TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Commission Regular Meeting

**MINUTES**

June 28, 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

**ALTERNATES ABSENT:** Mr. Sivick

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

PUBLIC PRESENT: P. Talbot, M. Kassis, J. Haestad, R. Solomon, D. Tagley, J. Haestad, M. Gorra, L. Reynolds

**REGULAR BUSINESS:**

The meeting was called to Order at 7:32pm.

Chairman Solley, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich were seated for the Regular Meeting.

**CONSIDERATION OF THE MINUTES (45sec.)**:

Mr. Werkhoven explained that on Page 6 of the Minutes, it is written, “*As an example, Ms. Hill stated that if the front yard setback were 50 feet, under Special Permit in the Business District the owner could ask for a reduction in setback of 25% - which would make the setback now 25 feet*.”

It should read, “*As an example, Ms. Hill stated that if the front yard setback were 50 feet, under Special Permit in the Business District the owner could ask for a reduction in setback of 25 feet.”*

The Commission agreed with this correction.

**MOTION: To approve the May 24, 2021 Meeting Minutes, as corrected, by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.**

**PENDING APPLICATIONS:**

There were no Pending Applications for this evenings Meeting.

**NEW APPLICATIONS:**

**Request of Kassis, 6 and 16 West Mountain Rd., for a Special Permit from Section(s): 4.4.8 and 13.11.3 – Accessory Apartment – Detached – to convert a garage into a guest house. Application complete – Schedule Public Hearing:**

Ms. White stated that the address should listed as “6 and 15 West Mountain Road”.

Chairman Solley asked for clarification regarding the detached Accessory Apartment, questioning if the garage would have an apartment in the upstairs portion, or if the garage would be 100% converted to an apartment. Ms. White stated that the Applicant is requesting to convert the entire garage into an Attached Accessory Apartment.

Chairman Solley questioned if there was information provided showing that this would not be two single family dwellings on one property. Ms. White stated that the structure would be under 1200 square feet. Chairman Solley did not feel that this answered his question. Ms. White stated that the Application had met the standards of 4.4.8 and 13.11.3 – Accessory Apartment – Detached.

Chairman Solley requested that, in the future, he would like for Ms. White to point out to the Applicant that two single family dwellings on one property is not allowed.

**MOTION: To schedule the Public Hearing for the Request of Kassis, 6 and 15 West Mountain Rd., for a Special Permit from Section(s): 4.4.8 and 13.11.3 – Accessory Apartment – Detached – to convert a garage into a guest house, for July 26, 2021 at 7:30pm, by Chairman Solley, seconded by Mr. Reich, passed unanimously.**

**Request of Durrett, 7-11 Worcester Rd., for a Special Permit from Section 17.9 – Replacement of a Non-Conforming Structure – to demolish an existing barn and rebuild within footprint. Application complete – Schedule Public Hearing (9min 09sec.):**

Ms. White explained that this Application has not been approved by the Health Department as of yet.

She added that the barn would not be used as a barn, and explained that this could be explained further at the Public Hearing.

Ms. Hill asked what the structure would be used as. Mr. Halsey of CWB Architects, representing the property owners, explained that the barn would be used for various activities such as crafts and a space for children to play various sports during the Winter months.

Ms. Hill questioned if the space would be heated, if it would include a bathroom, and if would include a kitchen.

Mr. Halsey stated that it would be heated, that there would be a sink and cook top, and there would be one bathroom.

Mr. Werkhoven stated that this could easily be transitioned to a living space. Mr. Halsey explained that there was no intention of doing so.

Mr. Halsey explained that the current barn is 30 feet by 73 feet, and they were planning on removing a 5 foot 6-inch x 73-foot bump-out that would remove some of the non-conformity of the structure. He added that his clients would remove the kitchen component of the building as well if required.

Ms. Hill added that having a toilet and sink would be allowable, however a shower and/or bathtub could be an issue.

