

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Commission Regular Meeting

MINUTES

November 25, 2019

7:30 P.M. – Third Level Meeting Room

MEMBERS PRESENT: Chairman Solley, Mr. Werkhoven, Mr. Reich, Ms. Hill, Ms. Radosevich

ALTERNATES PRESENT: Ms. Rebillard, Ms. Smith

STAFF PRESENT: Ms. White, Mr. Tsacoyannis, Ms. Rill, Attorney Zizka

PUBLIC PRESENT: Mr. Bedini, Ms. Van Tartwijk, Mr. Cole, Ms. Stevens, Ms. Solomon, Mr. Solomon, Ms. Revere, Ms. Fredlund, Mr. Fredlund, Ms. Arturi, Ms. Audet, Mr. Hackney, Ms. Holiman, Mr. Charles, Mr. Owens, Ms. Gorra, Mr. Stafford, Ms. Ingrassia, Mr. Farrell, Mr. Doherty, Other Members of the Public

The meeting was called to order at 7:32pm.

Chairman Solley seated himself, Mr. Werkhoven, Mr. Reich, Ms. Hill and Ms. Radosevich.

PUBLIC HEARINGS (9 sec.):

ROMAC, LLC – 65 River Road, Special Permit – Section(s): 17.9 – Replacement of a Non-Conforming Structure – to rebuild a house on an existing footprint.

The owners of 65 River Road have requested that this Public Hearing be tabled until the December 16, 2019 Zoning Commission Meeting.

CONSIDERATION OF THE MINUTES (1min 16sec.):

MOTION: To accept the October 28, 2019 Washington Zoning Commission Meeting Minutes as presented, by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.

PENDING APPLICATIONS (2min 13sec.):

MOTION: To schedule a Public Hearing for ROMAC, LLC, 65 River Road, for a Special Permit – Section(s): 17.9 – Replacement of a Non-Conforming Structure – to rebuild a house on an existing footprint, for Monday, December 16, 2019, 7:30pm in the Main Level Meeting Room of Bryan

Memorial Town Hall, Washington Depot, CT, by Chairman Solley, seconded by Ms. Radosevich, passed 5-0 vote.

NEW APPLICATIONS (2min 33sec.):

MOTION: To schedule a Public Hearing for Steep Rock at Macricostas – 116 and 124 Christian Street, for a Special Permit from Section(s): 4.4.10 – Uses Permitted by Special Permit – to convert Camp House at 124 Christian Street into a Seasonal Structure – and relocate the administrative office to 116 Christian Street – with both offering educational program space, for Monday, December 16, 2019, 7:30pm in the Main Level Meeting Room of Bryan Memorial Town Hall, Washington Depot, CT, by Chairman Solley, seconded by Ms. Radosevich, passed 5-0 vote.

MOTION: To schedule a Public Hearing for Mayflower Inn 2013, LLC, 116 Woodbury Road, for a Modification of a Special Permit from Section(s): 4.1.1 – Uses Permitted by Special Permit, and 13.9 – Tourist Home or Inn – for a Seasonal Tent for outdoor events, for Monday, December 16, 2019, 7:30pm in the Main Level Meeting Room of Bryan Memorial Town Hall, Washington Depot, CT, by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

OTHER BUSINESS (6min. 9sec.):

Continuance of Deliberation for the Public Hearing of Zoning Regulation Section 12.8 – Temporary Uses.

Chairman Solley stated that he wished to start the discussion by asking each seated member to state their ideas and/or concerns regarding last month's Public Hearing for Zoning Regulation Section 12.8 – Temporary Uses.

Mr. Werkhoven stated that he understands the concept of unintended consequences and he would certainly not vote for anything that could jeopardize the Arts or any of the programs that Washington has to offer. He went on to say that he had once again read the Washington's Plan of Conservation and Development, and felt that there is a much needed balance between Conservation and Development that needs to take place. Mr. Werkhoven recommended eliminating all of the proposed language, keep with the original regulations, but add that events could only last for 7 consecutive days, as well as adding a sound and light regulation or ordinance.

