & Drinking Establishment and 7.6 Reduction of Minimum  
Setback Requirements**

Mr. Solley said it was pretty clear what Mr. Tittmann proposes and thought this is important for the commercial center of New Preston. Mr. Averill said this is exactly what is needed, the upstairs as offices and a small eatery downstairs. The commissioners thought the criteria under section 7.6 had been met so that the proposed decrease in the minimum setback could be approved.

**MOTION:** To approve the Special Permit application/Section(s) 7.4.17 and 7.6 submitted by Mr. Tittmann/18 East Shore Road for an Eating & Drinking Establishment and a Reduction of the Minimum Setback Requirement/Per the plans By Tittmann Design, Sheets K.1 dated 5/18/15 and Ex.01,Ex.04, A.01, A.04, A.06, A.07 dated 6/8/15 and Mr. Tittman's 6/8/15 letter to the Zoning Commission with attachments. By Mr. Solley, seconded by Mr. Reich and passed 5 - 0.

New Applications:

**Dobson/233 New Milford Turnpike/Special Permit Section 9.4.1.B /Personal Service Business**

**MOTION:** To schedule a Public Hearing for July 27, 2015 at 7:30 PM in the Main Level Meeting Room at Bryan Memorial Town Hall for Dobson/233 New Milford Turnpike/Special Permit: Section 9.4.1.B/Personal Service Business. By Mr. Solley, seconded by Mr. Averill, and passed 5 - 0.

**McGill and Sweeney/105-107 River Road/Special Permit: Section 4.4.3/Commercial Horseback Riding Facility**

**MOTION:** To schedule a Public Hearing for July 27, 2015 at 7:30 PM in the Main Level Meeting Room at Bryan Memorial Town Hall for McGill and Sweeney/105-107 River Rd./Special Permit: Section 4.4.3/Commercial Horseback Riding Facility. By Mr. Solley, seconded by Mr. Averill, and passed 5 - 0.

Other Business:

**101 Wykeham Road, LLC./101 Wykeham Road/Request to Revise Court Settlement Agreement/Inn**

Mr. Solley said the staff and chairman have had discussions with town counsel and given that there might be an appeal, she has advised the commission to hold a public hearing to consider the proposed revision to the special permit. The Chairman was proposing a special meeting for the hearing and he read an email from Atty. Olson, Town Counsel.

Atty. Fisher addressed the commission. He said he doesn't believe that the proposed site plan revisions require a public

hearing, but he understands Town Counsel's advice. He explained the entire existing special permit would not be reviewed; only the proposed changes to the site plan. Mrs. Hill and Mr. Solley agreed it would be the proposed revisions to the special permit that would be considered. Atty. Fisher introduced Bob Fuller, a former judge, who was present to answer any questions the commissioners might raise.

**MOTION:** To schedule a public hearing for July 13, 2015 at 7:00 PM, at Bryan Memorial Town Hall (room to be determined) for 101 Wykeham Road, LLC./101 Wykeham Road/Request to Revise the Site Plan and Court Settlement Agreement/Inn. By Mr. Solley, seconded by Mr. Averill and passed 5-0.

**The Gunnery Inc./Preliminary Discussion re: Detached Accessory Apartment on Wykeham Road**

Mr. Williams spoke for the Gunnery. Basically what they are looking for is guidance after they demolish a garage. The intent would be to build a small detached apartment for a faculty residence on the existing garage footprint. Mr. Solley asked if this building would have another use other than the detached accessory apartment. Mr. Williams said no, the use would be for a single family residence. Mr. Solley said the maximum size allowed for an accessory apartment is 1200 sq.ft. This building must be smaller than the main structure. Mr. Solley said that what is needed is a letter from The Gunnery stating the intent was to demolish the garage but reserve the right to build a new apartment on that footprint. This was required because the existing garage building is non-conforming and could not be rebuilt if legally abandoned. Also any additions to the building when reconstructed would require a variance. Mr. Solley said the letter would reserve the school's right to rebuild. Mr. Williams recognized the need to document the existing footprint. Mr. Werkhoven asked about the regulation that the owner has to live on the property. Mr. Solley said the owner is Gunnery Inc. and that is a non issue. Mr. Werkhoven also asked about having two houses on the same lot. Mr. Solley said what Zoning allows is a primary dwelling and an accessory apartment not to exceed 1200 square feet and that accessory dwellings in all cases must be smaller in size and scale than the principal dwelling on the same lot.

**Update re: Appeal of 5/18/15 decision not to eliminate section 11.6.2**

Mrs. Hill distributed Atty. Slater's 6/19/15 letter and the 6/5/15 appeal to the commissioners. Mr. Solley said the commission's decision had been appealed and it will be handled by counsel.

**MOTION:** To add to "Other Business" Harris/254 & 258 New Milford Turnpike/Addition, New Parking Areas, Install New Septic Systems, River Walk. By Mr. Solley, seconded by Mr. Sorce passed 5 - 0.

Mr. Harris addressed the commission at this preliminary discussion. He explained his opportunity to purchase neighboring property and how this would allow him to build a new septic, asphalt over the area between the restaurant and the apartment building to increase parking, they would put on an addition and build a new kitchen, there would be additional storage, new seating, and a walk-in freezer and fridge. Mr. Harris was looking for some direction if this is a workable plan. Mr. Studer, Design Specialist, addressed the commission. He said they are there because they are expanding an existing special use permit. They are also asking per 9.5.2 a waiver of section 3.2, which requires a lot situated in two districts to be governed in its entirety by the more restrictive district conditions and other wavier. The restaurant is located in the business district of MarbleDale and the apartment building is residential. They are also proposing the addition of a parking lot for Employees and residents across the river. Mr. Solley asked if they had been to Wetlands. Mr. Harris said he had to go to Wetlands and ZBA, then back to Zoning. Other than the need for Inland-Wetland's approval, variances from ZBA, and wavier from the Zoning Commission the commissioner's saw no major problems with the proposal

Adjournment:

**MOTION:** To adjourn the meeting. By Mr. Averill, seconded by Mr. Reich, passed 5 - 0.

Mr. Solley adjourned the meeting at 9:12 p.m.

**SUBMITTED SUBJECT TO APPROVAL:**

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Linda Nelson, Land Use Clerk, 03/25/15