

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

**MINUTES**

June 27, 2022

7:30 P.M. – Zoom Meeting

**MEMBERS PRESENT:** J. Hill, D. Werkhoven, D. Radosevich

**MEMBERS ABSENT:** Chair Solley, B. Farrell

**ALTERNATES PRESENT:** S. Smith, V. Andersen, S. Mongar

**ALTERNATES ABSENT:**

**STAFF PRESENT:** Ms. White, Ms. Haverstock, Ms. Rill

**PUBLIC PRESENT:** D. Virbickis, E. Johnson, R. Hackney, H. Barnet, A. Patel, R. Solomon, M. Solomon, D. Sullivan, J. Gorra, S. Branson, M. Mason, R. Owens, S. Stevens, James Thompson, S. Unwin, Other Members of the Public

Mrs. Hill, acting Chair, called the meeting to order at 7:33pm

**PUBLIC HEARING(S):**

Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Special Permit – Section(s): 7.4.9 – Housing in Business Districts – and Section 7.6 – Minimum Setback and Yard Dimensions – for retail, office and apartment use and to reconstruct a handicap ramp:

Seated for this Public Hearing is Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Ms. Smith and Mr. Mongar.

Mr. Virbickis of Artel Engineering, representing the applicant, stated that the proposed would include one, one-bedroom apartment above retail space on the first floor. A Variance was approved via the Zoning Board of Appeals to allow for 61% of lot coverage that would increase available parking of 13 spots – 6 of which can be used by neighboring businesses in the New Preston Business District. Permeable material will be used to allow water filtration. Mr. Virbickis added that a planting plan is in place, as well as a lighting plan that will use 10-foot LED lights for the parking area. The office space upstairs is 465 square feet. The apartment will be 565 square feet.

Ms. White read her Completion Report to the Commission. Mr. Virbickis stated that notes were added to the updated Site Plan that included the approval from ZBA, as well as the illumination plan.

Ms. Hill noted that ZBA questioned whether Section 17.2 – Nonconforming Lots would be an issue due to the property owner owning this lot and a contiguous lot on 9 Main Street. It was discovered that both properties are their own separate entity.

Mr. Virbickis added that he had originally applied for Section 7.6 – Minimum Setbacks and Yard Dimension for the repair of a ramp, which was no longer needed.

With no further questions from the Public, the Commission closed the Public Hearing at 7:53pm.

**MOTION: To close the Public Hearing for the Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Special Permit – Section(s): 7.4.9 – Housing in Business Districts – and Section 7.6 – Minimum Setback and Yard Dimensions – for retail, office and apartment use and to reconstruct a handicap ramp. Motion made by Mr. Werkhoven, seconded by Ms. Radosevich, approved unanimously.**

**Request of Patel, 16 Warren Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached:**

The June 15 and 22, 2022 Legal Notice placed in the Voices Newspaper was read by Ms. White.

Seated for this Public Hearing is Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Ms. Smith and Mr. Mongar.

Ms. White confirmed that Mr. Patel did provide a letter stating he would be residing on the property.

Mr. Patel, property owner, explained that there was currently a two-story garage with unfinished space above. He was proposing a studio apartment with kitchen and bathroom, a total of 480 square feet. A 10' x 12' deck will be added and dark-sky friendly lighting will be added to the exterior.

With no further questions from the public, the Commission closed the Public Hearing 7:57pm.

**MOTION: To close the Public Hearing for the Request of Patel, 16 Warren Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached, by Mr. Werkhoven, seconded by Ms. Radosevich, approved unanimously.**

**Request of Feldman-Frater, 87 Whittlesey Road, for a Special Permit – Section(s): 13.11.3 – Accessory Apartment, Detached:**

The Legal Notice was acknowledged and Ms. Hill seated herself, Mr. Werkhoven, Ms. Radosevich, Ms. Smith and Mr. Mongar.

Mr. Johnson, representing the property owner stated that the proposed barn would be two stories – a garage on the first level, and living space above. The space will be utilized for office space for the property owners as well as living space for visiting guests.

