TOWN OF WASHINGTON

 Bryan Memorial Town Hall

 Post Office Box 383

 Washington Depot, Connecticut 06794

 Zoning Commission Regular Meeting

 **MINUTES**

 August 24, 2020

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

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

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

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

**PUBLIC PRESENT:** Ms. Solomon, Mr. Barnet, Ms. Zukauskas, Mr. Szymanski, Ms. Larson, Mr. Charles, Mr. Bedini, Mr. Ryder

The Public Hearing was called to order at 7:36pm.

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

**Request of TFCPS, LLC, 280 Nettleton Hollow Road, for a Special Permit from Section(s): 17.9 – Replacement of a Non-conforming structure – for an accessory building (34sec.):**

Mr. Szymanski, representing the applicant, stated that his client was proposing a reconstruction of an existing garage with an existing foundation that will be utilized, with an approximate five-foot reduction in depth, stating that it was currently twenty-five feet, ten inches in depth, and it would be reduced to twenty-feet in depth, with a wooden deck that will cover the existing concrete foundation. The proposed would be a conditioned space with a half bathroom that would run into a small septic system. The space would be heated and air conditioned and would be utilized as an area to store and accept packages and mail.

Chairman Solley stated that he had been to the Land Use Office earlier that day to look at the files for the property. He questioned why, on the site plan provided, the house on the property was not located. Mr. Szymanski explained that the house had been recently demolished by the current owners. Chairman Solley stated that this created an even more non-conforming situation, explaining that there was not a primary structure on the property, and without one, it would be difficult to approve an accessory structure.

Chairman Solley also explained that, while he visited the property earlier in the day, that it didn’t seem as though the garage was in very poor condition, which would be a deciding factor in tearing something down.

Chairman Solley referred to the Building and Site Plan submitted titled, “Receiving Building”, prepared by Bohlin, Cywinski, Jackson, Architecture, Planning, and Interior Design, asking Mr. Szymanski to explain the layout to the Commission for clarity. Mr. Szymanski explained that there were two sections of plate glass on the South elevation of the building, and to the right of that was an angular, “pie-shaped” section of the building, and between there and the doors to the left would be open, as a ramp into the building would be located there.

Chairman Solley stated that the building seemed to be half way to two-thirds the way from becoming a detached accessory apartment, without a main house to be detached from. He also noted that the setback of the building was 10 feet, from which a Variance via the Zoning Board of Appeals was granted in 1991. However, Chairman Solley stated that this current structure being the only structure on the property would make it a non-conformity.

Mr. Szymanski asked for clarification regarding the conformity of the current building, asking what would prevent him from making the structure smaller volumetrically and even more conforming, as of right.

Chairman Solley stated that he would like to check in with counsel.

Ms. Hill stated that when the garage received the Variance, it did not become conforming, it would have become legal non-conforming, according to Washington’s Zoning Regulations. She asked Chairman Solley to confirm with counsel.

Ms. Hill went on to state that she was concerned that the proposed could be transformed into a dwelling at some point.

Mr. Werkhoven asked Mr. Szymanski if there was any way to combine all of the properties surrounding 280 Nettleton Hollow Road, seeing that the applicant owned these properties as well. Mr. Szymanski explained that there were future plans for the surrounding properties in question, and this would not be an option.

Chairman Solley asked Ms. Hill if there was a Section in the Regulations stating that a main dwelling must be built before any accessory buildings were constructed. Ms. Hill stated that Regulation Section 12.5.1 was the Section he was thinking of.

Ms. Radosevich stated that she was concerned as to why a storage area would need a restroom and a sink, if it was strictly for package retrieval. Mr. Szymanski explained that if there were several packages coming in at once or over a long period of time, a restroom would be necessary.

Chairman Solley suggested that the Public Hearing be continued until the September meeting, explaining that he felt there needed to be some clarification regarding the application.

**MOTION: To continue the Public Hearing in the matter of TFCPS, LLC, 280 Nettleton Hollow Road, for a Special Permit from Section(s): 17.9 – Replacement of a Non-conforming structure – for an accessory building. The Public Hearing will take place on September 28, 2020 at 7:30pm, via Zoom Virtual Meeting. Motion made by Chairman Solley, seconded by Ms. Radosevich, passed 5-0 vote.**

**Call to Order of Regular Meeting (32min51 sec.):**

Chairman Solley called the Regular Meeting to order at 8:02pm.

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

**CONSIDERATOIN OF THE MINUTES (33min.02sec.):**

Mr. Werkhoven stated that he was present for the July 27, 2020 meeting, but had arrived twenty minutes late.

