

April 23, 2012

Present: Gary Fitzherbert, Ray Reich, Nick Solley, Dave Werkhoven, Lou Abella

Alternates Present: Harry Wyant

Staff Present: Shelley White, Janet Hill, Mike Ajello

Others Present: Mr. Wolff, P.E., Mr. Szymanski, P.E., Ms. Payne, Mr. Dubois, Mr. Wadelton, Ms. Forese, Atty. Andrews, Atty. Williams, Ms. Graham, Atty. Marcus, Atty. O'Hanlon, Mr. Stern, Ms. Zelenko, Mr. Galante, Mr. Brooks, Mr. Hunter, Mr. Buck, Dr. Cohen, Mr. Klein, Mr. Smith, Land Surveyor, Ms. Curtis, Architect, Mr. Dutton, Ms. Quakenbos, Mr. Kleinberg, Mr. Charles, Press, Residents

Mr. Fitzherbert called the meeting to order at 7:30 p.m.

PUBLIC HEARINGS

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

10 Main Street, LLC./10 Main Street/Special Permit: Sections: 7.5 and 7.6/Increase in Maximum Lot Coverage, Reduction in Minimum Setbacks/Additions to Commercial Building and Garage:

Ms. Hill read the Legal Notice published in Voices on Wednesday, April 11, 2012 and April 18, 2012 and then read the list of documents in the file. Mr. Wolff of Wolff Engineering was present to represent the owners of 10 Main LLC. He stated that the proposed shed roof off the Office Building would be used to house a generator and HVAC equipment and it would be 5.5' deep and 18' long and the proposed lean-to addition to the barn would be used for dry storage and it would measure 12' by 24'. Mr. Wolff stated that the lot coverage would increase .3% to 28.8% from 28.5%. Mr. Wolff read his letter addressed to David Owen, Chairman of the Zoning Commission, dated March 26, 2012 regarding the Special Permit Application for 10 Main Street (on file in the Land Use Office). The Commission and Mr. Wolff looked at the proposed West Elevation of the Garage (Barn) and proposed East Elevation of the Office Building. Mr. Wolff stated that the proposed plan to tie in the drainage system to the existing has been approved by Public Works. Mr. Fitzherbert stated that Mr. Wolf has addressed section 7.5 and 7.6 of the Zoning Regulations and he asked if there were any further questions from the public or the Commissioners. Mr. Wolff stated that the proposed setback of the lean-to addition is 12.7', it would be built on existing pavement, it is an extension at the rear of the barn and as a result of the angle of the existing structure the sideyard setback would not be decreased anymore than what already exists.

There were no further questions or comments.

Motion:

to close the Public Hearing for 10 Main Street, LLC./10 Main Street/Sections 7.5 and 7.6/Increase in Maximum Lot Coverage, Reduction of Minimum Setback Requirement for Additions to a Commercial Building and Garage,
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Alger, Karabell/112 River Road/Special Permit: 13.11.3/Detached Accessory Apartment:

Ms. Curtis, Architect, was present to represent the property owners, Mr. Karabell and Ms. Alger, for this application. Ms. Hill read the legal notice published in Voices on Wednesday, April 11, 2012 and April 18, 2012 and then read the list of documents in the file. The Commissioners looked at the drawing titled Site Plan, sheet SP.1.1, dated 3-29-12 and drawing titled Barn Plans, sheet A1.1, dated 3-22-12, by Joeb Moore & Partners LLC, prepared for Karabell – 112 River Road. Ms. Curtis stated that the owners propose to use the existing structure and renovate within the existing footprint for a play area, art studio on the first level and guest rooms on the second level. She stated that the livable square footage would decrease and there are no plans for a kitchen but she was advised that since the proposed plan includes a full bath that this would be treated as an accessory apartment. Ms. Curtis briefly discussed the topography of the property and confirmed that the structure would clearly be subordinate to the main dwelling.

Mr. Solley asked if the property owners would use the second driveway for access to the barn. Ms. Curtis stated that the main driveway would be used for access to the barn and parking and the secondary accessway is being used for construction purposes. The Commissioners and Ms. Curtis looked at the scaled model of the property and proposed structures. Mr. Fitzherbert asked if the owners were planning to use the secondary accessway to fill the pool and that it ends at the proposed pool location. Ms. Curtis stated that the pool is not in the budget at the moment and the owners have not planned that far in advance.

