

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

MINUTES

October 23, 2023

7:30 P.M. – Hybrid Meeting

MEMBERS PRESENT: Chair Solley, J. Hill, V. Andersen, D. Werkhoven, B. Farrell

ALTERNATES PRESENT: S. Smith, S. Mongar

STAFF PRESENT: S. White, T. Rill, M. Haverstock

PUBLIC PRESENT: E. Murray, M. Murray, W. Hileman, R. Solomon, M. Solomon, J. Averill, M. Gorra, M. Purnell

PRESENT VIA ZOOM: L. Frank, L. Glover, R. Boehning, R. Rebillard, J. Gorra, Ann Jamieson (Press: Voices), Other Members of the Public

PUBLIC HEARING(S):

Chair Solley called the Public Meeting to order at 7:30pm.

He seated himself, Mrs. Hill, Mr. Werkhoven, Mr. Farrell, and Mrs. Andersen.

Request of Murray, 254 Woodbury Road, Petition for the removal of Section 12.5.2 – Accessory Structures:

Ms. White, Land Use Administrator, summarized her administrative review stating that the Northwest Council of Governments along with the Western and Naugatuck Valley Council of Governments did not believe the referred would have any intermunicipal impact. The Washington Planning Commission is consistent with the Town's Plan of Conservation and Development; however, they recommended that the current language is revised, not removed completely. Ms. White added that the term "ground floor area" is not included in the Connecticut Building Code and felt that it should not be included in the regulations. However, the term "gross floor area" is used in the Connecticut Building Code.

Mr. and Mrs. Murray were present. Mr. Murray explained that he and his wife have petitioned for the removal of Zoning Regulation Section 12.5.2 – Accessory Structures, requiring that accessory buildings ground floor area and volume should not exceed 75% of the principal building. Mrs. Murray added that since submitting the petition, she understands why the Zoning Commission would not want to delete the regulation completely due to larger size homes in Washington but felt that there could be a compromise for smaller homes.

Michelle Gorra, the Town of Washington's Economic Development Coordinator, submitted a letter to the Commission dated October 23, 2023, stating she supported the Murray's request and felt the current regulation is discriminatory of residents with smaller homes. She suggested consulting with local trades people and referring to past applications to determine the correct allowable size.

Wayne Hileman, Chairman of the Washington Planning Commission, stated that while the Planning Commission agreed there needs to be changes to the language of Section 12.5.2, they did not agree that it should be removed in its entirety. The Planning Commission provided Zoning with possible addendums for the language in their referral.

Rebecca Rebillard of Tompkins Hill Road stated that she was in support of the Murray's petition and questioned the need for the regulation when lot size, road frontage and setback restrictions were currently in place.

The Commission agreed that there could be some revisions to the language of the Section but did not feel that removing it completely was feasible. Chair Solley explained that the Commission would have to approve or deny the petition tonight, but if it is denied, the Commission is committed to revising the language and coming up with a solution to the issue.

MOTION: To close the Public Hearing for the Request of Murray, 254 Woodbury Road, Petition for the removal of Section 12.5.2 – Accessory Structures, by Chair Solley, seconded by Mrs. Hill, approved 5-0 vote.

REGULAR MEETING:

Motion to Include Subsequent Business Not on the Agenda:

MOTION: To include the ability to vote on the Request of Murray, 254 Woodbury Rd., Petition for the removal of Section 12.5.2 – Accessory Structures, by Mrs. Hill, seconded by Mrs. Andersen, approved 5-0 vote.

Consideration of the Minutes:

Chair Solley noted that in the September 11, 2023, Special Meeting Minutes- third paragraph, the sentence should read, "Chair Solley stated that there were two options"

MOTION: To approve the August 28, 2023, Washington Zoning Commission Meeting Minutes as submitted, and the September 11, 2023, Washington Zoning Commission Special Meeting Minutes as amended, by Chair Solley, seconded by Mr. Werkhoven, approved 5-0 vote.

Pending Applications/Petition:

The Commission reiterated that they would review the current regulation at a future date and discuss other options that would be more encouraging for smaller homes.

Mrs. Andersen stated that she felt the petition should be approved at this meeting to allow for a larger accessory structure for smaller homes. She added that this could be considered in conjunction with PA 21-29. The Commission explained that if they were to approve the deletion of the regulation, there would be an overlap of what is allowed, which could potentially create issues.

The Commission was encouraged to contact Ms. White with any suggestions they may have, and she will compile those ideas and present them to the Commission for discussion.

