

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

**MINUTES**

December 21, 2020

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

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

**ALTERNATES PRESENT:** Ms. Smith, Mr. Sivick

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

**PUBLIC PRESENT:** Ms. Solomon, Mr. Barnet, Mr. Johnson, Ms. Matteo, Ms. Branson

Chairman Solley called the Regular meeting to order at 7:32pm.

**CONSIDERATION OF THE MINUTES:**

Chairman Solley wished to correct the following information under the minute's category "Enforcement" regarding current lawsuits involving 101 Wykeham Road and the Town of Washington Zoning Commission as well as the Washington Inland Wetlands Commission;

"Purnell and Giampetro vs. Inland Wetlands and Watercourses Commission of the Town of Washington and 101 Wykeham, LLC"

And...

"Robert Parker, et al vs. The Washington Zoning Commission, et al"

**MOTION: To approve the November 23, 2020 Zoning Commission Meeting Minutes with corrections. Motion made by Chairman Solley, seconded by Mr. Reich, passed 4-0-1 vote.**

Ms. Hill stated that she abstained from this vote because she had not received, nor read, the Minutes for the month.

**NEW APPLICATIONS:**

**Request of Lufkin, 143 Lower Church Hill Road, for a Special Permit, Section(s): 13.11.3 – Accessory Apartments – for an Accessory Apartment, Detached:**

Chairman Solley explained that the Washington Zoning Regulations state that the owner of the property must live on the premises to have an attached accessory apartment. Ms. White stated that the Land Use

Office had been waiting for confirmation from Mr. Lufkin. Ms. Rill informed the Commission that they had received confirmation via letter from Mr. Lufkin earlier that day, stating that he would in fact be residing at the listed address.

**MOTION: To schedule a Public Hearing for Request of Lufkin, 143 Lower Church Hill Road, for a Special Permit, Section(s): 13.11.3 - Accessory Apartments – for an Accessory Apartment – Detached, for January 25, 2021 at 7:30pm, via Zoom Virtual Conference. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

#### **OTHER BUSINESS:**

##### **Continued Consideration Re: 12.8 Temporary Uses – Revisions:**

Chairman Solley has requested that the 12.8 – Temporary Uses proposed revisions be attached to the Notice on the town website, as well as including the option to vote on the proposed revisions on the Agenda for that meeting.

**MOTION: To schedule a Special Meeting for Zoning Regulations Section 12.8 – Temporary Uses for January 4, 2021 at 7:30pm via Zoom Virtual Conference. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

##### **Update Regarding Proposed Changes to Section 3.2 – Zoning District Boundaries and extending the waiver to Washington Depot and Woodville:**

Ms. White stated that she had reviewed the Zoning Regulations for each Business District and discovered that there are some major differences in each – especially in the Depot. Chairman Solley explained that former Zoning Chairman, David Owen, had crafted language in 2006 regarding setbacks and lot coverage when the former Vinnie’s Texaco was for sale, and he felt that changing this could, in the long term, not be in the best interest of the Depot. Chairman Solley stated he would like to finish up with Section 12.8 before going further into Section 3.2, and the Commission agreed. Ms. Radosevich asked if anyone recalled what section Mr. Owen had revised. Ms. Hill confirmed that it was Section(s): 8.5, 8.6 and 9.5, and they were added in August of 2006.

#### **ENFORCEMENT:**

Mr. Tsacoyannis began by updating the Commissioner’s regarding 57 Flirtation Avenue, stating that Eversource has agreed to an equal land swap with the property owner, which would make the main dwelling conforming.

Ms. Hill questioned whether or not Attorney Zizka had been consulted regarding this property. Ms. Hill stated that it was her understanding that the original property owners had owned two non-conforming properties, each with a single family dwelling. Ms. Hill referenced Section 17.2 of the Zoning Regulations; “If two or more lots or combinations of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these Regulations, and if all or part of the lots do not meet the requirements established for the lot width and area, the lots involved shall be considered to be an undivided parcel for the purpose of this regulation, and no portion of said parcel shall be used or sold in a manner, which diminishes compliance with lot width and area requirements established by these Regulations, nor shall any division of any parcel be made, which creates a lot with width or area below the requirements stated in these Regulations”.

Mr. Tsacoyannis agreed with Ms. Hill, stating that there were still a number of items that needed to be taken care of on behalf of the Ryder's, and that currently, they were being fined daily to protect the Town of Washington.

Ms. Radosevich questioned whether or not the town should be implementing the fines immediately so that perhaps Mr. Ryder would begin to follow the Regulations more carefully.

Mr. Reich questioned how the town was unaware of what was happening on the property, and questioned if the property owners had received any permits.

Mr. Tsacoyannis explained that Mr. Ryder had received Building permits, but not any of the necessary Zoning Permits, and had also been denied by the Zoning Board of Appeals.

Chairman Solley stated that the Zoning Commission would like an update of progress as well as a timeline from the Ryder's attorney, Jim Kelly, by January 15, 2020.

Mr. Reich pointed out that there seemed to be a major disconnect between the Land Use Department and the Building Department.

Ms. White explained that since this situation occurred, the communication has gotten much better, however, she was looking into new software that would streamline the Land Use, Health and Building Departments.

The Commissioner's voiced their frustration over the situation and asked Chairman Solley if he shared their concerns. Chairman Solley stated that he was, in fact, frustrated and would like to speak with First Selectman Brinton after the holiday.

Mr. Tsacoyannis then went on to update the Commissioners regarding 292 Bee Brook Road – Spring Hill Farms, explaining that he had authorized the permit for the Five Senses Festival for 2021.

Ms. Hill asked if the event was going to be 7 (seven) non-consecutive days. Mr. Tsacoyannis explained that they had opted to have two three day weekends and one other day, making it 7 non-consecutive days. Ms. Hill stated that, per the opinion of Attorney Zizka, the regulation read seven consecutive days.

Chairman Solley informed the Commission that he had specifically asked Mr. Tsacoyannis not to approve the latest application for the Five Senses Festival, and was frustrated that Mr. Tsacoyannis and First Selectman Brinton had issued the permit without speaking to himself or the Commission beforehand.

Mr. Reich stated that he felt that the Enforcement Officer as well as the First Selectman making decisions without consulting the Zoning Commissioners sent a strong message to the volunteers.

#### **COMMUNICATIONS:**

There were no communications for this evenings meeting.

#### **ADMINISTRATIVE:**

Approval of the Washington Zoning Commission 2021 Meeting Calendar:

**MOTION:** To accept the 2021 Washington Zoning Commission Meeting Calendar as revised, by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.

**ADJOURNMENT:**

**MOTION:** To adjourn the December 21, 2020 Washington Zoning Commission Meeting at 8:53pm. Motion made by Ms. Radosevich, seconded by Mr. Werkhoven, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Tammy Rill  
Land Use Clerk  
December 30, 2020