

November 26, 2012

Present: Mr. Fitzherbert, Mr. Reich, Mr. Solley, Mr. Werkhoven, Mr. Abella

Alternates Present: Mr. Wyant

Absent: Dr. Craparo, Mr. Dutton

Staff Present: Shelley White, Janet Hill, Mike Ajello

Others Present: Atty. Kelly, Mr. Sweeney, Atty. Andrews, Mr. Smith, Surveyor, Mr. Powell, Architect, Mr. Ullram, Mr. Washington, Mr. Sabin, Landscape Architect,, Mr. & Mrs. Carey, Mr. Lancaster, Mr. Manson, Mr. Woodruff, Residents, Press

Mr. Fitzherbert called the meeting to order at 7:35 p.m.

PUBLIC HEARINGS

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Reich, Mr. Abella, Mr. Solley

Haddad/155 West Shore Road/Special Permit: Section(s) 6.6.12-Dock Extension:

Ms. Hill read the list of documents added to the file since October 22, 2012. Atty. Kelly was present to represent the Haddads for this application. He stated that he submitted a letter addressed to the Zoning Commission, dated November 26, 2012, regarding this application (on file in the Land Use Office) in which he explains whether a Special Permit is necessary for this dock extension and requests that this Public Hearing be continued with a 60-day extension.

Mr. Fitzherbert feels that a Special Permit is necessary because Special Permits are very specific and when changes are made it needs to come before the Zoning Commission. He asked that all Zoning Commissioners read the letter from Atty. Kelly and that the discussion be continued at the next scheduled meeting of the Zoning Commission on December 17, 2012.

Motion:

to continue the Public Hearing for Haddad/155 West Shore Road for a Special Permit: Section 6.6.12 to extend dock at 7:30 pm, December 17, 2012 at Bryan Memorial Town Hall, Upper Level Meeting Room

by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Nauiakas-Harrison/170 Church Hill Road/Special Permit: Section 13.11.3 Detached Accessory Apartment:

Ms. Hill read the legal notice published in Voices on November 14 and November 21, 2012 as well as the list of documents in the file. Mr. Sweeney, property manager was present to act as agent for the property owners, Ms. Nauiakas and Mr. Harrison. The Commissioners and Mr. Sweeney looked at the Site Analysis Plan, prepared for Michael A. Harrison and Amy Lois Nauiakas with a revision date of 10-15-12 by T. Michael Alex. Ms. Hill stated that Mr. Neff, drew a kitchenette on the floor plans on Friday 11-16-13. The Commissioners looked at the floor plans labeled Pool House Basement Option 1A and Pool House 1st Floor. Ms. Hill stated that the application is complete and there are no outstanding issues. Mr. Ajello stated that he reviewed the lighting plan and it complies with the regulations.

Mr. Solley asked if the proposed accessory apartment was attached to the house. The

Commissioners looked at the Elevation Drawing labeled North Elevation-Option 1 and East Elevation-Option 1. Mr. Sweeney stated that the proposed apartment is not attached to the main residence but is connected with a stone walkway.

There were no further questions or comments.

Motion:

to close the Public Hearing for Nauiokas-Harrison/170 Church Hill Road/Special Permit: Section 13.11.3 Detached Accessory Apartment
by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

The Gunnery, Inc./99 Green Hill Road for a Special Permit: Section 4.4.10 for Addition to Bourne Building:

Ms. Hill read the legal notice published in Voices on November 14 and November 21, 2012 as well as the list of documents in the file. Atty. Andrews was present to represent The Gunnery for this application. She stated that the proposed addition to the Bourne Building would be a little less than 2,500 sq. ft and the proposed space would be used to relocate the College Placement Offices of the school, add two fully ADA compliant restrooms and entrance to the building. She noted that this would alleviate crowded conditions of the existing offices and allow handicap access but is not for increasing staff or increasing student enrollment. Atty. Andrews stated that the proposed addition would be a .002% increase in the existing lot coverage calculation, which they received a Variance from the Zoning Board of Appeals.

