

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

MINUTES

June 22, 2020

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

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

ALTERNATES PRESENT: Mr. Bent, Ms. Smith

ALTERNATES ABSENT: Mr. Sivick

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

PUBLIC PRESENT: Mr. Bedini, Mr. Sherr, Ms. Solomon, Mr. Hileman, Mr. Charles

Chairman Solley called the meeting to order at 7:35pm.

He then seated himself, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich.

CONSIDERATION OF THE MINUTES (29sec.):

MOTION: To accept the May 18, 2020 Zoning Commission meeting minutes as submitted, by Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.

PENDING APPLICATIONS (58sec.):

There are no Pending Applications for this evenings meeting.

NEW APPLICATIONS (1min. 13sec.):

There are no New Applications for this evenings meeting.

OTHER BUSINESS (1min 30sec.):

Continued Consideration Re: 12.8 Temporary Uses – Revisions:

Chairman Solley suggested that the Commission take another look at the most recent revisions to 12.8 – Temporary Uses, to refresh their memory. He stated that he did not wish

to get into a long discussion regarding the revisions tonight, but that he was looking forward to scheduling the Public Hearing on the matter hopefully soon.

Ms. White, Land Use Administrator, had received feedback from Attorney Zizka regarding documentation/communications that had been received from the public prior to the original Public Hearing on 12.8 held in October 2019. Attorney Zizka advised that with the new Public Hearing, new documentation/communications/letters shall be submitted with the file. He also advised the Commissioners to discuss their reasoning behind the revised Regulations at the Public Hearing.

Ms. Hill questioned whether or not the Commissioners should discuss their opinions on the 12.8 revisions at the Public Hearing, stating that she had understood that it should be discussed prior to the Public Hearing, and then again after.

Chairman Solley stated that he felt the need for clarification from Attorney Zizka.

Ms. Hill stated that she had some thoughts regarding the referral letter written by Planning Commission Chairman Wayne Hileman, and would like to address them.

Mr. Werkhoven agreed with Ms. Hill, stating that he had some concerns and questions regarding Mr. Hileman's letter that he felt needed to be discussed as well.

Chairman Solley stated that he felt that prior to the Public Hearing would be the time to explain why the Zoning Commission was revising 12.8 and their rationale behind the language, as well as discuss Mr. Hileman's letter at length.

Ms. Hill disagreed, stating that she did not feel the Public Hearing was the appropriate time to get into a back-and-forth debate on the issue, and felt that prior to the Public Hearing was the appropriate time.

Mr. Reich stated that he felt a discussion prior to the Public Hearing was necessary, noting that the Commissioner's received Mr. Hileman's letter a few months ago.

Ms. Smith stated that the next Zoning Commission meeting would be taking place just prior to this year's Five Senses Festival, and wondered if the other Zoning Commissioners would like to attend.

Ms. Hill noted that the 12.8 Revisions were not taking place only because of the Five Senses Festival, but rather the entire Section needed revisions, and felt that a trip to the site was not necessary in regards to 12.8.

Mr. Werkhoven stated that with all of the work taking place at the Five Senses site, a visit may not be a bad idea, and questioned if the Commission could make an appointment with the property owners.

Chairman Solley reiterated that he did not want a site visit to the Five Senses property to be misconstrued as the Commission's reason to revise Section 12.8.

Mr. Werkhoven then questioned if the Commission felt that Mr. Hileman's letter was focused more so on the development side of the Plan of Conservation and Development than the conservation side.

Ms. Hill stated that she did not take it that way, but rather the side of Economic Development. Mr. Reich agreed, stating that he felt the Commission should re-read Mr. Hileman's letter before discussing it further.

Letter from Planning Commission Chair, Wayne Hileman, regarding Section 3.2 – Zoning District Boundaries, and extending the waiver to Washington Depot and Woodville (27min. 29sec.):

Chairman Solley explained that Mr. Hileman of the Planning Commission was requesting that the Zoning Commission consider to extend a current waiver of Section 3.2 – Zoning District Boundaries of the Zoning Regulations to the Washington Depot and Woodville sections of town. Currently Marbledale and New Preston are allowed, under the waiver, for properties that may have sections of their property in both the commercial zone as well as the residential zone to use the less restrictive of regulations.

Ms. Hill stated that she felt this was logical, and would bring consistency to the regulations. She explained that the waiver was issued through a two-step process; first, the applicant requested a Special Permit for the less restrictive regulation, then requested a second Special Permit for the use. Ms. Hill felt that the Commission should discuss further before setting the Public Hearing. Chairman Solley agreed.

ENFORCEMENT (31min. 51sec.):

Mr. Tsacoyannis, Enforcement Officer, provided the Commissioners with his monthly enforcement report prior to this evening's meeting. He offered an update regarding 60 River Road, stating that Mr. Hasted, owner of the property, had submitted paperwork to the Land Use Office regarding farm/agricultural status granted by the State of Connecticut. The Land Use Office had Attorney Zizka review the paperwork, and he agreed that it was a farm. Ms. Hill asked what kind of farm the property would be. Mr. Tsacoyannis stated that it would be various berries and fruit. Chairman Solley stated that he would like to take a look at the paperwork submitted by Mr. Hasted, and suggested the other Commissioners do as well.

Ms. Radosevich questioned if the Zoning Commission had any say in the matter.

Ms. Hill explained that the Zoning Regulations allow farming, and if Attorney Zizka thought that the paperwork was accurate, then it more than likely was. She added that Land Use would still require a permit to be obtained by the property owner for a change of use in a Residential District.

Mr. Tsacoyannis went on to update the Commission regarding 253 Old Litchfield Road, Everything Botanical, LLC, stating that 95% of the goods sold on the property was grown there. Ms. Radosevich questioned if they had obtained a permit from the Zoning Commission. Mr. Tsacoyannis explained that they had applied for a Variance via the Zoning Board of Appeals for the business sign and were approved, and that a permit would be granted via an administrative sign off.

Mr. Werkhoven inquired about 101 Wykeham Road, stating that everything on the property seemed to be at a standstill. Mr. Tsacoyannis explained that there wasn't much that could be done from a Zoning perspective at the moment. Chairman Solley mentioned an abandoned building regulation that could be helpful. Ms. Radosevich wondered if this property could be considered an attractive nuisance, explaining that if a group of high school or college aged students were to go on the property and get hurt, the town could be considered negligent. Chairman Solley agreed with this, suggesting that the town's attorney could look into it.

Ms. Hill questioned whether or not water testing was being performed in the brook located on the property, stating that if there happened to be any pollution, the Inland Wetlands Commission could then step in. Mr. Tsacoyannis explained that this would be more of an issue with the State of Connecticut.

Mr. Reich questioned the amount of pool permits granted by Zoning recently, wondering if anyone had questioned the amount of water that was being used for them. Mr. Werkhoven stated that it was very common for a pool water truck to deliver the water for pools.

COMMUNICATIONS (51min. 35sec.):

There were no Communications for this evenings meeting.

PRIVILEGE OF THE FLOOR (51min. 51sec.):

There was no Privilege of the Floor this evening.

ADMINISTRATIVE BUSINESS (51min. 52sec.):

There was no Administrative Business for this evenings meeting.

ADJOURNMENT (52min. 14sec.):

MOTION: To adjourn the June 22, 2020 Washington Zoning Commission meeting at 8:27pm, by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

June 24, 2020

***All documents on file in the Land Use Office**

****Minutes subject to approval**

*****A recording of this meeting is available upon request**