

# December 17, 2012

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

**Alternates Present:** Dr. Craparo

**Absent:** Mr. Wyant, Alt., Mr. Dutton, Alt.

**Staff Present:** Shelley White, Janet Hill, Mike Ajello

**Others Present:** Atty. Kelly, Mr. Neff, P.E., Mr. Sabin, Landscape Architect, Mr. Szymanski, P.E., Mr. Lancaster, Mr. McGowan, Mr. Woodruff, Residents

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

Continued:

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

Ms. Hill read the list of documents submitted to the files as of 11/26/12. Atty. Kelly was present to represent the Haddads for this application. He stated that he has withdrawn the request previously made to the Zoning Commission and submitted a letter to the Ms. Hill and Mr. Ajello dated 12-14-12 that the Haddads would like that consideration of the Special Permit application resume. Atty. Kelly stated that the property owners were unable to measure the depth of the water every ten feet along the length of the proposed dock but if the Commission feels that this is absolutely something that they need he would have to request another extension. Mr. Fitzherbert stated that he does feel that the measurements are important. Atty. Kelly suggested that one way to proceed would be for the Zoning Commission to vote on this application tonight and include the depth measurements as a condition.

Mr. Fitzherbert stated that this is an unusual area of Lake Waramaug in that it is shallow and the shoreline is curved, which makes the lot lines move in closer the further out they go.

Atty. Kelly submitted a photos of an aerial view of the shoreline (on file in the Land Use Office) and explained how the proposed dock would stay within the property lot lines and would not extend further than necessary into the waters to make it unsafe for other boaters. He stated that the Haddads do not have an objection coming close to the property lines within the waters and would not object if their neighbors did the same.

Mr. Fitzherbert stated that when he saw the boat anchored and saw the current dock had extensions that were not approved and but this application is requesting even more extensions to be added. He said that he would like the Haddads to be able to anchor their boat at their dock, which is why he asked for the depth of the water measurements. He feels that the Haddad's boat could easily float in 18 inches of water. Atty. Kelly stated that he believes the manufacturer suggested 3 feet of water.

There was a brief discussion regarding the location of where the boat was moored this summer.

The Commission and Atty. Kelly discussed the length of the existing and proposed dock. It was noted that in this past summer of 2012 five of the 10' x 3' sections were on the sand. Mr. Solley referred to the drawing titled Site Plan & Details For Proposed Dock Extension Haddad Residence, dated 8-28-2012. The Site Plan shows 8 - 10' x 3' sections with a 10' x 10' float at the end for a total of 90 feet of length.

There was a brief discussion regarding water levels of the Lake and how it affects how many sections of the dock are on the sand and in the water.

Atty. Kelly stated that the neighbors have been notified and have not expressed concern.

Mr. Solley asked if this application is actually requesting that the originally approved 40-foot dock be extended to a 90-foot dock.

Atty. Kelly agreed that this was the case but that the original approval did not state the length and he and his clients interpreted Section 6.6 of the Regulations in that they were approved for a dock as long as it did not exceed the 360 square foot maximum.

There was a brief discussion regarding how the approvals of the Commission should reference the site plans on which the approval is based.

Mr. Fitzherbert stated that he was in favor of the property owners having a dock but not one that is further out than it needs to be.

The Commission discussed the need for the depth measurements and whether this could be made part of a condition of approval.

Mr. Werkhoven stated that the property owners knew that this was a shallow part of the Lake when they bought the property and that being able to dock their boat is not a reason to extend the dock.

There were no questions from the public.

Atty. Kelly stated that 40 to 50 feet of the dock is not in the water and that he feels that what his clients are asking for is reasonable.

Motion:

to close 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. Werkhoven, seconded by Mr. Abella, passed by 5-0 vote.

