

**TOWN OF WASHINGTON**  
**Bryan Memorial Town Hall**  
**Post Office Box 383**  
**Washington Depot, CT 06794**  
**ZONING COMMISSION**  
**MEETING MINUTES**  
**July 28, 2014**

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

**Alternates Present:**

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

**Staff Present:** Ms. Hill

**Others Present:** First Selectman Lyon, Mr. Dobson, Mr. & Mrs. Jacques, Mr. Talbot, Mr. & Mrs. Miller

Mr. Solley called the meeting to order at 7:31p.m.

**Seated:** Averill, Werkhoven, Reich, Sorce

Mr. Solley recused himself because he been part of the process.

**PUBLIC HEARING**

Town of Washington/10 Blackville Road/Special Permit: Section 4.4.9/Buildings, Uses, and Facilities of the Town of Washington/Construct a new garage:

Ms. Hill read the legal notice published in Voices on July 16 and July 23, 2014.

The commissioners and First Selectman Lyon looked at a plot plan showing the existing five-bay garage, paved area and the 8,400 square foot addition that is replacing the 4,800 square foot garage that burned down.

Mr. Lyon confirmed that the Town has received a variance for lot coverage from the ZBA.

The commissioners looked at elevation drawings, by Lenard Engineering for the Town of Washington. Mr. Lyon pointed out the location of structures on the elevation drawings and the correlating locations on the conceptual plan. He stated that the new garage would be clad in the same type of red sheet metal and white trim as the existing garage.

The Commissioners looked at sheet E2 depicting the electrical plan. Mr. Lyon stated that the exterior lighting would be small, shielded, 39 watt LED fixtures similar to the fixtures on the Bee Brook

Firehouse.

Mr. Lyon stated that most of the tree line along the abutting property will remain. He stated that they do not have a planting plan but indicated an area where they would potentially like to plant trees for screening.

There was a brief discussion regarding vehicle access to the building.

Mr. Averill asked if proof of mailing neighbor notifications of this public hearing were submitted to the Land Use Office.

Mr. Lyon responded that the Ms. Greene has the proof of mailings in the file. He verified that the Variance ZBA-0967 has been filed on the Town Land Records.

There was a brief discussion regarding planting plans. Mr. Lyon noted that there is plenty of room for roadside plantings in the future. Mr. Werkhoven recommended evergreen plantings between adjoining properties.

It was confirmed that the elevation of the building would be 22 ft. high at its highest point.

There were no further questions or comments from the commissioners or the public.

**Motion:** to close the public hearing to consider the Special Permit application : Section 4.4.9 submitted by the Town of Washington to construct a maintenance-garage building at 10 Blackville Road, by Mr. Reich, seconded by Mr. Sorce, passed by 4-0 vote.

Mr. Solley had recused himself because he had participated in the design process.

### **Subsequent Business Added to Agenda**

Request to discuss minor revisions to the Zoning Special Permit for the Community Table Restaurant 223 Litchfield Turnpike;

**Motion:** to consider the request of minor revisions to the Zoning Special Permit issued to the Community Table Restaurant, 223 Litchfield Turnpike on November 25, 2013, by Mr. Solley, seconded by Mr. Reich, passed by 5-0 vote.

## **REGULAR MEETING**

### **Consideration of the Minutes**

The Commission considered the Regular Meeting Minutes of June 23, 2014 and the Special Meeting Minutes of July 8 and July 22, 2014 for Town of Washington Zoning Commission.

**Motion:** to accept the 6-23-14 Regular Meeting Minutes and 7-8-14 and 7-22-14 Special Meeting Minutes as submitted, by Mr. Reich, seconded by Mr. Averill and passed by 5-0 vote.

### **Pending Application:**

Town of Washington/10 Blackville Road/Special Permit: 4.4.9/Buildings, Uses, Facilities of the Town

of Washington/Construct New Garage:

The commissioners considered this application. There were no further comments or questions.

**Motion:** to approve the Special Permit application: Section 4.4.9 submitted by the Town of Washington to construct a maintenance-garage building at 10 Blackville Road subject to the following condition: that proof be submitted that adjoining property owners were notified at least 10 days prior to the public hearing, by Mr. Reich, seconded by Mr. Werkhoven, passed by 4-0 vote.

Mr. Solley recused himself because he had participated in the design process.

