

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Commission Regular Meeting
August 26, 2019

7:30 P.M. – Main Level Meeting Room

MEMBERS PRESENT: Mr. Werkhoven, Mr. Reich, Mr. Averill

MEMBERS ABSENT: Mr. Armstrong

ALTERNATES PRESENT: Ms. Radosevich, Ms. Rebillard

ALTERNATES ABSENT: Mr. Sivick

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

PUBLIC PRESENT: Ms. Gorra, Mr. Bedini, Mr. Tendler, Ms. Tendler, Ms. Fredlund, Ms. Solomon, Ms. Hill, Ms. Branson, Ms. Swanson, Mr. Swanson, Ms. Wright, Mr. Wright, Mr. Brinton, Mr. Doherty, Ms. Doherty, Ms. Guillemette, Mr. Tittmann, Mr. Farrell, Ms. Farrell, Ms. Noeding, Other Members of the Public

Chairman Solley stated that Mr. Reich, Vice Chairman, would be acting Chairman for this evening's Public Hearing as well as Sections I, II and III of the Regular Meeting Agenda, due to Chairman Solley's absence at the July 22, 2019 meeting.

PUBLIC HEARING (26sec):

Kandel, (Continued), 28 Tinker Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure, and 11.6 – Minimum Setback and Yard Dimensions – for the Replacement of a Boathouse.

Mr. Tittmann, representative for the property owners, presented a letter to the Commission, dated August 1, 2019, signed and stamped by Professional Engineer Alan Rosa with the recommendation that the current boathouse be, "removed and replaced with a code compliant structure". Also provided was the March 2004 Special Permit Approval given by the Washington Zoning Commission to the previous property owners, Mr. and Mrs. Sarjeant, for a trellis fence and boathouse at 28 Tinker Hill Road. The Zoning Commission had requested that Mr. Tittmann provide both of these items in order to be considered for approval.

Attorney Piers of Cohen and Wolf, Attorneys at Law, representing the Lake Waramaug Association, requested to view the documents that Mr. Tittmann had provided. After reviewing the documents provided by Mr. Tittmann, Attorney Piers suggested that an independent engineer also review the current boathouse, and questioned whether or not the Commission would have a way of monitoring whether the proposed structure would be used as strictly a boathouse. Mr. Tittmann addressed this concern by stating that the boathouse would be used as storage for outdoor and boating needs.

Ms. Radosevich pointed out that at July's Zoning Meeting, Mr. Tittmann stated that he didn't believe the current boathouse was in danger of falling down, or structurally compromised. She questioned what had changed? Mr. Tittmann stated that, as an architect, he did not see any overall damage, however, the professional engineer that had fully inspected the structure has stated otherwise.

MOTION: To close the Public Hearing regarding Kandel, 28 Tinker Hill Road, by Mr. Reich, seconded by Mr. Averill, passed 5-0 vote.

Mr. Reich called the Meeting to order at 7:40pm. He then seated himself, Mr. Averill, Mr. Werkhoven, Ms. Radosevich and Ms. Rebillard.

OTHER BUSINESS (9min. 21sec.):

There was no other business for this evenings meeting.

CONSIDERATION OF THE MINUTES (10min.13sec.):

MOTION: To approve the July 22, 2019 meeting minutes, by Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.

PENDING APPLICATIONS (11min 14sec.):

MOTION: To approve Kandel, 28 Tinker Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure, and 11.6 – Minimum Setback and Yard Dimensions – for the replacement of a boathouse, as described in the Site Plans titled, “Kendel-Levin Boathouse, Washington, CT Zoning Application”, Submitted 06/13/2019, by Tittmann Design and Consulting, by Ms. Radosevich, seconded by Mr. Averill, passed 5-0 vote.

Chairman Solley rejoined the Commission and asked that an Alternate step aside for the remainder of the Meeting. Ms. Rebillard offered to do so. Seated will be Chairman Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill and Ms. Radosevich.

