

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
Zoning Commission Regular Meeting  
**MINUTES**  
October 28, 2019

7:30 P.M. – Third Level Meeting Room

**MEMBERS PRESENT:** Chairman Solley, Mr. Werkhoven, Mr. Reich, Mr. Averill

**ALTERNATES PRESENT:** Ms. Radosevich, Ms. Rebillard

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

**PUBLIC PRESENT:** Mr. Hileman, Mr. Sherr, Mr. Bedini, Ms. Solomon, Mr. Solomon, Ms. Gorra, Mr. Hubelbank, Ms. Arturi, Ms. Branson, Ms. Frank, Ms. Cash, Mr. Rimsky, Mr. Charles, Ms. Payne, Ms. Hill, Ms. Fredlund, Mr. Becker, Mr. Farrell, Mr. Dutton, Ms. Dutton, Mr. Hackney, Mr. Breggenti, Mr. Bond, Ms. Fredlund, Mr. Matthews, Ms. Gorra, Mr. Doran, Mr. Lloyd, Mr. Solley, Mr. Bowman, Mr. Sweeney, Ms. Smith, Ms. Klemm, Ms. Matteo, Mr. Solley, Other Members of the Public.

Chairman Solley called the meeting to order at 7:30pm. He made mention that this evening was Mr. Averill's last meeting as a Zoning Commission member before the election, therefore he would seat an Alternate in his place. Chairman Solley thanked Mr. Averill for his 12 years of dedication and service to the Town of Washington. Chairman Solley then seated himself, Mr. Werkhoven, Mr. Reich, Ms. Radosevich and Ms. Rebillard for the Public Hearing.

**PUBLIC HEARINGS (15sec):**

The previously scheduled Public Hearing for Romac, LLC, 65 River Road, has been postponed.

**Zoning Regulation Section 12.8 – Temporary Uses:**

Chairman Solley informed the public that the Commission did not want to speak about any one property or event in particular, that the proposed revisions purpose was to update the Zoning Regulations Section 12.8 – Temporary Uses and the effect events had on the residential areas, which made up 98% of Washington.

Chairman Solley then read aloud the Administrative Review, written by Land Use Administrator Ms. White, dated October 28, 2019. It stated that a referral letter was filed with the Washington Town Clerk on August 28, 2019, and was sent to the Town of Washington Planning Commission, the

Naugatuck Valley Council of Governments, the Western Connecticut Council of Governments, and the Northwest Hills Council of Governments.

In a Response dated September 30, 2019, the Naugatuck Valley Council of Government found the Revisions not regionally significant and cause no inter-municipal impact.

In a Response dated September 10, 2019 from the Western Connecticut Council of Governments found the revisions of local interest and cause no inter-municipal impact.

In a Response dated October 18, 2019 from the Northwest Hills Council of Government, voiced concerns regarding proposed Section 12.8.3(B) and 12.8.5(C)

Chairman Solley noted a list of letters submitted to the Land Use Office. Sixteen letters were opposed to the revision; one in favor. Three letters were opposed with questions and/or recommendations to the revision language. Two letters written in opposition by non-Washington residents.

Chairman Solley read Planning Commission Chairman Mr. Hileman's referral response on behalf of the Washington Planning Commission, dated October 1, 2019, regarding 12.8, Temporary Uses and the Planning Commissions belief that the proposed language was inconsistent with the town's Plan of Conservation and Development.

Chairman Solley then invited the public to voice their concerns. (20 min. 11sec.)

Mr. Stuart of Shearer Road questioned how the need for revisions came about.

Chairman Solley stated that they were asked by a property owner to revisit that language of the regulation that was originally written in 1978. Mr. Averill followed this by stating that the Zoning Commission had already intended to look at the Regulations in their entirety to clean up the language and simplify where applicable, and that 12.8 just happened to be brought to the Commission's attention first.

Mr. Hackney of West Shore Road asked that the Commission recognize that there were unintended consequences that come with the proposed language of the regulations.

Ms. Frank of West Shore Road expressed concern over the hours an event could take place, and how the time frame of 10am-10pm was listed on one Section, but not the others, leaving room for someone to claim they were unsure of the hours.

Mr. Owens of Christian Street questioned the ambiguity of events/programs held in areas such as Steep Rock.

Ms. Holiman of West Shore Road questioned why regulations needed to be put in place for what she considered to be actions taken by a courteous and good neighbor.

The Commission stated that, unfortunately, not everyone was a courteous and good neighbor.

Mr. Dubow of Roxbury Road questioned whether or not the Commission would ever consider allowing an event of 400 people to last longer than 10pm.