Ms. Hill stated that she realizes the importance of creativity in Washington. Her take away from the October Zoning meeting was that overall, the public did not feel that over-regulation was the answer, and did not want to limit cultural events. She suggested using a variety of locations in town, in appropriate locations. She added that while the Washington Plan of Conservation and Development supported business vibrancy, it did not do so without parameters.

Ms. Radosevich stated that she believed residential neighborhoods in Washington should be protected and large events should not be allowed. She was in favor of simplifying the regulations, as suggested by Mr. Werkhoven.

Mr. Reich stated that he believed this all came about due to poor enforcement. He was in favor of the mindset that “less is better”, and believed Washington is a strong, healthy, vibrant town.

Chairman Solley stated that he believed what started as somewhat of a noise concern, evolved into a much bigger issue for Washington.

Chairman Solley then asked Attorney Zizka to clarify the term “grandfathering events”, and why the number of days that would deem an event “grandfathered”, increased from a proposed two years, into five years. Attorney Zizka explained that for the cases he has seen in the courts, usually one-to-two years is not considered an established use. He emphasized that the reason he suggested that the number of years be increased to five years had absolutely nothing to with any current events in Washington that had not been established yet for five years.

Chairman Solley then discussed Special Permits for events lasting more than one day. He stated that the Commission designated schools, churches, Town owned properties, as well as the Business District, all exempt from having to go through a permit process.

Chairman Solley asked for a consensus from the Commissioner’s regarding what parts of the Regulation Section they wished to keep and what they wished to discard.

Attorney Zizka informed the Commission that because the Washington Planning Commission found the proposed Regulation changes to be inconsistent with the Plan of Conservation and Development, that the Zoning Commission would need a four-member vote to approve the section, and once voted upon, the Commission could not go back and make any changes without going through the entire Section once again.

Overall the Commission wished to simplify the proposed language.

The Commission agreed that for Section 12.8.1 and the events listed, (a circus, carnival, festival or gala), that each should require a Special Permit.

Attorney Zizka agreed to put together a stream-lined draft of language for the Commission prior to its December 16, 2019 meeting.

ENFORCEMENT (1hr. 52min. 53sec.):

Mr. Tsacoyannis, Zoning Enforcement Officer, reported that the “glamping” properties located on Revere Road and New Milford Turnpike have removed all camping/glamping equipment from the premises.

Ms. Radosevich inquired about the property at 101 Wykeham Road. Mr. Tsacoyannis explained that the Inland Wetlands Commission has asked the property owners to have storm water sampling done. Chairman Solley has asked the Land Use Department, as well as Attorney Zizka, to look into a prior Cease and Desist order for the property, to ensure that the process moves forward.

COMMUNICATIONS (2hr. 00min. 17sec.)

Ms. Hill mentioned that the Plan of Conservation and Development will have its five-year update coming up soon, and asked if the Commission would mind if she worked on this. Chairman Solley informed Ms. Hill that Mr. Cole of the Washington Planning Commission had started this and put together a preliminary report. The Land Use Office would be putting Ms. Hill in contact with Mr. Cole.

PRIVILEGE OF THE FLOOR (2hr. 00min. 33sec.)

ADMINISTRATIVE BUSINESS (2hr 02min 30sec):

Chairman Solley stated that the fourth Monday in May 2020 was Memorial Day this year, so staff noted that the meeting date would be the third Monday, May 18, 2020. He also noted that the December 2020 meeting should be listed as December 21, 2020. Ms. Rill stated that she would make the corrections and send copies to all Commission members.

MOTION: To approve the 2020 Washington Zoning Commission Meeting Calendar as amended, by Ms. Hill, seconded by Ms. Radosevich, passed 5-0 vote

MOTION: To adjourn the November 25, 2019 Washington Zoning Commission Meeting at 9:45pm, by Ms. Radosevich, seconded by Mr. Reich, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

**Tammy Rill
Land Use Clerk**

***All documents on file in the Land Use Office**

****Minutes subject to approval**

*****A recording of this meeting is available upon request**