Mr. Smith, Licensed Land Surveyor, displayed the Overall Campus Plan, prepared for The Gunnery, by Smith & Company Surveyors & Engineers, Inc., dated August 10, 2012. He stated that the footprint of the proposed addition is 1,300 sq. ft. and the proposed walkways is 500 sq. ft. for a total of 1,800 sq. ft., which results in the .002% increase in lot coverage. Mr. Smith noted that additional parking would not be needed and he discussed the proposed drainage system. Mr. Ajello stated that this proposed plan did not need approval from the Inland Wetlands Commission.

Mr. Powell, Architect, displayed four photos of the existing site conditions with one photo including a superimposed image of the proposed addition. He stated that this would be the view from Ferry Bridge Road and noted that only the upper level of the addition would be visible over the 10-foot stonewall. The Commissioners and Mr. Powell looked at the drawing titled Floor Plans, prepared for The Gunnery, by Wieber Powell & Grunigen Inc., sheet A-1.0, dated 9-26-12. Mr. Powell explained the floor plans and pointed out the proposed ADA compliant bathrooms and entrance. He noted that one of the existing bathrooms would be removed as a result of the proposed construction and the other would be decommissioned.

The Commission and Mr. Powell looked at the drawings titled Exterior Elevations, prepared for The Gunnery, by Wieber Powell & Grunigen Inc., sheet A-2.0, dated 9-26-12. Mr. Powell stated that the mean height of the proposed addition would be 28.6 feet and the total height would be 30 feet and these meet the standards of the zoning regulations. He stated that the proposed building would be Tudor style to match the existing Bourne Building.

Mr. Powell distributed the cut sheet for the proposed lighting. He stated that this is the lighting that they have used throughout the campus for the other renovations. Mr. Ajello noted that the fixture has

a visible bulb and clear glass and does not believe that it complies with the Section 12.15 in the Zoning Regulations. There was a discussion regarding the visibility and lighting. The Commissioners agreed that the ZEO would have to review the lighting plan and Mr. Powell stated that they would work with Mr. Ajello to make sure that the lighting complies with the regulations.

Atty. Andrews discussed how this proposed plan conforms to the eight standards for Special Permit uses listed in Section 13 of the Zoning Regulations.

There were no further questions or comments.

Motion:

to close the Public Hearing for The Gunnery, Inc./99 Green Hill Road for a Special Permit: Section 4.4.10 for Addition to Bourne Building,
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Lancaster/244 West Shore Road/Special Permit: Section 6.5 Construction Within 75 ft. of Lake Waramaug:

Ms. Hill read the legal notice published in Voices on November 14 and November 21, 2012 as well as the list of documents in the file. Mr. Fitzherbert stated that he the Zoning Commission received a request from Mr. McGowan, of the Lake Waramaug Task Force, to continue this Public Hearing because the Landscaping Plans came in late today and the public did not have time to review them. It was agreed that the Commission would conduct the Public Hearing tonight but would not close it so that there would be time for the public to review the plans and address any questions and concerns at the December 17, 2012 Zoning Commission Meeting.

Mr. Sabin, Landscape Architect, was present to represent the Lancasters for this application. He and the Commissioners looked at the drawing titled Landscape Plan, prepared for The Lancaster Residence, sheet LA-1, dated 11-26-12 with a red line revision dated 11-26-12, by Dirk W. Sabin. Mr. Sabin stated that the red line revision shows the relocated Hemlock to accommodate the neighbors by preserving the view of the Lake while screening the dwelling. He stated that they are proposing native plantings along the shoreline for screening and buffering and the existing trees would remain. Mr. Sabin stated that the proposed plantings along the shore would range from 1.5 ft. to 12 ft. high and that the elevation of the pool, the top of the plantings and the water surface would be about equal. He stated that the additional plantings are buffering runoff as well as adding native plantings along the Lake Waramaug shoreline. Mr. Sabin stated that the view of the Lake from the road is already somewhat screened by the existing trees and the existing view would be unchanged.

Mr. Solley asked about the post development storm water runoff that would be less than the pre development runoff. Mr. Sabin stated that that would be a result of adding the recharge galleries in the proposed plans designed by Mr. Neff.

Mr. Ajello noted that the plans show a reduction in the driveway width, which he assumes is to meet the lot coverage requirements. Mr. Sabin confirmed that this was the case.

