

TOWN OF WASHINGTON
P.O BOX 383
WASHINGTON DEPOT, CT 06794
ZONING COMMISSION – SPECIAL MEETING

February 8, 2021

Meeting Via Zoom

7:30pm

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

ALTERNATES PRESENT: Ms. Smith, Ms. Fernandez-O'Toole

ALTERNATES ABSENT: Mr. Sivick

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

PUBLIC PRESENT: J. Averill, S. Solley, T. Bedini, K. Comer, S. Kessler, A. Kearney, S. Cornell, S. Branson, J. Whitney, L. Gruson, T. Averill, D. Resnick, D. Rimsky, D. Sherr, C. Charles, M. Revere, S. Brighenti, B. Hagenbuch, J. Brinton, R. Solomon, H. Barnet, L. Reynolds, K. Detje, T. Tierney, P. Becker, S. Woodward, P. Horan, L. Stein, R. Owens, K. Feldman, M. Dubow, C. Dubow, J. Lodsir, S. Ingrassia, A. Fuchs, R. Garfunkel, D. Whalen, S. Bond, M. Gorra, Other Members of the Public

Chairman Solley called the Special Meeting to Order at 7:34pm.

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

Mr. Werkhoven was asked by Chairman Solley to read aloud a list of edits he had put together since the January 25, 2021 Zoning Commission meeting.

Commissioner Werkhoven's suggestions for the Commission's consideration are in RED CAPS and Proposed Deletions:
[underlined and in brackets]IN RED

12.8 Temporary Uses. Temporary permits may be issued **FOR CERTAIN STRUCTURES AND USES IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:**

12.8.1 TEMPORARY CONSTRUCTION STRUCTURES: WHEN A LOT IS BEING PREPARED FOR THE CONSTRUCTION OF A PERMITTED PERMANENT STRUCTURE OR THE ESTABLISHMENT OF A PERMITTED PERMANENT USE, A PERMIT MAY BE ISSUED FOR ONE OR MORE STRUCTURES TO BE USED SOLELY FOR (a) STORAGE OF EQUIPMENT AND MATERIALS REQUIRED FOR SUCH PREPARATION OR CONSTRUCTION, OR

(b) A CONSTRUCTION OFFICE.

THE ZONING ENFORCEMENT OFFICER MAY ISSUE A TEMPORARY PERMIT FOR UP TO TWO SUCH STRUCTURES PROVIDED THE STRUCTURES WOULD MEET ALL SETBACK REQUIREMENTS FOR A PERMANENT STRUCTURE. THE DURATION OF THE FIRST SUCH PERMIT SHALL BE NO GREATER THAN ONE YEAR, OR TWO WEEKS AFTER THE COMPLETION OF PREPARATION OR CONSTRUCTION OF THE PERMANENT USE OR STRUCTURE, WHICHEVER COMES FIRST. PERMITS MAY BE RENEWED FOR PERIODS OF NO MORE THAN SIX MONTHS.

12.8.2 TEMPORARY TRAILERS FOR LIVING PURPOSES: A PERMIT, NOT TO EXCEED FOUR WEEKS IN ANY CALENDAR YEAR, MAY BE ISSUED BY THE ZONING ENFORCEMENT OFFICER FOR ONE VISITING TRAILER TO BE USED FOR LIVING PURPOSES ON A LOT ZONED FOR RESIDENTIAL USE. ANY SUCH TRAILER MUST BE PARKED ON THE REAR HALF OF THE LOT AND MUST BE LOCATED AT LEAST 25 FEET AWAY FROM EVERY LOT LINE. NO MORE THAN ONE SUCH PERMIT SHALL BE ISSUED IN ANY CALENDAR YEAR.

Mr. Werkhoven began with Section 12.8.2 – which specifically addresses temporary living trailers. Mr. Werkhoven stated that Averill Farm’s concern at the January 8, 2021 Public Hearing is what brought this concern to his attention. The Averill’s had explained that during season, there was a need for temporary living space for their farm workers. Mr. Werkhoven explained that although there was nothing in the current regulations that prevented them from doing so, he felt that raising the number of temporary living trailers allowed on a property as well as the duration of which a trailer would be allowed, would be helpful.

Ms. Hill stated that she did not disagree with Mr. Werkhoven, however the change seemed to be an entire edit of the language and would need to go back to a Public Hearing. Attorney Zizka confirmed this.

