

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

**MINUTES**

March 22, 2021

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

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

**ALTERNATES PRESENT:** Ms. Smith, Ms. Fernandez-O'Toole, Mr. Sivick

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

**PUBLIC PRESENT:** Ms. Anderson, Ms. Averill, Ms. Solomon, Mr. Owens, Mr. Fisher, Mr. Connor, Mr. Reynolds, Mr. Parker, Mr. Barney, Ms. Dyer, Mr. Eaton, Mr. Rogness, Other Members of the Public

The meeting was called to Order at 7:33pm.

**PUBLIC HEARING(S):**

Request of Reese Owens Architects for Chiquet & Beasley, 402 Nettleton Hollow Road for a Special Permit under Section 13.11.2 – Accessory Apartment Detached – reclassify existing structure as accessory conditioned upon issuance of Zoning Permit for new principal dwelling (34sec.):

Seated for this Public Hearing is Chairman Solley, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich.

Mr. Owens, representing the property owners, explained that his clients are requesting a Special Permit from 13.11.2 of the Washington Zoning Regulations for a Detached Accessory Apartment. The parcel at 402 Nettleton Hollow Road is a 22.6-acre parcel with a single-family residence located on it. A new home will be built on the property, and the applicant would like to re-classify the current home as an Attached Accessory Apartment once the new home is completed. Mr. Owens explained that, to his understanding, the current home would need to be re-classified as a detached accessory apartment so that the new home could obtain a Zoning Permit.

Mr. Owens discussed the requirements of Section 13.11.2 for detached accessory apartments, and the proposed met all of the criteria but the applicant was waiting for Health Department approval for the new structures septic system.

Ms. White confirmed that what Mr. Owens was correct. She also stated that she had a discussion with Attorney Zizka, the Commission's legal counsel, and he stated that he would prefer to see the entire project approved as a Special Permit, because the Regulations do not allow an accessory structure without a main structure.

Mr. Owens stated that the Zoning Permit Application for the new principle dwelling was submitted and awaiting approval.

Chairman Solley explained that he had spoken to Attorney Zizka regarding the matter, and he stated that, technically speaking, the existing primary structure would need to be torn down, the new primary structure would need to be built, then the accessory structure could then be rebuilt. However, he recognized that this was asking way too much. He suggested a "Conditional Special Permit" vote, that would take effect when the new primary structure has been built and has received a Certificate Occupancy.

Mr. Reich asked Mr. Owens if the property owners are currently living in the existing home. Mr. Owens explained that they were renting in Washington, however they used the cottage occasionally. Mr. Reich then questioned if the owners were considering renting out the proposed detached accessory apartment affordably. Mr. Owens stated that he was unsure what the owner's plans were, and that often these structures became a guest home for visiting friends and family. Mr. Reich pointed out that the application had connected this structure with Affordable Housing. Mr. Owens explained that he had added this to the application, but was unsure what the owners' plans were.

Chairman Solley asked if the owners planned on selling the 5-plus acres situated behind the proposed building lot of the new home. Mr. Owens stated that he believed there were no plans to do anything with it.

Ms. Hill stated that in the past, the Commission was opposed to two homes on the same lot and that typically the accessory structure was located over a garage or barn. She asked Mr. Owens if there was any of intention of making this structure look more like a barn or garage. Mr. Owens said he didn't believe so.

**MOTION: To close the Public Hearing for the Request of Reese Owens Architects for Chiquet & Beasley, 402 Nettleton Hollow Road for a Special Permit under Section 13.11.2 – Accessory Apartment Detached – reclassify existing structure as accessory conditioned upon issuance of Zoning Permit for new principal dwelling, by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.**

**REGULAR MEETING (32min 34sec.):**

Chairman Solley seated himself, Ms. Hill, Mr. Werkhoven, Mr. Reich and Ms. Radosevich.

## CONSIDERATION OF THE MINUTES:

Ms. Hill stated the following corrections:

Page 10, first sentence should read: *"Ms. Hill offered to write a first draft of further revisions to Section 12.8"*.

Page 8, in the Enforcement Report for 57 Flirtation Avenue, *"Mr. Tsacoyannis stated that he had not contacted Attorney Zizka because he did not feel it was necessary"*.

Ms. Radosevich stated the following corrections:

Page 1, paragraph two: *".... there would be no change to the outer appearance of the current garage, there would be efficient parking, as well as a full kitchen and bath"*. Change to *"sufficient"*.

Regarding the discussion of 101 Wykeham Road and 23 Bell Hill Road on Page 9, Ms. Radosevich believed that it was not clear that the Commission was referring to 101 Wykeham Road.

Mr. Reich requested that the Commissions Alternates are listed as "present" in the minutes.

**MOTION:** To accept the February 22, 2021 Washington Zoning Commission Meeting Minutes as amended, by Mr. Reich, seconded by Ms. Hill, passed 5-0 vote.