Continued:

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

Ms. Hill read a list of documents added to the file since November 26, 2012. Mr. Fitzherbert stated that the Zoning Commission received three pages of comments from Mr. McGowan, of the Lake Waramaug Association and the Lake Waramaug Task Force (on file in the Land Use Office). Mr. Neff, P.E. stated that he would like to respond to these comments and submitted a letter

addressed to the Washington Zoning Commission, dated 12-17-12 (on file in the Land Use Office). The Zoning Commission and Mr. Neff looked at the site plan that includes the Soil Erosion & Sediment Control Plan titled Proposed Site Plan, The Lancaster Residence Addition, by Brian Neff with revision date 9-10-12. Mr. Neff discussed the roof stormwater infiltration system, which handles the largest component of runoff on the site. He noted that there is a reduction in overall site runoff due to the elimination of some of the impervious surfaces and a reduction in post-development stormwater runoff compared to the existing. Mr. Neff said that the proposed plan includes a water retention basin between the house and the Lake that receives the roof drainage from the existing house and the proposed addition. He stated that the underground system has a capacity of over 6500 gallons and is sized for the first inch of rainfall, which is normally the most polluted amount of rainfall that comes on to the site. Mr. Neff and the property owners feel that this a vast improvement of in terms of protection of the Lake and stormwater control.

The Commissioners and Mr. Neff discussed the holding capacity of the infiltration drain. Mr. Neff stated that the overflow would drain in to the planting buffer proposed by Mr. Sabin, which adds to the filtration process of the water before entering the Lake.

There was a brief discussion regarding the pattern of travel of the construction equipment. Mr. Neff noted that the proposed limit of disturbance is indicated on the Proposed Site Plan and there will be a safety fence to control the access on the property.

Mr. Solley stated that he was concerned that there was no driveway leading to the garage. Mr. Neff responded that there would not be a garage. He stated that this section of the house is used for storage and does have an overhead door but is not used as a garage. Ms. Hill noted that at the last hearing the property owner stated that he would be parking his car in the garage. Mr. Sabin stated that they have stipulated that it is a very infrequent use. Mr. Lancaster stated that it is not a garage and that he uses the building for storage, which includes a vehicle, which is driven across the lawn approximately four times a year. Mr. Fitzherbert stated that by definition it has an overhead door and a car is parked in it so it is a garage. He stated that while it is used infrequently the traveled surfaces must be considered as lot coverage and it would put the lot coverage over the allowable 15%.

There was a discussion regarding the calculation of the lot coverage for the traveled surface. Mr. Sabin felt that this subject was vague and did not agree with the Commission that this area should be in the lot coverage calculation. Mr. Fitzherbert stated that there would be no way of knowing if it is used on a daily basis and the Town wants to protect the Lake and one way of doing this is limiting heavy lot coverage of the properties around it.

Atty. Kelly and Mr. Sabin suggested that approach to the overhead door could be two tire widths along the length of the area. Mr. Ajello stated that lot coverage is about density of development as well as impervious and pervious surfaces. He understands that the property owner does not have a need for a garage but the outcome of this Special Permit application is a long-term decision that is attached to this property and extends beyond the time the current property owners own it. Atty. Kelly stated that he feels that they would not exceed lot coverage if they proposed two 2-foot paths to the overhead door.

Mr. Fitzherbert asked if Mr. Neff could address Mr. McGowan's concern regarding the filter fabric for the Cultec system. Mr. Neff stated that he installs the filter fabric on top so the soil does not fall into the system and if it is put on the sides and bottom it would slow down the infiltration and there

would be the possibility of the fabric getting clogged.

Mr. McGowan was present on behalf of Lake Waramaug Association and the Lake Waramaug Task Force and stated that he feels the proposed plan has good attributes and is glad that the Zoning Commission is having a detailed discussion. He stated that he would like to see the documentation for the runoff coefficients and that he has concerns about filtration system being underground. He feels that runoff swales that are directed to a bio-filter are easier to monitor and determine when there is sediment build up and needs to be cleaned out. He asked how they would be able to tell if the system is failing. Mr. McGowan asked what would happen if the system was overloaded. He suggested that overflow should be directed out of the drain, through a swale and into a bio-filter if it has to be treated. He agrees with Mr. Neff that the first inch of runoff carries the majority of pollution.

Mr. McGowan said that Mr. Neff has answered some of his questions but he still would like know whether the soil types around the system are the type that are going to allow the system to work effectively.