Mr. Ajello read section 13.11.3c Accessory Apartment, Detached that states, “The accessory apartment shall be equipped with its own kitchen and bath.” Ms. Curtis stated that the proposed apartment has its own separate entrance, its own heating and cooling system and would be used as bedroom space. The Commissioners and Mr. Ajello discussed what elements are required for a kitchen. Ms. Curtis stated that the owners would be willing to install a kitchenette and hand drew an Option A and an Option B for placement of a kitchenette and initialed the changes on the drawing titled Barn Electrical Plan, by Joeb Moore & Partners LLC. for Karabell – 112 River Road, sheet E1.1 and dated 3-22-12.

The Commissioners agreed that there should be a condition of approval that a revised floor plan be submitted to the Land Use Office in order to obtain the Special Permit for an accessory apartment.

Motion:

to close the Public Hearing for Alger and Karabell/112 River Road/Special Permit: Section 13.11.3/Detached Accessory Apartment,
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Supply Holdings, LLC. /2 Calhoun Street/Special Permit: 8.6 Reduction in Minimum Setback for Two Accessory Structures:

Ms. Hill read the legal notice published in Voices on Wednesday, April 11, 2012 and April 18, 2012 and then read the list of documents in the file. Mr. Szymanski, P.E. was present to represent Supply Holdings LLC, property owners. Mr. Szymanski and the Commissioners looked at the plans titled Site Development Plan for Supply Holdings, LLC, sheet SD.1, revision date of 4-20-12 by Arthur H. Howland & Associates, P.C. Mr. Szymanski stated that Washington Supply Company propose to construct two accessory buildings in the back of the property: the proposed shed along

the Bee Brook Road side of the property is 140' by 28' and the shed at the back of the property is 56' x 28'. The proposed sheds would have a barn look with red board and batten siding and metal roofs, which would tie into the existing structures on the property and the Depot area. Mr. Szymanski stated that there would be additional landscaping and the existing landscaping would remain. The Commissioners and Mr. Szymanski looked at photos of the property and a rendering of the two proposed sheds (drawing titled Sketch Renderings, prepared for Washington Supply Company, sheet number SR, with a revision date of 2-14-12). Mr. Szymanski stated that the sheds would be used to reorganize the storage of materials.

Mr. Solley asked what the existing setback is from the DOT property line to the left side shed. Mr. Szymanski stated that the proposed structure is 3' from the DOT property line and the existing structure is as close as 2.7'. Mr. Solley asked if there was any consideration to moving the proposed building further away from the property line. Mr. Szymanski stated that they did consider moving the shed further into the property but the overhang on the building to the west of the proposed shed and the grade change would not allow for continued traffic circulation within the site. Mr. Szymanski stated that the lot coverage is within the allowable 25% with the existing lot coverage at 19.25% and the proposed lot coverage at 22.4%. Mr. Solley stated that he would be happier with 5 or 6 feet away from the DOT property line and feels that it would not encumber the drainage. He stated that the proposed plan is asking for an extreme exception to the Zoning Regulations. Mr. Szymanski stated that the distance between the overhang of the westerly located building and the proposed shed is as little as 22 feet and to move the proposed shed closer would affect the two way vehicular circulation. He stated that the goal was to work with the history of the property and to remove and relocate existing buildings in order to conform to the Zoning Regulations. Mr. Ajello stated that the lumberyard is not spacious but he did not steer the applicant to increase the sideyard setback because of the wording in Section 8.6.1 of the Zoning Regulations state that the reduction "will enhance the village character of the District by aligning the proposed structure or structures generally with neighboring existing buildings in the District."

There was a brief discussion regarding traffic flow within the site. Mr. Szymanski stated that large 18 wheel trucks would have three different traffic options on the site.

There were no further questions or comments.

Motion:

to close the Public Hearing for Supply Holdings, LLC./2 Calhoun Street/Special Permit: Section 8.6/Reduction of Minimum Setback Requirement for Construction of Two Accessory Buildings, by Mr. Reich, seconded by Mr. Abella, passed by 5-0. vote.

The Gunnery, Inc./22 South Street/Special Permit: Section 4.4.10/Athletic Fields:

Ms. Hill read the legal notice published in Voices on Wednesday, April 11, 2012 and April 18, 2012 and then read the list of documents in the file.

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

Mr. Fitzherbert stated that there are rules that have been used in the past for Public Hearings and these rules would be applied to this Public Hearing and he briefly went through these rules.