Mr. Haley also explained that while the footprint of the structure would remain the same, there would be an increase in volume due to a shallow and saggy roof. The current height of the roof is 22 feet and 6 inches at the ridgeline, and the new ridgeline would be 28 feet. The new barn will be raised two feet above the grade due to water filtration issues.

Ms. Hill explained that if the current maximum height is 22 feet four inches and the building is non-conforming, you cannot increase the non-conformity of a non-conforming building. Also, she added, that the maximum height of an accessory structure that is not used for agriculture is 26 feet, not 28 feet.

Mr. Halsey stated that he would speak to his clients regarding these issues, however he wanted to have the Public Hearing scheduled in the meantime.

Ms. Hill explained that the Zoning Commission could not grant exceptions to the Regulations on this matter, that if they wanted to proceed with the height, they would need to apply for a Variance with the Zoning Board of Appeals.

Chairman Solley explained that this would increase the non-conformity of the building which Ms. Hill had explained, however the building itself is non-conforming as well, so it would be two issues.

Mr. Halsey explained that the plan was to remove a portion of the non-conforming building, as well as another non-conforming structure on the property, and the existing barn was currently below the grade and would be raised up, and he and his clients were hoping that this, along with the materials that will be used would make a strong case for approval.

Mr. Reich suggested speaking with the property owners engineer to discuss what would be the best way to navigate this process. Mr. Reich felt there were far too many details to discuss this further without scheduling an actual Public Hearing.

Ms. White added that she had accepted the Application that was submitted somewhat late, and had not viewed the plans in their entirety right away. However, when she had the opportunity to review them, she explained that she had noticed these issues, but felt the Commission should decide how to proceed.

Chairman Solley explained that he did not feel the Zoning Commission could not move forward without going to the Zoning Board of Appeals first. Ms. Hill added that a hardship would need to be proven in order to obtain approval from them.

Mr. Halsey questioned if there could be a way to go ahead and schedule the Public Hearing and in the meantime discuss the issues and resolve them prior to the meeting. Ms. White and Chairman Solley explained the overall increase of the volume of the primary structure in the setback from the road, the Zoning Commission could not schedule the Public Hearing based on this knowledge.

**MOTION: To deny the Application for the Request of Durrett, 7-11 Worcester Rd., for a Special Permit from Section 17.9 – Replacement of a Non-Conforming Structure – to demolish an existing barn and rebuild within footprint, by Mr. Reich, denied unanimously.**

**OTHER BUSINESS:**

Discussion Regarding J. Hill’s 5/20/21 Draft of Revisions to the Business Districts and to schedule possible Public Hearing:

The following correspondence from Attorney Zizka in reference to J. Hill’s 5/20/21 Draft was received just prior to this evenings meeting:

1. There is a potential conflict (or, at least, an ambiguity) between the provisions of Sections 7.6 and 7.7; namely, does the Commission’s ability to allow (by special permit) under Section 7.6 also apply to the requirements of Section 7.7.A.2? Or must the applicant always comply with the setbacks in Section 7.7.A.2? If it is the latter, the Commission should consider modifying the first sentence of Section 7.6 as follows: “The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction in the minimum setback and yard dimensions under Section 11.6 of these Regulations if the conditions set forth below are met. The Commission may not approve any reduction in any setbacks required by Section 7.7.” Similar changes would be needed for the other three business zones.
2. Section 3.2, as well as Section 11.6.1, uses the phrase “Unless otherwise specified in the particular zone for a commercial lot . . . .” The term “commercial lot” is ambiguous – does it mean any lot in any business zone, or just lots used for business purposes in a business zone, or any lot used for business purposes in any zone? In Section 11.6.1, the phrase could just be changed to “Unless otherwise specified in these Regulations, . . . .” Section 3.2 is a little trickier because I’m not sure what the Commission’s intention is for any split residential lots – do they have to comply with the more restrictive district’s conditions?

Chairman Solley stated that he would like to take Attorney Zizka’s thoughts into consideration.

