

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

MINUTES

October 26, 2020

7:30 P.M. – Meeting Via Zoom Conference

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

ALTERNATES PRESENT: Ms. Smith

ALTERNATES ABSENT: Mr. Sivick

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

PUBLIC PRESENT: Ms. Solomon, Mr. Barnet, Mr. Gibson, Mr. Baker, Mr. Patel, Mr. Szymanski, Ms. Glass, Mr. Glass, Ms. Branson, Mr. Johnson, Ms. Murphy, Other Members of the Public

The Public Hearing was called to order at 7:37pm. Seated was Chairman Solley, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich.

PUBLIC HEARINGS:

(Continuance) - Request of TFCPS, LLC, 280 Nettleton Hollow Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming structure – for an accessory building:

Mr. Szymanski, Agent for the property owner at 280 Nettleton Hollow Road, stated that he wished to table this Public Hearing for the time being. Chairman Solley explained that he would prefer the Commission did not table the hearing, but withdraw it instead. Mr. Szymanski explained that he did not intend to go months without an update of the Application, just until the November Meeting. Chairman Solley stated that he should ask for a Continuance. Mr. Szymanski then asked for a Continuance.

MOTION: To Grant a Continuance for the Request of TFCPS, 280 Nettleton Hollow Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming structure – for an accessory building. The Public Hearing will take place on November 23, 2020 at 7:30pm via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

(Continuance) - Request of Van Veen, 41 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached:

Mr. Szymanski, Agent for the Property owner of 41 East Street, stated that Mr. Tittmann, who is also involved with the project, had spoken with Mr. and Mrs. Glass, owners of the neighboring property, and felt that the discussion had gone well. Mr. Szymanski stated that Mrs. Glass had sent a copy of a map containing wetland locations of the property, and through this discovered that the closest wetland area was at least 100 feet away. Chairman Solley confirmed this, stating that he had walked the area this afternoon and had paced at least 90 feet.

Chairman Solley asked if there had been any discussion regarding noise and lighting

Mr. Szymanski stated that the Van Veen's would be proposing using vegetative screening the entire length of the structure, including Shadblow (shrubs), and Green Giant Arborvitae (evergreens), along the property line.

Chairman Solley asked the Commissioners if they had any further questions, then asked the Public to weigh in. Mr. and Mrs. Glass, neighboring property owners stated that they had purchased the farm property to keep the bucolic beauty of East Street, and had been concerned with what was proposed, but that their concerns had been answered and were hopeful that everything would be fine.

MOTION: To close the Public Hearing for the Request of Van Veen, 41 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached. Motion made by Mr. Reich, seconded by Ms. Radosevich, passed 5-0 vote.

Request of Gibson, 47 Kirby Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure:

Ms. White went over her Administrative Completion Report, and stated that Mr. Gibson supplied all information requested of him.

Chairman Solley stated that he had visited the site earlier in the day and was curious about the materials that would be used for the structure. Mr. Baker, representative for Mr. Gibson, explained that they were going to try to reuse the current piers of the structure, but were not sure how salvageable they would be, so they would use something suitable if not. They would also be using machine cut white cedar shakes for the roof, and the siding would be cedar clapboard. Mr. Werkhoven asked what the size of the new structure would be, and Mr. Gibson explained that he wanted to keep everything the same as the original shed, including size and dimensions.

Ms. Radosevich asked what kind of studio the proposed structure was going to be. Mr. Gibson explained that there were five generations of artists in his family, and that this would be a space simply for that purpose. He added that there would be no plumbing running to the shed, therefore he had no plans of renting the space out, he just wanted a place to enjoy with family.

MOTION: To close the Public Hearing for the Request of Gibson, 47 Kirby Road, for a Special Permit from Section(s) 17.9 – Replacement of a Nonconforming Structure – for a studio/shed. Motion made by Mr. Reich, seconded by Ms. Radosevich, passed 5-0 vote.

REGULAR MEETING:

Chairman Solley called the Regular Meeting to order at 8:11pm.

He then seated himself, Ms. Hill, Mr. Reich, Mr. Werkhoven, and Ms. Radosevich.

CONSIDERATION OF THE MINUTES:

MOTION: To accept the September 28, 2020 Meeting Minutes as submitted, and the October 13, 2020 Special Meeting Minutes as amended, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

PENDING APPLICATIONS:

Request of Van Veen, 41 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached:

MOTION: To approve the Request of Van Veen, 41 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached, with the following conditions; 1.) that there be landscaping to the Southern elevation along the entire length of the structure, and 2.) An as-built of the foundation of the structure be submitted to the Land Use Office. Motion made by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

Request of Gibson, 47 Kirby Road, for a Special Permit from Section(s) 17.9 – Replacement of a Nonconforming Structure – for a studio/shed:

MOTION: To approve the Request of Gibson, 47 Kirby Road, for a Special Permit from Section(s) 17.9 – Replacement of a Nonconforming Structure – for a studio/shed. Motion made by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

NEW APPLICATIONS:

Request of Didier, 51 Green Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming structure – to replace an existing rear porch.

