

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

MINUTES

September 27, 2022

7:30 P.M. – Zoom Meeting

MEMBERS PRESENT: Chair Solley, J. Hill, D. Werkhoven

MEMBERS ABSENT: B. Farrell

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

ALTERNATES ABSENT: None

STAFF PRESENT: S. White, T. Rill

PUBLIC PRESENT: B. Delsener, O. Lara, E. Hochberg, M. Cain, R. Solomon, M. Solomon, Attorney Sherwood, R. Boehning, L. Glover, Other Members of the Public

PUBLIC HEARING(S):

The Public Hearing(s) began at 7:34pm

Seated for the Public Hearings are Chair Solley, J. Hill, D. Werkhoven, S. Mongar and V. Andersen

Request of Lara, 45 New Milford Turnpike, for a Special Permit, Section: 12.6.1.C – General Home Occupation, for a Lash Studio (41 sec):

Olga Lara, the owner of 45 New Milford Turnpike, explained that she would like to open a Lash Extension studio. The proposed space, which is located in the basement, has two entrances. Ms. Lara presented the Commission with a sample lash extension kit that included synthetic eye lashes and adhesive glue. There would be no signage to advertise the business. Ms. Lara will be the only employee, and the business would be held by appointment only.

The Commission questioned whether or not this would be considered a beauty salon. Ms. Lara explained that she obtained a license for the State of Connecticut as a licensed eyelash technician. This license is not considered to be the same as an esthetician or a beauty technician. The amount of water or use of septic is not a concern, and there would not be chemicals such as hair dye used. Ms. Andersen questioned if Ms. Lara considered partnering with a beauty salon. Ms. Lara explained that the fees associated with renting a space at a beauty salon would be very pricey. Ms. Andersen also questioned if whether Sections 12.6.A – Home Office or Studio or 12.6.B – Traditional Home Enterprise should be considered as well. The Commission discussed and determined that neither of the Sections apply to Ms. Lara's proposal.

With no further comment, Chair Solley requested a Motion to Close the Public Hearing.

MOTION: To close the Public Hearing for the Request of Lara, 45 New Milford Turnpike, for a Special Permit, Section: 12.6.1.C – Home Occupation, for a Lash Studio, by J. Hill, seconded by V. Andersen, approved 5-0 vote.

Request of Cain, 43 Revere Road, for a Special Permit – Section(s): 12.5 – Accessory Structures and 13.11.3 – Accessory Apartments, Detached (14min. 15sec.):

Matt Cain, owner of 43 Revere Road, explained to the Commission that he would be replacing his garage/barn that had burned down this past summer. He would be turning the upper level into an apartment for his daughter and her fiancée. Mr. Cain will also be adding a three-car carport to protect the cars from weather. The proposed will share a driveway with the main home. The structure size will not exceed 75% of the main structure.

With no further questions, Chair Solley moved to close the Public Hearing.

MOTION: To close the Public Hearing for the Request of Cain, 43 Revere Road, for a Special Permit – Section(s): 12.5 – Accessory Structures and 13.11.3 – Accessory Apartments, Detached by Chair Solley, seconded by D. Werkhoven, approved 5-0 vote.

REGULAR MEETING (21min 34sec.):

Chair Solley called the Regular Meeting to Order at 7:53pm.

Chari Solley, J. Hill, D. Werkhoven, S. Mongar and V. Andersen will continue to be seated.

CONSIDERATION OF THE MINUTES:

MOTION: To accept the Washington Zoning Commission August 22, 2022 Meeting Minutes as submitted, by D. Werkhoven, seconded by J. Hill, approved unanimously.

PENDING APPLICATIONS:

Request of Lara, 45 New Milford Turnpike, for a Special Permit, Section: 12.6.1.C – Home Occupation (23min 41sec):

Ms. Andersen asked for clarification regarding the reason why the Applicant had not applied for Section 12.6.A nor 12.6.B. Chair Solley and Ms. White explained that Ms. Lara's proposed use did not fall under the same category as a beauty salon, as Ms. Lara is an eyelash technician and did not have the same requirements as a full salon – therefore the proposed occupation fell under Section 12.6.1.C.

With no further comments, Chair Solley put forth a Motion to approve.

MOTION: To approve the Request of Lara, 45 New Milford Turnpike, for a Special Permit, Section: 12.6.1.C – Home Occupation, for a Lash Studio, by Chair Solley, seconded by D. Werkhoven, approved 4-1-0 vote, with V. Andersen abstaining.

Request of Cain, 43 Revere Road, for a Special Permit – Section(s): 12.5 – Accessory Structures and 13.11.3 – Accessory Apartments, Detached (30min 00sec.):

With no comments or questions from the Commission, Chari Solley requested a Motion to approve.

MOTION: To approve the Request of Cain, 43 Revere Road, for a Special Permit – Section(s): 12.5 – Accessory Structures and 13.11.3 – Accessory Apartments, Detached, as presented in the Site Plan and Floor Plans titled, “Matt Cain, 43 Revere Rd., Detached Accessory Apartment”. Motion made by J. Hill, seconded by V. Andersen, approved unanimously.

NEW APPLICATIONS:

Request of Benett, 213 Tinker Hill Rd., for a Special Permit – Section(s): 13.11.3 – Accessory Apartments, Detached – for a pool/guest house (31min. 29sec.):

B. Delsener, representing the property owners of 213 Tinker Hill Road, stated that his clients purchased the property and would be building a new home on the property as well as the proposed pool/guest home. The pool/guest house would be 1,188 square feet, and would be used by family, friends, but mainly the property owners’ daughters, whom will be starting college and will be staying in the space when home.