Ms. Hill explained that our current Regulations do not specify whether the waiver under Section 3.2 is granted for the lot in its entirety or just the portion that is already in the commercial district, however, the Zoning Commission in the past has always granted the waiver for the portion in the commercial district only. Ms. Hill stated that she felt this discussion should take place at an in-person meeting at Town Hall so that the Business District maps could be viewed during the discussion. The Commission agreed to meet in-person in July.

Discussion Regarding Further Revisions to Zoning Regulations Section - 12.8 – Temporary Uses - temporary trailers for seasonal farm workers:

The Commission agreed to view what neighboring towns have in their Regulations regarding this matter.

The Commission also agreed to invite local farmers to the August meeting to discuss their thoughts and ideas.

**ENFORCEMENT:**

Ms. White stated that she has had a few complaints come to the Land Use Office that she was looking into regarding lighting and a possible situation where a studio was turned into an apartment, however there was not a specific report addressing the issues as of yet.

The Town of Washington is still in the process of searching for a new Zoning Enforcement Officer.

Ms. Radosevich requested an update regarding a draft letter addressing a driveway abandonment on the 101 Wykeham Road property.

Chairman Solley stated that the letter is not intended to be a form of action, but rather a communication or “request” to remind the property owner of the 2013 Settlement Agreement.

Ms. Radosevich questioned if the Commissioners were in agreement that the 2013 Settlement Agreement was broken. She felt that the letter should be in the form of a “Cease and Desist”.

Mr. Reich stated he felt that the Commission should heed the advice of Attorney Zizka.

Mr. Werkhoven stated that he felt the driveway was used to accomplish work in that area for a limited time and that the Zoning Commission should not send the letter.

The majority of Commission agreed to send Ms. Hill’s draft letter to Attorney Zizka for his thoughts, with Mr. Werkhoven stating he did not feel the letter was even necessary. Ms. Radosevich stated that she would like to make a Motion to send the letter to Attorney Zizka.

**MOTION: To consult Legal Counsel regarding Ms. Hill’s draft letter addressed to the property owner of 101 Wykeham Road in reference to the 2013 Settlement Agreement and the abandonment of an access road. By Ms. Radosevich, seconded by Ms. Hill, approved 3-1-1 vote, with Mr. Werkhoven voting, “no” and Mr. Reich abstaining.**

**PRIVILEGE OF THE FLOOR (1hr. 30min 05sec.):**

Ms. Gorra stated that she was appreciative of the work the Commission has been doing regarding Farming in Washington, as well as the Business Districts.

**COMMUNICATIONS (1hr. 32min 03sec.):**

Letter from H. Rogers Regarding Farm Status:

The Commissioners have received and read Mr. Rogers letter.

Mr. Werkhoven stated that Mr. Rogers has a point and should be considered.

The 490 Farm Status list of local farms is available through the Tax Assessors office. Chairman Solley stated he would look into obtaining this information.

Definition of Helipads:

Ms. Radosevich asked if she could draft a definition of Helipads for the Zoning Regulations. Chairman Solley stated that this would be fine.

Other Discussion:

Mr. Reich stated he is concerned about Senior Housing in Washington and would like the Commission to start a discussion at a future date regarding the issue.

Mr. Reich added that he is also concerned over the sale of marijuana in Washington after the State of Connecticut’s approval for recreational use. Chairman Solley and Mr. Werkhoven agreed with Mr. Reich.

Ms. Smith stated that she really didn’t feel sales in Washington would become an issue because a company would want a busier area.

**ADMINISTRATIVE BUSINESS:**

There was no Administrative Business for this evenings meeting.

**ADJOURNMENT:**

**MOTION: To adjourn the June 28, 2021 Washington Zoning Commission Meeting at 9:14pm, by Mr. Werkhoven, seconded by Ms. Hill, passed 5-0 vote.**

To listen to this evenings meeting recording, please click here:

<https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EQ6f5HsEdH9EvTai7348KIgBhiKX0fgDYgd12OTjOFtPOQ?e=LZnzSf>

**Respectfully Submitted,**

**Tammy Rill**

**Land Use Clerk**

**June 29, 2021**