Mr. Neff responded that soil tests were done in the front and the back of the house and the documents are on file in the Health Department. He stated that there are well-drained soils in the backyard. He calculated the runoff and feels that the system is adequately sized and feels that a bio-filter would take up the whole backyard. Mr. Sabin noted that it is important to remember that the system is designed for the majority of the runoff, which is from the roof, and this water is pretty clean other than phosphates from bird droppings and soils have a capacity to absorb these. Mr. Neff stated that there will be screens on the gutters to keep debris out of the system and he feels this is the best system for this site.

There was a brief discussion regarding the lifespan of the system.

Mr. Neff stated that the plan he is proposing has the overflow directed toward the plantings that Mr. Sabin is recommending in the proposed Landscape Plan. Mr. Sabin stated that the plantings have a direct relation to how they proposing to deal with the existing site runoff. He stated that they have created a wide buffer at the top of the slope where the grades are level, before it drops off into the Lake and the plantings slow the rate of runoff as well as increase infiltration rates. The plantings themselves are an improvement to what exists today in addition to providing mitigation for what is going to happen in the future where they are proposing more of a buffer along the Lake.

Mr. McGowan stated that he would like to see the plan depicting the overflow going directly to this landscaping area and graded in such a way that it is directed to that area effectively.

Mr. Neff showed Mr. McGowan where this is depicted on the plan. He stated that the contours of the backyard are slightly sloping which lessens the velocity of runoff.

There was a brief discussion regarding the contours of the backyard.

Mr. Sabin submitted a memo to the Zoning Commission, dated 12-17-12, stating that he has reviewed Mr. McGowan's comments and feels that the Landscape Plan submitted comply with the landscaping and planting requirements of Section 6.5.1 and 13.1.b of the Zoning Regulations. He stated that they have instituted some buffer plantings that will retain and absorb runoff and this Landscape Plan with a revision date of 11-29-12 includes Hemlock locations, transplanted shrubs

and an added boulder.

Atty. Kelly stated that the Lancasters have met the obligations stated in Section 6.5 of the Zoning Regulations and does not believe that the plans need to address stormwater management past the 75 feet of the shoreline of Lake Waramaug.

Mr. McGowan stated that he did not agree with Atty. Kelly.

Mr. Fitzherbert stated that he anticipates changes in the regulations in order to continue efforts to preserve it.

Mr. Lancaster stated that he applauds the efforts of Mr. McGowan, the Zoning Commissions and others involved in preservation of Lake Waramaug and that he wants to do this right. He has a vested interest in the Lake and would like to do with his property what is allowed within the zoning regulations.

Mr. McGowan stated that they have researched lake management and what the attributes are of healthy lakes. He stated most healthy lakes have natural vegetation along the shoreline at a substantial depth. Mr. McGowan said that the organizations he is part of want to work with the new projects that are being proposed at these lake properties so that they add to the health of the Lake.

Mr. Fitzherbert asked if there were any other comments about the garage.

Atty. Kelly stated that the garage does not need to be addressed with this Special Permit and would need to be applied for separately. Mr. Ajello disagreed and stated that the regulations require that the entire lot needs to be considered and asked that the Zoning Commissioners make this decision.

Mr. Fitzherbert allowed Mr. Neff and Mr. Sabin time to add the driveway strips to the Site Plan by hand. Mr. Neff stated that adding the two 2-foot strips, 73 feet long would increase the lot coverage to 14.8%.

There were no further comments or questions.

Motion:

to close the Public Hearing for Lancaster/244 West Shore Road/Special Permit: Section 6.5 Construction Within 75 ft. of Lake Waramaug,  
by Mr. Werkhoven, seconded by Mr. Reich, passed by 5-0 vote.

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

Ms. Hill read the legal notice published in Voices on 12-5-12 and 12-12-12. She advised the Commission to continue the Public Hearing because the applicant failed to notify neighbors within the proper time period there this Public Hearing should be continued.

