

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

MINUTES

January 12, 2021

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

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

ALTERNATES PRESENT: Ms. Smith

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

PUBLIC PRESENT: First Selectman Jim Brinton, Mr. Metz, Ms. Metz, Mr. Rimsky, Mr. Rickart, Ms. Rickart, Ms. J. Averill, Mr. T. Averill, Mr. Hackney, Mr. Ingrassia, Ms. Branson, Mr. Sherr, Pastor Gray, Ms. Friedman, Ms. S. Averill, Ms. Kessler, Mr. Kessler, Mr. Becker, Ms. Hammond, Mr. Coleman, Ms. Van Tartwijk, Ms. Fredlund, Dr. Braverman, Ms. Braverman, Mr. Riess, Ms. Gorra, Mr. Horan, Ms. Dobkin, Mr. Hamilton, Mr. Robinson, Ms. Balfour, Mr. Hubelbank, Mr. Sarjeant, Mr. Bond, Ms. Hammond, Mr. Klemm, Mr. Bedini, Dr. F. Gorra, Dr. M. Gorra, Ms. Giampietro, Mr. Muszala, Mr. Bent, Mr. S. Solley, Mr. Woodward, Mr. Lloyd, Ms. Payne, Ms. Anderson, Other Members of the Public

Chairman Solley called the meeting to order at 7:36pm. He then seated himself, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich.

PUBLIC HEARING:

Chairman Solley requested that the Public Notice be read. Ms. Rill read the Public Notice. Chairman Solley began by reading the most current revisions of Washington Zoning Regulations, Section 12.8 – Temporary Uses, in its entirety. He followed this by reading the referral response from the Northwest Hills Council of Governments as well as the response from the Washington Planning Commission. Next, he read a letter submitted by the Washington Board of Selectmen, dated January 12, 2021, asking the Zoning Commission to reconsider their revisions.

Chairman Solley then asked Ms. Hill to read a letter she had written explaining her support of the revisions to Section 12.8.

Chairman Solley then asked Attorney Zizka to go over the revisions and explain the reasoning behind the language. Attorney Zizka suggested that a second letter written by the Washington Planning Commission, dated November 2, 2020, be read aloud to the public.

Attorney Zizka explained that he has been Washington's Land Use Attorney for over 20 years, and he was very familiar with the concerns of 12.8 – Temporary Uses, from the beginning. He went on to explain that he had read the letters submitted to the Land Use Office, and felt it was suggested frequently that the current existing Zoning Regulation- Section 12.8 was legal and that the Commission was tightening up what can be done legally. He stated that currently, the Zoning Enforcement Officer could make decisions at his discretion – something that is not legal under State law. State law explains that if a regulation is made for a particular district, that all properties within that district shall be treated the same way. Attorney Zizka explained that under the existing regulations, a number of current events in Washington aren't necessary legal. However, with the proposed revisions, those events would now be considered legal.

Explaining that the current regulation lists “a circus, carnival or similar type entertainment” as legal events in Washington, the proposed revisions would allow many events to happen legally.

Chairman Solley thanked Attorney Zizka, then turned to the Public for response.

First Selectman Jim Brinton began by voicing his frustration that the meeting had been in session for over an hour, and that not one resident had been allowed to speak so far. He stated that as an elected official, his duty was to do what is in the best interest of Washington residents. He stated that he hopes that legal counsel as well as the Zoning Commissioners, could come up with a better solution that would take the residents in town into consideration.

Mr. Hackney, of West Shore Road, stated that he felt that the Commission should be trusted to make the right decisions for Washington and that the regulation should remain the same without change.

Ms. Balfour, President of the Washington Club, asked Attorney Zizka what the history was regarding State enforcement when dealing with inconsistencies with local regulations, and what the limitations were for a municipality to appeal those regulations. Attorney Zizka responded by saying that usually the State typically does not usually get involved, that usually it is a neighbor versus neighbor issue. Ms. Balfour went on to say that there had to be a smoother way to go about this, such as a noise ordinance.

Ms. Giampietro, of Wykeham Road, questioned why the Washington Zoning Commission would grant Wykeham Rise, a proposed inn located on Wykeham Road that is in a residential zone, 24 events per year at their location. Ms. Giampietro pointed out that those events would be profitable for one person, whereas other events would benefit the entire community.

Mr. Ingrassia, owner of Spring Hill Farm on Bee Brook Road, thanked the Commission for their work, but explained that the event at his property, The Five Senses Festival, would not work over one weekend, due to set-up costs and other financial aspects. He stated that he believed The Five Senses Festival was the target of the regulation revisions, however he is a believer of rules, and would follow them if the changes were approved.

