

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, CT 06794
ZONING COMMISSION
MEETING MINUTES

October 27, 2014

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

Alternates Present: Mr. Wyant

Absent: Mr. Sicvick, Alt.

Staff Present: Ms. Hill, Ms. Nelson

Others Present: Mr. Neff, Mr. Hamilton, Attorney Slater, Mr. Wilson, Mr. Bennett, Mr. Cao, Mr. Travelstead, residents

Mr. Solley called the meeting to order at 7:30 p.m. and seated members Solley, Averill, Werkhoven, Reich, and Sorce. Mr. Wyant, Alt. recused himself.

PUBLIC HEARING

Wyant/32 Plumb Hill Rd./Special Permit; section 13.11.3/Detached Accessory Apartment

Mr. Neff, Engineer submitted a letter of authorization from Mr. Wyant. Mr. Neff reviewed the application for a detached accessory apartment. The proposed 480 square foot building received approval from ZBA and also the Health Department. The ZBA granted a variance of Section 13.11.3.B so that Mr. Wyant would not be required to reside on the premises for the duration of the permit because Mr. Wyant lives on the adjoining the property in question. The apartment is to be used by family for a family farming operation. The building for the detached accessory apartment is smaller than the square footage of the primary dwelling on the same lot. Ms. Hill stated that the application was complete and all the requirements of the regulations had been met. Mr. Averill questioned if there was a commitment by the Wyant family to remain at the property in question or can they sell and walk away? There was concern that since the Variance had been granted, a new owner could rent out both the primary dwelling and the accessory apartment. Ingrassia's on Whittlesey Avenue also given a similar variance for agriculture purposes. Ms. Hill stated that ZBA does not set a precedent because each lot is different and has a different set of circumstances. Historically Zoning has supported these attached/detached accessory apartments as it has been one way to give the Town affordable housing above and beyond what the housing trust has set up on the rental level. The commissioners discussed the future of this type of approval if property ownership changes.

There were no comments from the public.

Motion: To close the public hearing to consider the Special Permit application: Section 13.11.3 submitted by Mr. Wyant for a detached accessory apartment at 32 Plumb Hill Rd. By Mr. Reich, seconded by Mr. Averill, passed 5-0.

REGULAR MEETING

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

Mr. Wyant, Alt., had recused himself as he was an applicant.

Motion: To accept the September 22, 2014 Regular Meeting Minutes as written. By Mr. Averill, Seconded by Mr. Sorce, Passed 5 – 0.

Pending Applications

Wyant/32 Plumb Hill Rd./Special Permit; section 13.11.3/Detached Accessory Apartment

The Commission discussed the Variance that was granted by ZBA. Mr. Averill again expressed his concern about the variance granted. Mr. Solley suggested talking to counsel on revising section 13.11.3.B as this is the second application of this type in as many years

Motion: To approve the Special Permit application: Section 13.11.3 submitted by Mr. Wyant for a detached accessory apartment at 32 Plumb Hill Rd. per survey by T. Michael Alex dated January 1992, revised September 11, 2014 entitled “The Estate of Roderick M. Wyant” by Mr. Werkhoven, seconded by Mr. Reich, passed 5 – 0.

Mr. Wyant, Alternate was resealed.

New Applications

Washington Montessori School/240 New Milford Turnpike/ Revision of Special Permit: Section 4.4.10/ School/ Additions to Driveway, Parking Lot, Lighting, Drainage

A Special Permit was previously granted for the school and revisions to the approved site plan were proposed at this time. The Commission discussed whether the revisions are significant enough to require another public hearing or if they are minor and will not require a hearing. An Engineer from Civil 1, Mr. Cao for Montessori showed the commission the site plan. The majority of the work to be done is in Warren. The proposal for Washington included 26 parking spaces, a sidewalk, a small section of driveway plus parking lot lighting and there was no proposed lighting for the tennis court or soccer field (located in Warren). A full lighting analysis was submitted. The spill area would not exceed the boundaries of the proposed parking area. There is only one lighting pole proposed for the Washington section. Mr. Solley questioned if there were any negative comments from the people in Warren. There was only concern regarding the lighting and the extent of clearing but once the residents were shown the lighting study and aerial photos of the project they were okay with it. The Commission discussed and decided the impact was slight. They determined that Washington Montessori School does NOT have to come back for a public hearing and authorized the ZEO to approve the application.

Other Business

The Regulation Revisions Sub-Committee has been working on the “sign section” and plans on wrapping it up at its November 3rd meeting. The commission will discuss the illumination of signs in the business area at the next meeting. Mr. Solley said signage will get away from us unless it is watched. He asked the other commissioners to take note of signs around town. Ms. Hill said she would send out the text of all revisions recommended by the subcommittee so that the commissions would have time to review them before they are discussed at the next meeting.

Hamilton/199 West Shore Road/rebuild dwelling as per plans

The commissioners discussed section 17.4.A (...any structure or portion thereof may be altered to decrease the nonconforming area or volume of the structure) and 17.4.B (should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.)

Mr. Hamilton has demolished the existing building and wants to build a new building but in a different location with a different footprint, and with an attached garage. In the process the side yard setbacks that were non-conforming are now less non-conforming. Ms. Hill stated that 17.4.A and 17.4.B when looked at together seem to conflict. Counsel was consulted and said that if the building was rebuilt on the same footprint and the same size that they would not have to go to ZBA. The Commissioners discussed the parameters for both 17.4.A and 17.4.B, lot coverage and the nature of non-conformity. Ken Slater, Attorney, spoke on Mr. Hamilton’s behalf regarding lot coverage. Dave Wilson, Engineer, who had submitted a letter dated October 23, 2014 addressed lot coverage and what was to be removed and what was to be added. Looking at the map, he showed that the new building had been rotated to eliminate the non-conforming side setbacks. Mr. Averill restated that 17.4.B is very clear in what it says. Mr. Werkhoven wasn’t sure how the new building would look but if it is now less non-conforming it would be good. Mr. Reich said one way to look at this is as an improvement to a lake lot. They are removing some problems and it seems to be an improvement overall. Ms. Hill asked if the commission is going to hold a special meeting or are they going to instruct Mr. Ajello to do what the town attorney says. . Mr. Solley said the town attorney has not come to a final decision. The commissioners will ask for counsel’s opinion as soon as possible so that the applicant will have time to meet the ZBA application deadline if necessary. A special meeting was scheduled for Wednesday, October 29th at 5:30 PM in the upper level meeting room to consider whether the proposed work requires a variance.

Enforcement

Enforcement Report:

The Zoning commissioners considered the Zoning Enforcement Report dated October 24, 2014(on file in Land Use Office).

Communications

Mr. Charles submitted a memo for review concerning the Steep Rock bridge at Hidden Valley.

Adjournment

Motion: to adjourn the meeting, by Mr. Averill seconded by Mr. Sorce passed 5 - 0.

Mr. Solley adjourned the meeting at 9:35 pm.

SUBMITTED SUBJECT TO APPROVAL:

Linda Nelson, Land Use Clerk, 10-30-14