NEW APPLICATIONS (13min. 59sec):

MOTION: To schedule the Public Hearing on September 23, 2019 at 7:30pm, in the Main Meeting Room of Bryan Memorial Town Hall, Washington, CT, for Tendler, 66 Old North Road, for a Special Permit for Section(s); 13.11.3 – Accessory Apartment, Detached – for the conversion of an existing

garage into an apartment, and add a one-car garage, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

MOTION: To schedule the Public Hearing on September 23, 2019 at 7:30pm, in the Main Meeting Room of Bryan Memorial Town Hall, Washington, CT, for Washington Geriatrics Consulting, LLC, 1 Kirby Road, Unit 7, for a Modification of an Existing Special Permit – Section(s): 17.7 – Nonconforming Use, and 17.10 – Enlargement or Extension of a Nonconforming Use, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

OTHER BUSINESS (17min. 42sec.):

Chairman Solley stated that he would like to discuss possible revisions made to the Zoning Regulations, Section 12.8 – Temporary Uses. Chairman Solley stated that the goal of this discussion would be to come up with a draft that could be sent to Washington’s Planning Commission, as well as the Connecticut Council of Governments for referral.

The Commission discussed the language of the Section(s) at length, and agreed upon a draft to send to the Washington Planning Commission as well as the Connecticut Council of Governments for referral.

****Please note – copies of the draft are available in the Land Use Office upon request. ****

MOTION: To vote on the revisions of Regulation Section 12.8 – Temporary Uses, to forward the revisions to the Washington Planning Commission as well as Connecticut Council of Governments for referral, and to schedule a Public Hearing on October 28, 2019 at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall, Washington, CT, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

ENFORCEMENT REPORT (1hr.06min.51sec.):

Mr. Tsacoyannis, Zoning Enforcement Officer, presented his Enforcement Report, dated August 26, 2019, to the Commission for review. He briefly gave an update on a few of the properties he has been visiting over the past month, and was satisfied with the progress of all.

COMMUNICATIONS (1hr12min.20sec):

The Commission was presented a letter from Mr. Farrell, dated August 16, 2019, requesting to discuss the laws of an R-1 Zone in Washington, CT.

Chairman Solley stated that the Commission would limit the discussion to five minutes, and that a discussion of the Zoning Regulations at length could be done with the Zoning Enforcement Officer or the Land Use Office, adding that he would be willing to be in attendance if necessary.

Mr. Farrell questioned the purpose of Zoning Regulations as well as who enforced the Regulations. The Commission explained that the purpose of the Zoning Regulations was to protect the town and

its neighbors from any issues that arise along the way, and that the Zoning Enforcement Officer enforced the regulations, along with the Land Use Department.

Mr. Farrell explained that he had looked into the Land Use property file of a neighboring property and was confused as to why there was no Certificate of Occupancy. He stated that the property he was referring to was granted permission to rent their home as a single family home, but it seemed to be operating as a duplex. He asked if the Commission would feel comfortable if the State of Connecticut were to look into this file, and if the Commission and Land Use Office would feel confident with everything provided.

Chairman Solley then requested that Mr. Tsacoyannis step in to answer Mr. Farrell's questions and give a brief summary of the project in question. Mr. Tsacoyannis obliged, assuring the Commission that the property in question is currently being rented as a single family home, and that the property owners have done everything asked of them.

Mrs. Wright, property owner of 11 Dodge Farm Road (the property in question), wanted to state for the record that herself and Mr. Wright had been the Land Use Office earlier that day to discuss the property with the Zoning Enforcement Officer once again, had provided pictures of a retaining wall and stone walkway that they had repaired for the Land Use Office to review.

PRIVILEGE OF THE FLOOR (1hr 25min 27sec):

Ms. Hill referred to Regulation Section 12.8 – Temporary Uses, stating that a property could have many “sites” throughout the property, and questioned if limiting events on one proposed site rather than one property, would be effective? Chairman Solley stated that he had spoken to Attorney Zizka regarding the definition of a “site”, and he stated that it could be considered more than one lot on a property, but that he would double check once again with Attorney Zizka for clarification.

Ms. Fredlund asked for clarification on the language of Regulation Section 12.8 – Temporary Uses, if an event was allowed seven consecutive days, plus three one day events – with no more than twenty-five vehicles (although a shuttle-bus could be used to transport), while also allowed two more one day events with more than twenty-five cars (also with a shuttle used to transport), totaling twelve days for an event.

Chairman Solley stated that the Commission did go back and forth on that language for some time, but felt her point. He then emphasized that the purpose of the draft was to work out the finer details and would not only be going to referral from the Planning Commission as well and Connecticut Council of Governments, but that there would also be a Public Hearing in October to hear the neighbors and their concerns.

MOTION: To adjourn the August 26, 2019 Zoning Commission Meeting at 9:00pm, by Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

August 28, 2019