**New Applications**

Estate of D. Etherington/52 Wheaton Road/First Cut:

Mr. and Mrs. Miller was present to discuss this application.

The commissioners and the Millers reviewed the map titled Septic System Feasibility Plan prepared for 37 Sunset Lane, by Brian Neff Engineer, dated 6-18-14, sheet 1.

Mr. Jacques stated that the proposed first cut is for 8.326 acres and there is an existing three bedroom house on the property.

It was noted that the Etherington's property extends to Wheaton Road, this first cut of 8.326 acres would be out of the existing 49+ acres and the driveway is off of Sunset Lane.

There was a brief discussion regarding a right of way.

Ms. Hill stated that all required documents have been filed but the property owner must sign the application and the mandatory conservation easement form.

Mrs. Miller signed both forms.

Mr. Solley reviewed the letter from Atty. Powers to the Town of Washington Zoning Commission dated July 15, 2014.

A letter from T. Michael Alex, Licensed Surveyor, dated June 23, 2014 and The Residential Density Determination Form were reviewed and confirms that there are no wetland soils found on the 8.326 acres.

**Motion:** to approve the application submitted by the Etherington family for first cut to separate an 8.4 acre lot from the existing roughly 50 acre parcel at 52 Wheaton Road, by Mr. Solley, seconded by Mr. Reich, passed by 5-0 vote.

**Other Business**

Presentation re: Washington Park Foundations/1 Green Hill Road. Park-Retail-Cultural Use:

Mr. Talbot stated that the Washington Park Foundation has received administrative approval from Zoning Enforcement Officer but was asked to come speak to the Zoning Commission regarding this project. He noted that this proposal has been approved by the Inland Wetlands Commission.

Mr. Talbot read his letter addressed to the Town of Washington Zoning Commission dated July 22, 2014 (on file in the Land Use Office).

The commissioners and Mr. Talbot looked at a color diagram of the propose lawn area. He noted that the property would be a "Pocket Park" that could be used for farmers markets, outdoor art exhibits or outdoor events that would periodically require driving on the lawn so this is included in the lot coverage calculation that would be reduced from the existing 91% to approximately 67%. Mr. Talbot stated that as per Sections 8.3.7, 8.3.13 & 8.3.18 of the Town of Washington Zoning Regulations these are permitted uses. He indicated that there might be a pervious paved pattern but the lawn area would generally be open with a shaded area toward the plaza side of the property. Mr. Talbot stated that they would be working with the Town with planting a hedge that would block the view of the Bryan Memorial Plaza parking area. He discussed their plan to have a sculptural element on the property.

There was a brief discussion regarding parking and shared spaces. Mr. Talbot indicated that they are proposing two parking spaces off of River Road and a remaining 4-6 shared spaces are being proposed on Bryan Memorial Plaza.

Mr. Talbot stated that this property could act as an anchor to the village in a way that will make it more pedestrian friendly.

He informed the commissioners that the Art Association is planning an outdoor exhibit in August and wanted to confirm that this type of activity is allowed. He noted that there would be large scale sculptures outside and some sculptures inside and the lighting has not yet been determined. He asked the commissioners what was required. He noted that the sculptures would be set up at the site on August 27, 2014 and taken down September 27, 2014.

The commissioners and Mr. Talbot discussed lighting. Mr. Talbot confirmed that the sculptures would not be lit all night but they are considering to have it lit after dinner (sunset) to midnight if the Commission is agreeable. He noted that he understands the concept of dark sky lighting and that the sculptures would be up lit but solely to light the sculpture itself. He stated that the Art Association would like other artists to have the opportunity to use this space and are hoping that they do not have to come to the Zoning Commission each time.

Ms. Hill noted that the Art Association does not come to Zoning every time a sculpture is installed in their front courtyard. She informed the commissioners that there are no regulations for the commercial districts regarding dark sky lighting.

Mr. Solley stated that the lighting should not interfere with traffic.

Mr. Sorce asked if additional parking should be considered.

Mr. Talbot responded that the Art Association would be working together with the Business Association with event scheduling and making sure that adequate parking would be available.

He stated that they are working on raising an endowment and there will be minimal income from flower vendors or something similar to that. He indicated that this is a nonprofit operation and they are working with a number of different foundations and groups in terms of operating.

The commissioners and Mr. Talbot discussed the fundraising to develop the property.

Mr. Talbot stated that this is about improving the community as a whole.