Ms. Hill questioned if whether or not a letter signed by the property owners confirming that they will be living on the premises or not. Ms. White explained that Mr. Johnson, whom is the agent for the property owner, supplied a “Proposed Use” statement that acknowledged the property owner will be residing on premises.

With no further comment from the public, the Commission closed the Public Hearing at 8:07pm

**MOTION: To close the Public Hearing for the Request of Feldman-Frater, 87 Whittlesey Road, for a Special Permit – Section(s): 13.11.1 – Accessory Apartments, Intent and 13.11.3 – Accessory Apartment, Detached, by Mr. Werkhoven, seconded by Ms. Radosevich, approved unanimously.**

**Request of Unwin, 16 Old Litchfield Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached:**

Seated for this Public Hearing is Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Ms. Smith and Mr. Mongar.

Mr. Owens, representing the property owner stated that the proposed pool house would be 2,202 square feet with 1,200 square feet of living space existing lot coverage of 7.57%.

Ms. Mason, neighboring property owner, questioned the square footage of the proposed explaining that it was close to her property line and she was concerned with the size as well as the noise during construction.

Ms. Unwin, owner of 16 Old Litchfield, explained that her goal was to be as minimally intrusive as possible and would be landscaping the area.

**MOTION: To close the Public Hearing for the Request of Unwin, 16 Old Litchfield Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached, by Mr. Werkhoven, seconded by Ms. Radosevich approved unanimously.**

**REGULAR MEETING:**

The Regular meeting was called to order at 8:22pm.

Ms. Hill, Mr. Werkhoven, Ms. Radosevich, Ms. Smith and Mr. Mongar are seated.

**Consideration of the Minutes:**

**MOTION: To approve the May 23, 2022 Washington Zoning Commission Meeting Minutes as submitted, by Mr. Mongar, seconded by Ms. Radosevich, approved unanimously.**

**PENDING APPLICATIONS:**

**Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Special Permit – Section(s): 7.4.9 – Housing in Business Districts – and Section 7.6 – Minimum Setback and Yard Dimensions – for retail, office and apartment use and to reconstruct a handicap ramp:**

**MOTION: To approve the Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Special Permit – Section(s): 7.4.9 – Housing in Business Districts – and Section 7.6 – Minimum Setback and Yard Dimensions – for retail, office and apartment use as shown in the Site Plan Set, revised and dated 6/27/2022, the Site Plan Sheet dated 1/13/2022, revised on 6/27/2022, the Site Lighting Specifications titled, “Viper Area/Site” as well as the materials included with the final submission dated June 27, 2022 by Artel Engineering Group, LLC and signed by B. Hughes. Motion made by Mr. Werkhoven, seconded by Ms. Radosevich, approved unanimously.**

**Request of Patel, 16 Warren Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached:**

**MOTION: To approve the Request of Patel, 16 Warren Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached, as shown in the Site Plan titled, “Septic System – Site Development Plan” and “Construction Notes and Details prepared for Ankur Patel”, by McChord Engineering Associates, Inc.,**

dated 5-11-2022, as well as the Floor Plan titled, "16 Warren Road", dated 5/16/22 and the Elevations titled, "16 Warren Road", dated 5/16/22. Motion made by Mr. Werkhoven, seconded by Ms. Radosevich, approved unanimously.

**Request of Feldman-Frater, 87 Whittlesey Road, for a Special Permit – Section(s): 13.11.3 – Accessory Apartment, Detached:**

The Commission discussed conditioning the Motion of Approval with the property owners providing a written statement saying they will live on the property for the duration of the permit. The Commission agreed that the requirement of a letter should be added to the Special Permit Application and the Regulations, and would not condition the Motion of Approval.

**MOTION:** To approve the Request of Feldman-Frater, 87 Whittlesey Road, for a Special Permit – Section(s): 13.11.1 – Accessory Apartments, Intent and 13.11.3 – Accessory Apartment, Detached, as shown in the survey titled, "Limited Property/Boundary Survey" prepared for Hugh Frater, Trustee, Kirsten Feldman, Trustee, by Roy V. Cheney, LLS, dated May 2022 as well as the Plan titled, "Septic System Plan", prepared for Proposed Garage/Apartment – 87 Whittlesey Road, by Brian E. Neff, PE, dated 4-2-2022, and the Plan Set titled, "Holly Hill Farm – Accessory Apartment with Garage", 1<sup>st</sup> Floor, 2<sup>nd</sup> Floor East Elevation, South Elevation, West Elevation, North Elevation, Building Section – 2 pages, prepared by William Costine, Architect and dated May 11, 2022. Motion made by Mr. Werkhoven, seconded by Ms. Radosevich, approved unanimously.