Motion:

to continue the Public Hearing on January 28, 2013 at 7:30 pm, in the Upper Level Meeting Room at Bryan Memorial Town Hall to consider the application for Washington Community Housing

Trust/181 New Milford Turnpike/Special Permit: Section 13.15 Affordable Housing, by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

Supply Holdings, LLC./2 Calhoun Street/Special Permit: Section 8.6 Construct Storage Buildings:

Ms. Hill read the legal notice published in Voices on 12-5-12 and 12-12-12 and the list of documents in the file. Mr. Szymanski, P.E., was present to represent the property owners for this application. He stated that Supply Holdings is requesting a modification of the previously approved Special Permit (approved in April of 2012) that allowed two new storage buildings. Mr. Szymanski stated that after getting site construction bids it would be very expensive to relocate the Bee Brook Road curb cut and the revised plan uses the existing curb cut. He and the Commissioners looked at the map titled Site Utility Plan, sheet SU.1 and Site Development Plan, Sheet SD.1, prepared for Supply Holdings, LLC. by A.H. Howland & Associates, dated March 14, 2012. Mr. Szymanski noted that the previously approved plan indicated the need for cutting into the hillside, which required a retaining wall. He stated that they have improved the Site Circulation with the revised plan. The Commissioners and Mr. Szymanski looked at the drawing titled Site Development Plan, prepared for Supply Holdings, LLC, Sheet SD.1 by A.H. Howland & Associates, with revision date of 12-11-12 and photos of the existing conditions (on file in the Land Use Office). Mr. Szymanski stated that shed #2 was approved at 3920 sq. ft. and would be reduced to 2350 sq ft., which will allow for a gentler grade between the existing storage shed and shed #2. He said that proposed shed #3 has been relocated to the side where there is an existing material storage area. Proposed shed #6 would be in the rear of the metal storage building, which has an existing overhang that would be removed, replaced and made, smaller and result in a decrease of approximately 260 sq. ft. He added that there would be a net decrease of 20 square feet in the total square footage with the new sheds they are requesting and discussed dimensions of the newly proposed sheds. Mr. Szymanski stated that proposed sheds #4 & #5 would be narrower in length and not as deep.

The Commissioners and Mr. Szymanski looked at the drawing titled Shed "02" Plan View and Elevations, sheet O2-S1, prepared for Washington Supply Company by Sunbelt with revision date of 10-29-12. Mr. Szymanski explained how the rack system would allow them to efficiently use the space for storage.

The Commissioners and Mr. Szymanski looked at the drawing titled Shed "03" Plan View and Elevations, sheet O3-S1, prepared for Washington Supply Company by Sunbelt with revision date of 10-29-12. Mr. Szymanski stated that this proposed shed would be the same as the previously approved shed but a minor difference would be the retaining wall, which is shorter in length, and it would be half the height of the previously approved shed #3. He stated that the material would still be visible from the road but would be within the structure.

The Commissioners and Mr. Szymanski looked at the drawing(s) titled L-Shed "04" and L-Shed "05" Plan View and Elevations, sheets O4-S2 & O5-S1, prepared for Washington Supply Company by Sunbelt with revision date of 10-29-12. He stated that these are 38 feet long and approximately 13.5 feet deep.

Mr. Szymanski referred to Section 8.6.4 and stated there is a significant improvement with respect to the distances within the minimum required yard setback. He stated that the previously approved plan shows that they were encroaching from the existing southeast curb cut. The newly proposed

shed # 2 is decreased in size by 40% within the sideyard setback and proposed shed #3 has approximately 2-3% of what was previously within the required yard setback. With regards to Section 8.6.2, Mr. Szymanski stated that the sheds would be constructed with board and batten siding, similar to barns in the area.

Mr. Solley asked if all materials would be stored inside at the site. Ms. Hill stated that the material would have to be stored inside.

There was a brief discussion regarding traffic circulation.

Mr. Szymanski stated that Mr. Law from Steep Rock said that he has would be dropping off a letter of approval.

The Commissioners, Mr. Ajello and Mr. Szymanski discussed screening along Bee Brook Road. Mr. Szymanski drew some trees on the Site Plan, signed and dated.

Motion:

to close the Public Hearing for Supply Holdings/2 Calhoun Street/Special Permit: Section 8.6 Construct Storage Buildings,  
by Mr. Reich, seconded by Mr. Solley, passed by 5-0 vote.

Mr. Solley asked Mr. Szymanski if the first approval was filed on the land records. Mr. Szymanski stated that he was not sure.