12.8.3 TEMPORARY USES REQUIRING NO PERMIT:

A. TEMPORARY USES THAT ARE INCIDENTAL AND CUSTOMARY TO THE PERMITTED PRINCIPAL USE OF A PARCEL IN A RESIDENTIAL DISTRICT

B. ANNUAL EVENTS THAT HAVE PREVIOUSLY NOT BEEN ISSUED A ZONING PERMIT, AND HAVE BEEN HELD AT THE SAME LOCATION FOR A PERIOD OF FIVE YEARS OR MORE BEFORE [INSERT DATE OF AMENDMENT]

C. TEMPORARY EVENTS ON PROPERTY OWNED BY

**THE TOWN OF WASHINGTON, RELIGIOUS
INSTITUTIONS OR SCHOOLS. [SINGLE-DAY]
D. EVENTS HELD BY PERMITTED COMMERCIAL
ENTITIES IN THE B1, B2, B3, AND B4
DISTRICTS**

Mr. Werkhoven went on to Section 12.8.3 – between “c” and “d”, the phrase “single day” needs to be removed, as it was a clerical error. Under Section “d” it should read, “events held by permitted commercial entities held in the B1, B2, B3 and B4 districts”. Ms. Hill noted that Attorney Zizka suggested, “events held on property *lawfully* used for commercial purposes in the B1, B2, B3 and B4 districts”. Mr. Werkhoven stated that he didn’t have a preference to how it is worded.

**12.8.3 TEMPORARY USES REQUIRING A ZONING
PERMIT:
THE ZONING ENFORCEMENT OFFICER MAY ISSUE A ZONING PERMIT
FOR A SINGLE-DAY EVENT NOT LISTED IN SUBSECTION A,
ABOVE, PROVIDED THE APPLICANT DEMONSTRATES THAT ADEQUATE
PARKING CAN BE PROVIDED. NO MORE THAN [TWO (2)] THREE (3)
PERMITS SHALL BE ISSUED IN ANY ONE CALENDAR YEAR ON THE
SAME SITE.**

Mr. Werkhoven explained that he changed the number of events from two to three because it was mentioned that a property owner had held a community event on their property, and it had been indicated that they would reconsider doing so, so that they did not “use up” their event total.

**ALL SUCH USES/EVENTS SHALL REQUIRE A ZONING PERMIT,
AND SHALL BE LIMITED TO THE HOURS OF 8:00 AM TO 12:00
MIDNIGHT [10:00 PM]**

Mr. Werkoven explained that the end time was not realistic, and felt that extending the time to midnight was more reasonable. Chairman Solley argued that midnight seemed too late for a residential neighborhood. Ms. Hill noted that all of the events listed under 12.8.3, did not require a permit – therefore, the time constraint did not apply to those events.

**12.8.4 TEMPORARY USES REQUIRING A SPECIAL PERMIT:
A SPECIAL PERMIT SHALL BE REQUIRED FOR ANY TEMPORARY USE, LASTING MORE
THAN ONE DAY, NOT DESCRIBED IN SECTIONS 12.8.3 AND 12.8.4. SUCH USE SHALL BE**

SUBJECT TO THE STANDARDS OF SECTION 13.1.C OF THESE REGULATIONS AND SHALL BE LIMITED TO CIRCUSES, CARNIVALS, FESTIVALS, CONCERTS, ARTISTIC PERFORMANCES, AND GALAS AND SIMILAR TYPE ENTERTAINMENT.

NO MORE THAN ONE (1) SPECIAL PERMIT MAY BE ISSUED IN ANY ONE CALENDAR YEAR FOR A TEMPORARY USE ON ANY LOT OR PARCEL. ~~[NO]~~ SUCH TEMPORARY USE SHALL BE PERMITTED FOR NO MORE THAN TEN (10) ~~[SEVEN]~~ CONSECUTIVE DAYS OR TWO (2) CONSECUTIVE THREE (3)- DAY (FRI.-SUN.) WEEKENDS.

The Commission discussed this change at length. Ms. Hill and Ms. Radosevich were not in favor of an event lasting for ten consecutive days. Mr. Reich explained that an event would not last ten days, that it would still be a seven-day event, but property owners would have the option to spread the event out over ten days. Ms. Radosevich stated that they would be okay with this, as long as the Section was worded properly. Ms. Hill explained that she was not in favor of increasing the number of events that could be held on a property from two events to three. She explained that Washington was home to numerous event locations that would be far more appropriate for events and would not require a permit that were not in a residential zone.