**Request of Unwin, 16 Old Litchfield Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached:**

**MOTION:** To approve the Request of Unwin, 16 Old Litchfield Road, for a Special Permit – Section(s): 13.11.3: Accessory Apartment, Detached, as shown in the Site Plan titled, "Site Plan", prepared for 16 Old Litchfield Road by Reese Owens Architects, LLC, Sheet Z001, dated 5-18-2022 and well as the Floor Plan included on "Site Plan" sheet Z001. Motion made by Mr. Werkhoven, seconded by Ms. Radosevich approved unanimously.

**NEW APPLICATIONS:**

No New Applications

**OTHER BUSINESS:**

Reminder of Special Meeting Regarding 101 Wykeham, LLC – Compliance and Discussion Regarding PA-21-29 – for Wednesday, June 29, 2022 at 5:30pm, In-person and Via Zoom:

The Commission briefly discussed what will take place at the Special Meeting. There will not be a vote on the subject of 101 Wykeham, LLC and Attorney Zizka will brief the Commission on PA-21-29.

Concern regarding the clean up of the 101 Wykeham site was discussed.

**ENFORCEMENT:**

Ms. Haverstock reported that the Land Use Office has received several requests for Certificates of Zoning Compliance - prior to the work being 100% complete due to the Federal Interest rate change. The Land Use Office will not be granting certificates to incomplete sites – only finished sites.

Ms. White and Ms. Haverstock also stressed the importance of having the exact address when a complaint or question is filed.

Ms. Smith asked for a follow up regarding the suspected auto repair shop on Route 202 near Garland Road. Ms. Haverstock explained that the property owner assured her there was no such business happening on the property. Ms. Smith and Ms. Radosevich questioned the number of cars still remaining on the property and asked Ms. Haverstock to look into those cars and whether they were registered. Ms. Haverstock stated that she has confirmation on file from the property owner that there is not a business there and did not feel that further action needed to be taken at this time.

Discussion regarding clarification concerning the permitting process for 101 Wykeham and the history regarding that process.

#### **COMMUNICATIONS:**

None.

#### **PRIVILEGE OF THE FLOOR:**

Mr. Hackney of West Shore Road discussed Short-Term Rentals and asked that the Commission enforce the Regulations regarding single family homes.

Ms. White confirmed that the property owner of 121 West Shore Road had made the requested changes to his VRBO and AirBnB advertisements. Ms. Hill stated that she did not feel a Cease and Desist Order should be given at this time, but rather she, Chairman Solley, Ms. Haverstock and the owners of 121 West Shore could meet to discuss the severity of the issues and try to solve them. Mr. Hackney stated that he and his neighbors are fully prepared to take this matter to the Connecticut Supreme Court.

Ms. Haverstock clarified that Mr. Hackney's communications were sent to Attorney Zizka and awaiting his legal response. She added that the Commission nor the town of Washington were trying to ignore, avoid or run away from the issue of Short-Term Rentals, they were just waiting for legal response.

#### **ADMINISTRATIVE BUSINESS:**

None.

#### **ADJOURNMENT:**

**MOTION:** To adjourn the June 27, 2022 Washington Zoning Commission Meeting at 9:26pm, by Ms. Radosevich, seconded by Mr. Mongar, passed unanimously.

To listen to this evening's meeting recording, please click here:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/Eagxeq6viTLnxS-cXXH5pYBHyRNPhzVYBCKGoVmmVb2HA?e=GCeFIC](https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/Eagxeq6viTLnxS-cXXH5pYBHyRNPhzVYBCKGoVmmVb2HA?e=GCeFIC)

**Respectfully Submitted,**

**Tammy Rill**

**Land Use Clerk**

**June 29, 2022**

**\*Minutes are subject to approval**