With no further questions, Chair Solley made the following Motion:

MOTION: To schedule the Public Hearing for the Request of Benett, 213 Tinker Hill Rd., for a Special Permit – Section(s): 13.11.3 – Accessory Apartments, Detached – for a pool/guest house, for the October 24, 2022 Washington Zoning Commission meeting, 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall, and by Zoom Video Conference, by Chair Solley, seconded by J. Hill, approved unanimously.

OTHER BUSINESS:

PA 21-29 Subcommittee Report (38min 37sec.):

J. Hill explained that the subcommittee members, which included herself, Chair Solley, V. Andersen, J. Gorra and R. Woodroffe, had reviewed a 2005 multi-family home draft by Attorney Zizka, the Town of Roxbury regulations, the Town of Woodbridge’s appeal of PA 8-30g as well as the conversations the Commission has had. The Subcommittee agreed that there should be different standards for multi-family housing in the residential districts versus the commercial district. Also, when the regulations are drafted, commercial and residential will be dealt with separately, much like the way attached and detached accessory apartments are currently.

The Town of Washington’s affordable housing percentage is currently 2% of the 10% required by the State of Connecticut.

The Subcommittee plans to meet again on October 6th, 2022 at 4:00pm in the main meeting room of Bryan Memorial Town Hall.

ENFORCEMENT (55min 47sec):

Ms. Haverstock was not in attendance for this evenings meeting. Ms. White stated that there was nothing new to report this month.

COMMUNICATIONS (56min 00sec.):

Halloran Sage Invoices – #11392725 and #11392726:

Chair Solley agreed to discuss with the Town Treasurer whether the invoices for communications regarding 101 Wykeham should or could be paid by the Legal Litigation Fund which was not part of the General Fund.

Letter Submitted September 27, 2022 by Attorney Williams for the Owners of 27 Bell Hill Road, Regarding 101 Wykeham Road (1hr. 04min 46sec.):

MOTION: To accept a letter submitted by Attorney Joseph Williams of Shipman and Goodwin, LLP on behalf of Reiner Boehning and Lisa Glover, owners of 27 Bell Hill Road, in regards to 101 Wykeham Road, dated September 27, 2022, and that the letter be included within the Communications section of the meetings Agenda. Motion made by Chair Solley, seconded by S. Mongar, passed 4-1 vote, with D. Werkhoven voting against.

Chair Solley read the following in to the record:

“September 27, 2022 VIA E-MAIL AND REGULAR MAIL, Nicholas Solley, Chair Zoning Commission of the Town of Washington Bryan Memorial Town Hall Post Office Box 383 Washington Depot, CT 06794 Re: 27 Bell Hill Road and 101 Wykeham Road, Washington, CT

Dear Mr. Solley: I represent Reiner Boehning and Lisa Glover, owners of 27 Bell Hill Road in Washington. You may recall that this property directly abuts the property located at 101 Wykeham Road, which was the subject of a November 2012 Settlement Agreement among the Zoning Commission, the owners of 101 Wykeham Road and 27 Bell Hill Road, and Teresa Peacocke. Mr. Boehning and Ms. Glover are successors to Wendy and Eric Federer as the owners of 27 Bell Hill Road, and are therefore parties to the Settlement Agreement. The Settlement Agreement and the revised special permit/site plan approval dated August 31, 2018 set forth an extensive list of conditions governing the proposed use of 101 Wykeham Road as an inn. We note that your Commission at its last few meetings has been conducting a discussion with the attorney for 101 Wykeham Road, LLC as to whether the LLC has demonstrated compliance with all of the various conditions. The discussion has been taken up in special meeting work sessions or under the “Privilege of the Floor,” in which the Commission has not invited the participation of other parties to the Settlement Agreement or comments from the public. As full parties to the Settlement Agreement, my clients have the right to participate in the compliance discussion and to explain to the other parties their position as to whether the terms and conditions governing the use of 101 Wykeham Road have been satisfied. As this discussion necessarily is occurring in public meetings of the Commission, I am hereby requesting that you invite my clients and I to participate and be heard in your meetings as full parties to the discussion. My clients submitted a letter to the Commission outlining their initial concerns in June and they have received no response, so those would be the first items that we would like to discuss. We are hopeful that an inclusive and robust discussion will lead to a consensus on compliance among all parties, and avoid the need to return to court to resolve any compliance issues. To facilitate an open discussion, I also request that the Commission, your staff, Attorney Zizka and Attorney Sherwood forward to me any and all materials that the LLC submits or has submitted to the Commission in furtherance of the compliance discussion. Finally, given the strong public interest in this proposed development, we believe that it would be more appropriate and fundamentally fair for the Commission to list on its agenda, in advance of the meeting, notice that it will be conducting a compliance discussion on this matter as a separately labelled agenda item, and allow the public to provide input, as well. Kindly confirm in your meeting tonight your receipt and acceptance of these requests, and we will look forward to joining the discussion with you. Please feel free to have your staff or attorney contact me if you would like anything more from us. Thank you. Very truly yours, Joseph P. Williams”.

Chair Solley announced there would be no discussion of the letter tonight, and that it would be submitted to Attorney Zizka for further review.

PRIVILEGE OF THE FLOOR :

Mr. Boehning and Ms. Glover, owners of 27 Bell Hill Road, introduced themselves to the Commission.

ADMINISTRATIVE BUSINESS:

None.

ADJOURNMENT:

MOTION: To adjourn the September 27, 2022 Washington Zoning Commission meeting at 8:45pm, by V. Andersen, seconded by D. Werkhoven approved unanimously.

Meeting Recording:

https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/Ec_1rOrfMCIJmtAGZ3qyCtEBV7P8otdJ7S3jXfqo8WDxow?e=IAx1FI

Respectfully Submitted,

Tammy Rill

Tammy Rill

Land Use Clerk

September 30, 2022

*** Minutes filed, subject to approval**