Mr. Werkhoven asked what the building to the left of the dwelling was used for. Mr. Sabin stated that it is a basic outbuilding and it would be incorporated as part of the addition. Mr. Werkhoven

asked if this was a garage. Mr. Sabin stated that it was originally. Mr. Lancaster stated that it has a one-car bay with a small storage room adjacent to it and with the new design it would remain a garage with a room above it. Mr. Ajello asked if they would be storing a car in this building. He stated that they would drive over the yard if they want to put a car in the garage. Mr. Sabin stated that they drive over lawn and there is no driveway extension.

Mr. Sabin stated that the addition is going to be used as an expansion of the house.

Ms. Hill asked if all traveled surfaces were included in the lot coverage was computation because traveled surfaces, whether they are paved or not, count as coverage.

Mr. Sabin stated that he does not believe that a lawn is not included in lot coverage.

Ms. Hill stated that she would verify this.

The Commission briefly discussed traveled surfaces and lawn.

Mr. Fitzherbert asked if anyone from the public had any questions or comments.

Mr. Manson, abutting property owner, stated that he has not seen the planting plan and would like to have time to review and comment on it at the next Zoning Meeting. He asked about lighting.

Mr. Sabin stated that there would be lighting in the pool.

Mr. Lancaster, property owner, stated that he would be happy to accommodate his neighbor to locate the plantings in order to maximize the visual sight line to the Lake and would be open to any suggestions

There was a brief discussion regarding the notification letters mailed to the neighbors.

There were no further questions or comments.

Mr. Fitzherbert stated that the lot coverage on this property is 14.2 % of the allowable 15%. He noted that protecting the views and waters of Lake Waramaug are a high priority to the Town.

Motion:

to continue the Public Hearing for Lancaster/244 West Shore Road/Special Permit: Section 6.5 Construction Within 75 ft. of Lake Waramaug, following the continuation of the Public Hearing for Haddad, December 17, 2012 at Bryan Memorial Town Hall, Upper Level Meeting Room, by Mr. Fitzherbert, seconded by Mr. Solley, passed by 5-0 vote.

8:50 pm

REGULAR MEETING

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Reich, Mr. Abella, Mr. Solley

Consideration of the Minutes

The Commission considered the October 22, 2012 regular Meeting Minutes of the Town of Washington Zoning Commission.

Motion:

to accept the Zoning Meeting Minutes of October 22, 2012 as submitted, by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Pending Application(s)

Nauiakas-Harrison/170 Church Hill Road/Special Permit: Section 13.11.3 Detached Accessory Apartment:

The Commission agreed that this proposed plan complies with Section 13.11.3 Accessory Apartments, Detached in the Zoning Regulations.

Motion:

to approve the application for a Special Permit for Nauiakas-Harrison/170 Church Hill Road/Special Permit: Section 13.11.3 Detached Accessory Apartment, per Site Analysis Plan, prepared for Michael A. Harrison and Amy Lois Nauiakas with a revision date of 10-15-12 by T. Michael Alex, with the condition that the lighting plan complies with Section 12.15 of the Town of Washington Zoning Regulations, by Mr. Werkhoven, seconded by Mr. Solley, passed by 5-0 vote.

The Gunnery, Inc./99 Green Hill Road for a Special Permit: Section 4.4.10 for Addition to Bourne Building:
Mr. Fitzherbert feels that the proposed plan brings a lot of improvements to the drainage system in that area as well as provide ADA compliance. He stated that the view from Ferry Bridge Road seems minimal to him. Mr. Reich stated that he feels that the proposed addition will look as if it has always been there and that it is fairly innocuous. Mr. Solley stated that he thinks that some of the requirements in Section 12.15 Outdoor Lighting in Residential Districts are directed toward more of a single-family residence than a boarding school setting and since the proposed lighting is the type of lighting that has been consistently used through out the campus, he feels a condition with an approval would be necessary. There was a brief discussion regarding lighting on campus.

Motion:

to approve the application for a Special Permit for The Gunnery, Inc./99 Green Hill Road for a Special Permit: Section 4.4.10 for Addition to Bourne Building per Proposed College Placement Office Bourne Building Plan Set prepared for The Gunnery, sheets 1-5, dated 8-10-12 by Smith & Company Surveyors & Engineers, Inc. with the condition that the ZEO review and approve the proposed lighting plan, by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

New Application(s)

Washington Community Housing Trust/181 New Milford Turnpike/Special Permit: Section 13.15 Affordable Housing:

Ms. Hill stated that some items were missing from the documents but feels that they would be received by the Land Use Office in time for the December meeting. The Commission scheduled a Public hearing.