MOTION: To schedule the Public Hearing for the Request of Didier, 51 Green Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming structure – to replace an existing rear porch. The Public Hearing will be held on Monday, November 23, 2020 at 7:30pm via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Mr. Reich and passed 5-0 vote.

Patel, 168 New Milford Turnpike for a Special Permit from Section(s): 13.13 – Housing in a Business District – for an apartment:

MOTION: To schedule the Public Hearing for Patel, 168 New Milford Turnpike for a Special Permit from Section(s): 13.13 – Housing in a Business District – for an apartment. The Public Hearing will

be held on Monday, November 23, 2020 at 7:30pm via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Ms. Radosevich, and passed 5-0 vote.

Request of Glass, 67 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached – for an apartment:

MOTION: To schedule a Public Hearing for the Request of Glass, 67 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached – for an apartment. The Public Hearing will be held on Monday, November 23, 2020 at 7:30pm via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Mr. Werkhoven, and passed 5-0 vote.

MOTION: To add to the Agenda – Request of 35 Potash Road, LLC. 35 Potash Road for a Special Permit from Sections(s): 17.9 – to Rebuild a nonconforming structure – for a garage/barn. Motion made by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

35 Potash Road, LLC. 35 Potash Road for a Special Permit from Sections(s): 17.9 – to Rebuild a nonconforming structure – for a garage/barn:

MOTION: To schedule the Public Hearing for the Request of 35 Potash Road, LLC. 35 Potash Road for a Special Permit from Sections(s): 17.9 – to Rebuild a nonconforming structure – for a garage/barn. The Public Hearing will be held on Monday, November 23, 2020 at 7:30pm via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Ms. Radosevich, passed 5-0 vote.

OTHER BUSINESS:

Continued Consideration Re: 12.8 – Temporary Uses – Revisions:

Chairman Solley asked the Commission if they felt that the most recent updates in the language of 12.8 were ready to Public Hearing.

Ms. Radosevich questioned if whether or not they could change the time an event could last to 9:00pm instead of 10:00pm. Chairman Solley stated that he was not in favor of that, explaining that most events held on town property normally last until 10:00pm.

Single day events – Section 12.8.3.D - held in the Business District were discussed next. Chairman Solley expressed that he did not want to interfere with what this area has done historically, but wondered if the language should say, “single day events”, or “single weekend events”.

Mr. Werkhoven suggested editing this section to say, “events held by commercial entities in the B1, B2, B3 and B4 districts require no permit”.

The Commission agreed that this was the best language to put forth, and also agreed to send the final version to the Council of Governments, Attorney Zizka and the Washington Planning Commission.

The Commission also agreed that there should be a Special Meeting scheduled for the Public Hearing, and felt that December 14, 2020 at 7:30pm via Zoom Virtual Meeting worked best.

MOTION: To schedule the Public Hearing for Washington Zoning Regulations Section 12.8 – Temporary Uses at a Special Meeting to be held on Monday, December 14, 2020 at 7:30pm via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Continued Discussion Regarding the letter from Planning Commission Chair, Wayne Hileman, Regarding Section 3.2 – Zoning District Boundaries, and extending the waiver to Washington Depot and Woodville:

Chairman Solley stated that he would like to continue the discussion at a later date, and the Commission agreed.

Enforcement:

Mr. Tsacoyannis informed the Commission that 57 Flirtation Avenue was denied by the Zoning Board of Appeals at their October 15, 2020 meeting.

Mr. Tsacoyannis stated that he receives continuous complaints from the neighbors of Mr. Hodges on Roxbury Road, and that Mr. Hodges appears to have tree stumps and wood stock piled on his property, which he is allowed to do.

Ms. Hill asked if Mr. Haestad of River Road got his permit for farming/agricultural use. Mr. Tsacoyannis stated that he had.

Mr. Werkhoven questioned if there had been any movement regarding the bond for the Wykeham Rise property. Mr. Tsacoyannis stated that there had not been any movement and it was his understanding that it was because of an appeal with the courts.

Ms. Radosevich questioned if the Zoning Commission could intervene somehow under Zoning Regulation Section 2.3.2.A – “Abandoned buildings, which may be detrimental to the health, safety, and welfare of townspeople, or impair property values”. Ms. Radosevich argued that the Town could be held liable if someone were get hurt on the property. Mr. Tsacoyannis suggested that the Commission ask for the opinion of Attorney Zizka.

Communications:

None.

Privilege of the Floor:

None.

Administrative Business:

None.

Adjournment:

**MOTION: To adjourn the October 26, 2020 Washington Zoning Commission Meeting at 9:21pm.
Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

Respectfully Submitted,

Tammy Rill
Land Use Clerk
November 2, 2020