Mr. Fitzherbert stated that Mr. Solley has thought about recusing himself from this Public Hearing. Mr. Solley stated that he submitted a letter to the Zoning Commission stating his intention to recuse himself from all matters regarding The Gunnery Special Permit Application for The Gunnery Athletic Fields dated April 23, 2012 (on file in the Land Use Office). He stated that his wife serves on the Board of Trustees for The Gunnery. Mr. Fitzherbert stated that the Zoning Commission would accept Mr. Solley's recusal.

Mr. Reich stated that he considered recusing himself for two reasons. He stated the first reason was because of his position as a member of the Parks and Recreation Commission, he has always considered more athletic fields in the Town of Washington to be beneficial. Mr. Reich stated that he does not feel that there is a "conflict between the interests of these two town commissions." He stated that his second reason for considering recusal is that he taught at The Gunnery. Mr. Reich stated that he retired 6 years ago and his separation has been total and he is not predisposed to favor this applicant. He stated that he is prepared to bring his objectivity that he used as a physics teacher to the consideration of this application and that he is "not directly or indirectly interested in either a personal or financial sense in this application." Mr. Reich stated that for these reasons he would not recuse himself (Mr. Reich's statement is on file in the Land Use Office).

Mr. Werkhoven stated that his wife retired from teaching full time at The Gunnery two years ago and she now tutors at The Gunnery an average of 6-7 hours a week as needed. He stated that he understands his role as a Zoning Commissioner to objectively weigh the arguments for and against any proposal within the guidelines of the Town's Zoning Regulations. He stated that as a former science teacher, he believes that he has the skills to objectively consider this application and that his wife's limited relationship with The Gunnery would not compromise his objectivity. Mr. Werkhoven stated that he would like to be seated for the Public Hearing for this application and does not feel that he needs to recuse himself due to his limited relationship with The Gunnery.

Mr. Fitzherbert asked if there were any residents that object to Mr. Werkhoven being seated.

Atty. O'Hanlon stated that his client, Mr. Stern, a Town of Washington property owner, objects to Mr. Werkhoven being seated. Mr. Stern stated that he objects to Mr. Werkhoven being seated for this Public Hearing.

Mr. Werkhoven stated that based upon Mr. Stern's objection, he has been advised by the Town's Land Use Attorney, that according to Section 8.11 of CGS, he has no choice but to recuse himself from this Public Hearing and stated that, "I do now with sincere hope of avoiding further expensive legal actions against the Town. I do believe that these decisions are best made locally...approved by the Town and not by the court system."

Mr. Fitzherbert stated that he accepts Mr. Werkhoven's recusal.

Mr. Solley and Mr. Werkhoven left the table.

Seated: Mr. Fitzherbert, Mr. Reich, Mr. Abella, Mr. Wyant, Alt.

Mr. Fitzherbert stated that, given the time, this Public Hearing would be continued after the Applicant is done with their presentation this evening

Atty. Williams, partner at Shipman and Goodwin LLP, Counselors at Law, stated that his law firm is representing The Gunnery and that tonight Ms. Graham, Head of School at The Gunnery, and the team of consultants for this project would speak tonight. Atty. Williams stated that The Gunnery is proposing two athletic fields, with scoreboards and associated parking, which will primarily be used for the JV sports teams in spring and fall for weekday practices and games on Wednesday and Saturday.

Atty. Williams stated that the proposed plans that were provided demonstrate that this application complies with all of the Special Permit Criteria in Section 13.1.b of the Zoning Regulations. He stated that the proposed athletic fields are part of a School that is a permitted use under Section 4.4.10 in the R-1 District. Atty. Williams submitted a letter dated 4-1-10 from the State of Connecticut, confirming that The Gunnery is an accredited school. He stated that The Gunnery is a member of the Connecticut chapter of the National Association of Independent Schools which has a one page statement on its website www.nais.org of the role of athletics in schools, he submitted a copy of this statement for the record and read excerpts of this statement. Atty. Williams stated that athletics are an important part of The Gunnery's educational program and that it is common in the Town of Washington for a public or private school to have off site educational facilities. He stated that a letter from the Town's Land Use Attorney, Atty. Zizka, to Mr. Martin, Chairman of Washington Zoning Commission, dated 9-22-05 addresses accessory use vs. principle use (on file in the Land Use Office). Atty. Williams stated that in this letter, Atty. Zizka advised the Zoning Commission that the term "principle use" could "be applied to any of the uses that the Zoning Regulations permit by special permit," that "the concept of a centralized campus is not supported by the Zoning Regulations or by general Zoning Law...To constitute a school use the regulations do not require any particular structure be built or any particular form of school use to be conducted and that if the proposed activities are intended to be educational in nature, it would be well within the Commission's discretion to consider those activities to constitute a "school" use." Atty. Williams stated that The Gunnery's use of the proposed athletic fields would be educational in nature.