Motion:

to schedule a Public Hearing following the Public Hearing for Lancaster on December 17, 2012 at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for Washington Community Housing Trust/181 New Milford Turnpike/Special Permit: Section 13.15 Affordable Housing,
by Mr. Abella, seconded by Mr. Reich, passed by 5-0 vote.

Supply Holdings/2 Calhoun Street/Special Permit: Section 8.6 Construct Storage Buildings:
The Zoning Commissioners scheduled a Public Hearing for this application.

Motion:

to schedule a Public Hearing following the Public Hearing for Washington Community Housing Trust on December 17, 2012 at Bryan Memorial Town Hall in the Upper Level Meeting Room to consider the application for Supply Holdings/2 Calhoun Street/Special Permit: Section 8.6 Construct Storage Buildings,
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Other Business

Possible Revisions of the Zoning Regulations and Zoning Map:

The Commissioners discussed the possibility of a special meeting to discuss revisions of the Zoning Regulations. The Commissioners agreed to schedule a Special Meeting for January 7, 2013 at 5:30 pm in the Upper Level Meeting Room at Bryan Memorial Town Hall.

Mr. Solley stated that he feels the Zoning Commission needs to consider the issues that arose during the storms in the fall/winter of 2011 regarding generators. The Commissioners discussed safety factors that should be considered in locating a generator. Mr. Ajello stated that the ZBA is concerned with the Db levels when locating a generator and they have come up with a formula that measures Db levels at certain distances. He stated that the Zoning Regulations should be in line with what the Building Department requires.

Ms. Hill stated that Mr. Ajello has received about 60 applications for generators in the last eight months and suggested that he draft a revision. Mr. Ajello stated that he would bring his suggested revised language to the next meeting.

Mr. Fitzherbert asked that the Commissioners be ready to make a decision on whether or not to act on the Business District lot lines and bring their thoughts and recommendations to the January 7, 2013 Special Meeting.

Mr. Fitzherbert stated that the ZEO has been dealing with issues regarding signage and would like the Commissioners to consider the regulations and "get in front of" any issues that may arise, especially on the Route 202 corridor, when the recession is over. The Commission briefly discussed regulations regarding signs.

Mr. Fitzherbert suggested that little items such as word changes, clarifications, etc. could be under one topic to discuss on January 7th. He stated the Commission could make a list and have it brought to the public under one hearing voted on one item at a time

2013 Calendar:

The Commission approved December 16, 2013 as the regularly scheduled meeting for the Town of Washington Zoning Commission. Ms. Hill noted that the Zoning Commission usually meets the third Monday in May due to Memorial Day.

Motion

to approve the proposed Zoning Commission 2013 Calendar as presented, by Mr. Fitzherbert, seconded by Mr. Solley, passed by 5-0 vote.

Privilege of the Floor

There were no comments from the public.

Zoning Enforcement

Enforcement Report:

The Zoning Commission discussed the Zoning Enforcement Report dated November 26, 2012 (on file in the Land Use Office).

Mr. Ajello stated that he mailed a letter specifying the details that were agreed to by the Selectmen, Zoning Chairman and Land Use Staff and copies were sent to all involved parties (of file in the Land Use Office) regarding the parking and fencing issues at both the Averill Farm Stand and Starberry Farm Stand.

Ms. Laverge has reduced the Hidden Valley Bed & Breakfast to one-bedroom.

Smith/35 East Shore Road:

Ms. Hill stated that she sent a Notice of Violation/Cease and Desist Order to Ms. Smith dated November 13, 2012 (on file in the Land Use Office). She stated that the Land Use Office has not received a response from Ms. Smith or the return receipt green card from the certified letter.

Mr. Woodruff stated that the property owner has not addressed any of the issues.

The Commission discussed their options and agreed that Ms. Hill should put a notice on the Land Records until she complies with the Zoning Regulations.

Ms. Hill stated that she would talk to Town Counsel regarding fines and put a notice on the Land Records for 35 East Shore Road.

Adjournment

Motion:

to adjourn at 10:15 pm. by Mr. Reich, seconded by Mr. Solley, passed by 5-0 vote.

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk