

TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Commission Regular Meeting

MINUTES

August 23, 2021

7:30 P.M. – Meeting Via Zoom and In Person

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

ALTERNATES PRESENT: Ms. Smith, Ms. Anderson

ALTERNATES ABSENT: Mr. Sivick

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

PUBLIC PRESENT: Mr. Kelly, Ms. Talbot, Mr. Duke, Mr. Dodge, Mr. Casey, Ms. Zukauskas (Voices Newspaper), Mr. Barnet, Ms. Bouyea, Ms. Hearn, Ms. Tagley, Ms. Solomon, Ms. Purnell

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:

MOTION: To approve the July 26, 2021 Washington Zoning Commission Meeting Minutes as submitted, by Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.

MOTION: To approve the August 2, 2021 Washington Zoning Commission Special Meeting Minutes as submitted, by Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.

PENDING APPLICATIONS:

There were no Pending Applications for this evenings meeting.

NEW APPLICATIONS:

Request of Durrett, 7-11 Worcester Road, for a Special Permit from Section 17.9 – Replacement of a Non-Conforming Structure – to demolish an existing barn and shed and rebuild within footprint:

MOTION: To schedule a Public Hearing for the Request of Durrett, 7-11 Worcester Road, for a Special Permit from Section 17.9 Replacement of a Non-Conforming Structure – to demolish an existing barn and shed, and rebuild within footprint, for Monday, September 27, 2021 at 7:30pm at Bryan Memorial Town Hall as well as via Zoom Conference Meeting. Motion made by Chairman Solley, seconded Ms. Hill, passed 5-0 vote.

OTHER BUSINESS:

Discussion Regarding Final Draft Revisions of the Zoning Regulations - Sections: 3.2, 7.5, 7.6, 7.8.1, 7.9, 8.5, 8.6, 8.8, 8.8.1, 8.9, 8.9.1-9, 9.5, 9.5.1-4, 9.6, 9.6.1-4, 9.8, 9.8.1-3, 9.9, 10.5, 10.5.1-4, 10.6, 10.6.1-4, 10.8, 10.8.1, 10.9, 10.9.1-9:

The Commission discussed the Public Hearing scheduled for September 27, 2021 at 7:30pm. Ms. White stated that the Planning Commission would be reviewing the language at their September 1, 2021 meeting and the Zoning Commission could expect a response sometime after that. Ms. Hill pointed out that the date on the revised language should be edited and listed as after the August 2, 2021 Special Meeting.

Discussion Regarding Helipads – Section 2.3.2.E – D. Radosevich:

Ms. Radosevich presented the following language regarding Helipads to the Commission:

“Helipad: An area of land or surface of a structure used for the taking off and/or landing of any helicopter or vertical lift vehicle for private or commercial use.”

The Commission questioned if “vertical lift vehicle” included drones and were concerned with the impact of this, being that photographers as well as real estate agents use drones. The Commission also questioned if this would impact hot air balloons.

After a brief discussion, the Commission agreed that the phrase, “vertical lift vehicle” should be removed from the language. They also agreed that the new language should be included to Section 2.3.2.E as well as the “Definitions” page of the Zoning Regulations. The Commission decided to send the language to Attorney Zizka for review and then send the matter onto the Council of Governments and Planning Commission for referral, then onto Public Hearing for October 25, 2021 at 7:30pm.

MOTION: To schedule a Public Hearing regarding the edit of language for Zoning Regulations Section 2.3.2.E – Helipads, as well the addition of the definition of Helipads in the Washington Zoning Regulations, for October 25, 2021 at 7:30pm at Bryan Memorial Town Hall and via Zoom Conference Meeting, by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Discussion regarding The Mayflower Inn and Spa – Noise disturbance associated with a Special Permit Modification granted by the Washington Zoning Commission on December 16, 2019, for a Seasonal Tent for Outdoor Events:

Chairman Solley asked Ms. White to inform the Commission of recent events involving weddings/events held at the Mayflower Inn and Spa. Ms. White stated that there had been several complaints from the neighboring property owners of the Mayflower Inn and Spa regarding the noise level at the events taking place at the facility’s seasonal hospitality tent that the Commission granted a Special Permit for in December of 2019. In accordance with the Washington Zoning Regulations, Section 13.1.C.8 states, “That the proposed use and any building or other structure in connection therewith will not create a nuisance such as noise, fumes, odors, bright lights, glare, visual obstructions, vibrations, or other nuisance conditions at or beyond the property line”. Because of this, Ms. White, Washington’s acting Zoning Enforcement Officer, consulted with Attorney Zizka and a Cease and Desist order was issued to the owners of the Mayflower Inn and Spa.

Several neighbors of The Mayflower were in attendance of this evenings meeting and questioned what the next steps would be in this process, stating that there were several more events scheduled in the upcoming weeks. The Commission explained that they were following legal procedure by rendering a Cease and Desist, and that the property owner was legally allowed to appeal the Cease and Desist. As for what the next steps would be, the Commission would need to consult with Attorney Zizka on the matter.

Ms. Hill suggested that if The Mayflower does decide to appeal the decision and is seen by the Zoning Board of Appeals, the Land Use Office should request Attorney Zizka's presence at that meeting.

Neighboring property owners expressed their aggravation with the noise level of each event. The Commission explained that they had followed the legal process with sending the Cease and Desist, but could not enforce anything further at the moment.

Enforcement:

The Commission welcomed the new Zoning Enforcement Officer, Ms. Haverstock, just prior to the meeting. This was Ms. Haverstock's first day, so there was no Enforcement Report for this evenings meeting.

Mr. Werkhoven stated that he had been asked about storage containers located at Everything Botanical at 237 Old Litchfield Road. Ms. White stated that the Land Use Department had received a complaint as well, and she would be contacting the owners.

Communications:

Ms. White reported that Land Tech had been hired to review the report for 101 Wykeham Road and expected it to be complete within the next few weeks.

Mr. Werkhoven added that he had attended the forum regarding Cannabis on August 18th at Town Hall. He stated that he felt Zoning should consider some Regulations regarding the sale of cannabis in Washington. The Commission discussed whether this would need to be a town wide vote or referendum and what would be required in order to set forth a decision on the topic.

Privilege of the Floor:

Mr. Casey of Old North Road encouraged the neighbors of The Mayflower to contact him if they would like to communicate with others that are opposed to the events taking place.

Ms. Smith questioned if Privilege of the Floor could be moved to earlier in the meeting. Chairman Solley stated that the Agenda could be edited at the discretion of the Chairman if need be, and that if a member of the Public would like a specific topic to be covered to contact the Land Use Office so that it could be added as an Agenda item

MOTION: To adjourn the August 23, 2021 Washington Zoning Commission Meeting at 8:37pm, by Ms. Radosevich, seconded by Chairman Solley, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

August 24, 2021

To listen to this evenings meeting, please click here:

https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EQMncTJ-0sROoMPB3RSrqboBTVzxDHqb2mG8luggZNolgw?e=kl1mTy

****Minutes are subject to Approval**