## PENDING APPLICATIONS (37min. 38sec.):

Request of Reese Owens Architects for Chiquet & Beasley, 402 Nettleton Hollow Road for a Special Permit under Section 13.11.2 – Accessory Apartment Detached – reclassify existing structure as accessory conditioned upon issuance of Zoning Permit for new principal dwelling:

Chairman Solley asked Mr. Tsacoyannis if he had reviewed the Zoning Permit Application for 402 Nettleton Hollow Road. Mr. Tsacoyannis stated that he had briefly looked at it, and had not come across any issues with it.

**MOTION:** Chairman Solley moves that the Zoning Commission conditionally approve the application of Chiquet and Beasley, 402 Nettleton Hollow Rd as requested by Reese Owens Architects for a Special Permit Application under Section 13.11.2- Accessory Apartment Detached, subject to the finished construction of the new residence at 402 Nettleton Hollow Rd with a Certificate of Occupancy and the approval of the Department of Health, seconded by Ms. Hill, passed 5-0 vote.

Mr. Reich stated that he would have liked to have seen this Motion either during the meeting or prior to the meeting as a potential Motion.

Mr. Werkhoven added that the amount of information given to the Commissioners to review that day was overwhelming and he hoped for in-person meetings soon.

## NEW APPLICATIONS (53min 15sec.):

Request of Arthur H. Howland & Associates for Bramson, 280 Nettleton Hollow Rd, for a Special Permit under Section 17.9 – Replacement of a Nonconforming Structure- rebuild accessory structure as receiving barn:

Mr. Szymanski, representing the property owner of 280 Nettleton Hollow Road, respectfully withdrew his application at this time.

OTHER BUSINESS (53min 24sec):

Preliminary Discussion with Attorney Fisher regarding 182 East Shore Road:

Attorney Fisher, representing the property owner of 182 East Shore Road, explained that his client owns 20 acres of land in Washington, off of Route 45. The property would need an access way in order to be considered a buildable lot. The property owners' intent is to donate this land to the Steep Rock Association, however the legal status in regard to the land being considered a building lot would make this donation difficult. Attorney Fisher explained that there is currently a cabin on the property that is close to the Warren, Connecticut town line. The cabin has a functioning septic system that is located in Warren. Chairman Solley asked if the cabin is considered a single family dwelling. Attorney Fisher stated that it is, according to the Washington tax records.

Ms. Hill questioned if the property would be grandfathered because the lot was configured prior to the 25% grade requirement of the Zoning Regulations. Chairman Solley agreed. The Commission questioned when the cabin was built. The owner was unsure of this. Ms. White checked the Assessor card on the Town of Washington website which showed that the property homed a single family dwelling, making it a buildable lot, however, the Commission wanted to consult Attorney Zizka before making a decision. It was decided that the recording of this evenings meeting would be forwarded to Attorney Zizka, and he and Attorney Fisher could discuss the matter further.

After the discussion, Mr. Reich stated that this discussion could have been handled a lot more efficiently if the Commission had been notified what the purpose of the discussion was in the first place.

Further Revisions to Zoning Regulations Section - 12.8 – Temporary Uses (1hr. 29min 55sec.):

Ms. Hill apologized for sending the Commission her thoughts about proposing further revisions to Section 12.8, however, she had sent them to Attorney Zizka for his approval and had received them last minute. She asked the Commission to read them over prior to the April Zoning Commission meeting.

Update on the Affordable Housing Plan (1hr. 31min. 58sec):

Ms. Hill had requested that the Housing Commission's power point presentation be sent to the Zoning Commission members prior to this evenings meeting. She stated that she wanted to give a brief history of how Zoning has handled Affordable Housing in the past. She explained that in the 1980's, the Commission adopted four new Regulations directed at affordable housing; Housing in the Business Districts – which permitted "mixed uses", allowing housing in commercially used zones. Residential Conversion of Older Homes, which allowed older homes to be converted into multiple, smaller residential units, the Accessory Apartment section, to prevent small scale housing to address more diverse demographic needs, and the Multi-family zone where apartments and condominiums were permitted. Ms. Hill explained that the multi-family zone was deleted when over 200-condo units had been approved and the Commission at that time wanted to see the impact of the town once the condos

had been constructed before they permitted any more units. She noted that most of the units had never been constructed.

She asked the Zoning Commission to take this into consideration as the Housing Commission puts together their Affordable Housing Plan, noting that under 3% of the housing in Washington is considered affordable in accordance with State Statute 8-30g.

Mr. Reich questioned if there was any knowledge regarding the State of Connecticut proposed bills and Affordable Housing. He explained that he would like to see if and what was being proposed. Ms. Hill stated that she could ask Ms. Ayer of the Northwest Council of Governments for this information.