Mr. Brighenti of Calhoun Street asked for clarification of profit and not-for-profit institutions in town, and obtaining a permit.

Mr. Bond of Titus Road stated that the events that happen in town really do help the local economy, and believes that without these events, the businesses would suffer.

Ms. Fredlund of Bee Brook Road stated that while she loves the activity and vibrancy of the Depot, she believed that outdated regulations require a much needed update.

Mr. Becker of Kirby Road questioned if after this evenings public hearing if the proposed regulations could be redone, or only tweaked a bit, and if no agreement could be made, if the Regulations could remain the same.

Chairman Solley stated that the Commission would deliberate over the revisions, that they had the ability to remove any Section that they deemed necessary, however, they could not add a brand new Section. Chairman Solley explained that they also have the right to do absolutely nothing, and leave the regulations as-is.

Mr. Dutton of Old Litchfield Road asked the Commission to be careful of “spot zoning”, and questioned if the Commission would ever consider expanding regulations instead of tightening them.

Mr. Hubelbank of Woodbury Road questioned “grandfathering” events, and whether or not each “new” event/program that a location that has been once “grandfathered” will be required to obtain a separate permit or not.

Chairman Solley stated that this would be based on the “sponsoring entity”, and in his opinion, would not mind deleting this Section: 12.8.3(B), from the Regulations.

Mr. Matthews of Painter Ridge Road stated that putting regulations on any temporary event in general is very restrictive, and questioned why the number of years that grandfathering would be allowable increased from two years at previous meetings to five years currently.

Ms. Kinkaide of Blackville Road stated that unforeseen circumstances happen in town and tightening regulations doesn’t always solve the issue.

Mr. Rimsky of Parsonage Lane stated that trying to define certain events could unintentionally dampen the enthusiasm of our community.

Ms. Gorra of School Street thanked the Zoning Commission for its hard work while trying to preserve the residential zones in Washington, however believed the proposed regulations were taking things a little too far.

Carolyn Klemm of Old North Road stated that she has lived in Washington for 43 years, and wished to see younger people and families move here, and felt as though the proposed regulations were limiting and restrictive.

Ms. Cash of River Road asked for clarification concerning weddings on private property, and whether or not the event would be limited until 10pm.

Chairman Solley clarified that a wedding held on private property (also referred to as a “custom use”), would not be asked to end their event at 10pm.

Mr. Doran of Kent, CT is the Executive Director of the Northwest CT Arts Council. He shared that the Arts represent 9 billion dollars in the State’s economy, and that the proposed regulations severely limit the growth potential of the Arts, and stated that on average, a consumer spends \$24 per event into the local economy, which is a significant amount in his opinion.

Mr. Lloyd of Romford Road questioned the grandfathering of events and if the Commission would be willing to grandfather all events that have occurred until this point.

Mr. Solley of Judea Cemetery Road expressed his concern over the time frame of 10am-10pm, stating the most road races began well before 10am. He added that a number of the proposed regulations would limit Steep Rock Association, of which he is a member. He went on to express his concern over the effect the proposed regulations would have on the farms in town, stating that a number of local farms add larger events just to survive financially, and that limiting them would be unfortunate.

Ms. Elinsky of Woodbury Road stated that the proposed regulations were a direct conflict of the spirit of this town.

Mr. Bowman of Plumb Hill Road questioned if the letters that the Zoning Commission has received are being added into the record. He then added the importance of the Arts and Culture in the Community.

Ms. Sweeney of River Road stated that she recently celebrated her daughter’s wedding on her property, and that they had planned ahead for parking and noise, and felt that those issues should be the main focus.

Ms. Smith of Church Street asked how many complaints the Town of Washington have received over recent events in the area.

The Commission responded that there were not many complaints overall.

Mr. Solley of Judea Cemetery Road asked, once again, for clarification on how the regulations could and would impact farms.

Chairman Solley stated that the Commission does not intend to impact farms in any way.

Mr. Hackney of West Shore Road stated that the list of event exemptions can be confusing, and asked that the Commission consider regulations that would enhance the cultural activity in town instead of restricting them.

Mr. Brighenti of Calhoun Street emphasized that farms would be limited by these proposed regulations because they are for-profit businesses.

Mr. Rimsky stated that trying to restrict certain events when we have no idea what could be proposed in the future, and could lead the town to be passed on by event coordinators because of the restrictive Zoning regulations.

Ms. Holiman of West Shore Road questioned letters written and kept on record, and stated that she will send a previously written letter to the Land Use Office for record.