Mr. Bond, of Titus Road, stated that the events were possibly ten to fourteen days out of three-hundred and sixty-five, and that the revenue from these events keep local businesses thriving, especially during the quieter Winter months.

Mr. Klemm stated that he believed the letters submitted summed up his feelings, and thanked the authors of those letters, along with Commission members, for their thoughtfulness and time.

Ms. Friedman, of West Morris Road, stated that there are 17 locations throughout the town of Washington for these events, and that preserving the rural character of residential neighborhoods should be a priority.

Ms. Root, of Titus Road, stated that she felt that the venues throughout the town were wonderful, but adding to these venues, creatively, would benefit the town.

Ms. Dobkin, a neighbor of Spring Hill Farms, stated that she has owned her home for over 45 years, and was never approached by the owners of Spring Hill Farm regarding the Five Senses Festival. She felt that the music at night was very loud and would appreciate a time limit on events.

Mr. Hamilton, of West Shore Road, questioned why this issue could not be put to a community vote.

Mr. Metz, of River Road, stated that he found it very strange that a noise ordinance was not put forward as an option.

Mr. Kessler, of West Mountain Road, questioned if the Commissioners read the letters and considered the residents' feelings. Chairman Solley stated that he read every single letter submitted and, yes, does take them all into account. Ms. Hill agreed with Chairman Solley but felt that several of the letters were based on misinformation and took that into consideration as well. Mr. Werkhoven stated that the Commission worked hard and thoughtfully to ensure that all events held currently throughout Washington would not be affected by the proposed revisions.

Ms. Metz, of River Road, stated that the Five Senses Festival would be affected by the revisions, and that she invites friends and family to spend the weekends of Five Senses to Washington.

Mr. Robinson, of Nettleton Hollow Road, stated that as President of the Nettleton Hollow Association, the most complained about issue he has faced is noise, and hoped this was taken into consideration.

Mr. Rimsky stated that he felt there was a more simple and less complex way to approach how the town handles events without trying to micromanage everything happening throughout Washington. He explained that residents trusted the Commission to make decisions and felt that the Special Permit process was a good way to do so.

Ms. Radosevich, Zoning Commission member, stated that the proposed revisions were not about the Five Senses Festival, but rather a complaint regarding the festival that led to the Commission looking closely at the regulations regarding Temporary Uses. She explained that she felt it was the

Zoning Commissions responsibility to protect its residential neighborhoods, and that they did not want to leave the door open for events such as a Wicca festival or a White Supremacy event, that would ultimately have to be accepted because there were no limits placed on such events.

Mr. Stephen Solley of Judea Cemetery Road stated that he felt that the “baby was being thrown out with the bath water” in this situation. He questioned where farms stood with the proposed revisions, explaining that there could be future events that could be affected by the revisions.

Ms. Hill explained that if an apple orchard had an apple picking day with hayrides for instance, that this would be considered customary and incidental to the property. She felt that if, in the future, if the farms in the area would like to address an Agricultural section of the regulations in the future, that it could be done.

Ms. Averill, of Calhoun Street, stated that it felt as though farms were being regulated currently.

Chairman Solley stated that farming was a right in Washington, and that no one was trying to limit a farm from operating.

Ms. Averill interjected, stating that it seemed as though the revisions were trying to limit any future ways of generating income with such events.

Mr. Hackney explained that he felt that the Commission was overlooking the fact that the revisions are putting a fear in residents and business owners in town, and that the revisions were not needed.

Ms. Gorra stated that there is a lot of confusion and uncertainty among residents regarding the future of events, and what is considered customary and incidental for homes. The revisions mention nothing regarding farms, Steep Rock and other places where events have been taking place for many years without incident, so the proposed language is cause for concern for these places.

Attorney Zizka stated that Ms. Gorra raised an excellent point, and explained that typically, revisions took place, or were brought up due to a complaint. If an event has taken place for many years and has not received any complaints, that more than likely there would not be one. This revision would help in the sense that if there were to be a complaint, that the Zoning Commission could say that they felt the event was customary and incidental to the property, therefore allowed.

Ms. Hill added that she felt Ms. Gorra was incorrect in stating that the Commission only discussed the building rather than the events would take place there, listing several permits granted by the Zoning Commission where possible events could take place.

Chairman Solley presented to the public a permit granted by current Zoning Enforcement Officer, Mr. Tsacoyannis, for a wine barn located at Spring Hill Farms at 282 Bee Brook Road, for wine tasting events, dated January 8, 2020. He pointed out that this permit was granted for agricultural purposes, and was the only permit issued for the property.