Ms. Radosevich stated that she was also against increasing the number of days from two to three.

Attorney Zizka suggested eliminating the words, “lasting more than one day” from Section 12.8.5, explaining that if someone was going to come in for a Special Permit, there would be no reason for limiting the permit to last for one day. He also suggested that if an event were going to last until later than 10:00pm, they would need a Special Permit as well.

ALL SUCH USES/EVENTS THAT REQUIRE A SPECIAL PERMIT SHALL BE LIMITED TO THE HOURS OF 8:00 AM TO 12:00 MIDNIGHT ~~[10:00 PM]~~.

The Commission discussed the option of extending the event time from 10:00pm to 12:00 midnight. Mr. Reich stated that under Section 12.8.5, the time should be eliminated, explaining that if the applicant is coming before the Commission for a Special Permit, the Commission could then limit the hours on a case-by-case basis. Ms. Hill asked if there would still be a time constraint for 12.8.4. Chairman Solley stated that he felt the time constraint should remain for 12.8.4. Attorney Zizka agreed.

Chairman Solley asked for suggestions for exact language for Section 12.8.5. Ms. White read, “The Commission reserves the right to limit the hours of all such uses/events that require a Special Permit”.

Mr. Reich suggested “The commission reserves the right to limit the hours of all permits”. The Commission agreed.

Mr. Reich asked Attorney Zizka if the Commission would need to return to Public Hearing with the suggested edits made tonight. Attorney Zizka stated that they would not need to return to Public Hearing, but that the proposed change to “Temporary Trailers for Living Purposes” could not be added. The Commission felt that this could be done at a future time and should be rather simple.

Chairman Solley addressed the Planning Commissions April 1, 2020 referral concerns over Section 12.8.3.D being too broad, with no restrictions. Chairman Solley wondered if the entire Section could be deleted. Attorney Zizka suggested using the language, “Temporary uses that are customary and incidental to the permitted principal use of a parcel”, omitting the word “events”. Attorney Zizka explained that the term “events” is not defined in the Zoning Regulations, leaving this Section too broad. This Section would apply to the Commercial districts as well as the Residential districts.

Ms. Hill addressed Section 12.8.3.B – grandfathering events that have been held for a period longer than five years, stating that she did not want to grandfather anything that was an illegal event. Attorney Zizka explained that if you change the language to say “lawful events” that the entire Section would not be needed. However, if an event has been held for five years or more and there is a sudden complaint against the event that eventually leads to litigation, the Commission could argue that the event was reoccurring for years, open to the Public and without incident.

Chairman Solley asked if the Commissioners objected to this change, and all members were okay. Mr. Werkhoven asked if Section 12.8.3.D would also be removed. Ms. Hill stated that as long as the term “residential” was taken out of Section 12.8.3.A, she had no issue with removing 12.8.3.D. The Commissioners were okay with this edit as well.

Ms. White agreed to edit and update this version by weeks’ end for the Commission and Attorney Zizka to review.

The final edit Attorney Zizka suggested editing 12.8.3.C to say, “temporary events on property used for town, religious, institutional or school purposes”.

Ms. Hill stated that she supported a suggestion made by Attorney Zizka for the Commission to adopt a “Statement of Reason for the Commissions Actions”. Chairman Solley clarified that this would be a part of the Motion, but not included in the Regulations. Ms. Hill offered to read what she had written for the Commission and Attorney Zizka’s consideration. It read:

“Approval of the proposed revisions supports the artistic and entertainment endeavors that are important to Washington’s economic vitality, while protecting the residential character of residential neighborhoods as is directed on page 23 of the Plan of Conservation and Development, which states, “Goal One:

Stimulate economic development while maintaining rural character.”

Chairman Solley asked Ms. Hill to send a copy of what she had read to Ms. White, who will then forward a copy to the Commissioners.

ADJOURNMENT:

MOTION: To adjourn the February 8, 2021 Washington Zoning Commission Special Meeting at 9:30pm, by Mr. Werkhoven, seconded by Mr. Reich, passed 5-0 vote.

The Zoom Meeting can be viewed here:

<https://1drv.ms/v/s!BBqOocBm3HM3iBACttb84MMUw2MO?e=hG6bD2>

Respectfully Submitted,

Tammy Rill

Land Use Clerk

February 12, 2021

