TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Commission Regular Meeting

**MINUTES**

January 25, 2021

8:00 P.M. – Meeting Via Zoom Conference

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

**ALTERNATES PRESENT:**  Ms. Smith, Mr. Sivick, Ms. Fernandez-O’Toole

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

**PUBLIC PRESENT**: S. Holiman, R. Hackney, C. Armstrong, E. Johnson, S. Woodward, S. Brighenti, D. Varnish, R. Weber, D. Sherr, L. Adams, L. Van Tartwijk, T. Fagin, T. Bedini, W. Luers, S. Kessler, K. Feldman, S. Branson, L. Anderson, S. Cornell, D. Rimsky, J. Averill, M. Showalter, L. Booth, R. Solomon, J. Hammond, J. Buonaiuto, M. Booth, D. van Rooyen, J. Van Rooyen, J. Kozak, L. Kelly, B. Boye, M. Gorra, S. Averill, D. Glass, L. Stein, H. Barnet, A. Kearney, K. Karet, First Selectman Brinton, J. Hubelbank, J. Lodsin, D. Arturi, C. Klemm, P. Klemm, V. Owens, F. Keilty, Other Members of the Public

**PUBLIC HEARING:**

**Request of Lufkin, 143 Lower Church Hill Road, for a Special Permit from Section 13.11.3 – for a Detached Accessory Apartment:**

The representative for the property was not in attendance of the meeting, however, a complete application had been submitted to the Land Use Department, and meets all of the standards of the Special Permit for Section 13.11.3. All of the work would be interior with no exterior work.

**MOTION: To close the Public Hearing for the Request of Lufkin, 143 Lower Church Hill Road, for a Special Permit from Section 13.11.3 – for a Detached Accessory Apartment, by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.**

**REGULAR MEETING:**

Chairman Solley called the meeting to order at 8:13pm.

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

**CONSIDERATION OF THE MINUTES:**

**MOTION: To approve the December 21, 2020 Washington Zoning Commission Meeting Minutes, by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.**

**PENDING APPLICATIONS:**

**MOTION: To approve the Request of Lufkin, 143 Lower Church Hill Road, for a Special Permit from Section 13.11.3 – for a Detached Accessory Apartment, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

**NEW APPLICATIONS:**

**Request of 34 & 46 Potash Hill Road, LLC, 34 Potash Hill Road, for a Special Permit from Section 13.11.2 – Accessory Apartment – Attached – for an Accessory Apartment in an attached garage:**

**MOTION: To schedule the Public Hearing for the Request of 34 & 46 Potash Hill Road, LLC, 34 Potash Hill Road, for a Special Permit from Section 13.11.2 – Accessory Apartment – Attached – for an Accessory Apartment in an attached garage, for Monday, February 22, 2021 at 7:30pm via Zoom Virtual Conference. Motion made by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.**

**OTHER BUSINESS:**

Deliberation of Revisions to Washington Zoning Regulation Section – 12.8 – Temporary Uses:

Chairman Solley stated that Ms. Hill had looked over the letters submitted via the public to the Land Use Office regarding 12.8 – Temporary Uses, and had tallied the top ten reasons for opposition to the revisions.

Ms. Hill stated that “negative impact to charities” was the top concern amongst the letters submitted.

She explained that anything considered “incidental and customary to the principal use” would not require a permit, and there would be essentially no change overall.

The next largest concern was the possible negative impact the proposed language would have on the “artistic and cultural experience” in Washington. Ms. Hill pointed out that the proposed language encouraged events to take place on school, church and town owned property, most of which are in the center of town, therefore attracting people to the businesses. Chairman Solley agreed with Ms. Hill, stating that their main goal is to protect the residential neighborhoods in town.

Ms. Radosevich wished to point out that at a previous meeting she had stated that the reason their focus had been turned to the 5 Senses Festival was because of a complaint, and that was not correct. She explained that after looking through minutes, she was reminded that Attorney Jim Kelly had filed a petition to the Zoning Commission to add to the Regulations a section that would allow “visual and performing art facilities” and questioned whether a residential neighborhood needed an art facility.

Ms. Hill stated that tied for second for the area of most concern was “negative impact on local economy and businesses”. She explained that Section 12.8.3.D which states that commercial entities in the Business Districts would not require a permit. Mr. Werkhoven explained that he believed the rationale behind this was that if there were not art events to draw people into town, that the businesses would suffer. Ms. Hill explained that if the events were held at one of the locations listed, people would be more inclined to visit the businesses.