**MOTION: To approve the July 27, 2020 Meeting Minutes with the following correction; Mr. Werkhoven was present and arrived at 7:56pm. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

**NEW APPLICATIONS (34min. 18sec.):**

**Request of Van Veen, 41 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached:**

**MOTION: To schedule the Public Hearing at the Request of Van Veen, 41 East Street, for a Special Permit from Section(s): 13.11.3 – Accessory Apartment – Detached. The Public Hearing will take place on September 28, 2020 at 7:30pm via Zoom Virtual meeting. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

**Request of Ryder, 57 Flirtation Avenue, for a Special Permit from Section(s) 13.11.3 – Accessory Apartment – Detached, for a three car garage with apartment:**

**MOTION: To schedule the Public Hearing at the Request of Ryder, 57 Flirtation Avenue, for a Special Permit from Section(s) 13.11.3 – Accessory Apartment – Detached, for a three car garage with apartment. The Public Hearing will take place on September 28, 2020 at 7:30pm via Zoom Virtual meeting. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.**

Chairman Solley suggested that the Commission drive by and take a look at the property between now and the Public Hearing. Mr. Ryder, who was in attendance of the meeting, stated that the Commission was more than welcome to stop in and shared his contact information with the Commissioners.

**OTHER BUSINESS (41min.):**

 Continued Consideration Re: 12.8 Temporary Uses – Revisions:

 Mr. Werkhoven questioned the status of the Public Hearing for 12.8 – Temporary Uses. Chairman Solley explained that once the Governor and the Board of Selectman gave their okay, in-person meetings could once again resume. Mr. Werkhoven stated that he had spoken with First Selectman, James Brinton, regarding holding meetings in person again, and Mr. Brinton expressed his desire to wait until the schools re-opened before committing to a decision on public meetings. Mr. Werkhoven encouraged Chairman Solley to reach out to Mr. Brinton to discuss the subject.

 Continued discussion regarding the letter from Planning Commission Chair, Wayne Hileman, regarding Section 3.2 – Zoning District Boundaries, and extending the waiver to Washington Depot and Woodville:

 Chairman Solley stated that he felt that the extension of the waiver to Washington Depot and Woodville could be granted, but also, if the last sentence of Section 3.2 were eliminated, it could clear up a lot of issues. That sentence reads; “Unless otherwise specified in the particular zone for a commercial lot, where the boundary between two districts divides a lot, the use of the entire lot shall be governed by the more restrictive district conditions.”

 Ms. Hill questioned the need for a Special Permit if that sentence was eliminated, stating that property owners could then just chose what zone they lived in, and by doing so, the setbacks in a commercially zoned lot would automatically change.

 Chairman Solley explained that only the part of the property that is commercially districted could be used for commercial, and that the piece of the property that is residentially zoned would need to abide to residential lot coverage and setbacks.

 Ms. Hill asked for clarification on whether this would be a one application process, or two; would a property owner apply for the zone change first, and then for what they wanted to do, or if a property owner could apply all at once?

Chairman Solley explained that the rules of the residential zone would govern over the commercial zone, however it would still require the Special Permit process, including a Public Hearing.

Chairman Solley stated that he and Ms. White would contact Attorney Zizka for his legal opinion on the matter.

**ENFORCEMENT (53min. 20sec.):**

 Mr. Tsacoyannis stated that he has been contacting Lake Waramaug residents regarding their shrub height, and has successfully heard back from one resident. He explained that the owners will be trimming the shrubs back in stages so that it will not kill the plant.

 Mr. Tsacoyannis proceeded to inform the Commission regarding a new enforcement site at 57 Flirtation Avenue. He stated that the property owner had a non-conforming structure that was being demolished and rebuilt, that he became aware of the issue on Friday, July 31, 2020 and issued the property owner a cease and desist letter, but the owner has continued work. Mr. Tsacoyannis explained that he had issued the property owner a $150.00 fine, as well as issuing a fine within accordance to Connecticut General Statutes 19.1 and 8-12, which generates a $250.00 fine per day.

Mr. Werkhoven questioned the section of Mr. Tsacoyannis’ Enforcement Report regarding a possible dock “squatter” on Lake Waramaug. Mr. Tsacoyannis explained that a neighbor on Sandstrom Road believed he had lake rights, but actually did not. The Sandstrom Road resident then moved their boat to a friend’s dock and the situation cleared up.

**COMMUNICATIONS (1hr. 00min.):**

 Ms. White stated that she had received an email from Mr. Charles regarding housing. Ms. White said that this communication would appear on next month’s Agenda.

**PRIVILEGE OF THE FLOOR (1hr. 01min. 3sec.):**

 None this evening.

**ADJOURNMENT (1hr. 01min. 28sec.):**

**MOTION: To adjourn the August 24, 2020 meeting at 8:35pm. Motion made by Ms. Radosevich, seconded by Ms. Hill, passed 5-0 vote.**

**Respectfully Submitted,**

**Tammy Rill**

**Land Use Clerk**

**August 28, 2020**