Atty. Williams stated that in the letter to Mr. Fitzherbert, Zoning Commission from Atty. Andrews, dated April 5, 2012 (on file in the Land Use Office) addresses how this application complies with each of the Special Permit criteria and is supplemented by reports and other information. He stated that The Gunnery hired qualified experts to design the best athletic fields possible with the least impact to the environment and surrounding properties.

Atty. Williams addressed the two Intervener petitions that were submitted to the Zoning Commission under the Environmental Protection Act from Ms. Zelenko and Mr. Stern. He stated that these are the same intervening parties that appeared before the Inland Wetlands Commission and that the allegations made to the Zoning Commission are the same as the allegations made to the IWC. The proposed plan for The Gunnery Athletic Fields were approved by the IWC which stated in their motion of approval that the interveners failed to prove their allegations and that the evidence showed that The Gunnery Athletic Fields would have no significant adverse impact on wetlands or watercourses. He stated that the interveners have the right to participate as a party in this proceeding with respect to environmental issues, but they must prove their allegations and they bare the burden of proving that there will be some unreasonable pollution or impairment of the environment with specific evidence and that speculation or generalities inadequate to satisfy their burden of proof. Atty. Williams stated that the Zoning Commission, at the end of this process, should make separate findings as to any SEPA (State Environment Protection Act) allegations,

specifically whether the proposed activities are likely to unreasonably pollute, impair or destroy the natural resources of the State and if there are no findings then there is no need to look at or decide whether there are feasible alternatives.

Mr. Fitzherbert stated that information that was submitted to the Inland Wetlands Commission and was reviewed and approved by the IWC and does not tie to Zoning Regulations is a mute point during this Public Hearing and he would only like speakers to address issues that relate to the Zoning Regulations.

Ms. Graham, Head of School at The Gunnery, stated that she has been at the school for 21 years and that the athletic program is an integral part of The Gunnery Program. She stated that there are 280 students and every student must play a sport. Ms. Graham stated that the existing fields cannot accommodate this number of students and feels the proposed plan for these athletic fields are necessary for the school and has been designed to have minimum impact on the surrounding natural resources.

Mr. Smith, Licensed Land Surveyor at Smith & Company, presented the map titled South Street Athletic Fields, 100 scale Site Plan, prepared for The Gunnery, by Smith & Company, Sheet 2 of 8, with a revision date of 12-9-11. He stated that the parcel consists of 70 acres and he pointed to the surrounding property owners and existing structures on the property, as indicated on the Site Plan. He stated that the parcel is wooded, the highest point is about 990ft, which transitions down to a low point of about 750 ft, and the cross section through the proposed fields is about 14%. Mr. Smith stated that the total wetlands are about 8.9 acres, which is 13% of the total parcel. He displayed a 1934 aerial photograph of the property and submitted copies to the Commissioners and he discussed the orientation of the property. Mr. Smith pointed out the stonewalls in the photograph and cleared areas used for pasture and that this property has not always been a forest.

Mr. Smith displayed the map titled Site Plan to discuss the proposed athletic fields and stated that the proposed plan indicates a request to extend the existing driveway with the processed stone portion at a 1% grade. He stated that the two proposed fields are in the center of the property and measure 225' x 360' each. Mr. Smith stated that there will be no curbing on the driveway, they are proposing a wooden guide rail along the upper edge above the fields, 20 parking spaces at the upper area of the driveway, parking for 5 of the school's vans on the lower driveway and 3 full handicap accessible van spaces. He stated that the proposed plan indicates 30 bleachers per field with 71 poured concrete stairs with 6"risers and there would not be toilets but there would be 4 ADA compliant port-o-lets.