10:10 pm

## **REGULAR MEETING**

Seated:

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

### **Consideration of the Minutes**

The Commission considered the November 26, 2012 regular Meeting Minutes of the Town of Washington Zoning Commission.

Motion:

to accept the Zoning Meeting Minutes of November 26, 2012 as submitted,  
by Mr. Abella, seconded by Mr. Werkhoven, passed by 5-0 vote.

### **Pending Application(s)**

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

Mr. Ajello stated that the Haddads started with a 40-foot dock that was extended by three 10-foot sections this summer and they are proposing an additional two sections. Mr. Werkhoven clarified that the proposed dock would be eight 10' x 3' section plus an attached 10' x 10' platform at the end.

Mr. Abella noted that five of the sections are not even in the water and we do not know the depth of

the water.

Mr. Werkhoven stated that he is not sure that extending the dock 90 feet is going to reach the point where their boat could float but he does not feel that this is the Commission's concern.

The Commissioners noted that the dimensions of the proposed dock would be legal but they are concerned with the sideline setbacks.

Mr. Solley stated that the owner bought the property knowing that it had a 40-foot dock and a 90-foot dock, he feels, is excessive.

Mr. Fitzherbert does not disagree with Mr. Solley and feels that knowing the depth of the water is important because then it could be determined how far the proposed dock would have to be extended to tie their boat to it.

Mr. Reich stated that he feels inclined to approve this request.

Mr. Abella stated that he would feel better knowing the depth of the water.

Mr. Reich suggested that the owners could add to the dock as needed to the extent of what was approved by Special Permit. Mr. Fitzherbert stated that they have to approve a specific size. Mr. Solley stated that they could apply for a shorter dock.

The Commission discussed how the shoreline affects the sideyard setbacks.

There were no further comments.

Motion:

to approve the Special Permit application for Section 6.6.12 submitted by Haddad to extend dock at 155 West Shore Road per drawing titled Site Plan & Details For Proposed Dock Extension Haddad Residence, dated 8-28-2012,  
by Mr. Reich, no second, Denied by 1-4 vote.

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

Mr. Fitzherbert stated that the Commission has the desire to have the best plan but are not able to require it. He feels that the filtration system is efficient and agrees that there should be screens on the gutters, and the overflow should be directed to the southwest plantings. Mr. Fitzherbert stated that the traveled surface to the garage increases the lot coverage above the 15% maximum allowed.

The Commission discussed whether the two tire width paths to the garage could be calculated individually. Mr. Ajello referred to Section 11.5.1 under Lot Coverage and stated that traveled surfaces must be included in the lot coverage calculation. Ms. Hill stated that she does not recall an application in which the did not calculate the grass area in between the two tire tracks for coverage and cited a couple of examples as to why this would not be accurate and would set an unwanted precedent for future applications.



Mr. Solley stated that he feels that this is a good plan and does not want it to be denied because of this 'glitch.'

Mr. Abella suggested that he feels the only way to eliminate the problem with this application would be to eliminate the garage door.

Mr. Fitzherbert stated that he does not see anything wrong with this application except for the traveled surface issue.

The Commissioners discussed the width of the door for the storage/garage building

Mr. Solley noted that the garage is not within 75 feet of the Lake and asked if the Commission should be considering it with this application. Mr. Ajello stated that he has always considered the whole parcel with an application.

Motion:

to approve the Special Permit application for Section 6.5 submitted by FDL Properties, N. John Lancaster, Jr. & Whitney Lancaster for Construction of Swimming Pool, Well & Drainage System Within 75 ft. of Lake Waramaug at 244 West Shore Road, per original site plan(s) titled Proposed Site Plan, The Lancaster Residence Addition, by Brian Neff with revision date 9-10-12 & The Lancaster Residence, Landscape Plan, sheet LA-1 by Dirk Sabin with revision date 11-29-12 & other pertinent documents per file, subject to the following conditions: screens on the gutters, overflow directed to the south west, and new addition formerly the garage cannot have a door wider than 5 feet,

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

Supply Holdings/2 Calhoun Street/Special Permit: Section 8.6 Construct Storage Buildings:

The Commission discussed the reduction in setbacks and the materials that would be stored in these proposed buildings. Mr. Solley read Section 8.6.4. Ms. Hill stated that the property owners know that the on site materials must be stored in these sheds.