Ms. White, Land Use Administrator, stated that all letters written for this evenings meeting were on file for this evenings meeting. Anything written prior to this evenings meeting was kept on file, but not in this file. She reminded everyone that the Section has been in revisions for months, and that the Land Use Office had to file letters in accordance to each revision.

Ms. Klemm of Old North Road asked if there could be a show of hands to see who approves and disapproves of the regulations, to which she was denied.

Chairman Solley wished to state for the record that there were approximately 60 seats set out for this evenings meeting, and that they were all filled, with both entrances filled with people standing.

Mr. Reich stated that he would like everyone to take into consideration that a number of residents in town are elderly and could be in favor of the regulations, but possibly did not attend this evenings meeting because they tend to run late into the evening. He stated that the Zoning Commission is there to protect the residents of town, and felt that they were doing so to the best of their ability.

Mr. Hileman of River Road stated that he felt that there were a number of issues leading up to the request of regulation revisions, and felt that it was an enforcement issue in the past more than anything. He encouraged the Commission to take into consideration that perhaps less is more.

**MOTION: To close the Public Hearing for Zoning Regulations, Section 12.8 – Temporary Uses, by Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.**

**REGULAR MEETING (2hr.11min.05sec):**

Chairman Solley called the Regular Meeting to order at 9:44pm.

Seated for the Regular Meeting will be Chairman Solley, Mr. Averill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich.

**CONSIDERATION OF THE MINUTES (2hr.11min.50sec):**

**MOTION: To approve Minutes of the September 23, 2019 Meeting, by Mr. Averill, seconded by Ms. Radosevich, passed 5-0 vote.**

**PENDING APPLICATIONS (2hr 12min. 11sec):**

The Commission tabled the previously scheduled Public Hearing for Romac, LLC, 65 River Road.

**MOTION: To schedule a Public Hearing for Romac, LLC, 65 River Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to demolish and rebuild a house on an existing footprint, for the November 25, 2019 Zoning Commission Meeting at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall, Washington Depot, CT, by Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.**

**MOTION: To deliberate Zoning Regulation Section 12.8 – Temporary Uses at the November 25, 2019 Zoning Commission Meeting at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall, Washington Depot, CT, by Mr. Werkhoven, seconded by Ms. Radosevich, passed 5-0 vote.**

Chairman Solley had mentioned at the September meeting that he would like to commemorate the anniversary of the Zoning Regulations in Washington. He stated that he would still like to do so before the end of 2019.

**NEW APPLICATIONS (2hr. 20min 25sec):**

There were no New Applications for this evenings meeting.

**OTHER BUSINESS (2hr. 20min. 28sec):**

There was no Other Business for this evenings meeting.

**ENFORCEMENT (2hr. 20min. 40sec.):**

Mr. Tsacoyannis, Enforcement Officer, reported that there was no longer any business taking place at the Hodges property on Roxbury Road. He wished to thank Ms. Von Holt, Sanitarian for the Town of Washington, local Law Enforcement, as well as the Attorney General for the State of Connecticut for all of their hard work on this matter.

Ms. Radosevich questioned whether or not the issue of Glamping had been taken care of, and if the equipment for both properties had been removed as of yet. Mr. Tsacoyannis replied that both properties had contacted TentRR to have them remove their equipment, however the company had not done so as of yet. Mr. Tsacoyannis assured Ms. Radosevich that he would be checking in soon.

Mr. Tsacoyannis updated the Commission on the Wykeham Rise property, stating that Inland Wetlands Commission had voted to make sure that there is storm water sampling on the catch basins at the property, to monitor possible contamination into Kirby Brook.

Ms. Radosevich questioned when the demolition of the property was going to begin. Mr. Tsacoyannis stated that his understanding was that there was a hold up due to court proceedings, but was not privy to actual details.

**PRIVILEGE OF THE FLOOR (2hr. 25min. 17sec.):**

Mr. Matthews, in regards to the aforementioned subject of Wykeham Rise, questioned why the Zoning Commission would not require clean-up of the damaged property, when the Zoning Regulations clearly state that the Commission can do so. Chairman Solley agreed with Mr. Matthews, stating that he was going to look into the subject further.

The Zoning Commission wished to recognize and remember Peter Armstrong, member of the Zoning Commission, who passed away on September 25, 2019. Mr. Armstrong was a passionate member of the Zoning Commission for a number of years, was a loving husband and father, and a dedicated volunteer in Washington who will be greatly missed.

**MOTION: To adjourn the October 28, 2019 at 10:01pm, by Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.**

**Respectfully Submitted,**

**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**

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