There was a brief discussion regarding a handicap parking space. Mr. Talbot stated that they could not put the space off of River Road because of the grade changes. He noted that the owners of this property would like to incorporate a charging station and bicycle racks if the Town does not do this during the Bryan Memorial Plaza improvements project.

There was a brief discussion regarding micro stations versus cell towers.

The commissioners and Mr. Talbot discussed uses. Mr. Talbot confirmed that they would come back to Zoning if they find another use for the property.

Mr. Averill stated that there is no way to foresee problems that might arise. He said that an occasional parking issue can be dealt with, this a positive addition to the Town and he is very impressed with this plan.

It was noted that this is an administrative permit but the Zoning Commission can endorse this application to the ZEO.

There was a brief discussion regarding lot coverage. Mr. Solley stated that the goal of this Commission is to reduce the nonconformity but we cannot expect it to be reduced to the required amount. It is an existing nonconforming property that has been grandfathered in.

It was the consensus of the commissioners present that they endorse the remodel and change of use to Park/Retail/Cultural at 1 Green Hill Road.

Request to discuss minor revisions to the Zoning Special Permit for the Community Table Restaurant 223 Litchfield Turnpike:

Ms. Hill stated that the Community Table Restaurant is requesting to add one parking space with a pervious parking surface and extend the steps off the new entry to accommodate a winter enclosure.

Mr. Solley read the letter from Mr. Talbot to the Zoning Commission dated July 28, 2014 (on file in the Land Use Office).

Mr. Talbot confirmed that the two contiguous properties are not conjoined. He stated he is here to obtain an approval to add one parking space.

The commissioners looked at the drawing titled "Site Plan & Drawing List" for the Community Table Wine Bar by Peter Talbot Architects, sheet Sp-1 with revision date of June 12, 2014. Mr. Talbot pointed out proposed parking space number 38.

It was noted that with the proposed additions the lot coverage remains under the 25% at 23.52%.

Mr. Talbot stated that the Inland Wetlands Commission approved the changes. The additional parking space would be a gravel pad. He noted that the I/W Commission gave them the right to decide on any

pervious surface.

There were no further questions or comments.

**Motion:** to approve the request to revise the Special Permit issued to the Community Table Restaurant at 223 Litchfield Turnpike to add a parking space and covered entry, by Mr. Averill, seconded by Mr. Sorce, passed by 5-0 vote.

Revision of the Zoning Regulations/Section 13-21:

Mr. Solley stated that the subcommittee is working on Section 15 now.

Ms. Hill distributed the most recent agreed upon changes.

Mr. Solley stated that the subcommittee has skipped over some of the more difficult, philosophical issues in the Zoning Regulations and are dealing with more of the “housecleaning” issues.

He asked if the Commission as a whole would rather the subcommittee take on the more in depth issues and bring them before the Zoning Commission for discussion. He stated that he is concerned about the time it takes to work on these small housecleaning issues.

Mr. Averill feels that it would be beneficial for the Zoning Revisions Subcommittee to bring concrete proposals to the Zoning Commission for consideration.

It was the consensus of the commissioners present that the subcommittee would like a sense of the Zoning Commission’s opinion before putting too much time into a certain issue.

It was noted that the next Zoning Revisions Subcommittee meeting is scheduled for August 12, 2014 at Bryan Memorial Town Hall.

**Enforcement**

Enforcement Report:

The Zoning commissioners considered and briefly discussed the Zoning Enforcement Report dated July 28, 2014(on file in Land Use Office).

Mr. Solley asked if all the members have had a chance to see the pictures of the sculptures at 132 Lower Church Hill Road that were included with the Zoning Enforcement Report.

Mr. Werkhoven feels that the request by Atty. Kelly to not have to obtain a permit for this artwork (in letter dated 5-18-14) did not provide an accurate representation.

Mr. Solley stated that he would consult counsel to determine if artwork has a separate designation than a structure.

There was a brief discussion regarding temporary structures.

**Communications**

There were no communications to discuss.

**Privilege of the Floor**

There was no one present from the public at this time.

**Adjournment**

**Motion:** to adjourn the meeting, by Mr. Averill.

Mr. Solley adjourned the meeting at 9:22 pm.

**SUBMITTED SUBJECT TO APPROVAL:**

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Shelley White, Land Use Clerk, 8/1/14