Motion:

to approve the Special Permit application for Section(s) 8.4.13 & 8.6 submitted by Supply Holdings, LLC to construct storage buildings at 2 Calhoun Street per the plan(s) titled Site Development Plan, Sheet SD.1 by A.H. Howland & Associates, P.C. with revision date of 12-11-12 & Architectural Plans for Washington Supply Company, Rack Systems and Storage Buildings by Sunbelt, 11 sheets, with revision date of 10-29-12, and all pertinent documents per file, subject to the following conditions: written approval from Steep Rock Association and landscape buffering for building #3 as noted on SD.1,

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

### **New Application(s)**

EIS Realty, LLC /92 Bee Brook Road/Special Permit: Section(s) 8.3.9: Offices, 8.5: Increase in Maximum Lot Coverage, and 8.6: Reduction in Minimum Setback Requirements:

The Zoning Commissioners scheduled a Public Hearing for this application.

## **Motion**

to schedule a Public Hearing, following the continuation of the Public Hearing on January 28, 2013 at 7:30 pm, in the Upper Level Meeting Room at Bryan Memorial Town Hall for Washington Community Housing Trust, to consider the application for Special Permit for EIS Realty, LLC., 92 Bee Brook Road/Section(s) 8.3.9:Offices, 8.5: Increase in Maximum Lot Coverage & 8.6: Reduction in Minimum Setback Requirement, by Mr. Fitzherbert, seconded by Mr. Solley, passed by 5-0 vote.

## **Other Business**

### Possible Revisions of the Zoning Regulations and Zoning Map:

The Commission agreed to table this subject for the January 28, 2013 Regular Meeting of the Zoning Commission at Bryan Memorial Town Hall, 7:30 pm, Upper Level Meeting Room.

## **Privilege of the Floor**

Mr. Woodruff asked for an update on the enforcement issue at 35 East Shore Road and asked when a fine schedule would start. Mr. Fitzherbert stated that the Zoning Commission would discuss that after a couple of months if the property owner does not respond to the Town's requests.

## **Zoning Enforcement**

### Enforcement Report:

Mr. Ajello, ZEO distributed the Zoning Enforcement Report dated December 17, 2012 (on file in the Land Use Office) and stated that there are no urgent areas that need to be addressed by the Zoning Commission tonight.

### Smith/35 East Shore Road:

Ms. Hill stated that she put a notice on the Land Records which would only be removed when Ms. Smith complies with the Zoning Regulations.

## **Adjournment**

### **Motion:**

to adjourn at 11.25 pm.

by Mr. Fitzherbert, seconded by Mr. Solley, passed by 5-0 vote.

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk

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## **Special Meeting**

6:15 p.m. Upper Level Meeting Room

**MEMBERS PRESENT:** Mr. Fitzherbert, Mr. Reich, Mr. Werkhoven, Mr. Solley, Mr. Abella (arrived at 6:30 p.m.)

**ALTERNATE PRESENT:** Dr. Craparo

**STAFF PRESENT:** Mrs. Hill

**ALSO PRESENT:** Atty. Zizka, Mr. Klauer, Mr. Szymanski, Atty. Fisher

Mr. Fitzherbert called the Meeting to order at 6:18 p.m. and seated Members Fitzherbert, Reich, Solley, and Werkhoven and Alternate Craparo.

He then read the Special Meeting Notice/Agenda, dated 12/12/12, by Mrs. Hill for an executive session to discuss pending litigation – the status of appeals relating to Wykeham Rise development proposals.

### **MOTION:**

To go into Executive Session.

By Mr. Fitzherbert, seconded by Mr. Reich, and passed 5-0.

The Commission entered Executive Session at 6:22 p.m.

### **MOTION:**

To come out of Executive Session.

By Mr. Fitzherbert, seconded by Mr. Reich, and passed 5-0.

Executive Session was ended at 7:36 p.m.

### **MOTION:**

To adjourn the Meeting.

By Mr. Fitzherbert.

The Meeting was adjourned at 7:36 p.m.

**FILED SUBJECT TO APPROVAL**

Respectfully submitted,  
Janet M. Hill  
Land Use Administrator