Chair Solley clarified that an "aye" vote was to deny the regulation change and a "nay" vote was to accept the regulation change. Chair Solley, Mrs. Hill, Mr. Werkhoven, and Mr. Farrell voted "aye". Mrs. Andersen voted "nay".

MOTION: To deny the Request of Murray, 254 Woodbury Road, Petition for the removal of Section 12.5.2 – Accessory Structures, by Chair Solley, seconded by Mr. Werkhoven, denied 4-1 vote.

Other Business:

Schedule a Special Meeting Regarding 101 Wykeham, LLC:

Chair Solley explained that with the upcoming election and succession that will occur, he was advised that a Special Meeting with a possible vote should occur between now and Election Day.

The Commission discussed possible dates and agreed on Thursday, November 2, 2023, at 7:00pm and Monday, November 6, 2023, at 7:00pm.

Mrs. Hill stated that she has questions written down and assumed Commission members did as well. She suggested that those questions be sent to Ms. White by Friday, October 27, 2023, so that they could be submitted to Attorney Zizka, Attorney Sherwood, Mr. Szymanski, or Cardinal Engineering in a timely manner. The Commission agreed. Mrs. Hill added that the January 9, 2023, Meeting Minutes were a good record of what the Commission had agreed was complete and what needed more information.

MOTION: To schedule a Special Meeting(s), for 101 Wykeham, LLC - Condition Compliance with possible vote, for Thursday, November 2, 2023, at 7:00pm and Monday, November 6, 2023, at 7:00pm by Chair Solley, seconded by Mrs. Hill, approved 5-0 vote.

Discussion of PA 21-29:

Chair Solley thanked the Subcommittee; Janet Hill, Valerie Andersen, Robert Woodroffe, Judie Gorra, Darryl Wright, Ed White and Christopher Charles, for their hard work, time and effort on this task.

Ms. Hill stated that she had made some minor corrections to Draft #10 (presented at the September 11, 2023, meeting).

She will forward Draft #11 to the Commission for their review. Chair Solley stated that it would be a good idea to schedule the Public Hearing for a Special Meeting in January.

MOTION: To schedule a Public Hearing regarding Public Act 21-29 – Multi-Family Housing for Monday, January 8, 2024, at 7:30pm, by Chair Solley, seconded by Mr. Farrell, approved 5-0 vote.

Enforcement:

Ms. Haverstock reviewed her monthly report with the Commission.

She stated that many of the applicants have come to the Land Use Office for pre-application meetings which have proven to be helpful in comparison to those that did not.

Invoices and Communications:

Ms. White shared the total amount in legal fees to date with the Commission.

Privilege of the Floor:

Ms. Purnell stated that regarding Special Meetings and 101 Wykeham Road, the Commission has control as to whether the public can speak at those meetings or not, and it could be added to the agenda. She

added that she has not received a response from Cardinal Engineering regarding her submitted questions and comments but would like those answers prior to the Special Meeting.

Mr. Solomon stated that there are still several issues of concern with 101 Wykeham Road that have not been addressed and the applicant has had several months to do so. He felt that scheduling the Special Meeting the night prior to Election Day due to one Commission member stepping down was astounding.

Mrs. Solomon stated that she felt the issue of 101 Wykeham Road was rushed, and reminded the Commission that the final vote was not Attorney Zizka's decision, but theirs. She encouraged the Commission to not rush a decision, but instead review everything as thoroughly as possible.

Mrs. Andersen added that she would did not feel comfortable voting for 101 Wykeham until the complete review from Cardinal Engineering was completed and the Commission has time to review it. Chair Solley and Ms. White suggested Mrs. Anderson come into the Land Use Office to review the documents prior to the Special Meeting.

Ms. Purnell added that she has a running tally of Compliance and Conditions and offered to share the information with the Commission. The Commission accepted her offer.

Mr. Hileman questioned regarding Public Act 21-29, if there would be a time limit on the voting process, adding that the proposed language was very involved and he would like enough time for the Planning Commission to review it.

Adjournment:

MOTION: To adjourn the October 23, 2023, Washington Zoning Commission Regular Meeting at 9:03pm, by Mrs. Andersen, seconded by Mr. Farrell, approved 5-0 vote.

Meeting Recording can be found here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/ESok4vrwvT5JgOstQddfN6gBHwLTBDSX4DTrgMV31FJhmA?e=KzMGJJ

Respectfully Submitted,

Tammy Rill

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Land Use Clerk

October 26, 2023