Ms. Hill stated that the next concern was that the proposed revisions, “do not support the Plan of Conservation and Development” and/or “the Planning Commission is against the Revisions”. Ms. Hill explained that there were numerous areas of the POCD where it states that residential area should be protected. Ms. Radosevich pointed out that the POCD also states that events should be held in appropriate locations. Mr. Werkhoven stated that “Conservation” is an equally important factor as “Development” is in the plan.

“Negative social impact” was the next area of concern. The Commission was unsure if this point was made due to the current status of the world right now, due to Covid.

“Revisions are only due to one complaint”. Ms. Hill and Ms. Radosevich discussed how the Commission had asked Attorney Zizka to review the regulations regarding a seven-day event, and whether it meant seven consecutive days or not. In doing so, Attorney Zizka had pointed out how poorly worded the regulation was, how too much discretion was given to the Enforcement Officer, and from there the Commission decided to revise the language.

“The Commission does not listen to public opinion”. Ms. Hill stated that the Commission does listen to the public, but that does not mean they have to agree.

“Events held for a period of five years or longer will be grandfathered”. The Commission discussed how they had agreed on five-years, explaining that Attorney Zizka shared that in Connecticut case law, five years was typical.

“Keep the Regulations the way they are currently”. Ms. Hill explained that if the regulations are not specific, that they can be interpreted in different ways, which may not be a good thing.

Ms. Hill suggested that the Commission eventually discuss the suggestion made by Ms. Averill at the Public Hearing to allow temporary trailers for seasonal farm workers.

Mr. Werkhoven stated that he did not feel that the revisions could be passed the way they are presented right now. He explained that he felt the limited hours, the wording of seven consecutive days, and not including Land Trusts in the language were all an issue. He stated that he had read each letter submitted, and highlighted the concerns of the public, noting that the Plan of Conservation and Development and the 5 Senses Festival were discussed most frequently.

Mr. Werkhoven asked the Commission to recall if there had been an event they had denied or prohibited. Ms. Hill stated that there had only been one several years ago, and that was for the Wykeham Inn.

Mr. Werkhoven discussed the permits permitted to Spring Hill Farm and questioned the extent of the venue’s future growth. Chairman Solley explained that currently, the permit granted was for a wine barn with a shell for a kitchen. Mr. Werkhoven noted that at one point, the property had been subdivided, and questioned if there could be homes built on this area of land.

Chairman Solley asked the Commission if they wished to discuss anything further. He explained that there were several options in which they could proceed; they could leave the language the way it is and vote, they could make minor edits, they could leave the regulations as-is, or they could make major changes in the language and bring those back to a Public Hearing.

Ms. Radosevich stated that she felt that the communication with the public was lacking. She suggested that perhaps the revisions were not clear and should be simplified.

The Commission agreed to hold a Special Meeting on February 8, 2021 at 7:30pm via Zoom to continue deliberations. **MOTION: To continue deliberation for the Revision of Washington Zoning Regulations Section 12.8 – Temporary Uses for a Special Meeting to be held on Monday, February 8, 2021 at 7:30pm via Zoom Virtual Conference. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

**ENFORCEMENT REPORT:**

Mr. Tsacoyannis stated that he had heard from Attorney Kelly regarding 57 Flirtation Avenue and he intended to begin the Zoning Permit process in February.

Ms. Radosevich noted that most of the work had already been done, and that the property owner would be asking for a permit after the fact.

The Commission discussed how there were two main dwellings on the property, and whether that was legal. Mr. Tsacoyannis explained that the Assessors office had this property listed as two separate properties, but that Section 17.2 of the Zoning Regulations would make it one property. The Commission agreed that Attorney Zizka should be consulted as to how to handle the situation.

**COMMUNICATIONS:**

None

**PRIVILEGE OF THE FLOOR:**

None

**ADMINISTRATIVE BUSINESS:**

None

**ADJOURNMENT:**

**MOTION: To adjourn the January 25, 2021 Washington Zoning Commission Regular Meeting at 10:03pm, by Chairman Solley, seconded by Ms. Radosevich, passed 5-0 vote.**

To view the January 25, 2021 Zoom Meeting, you can do so by clicking here:

<https://1drv.ms/v/s!BBqOocBm3HM3h3q0O_7T0P5rFQCg?e=tfqaAK>

Respectfully Submitted,

Tammy Rill

Tammy Rill

Land Use Clerk

January 28, 2021