#### **ENFORCEMENT (1hr. 40min 54sec.):**

Chairman Solley stated that he wanted to begin the report with a brief discussion regarding helipads, noting that they are not permitted in Washington to date. Mr. Tsacoyannis stated that he had contacted the property owner regarding the Real Estate listing for this property. Ms. Radosevich stated that she had recently viewed the listing for this property and saw that it was still being listed with the helipad. She questioned if there was a way to note on the property deed that the helipad was not permitted. Chairman Solley stated that they could attach a cease and desist letter stating that the property owner is not in accordance with the Regulations, but was not sure if attaching a note to the deed was possible. Ms. White noted that the Town of Washington cannot regulate the use of helicopters, only helipads, and that a helicopter can land a helicopter anywhere, as long as there is a big enough piece of property. Ms. Radosevich stated that she has some knowledge on the subject and has spoken to the Connecticut Airport Authority. She expressed wanting to have a note attached to the deed so that when someone searches the property, there would be warning for a potential buyer letting them know that helipads are not allowed. Ms. Hill suggested consulting Attorney Zizka on the matter.

Mr. Tsacoyannis stated that details regarding the lot line revisions between 57 Flirtation Avenue and Eversource have been submitted and are awaiting approval. Ms. Hill questioned whether the amount and type of soil was considered in the exchange of the properties. She explained that due to Washington having soil based Zoning Regulations, this could change a conforming lot to a non-conforming lot. Mr. Tsacoyannis stated that Attorney Kelly submitted the density form with the lot line revision, and all was okay.

Ms. Hill then questioned whether the \$250.00 a day fine mentioned at previous meetings by Mr. Tsacoyannis had been filed legally and accruing or was a potential fine. Mr. Tsacoyannis stated that Attorney Zizka explained that the situation was not “a slam dunk” either way. The Ryder’s had obtained several building permits for demolition, but nothing from the Land Use Department. The Commission agreed that the situation was complex.

Mr. Tsacoyannis stated that he had received a response from Attorney Zizka regarding 23 Bell Hill Road, and that his opinion was that the 2013 agreement to abandon the access way at 101 Wykeham Road only applies after the Inn is completed. Mr. Tsacoyannis stated that the property owner has been fined \$150.00. Ms. Hill questioned why 23 Bell Hill Road had been fined when 101 Wykeham Road is where the violation occurred. Mr. Tsacoyannis explained that the work

was being completed at 23 Bell Hill Road, not 101 Wykeham Road. Ms. Hill explained that the access way seemed wider, and asked Mr. Tsacoyannis to look through the 101 Wykeham Road file, explaining that there should be photos of the access way for a comparison. Mr. Tsacoyannis explained that it is hard to tell if the access way had been widened or if brush had just been cut in the area, making it appear wider. Chairman Solley questioned if whether brush had been cut back or if fill had been placed in the area to widen the road. Mr. Tsacoyannis stated that it appeared brush had been cut back.

**PRIVILEGE OF THE FLOOR (2hr. 02min. 14sec.):**

Mr. Barnet explained that he is concerned that Mr. Tsacoyannis stated that he could possibly approve the lot line revisions at 57 Flirtation Avenue tomorrow. Mr. Barnet stated that he feels the Zoning Commission should review the revisions beforehand. Chairman Solley suggested inviting Attorney Kelly to the next Zoning meeting. Ms. Hill stated that she felt that Attorney Zizka, who represents the Washington Zoning Commission, should be invited to the next meeting instead of Attorney Kelly. The Commission agreed.

The Commission discussed the amount of information they receive from the Land Use Department prior to their meetings. Staff explained that their understanding is that our Regulations, as well as State Statutes, required the office to accept applications and any associated paperwork or communications the Friday before each meeting. The Commission stated that they felt overwhelmed with information and questioned if the deadline could be moved back a day or so. The Land Use Office stated that they would look into it.

Mr. Rogness of Bell Hill Road read pieces of 2013 Agreement between 101 Wykeham Road and the neighbors of that property. He stated that he had contacted his legal counsel earlier that day to see if he may possibly be missing something regarding that agreement and what it prohibits.

Mr. Rogness described to the Commission what the access way currently looked like, explaining that it was at least three-feet wide and traveled on with plants and bushes uprooted.

The Commission agreed to drive by the property to observe the area being discussed, prior to the next meeting.

Mr. Werkhoven asked Chairman Solley if whether or not he had spoken to First Selectman Brinton regarding a meeting that had been held months ago with the Chairmen of the various Boards and Commissions and Mr. Brinton, and whether Chairman Solley could now discuss the details with the Commission. Chairman Solley explained that he would like for Mr. Brinton to be in attendance during this conversation, and stated he would speak to him prior to the April meeting.

ADJOURNMENT (2hr. 24min. 29sec.):

MOTION: To adjourn the March 22, 2021 Washington Zoning Commission Meeting at 9:58pm. By Mr. Werkhoven, seconded by Ms. Hill, passed 5-0 vote.

To listen to the audio of this evenings meeting, please click the link below:

[https://townofwashington-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/Ef5EfnrzEoNDubIOzT304A8BF8BFIR-mpr-ViEV3sQkVg?e=FefUuX](https://townofwashington-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/Ef5EfnrzEoNDubIOzT304A8BF8BFIR-mpr-ViEV3sQkVg?e=FefUuX)

Respectfully Submitted,

Tammy Rill

Land Use Clerk

March 29, 2021