Ms. Hill read a response she had written dated January 12, 2021, to a few of the letters submitted to the Land Use Office for record. Ms. Hill began by pointing out that the Zoning Commission was not

trying to enact “spot zoning”, explaining that the revisions would be held to the entire town, not just one area. Ms. Hill also responded to a comment stating that the “Washington Zoning Commission was the worst Commission to work with in Litchfield County”. Ms. Hill stated that after working for the town for 30 plus years, she did not find this to be true whatsoever, pointing out that she could only think of one commercial event to ever be denied.

Ms. Hill went on to object to the concern over the future of events such as the Gunn Memorial Library’s Luminary event, stating that this kind of event would not be affected because the event was already currently held.

Ms. Hill stated that the 2014 Plan of Conservation and Development notes on page 18 that events that contribute to the economic viability of the town should be supported at appropriate locations.

Ms. Hill also noted that the letters concerned over the Planning Commission’s recommendations, explaining that according to State statutes, the Zoning Commission is not mandated to implement all the Planning Commission’s recommendations.

Ms. Metz questioned how the Washington Club could be used, because Ms. Hill did not mention it in her response. Chairman Solley explained that it there were many events held by the Washington Club, and there, to date, had not been any issues.

Mr. Woodward stated that it seemed the easiest way to deal with this issue would be a noise ordinance and wondered if there was any consideration to a property that is located on a State highway, as the Five Senses Festival was located on a State highway.

Mr. Lloyd, of Romford Road, encouraged the Commission to take their time and consider everything that was discussed this evening before voting.

Mr. Ingrassia was curious about Chairman Solley’s mention of his venues approved permit for a wine barn at his property at 282 Bee Brook Road. Mr. Ingrassia explained that the Five Senses Festival had gained approval four times now, and he wished to continue to follow the rules.

Mr. Hagenbuch, Executive Director of Steep Rock, explained that his organization was financed solely on donations, which meant they were constantly trying to come up with new ways to bring in income, and he feared the proposed revisions would limit this somehow. He encouraged the Commission to possibly consider a way to exempt non-profits from the revisions.

Ms. Susan Averill, stated that she was grateful for the flexibility for farms. She was disappointed that there was a regulation of trailers, explaining that her family’s farm has workers that help with crops that temporarily live in a trailer for more than four weeks, and felt that this should be considered when moving forward with the revisions. She also voiced her disappointment that the letters submitted were not published for the public to read.

Ms. White, Land Use Administrator, informed Ms. Averill that the letters were in fact published on the Town of Washington website prior to this evenings meeting.

Chairman Solley asked the Commissioners for their final thoughts of the evening.

Chairman Solley brought a comment made by Mr. Reich at a previous meeting regarding residents that maybe could not attend this evenings meeting, stating that the Commission does represent those residents and that they were doing their best to preserve their neighborhoods in the Residential District.

Mr. Hackney stated that it was absolutely insulting to insinuate that the residents that opposed the regulation revisions were not represented.

Mr. Tyson Averill exclaimed that he agreed with Mr. Hackney.

Ms. Root questioned what the next steps would be after this evenings meeting. Chairman Solley explained that the Zoning Commission would hold deliberations and discuss what was presented to them. From there, if they decided to make any changes they could do so, or they could bring the matter to a vote. The Commission has 65 days to do so.

Ms. Jacobellis of Barnes Road stated that in her location, situated in between the Washington Pavilion, The Gunnery and the Washington Green, in a residential zone, that she hears a lot of noise during events, but feels that it is a part of life, and that it is what being a part of a community is all about. She added that she submitted what she felt was a heartfelt letter to the Commission and felt discouraged at the response that it, as well as other letters from residents, were viewed as being written based on misinformation.

Chairman Solley asked the Commission if they wished to close the Public Hearing, or to continue. Mr. Werkhoven stated that he felt that they had heard from everyone that wanted to be heard this evening.

MOTION: To close the Public Hearing regarding Revisions to Washington Zoning Regulations, Section(s): 12.8 – Temporary Uses. By Mr. Werkhoven, seconded by Ms. Radosevich, approved 5-0 vote.

The Commission agreed that deliberations would be held at their next Regular Meeting on January 25, 2021. That meeting is scheduled to begin at 8:00pm via Zoom.

MOTION: To adjourn the January 12, 2021 Washington Zoning Commission Special Hearing at 10:19pm, by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

To view the January 12, 2021 Public Hearing regarding Section 12.8 – Temporary Uses, you may do so here: [Zoning Sp Meeting 01 12 21 - YouTube](#)

To view the letters submitted to the Land Use Office regarding Section 12.8 Temporary Uses, you may do so here: [12.8 - Temporary Uses - Updated Version - Documents of File | Washington CT](#)

Respectfully Submitted,

Tammy Wyant Rill

Tammy Rill
Land Use Clerk
Town of Washington
January 18, 2021