Mr. Smith addressed the elevation difference and stated that the elevation of the parking is at 924' and the fields are at 890', which results in a 34' difference. He stated that the grade slopes down to 866' on the northern side of the proposed fields and the average cut into the hillside would be an average of approximately 10' with the deepest cut at 18'. The average fill on the north side would be 15' and 16' at the northwest corner. Mr. Smith stated that they have done an analysis of the entire property and the excavation involved and have calculated that 55,000 cu. yards of material would be removed from the upper portion and relocated to the lower portion, keeping all of it on site.

Mr. Smith stated that they did consider access to the fields from Route 47 and the sight lines and access are not as good as the intersection at South Street, the grades across the hillside at the

northern part of the property would require a long serpentine driveway because of the grade and the amount of land disturbance would be far greater than what is being proposed.

Mr. Smith stated that cross sections of the Stern and Crumrine properties and Route 47 boundary were submitted. (Maps titled Cross Section to Stern Boundary, Cross Section to Crumrine Boundary and Cross Section to Route 47 Boundary, for The Gunnery, by Smith & Co, dated 3-19-12. On file in the Land Use Office). He explained the slight difference in existing grade change and proposed grade change and stated that the proposed fields would not be visible from any of the three surrounding boundaries.

Mr. Buck of Buck & Buck, LLC Engineers stated that his firm worked on the drainage system and drainage computations for the proposed athletic fields. He stated that the natural water that comes off the hillside would drain into the 3 level spreads located down gradient edge of the proposed fields and that post construction there would be a decrease in both the total volume and the peak rate of runoff from storm events. Mr. Buck distributed photos of the level spreader that was installed at Rumsey Hall School and stated that the design is essentially the same. He stated that the drainage from this property passes to the east and on to the south and there would be no drainage impact to the Zelenko and Stern properties, but there could be impact to the Crumrine, Swain and Burton properties but there would be no increase in peak rate runoff and "in fact it would be a very slight decrease as a result of a very small diversion of water that now flows towards the Crumrine property." Mr. Buck stated that the proposed development of these athletic fields would not have an impact on the well fields and that the small amount of ledge rock that would have to be removed would be done by mechanical means.

Dr. Cohen from Environmental Turf Services in Maryland stated that he would talk about three topics from the report titled The Gunnery School Athletic Field Turf Management Plan, by Environmental & Turf Services, Inc. included in The Gunnery's March 19, 2012 Special Permit Submission (on File in the Land Use Office). Dr. Cohen stated that that a well-maintained, healthy turf would provide a playing surface to ensure the safety of the players. He stated that The Gunnery has opted to sod the site with Kentucky Bluegrass along with a small amount of perennial applications which would help with erosion control during the construction process and it guarantees a better "grow in" which would eliminate the need for a lot of pesticides in the first several years of operation. Dr. Cohen stated that a soil test was done by The University of Connecticut to determine what was needed to supplement the soil. He discussed the maintenance plan, pest management and potential impacts and stated that a Tier 1 Risk Assessment was done. He stated that this assessment errs on the side of conservatism that predicted no impacts to aquatic organisms. Dr. Cohen submitted a letter addressed to Mr. Bedini, Chair of the Inland Wetlands Commission, dated 2-15-12 addressing concerns of pesticides from the Interveners. He stated that this letter includes calculations regarding the efficacy of runoff buffers and that a runoff buffer of 50' to 100' would provide adequate protection. Dr. Cohen stated that they have recommended economically and environmentally sound recommendations to The Gunnery, which should be evaluated in three years time, based on more soil tests

Mr. Klein, Soil Scientist from Environmental Planning Services, stated that the property is a north facing hillside with second growth, mixed hardwood forest and he and the Commissioners looked at the SCS Soils Map and then the NRCS Digital Soil Survey Map of the South Street Athletic Fields, dated 1-17-12 (on file in the Land Use Office) and Mr. Klein discussed the differences of the two. He stated that NRCS changed the name of some of the soils and classifications but the

results are essentially the same in that they show well drained soils. Mr. Klein displayed the map titled South Street Athletic Fields 100 Scale Site Plan, by Smith & Company, prepared for The Gunnery, Sheet 2 of 8 with a revision dated of 12-9-11 with the added table: Figure 5. Soil Samples Collected @ South Street Athletic Fields by Michael S. Klein, January 29, 2012.

Mr. Klein displayed Recommended Best Management Practices: 1. Phase and/or seasonal construction. 2. Double silt fence and wood chip berm. 3. Temporary sediment traps. 4. Flocculants as necessary. 5. Sodding. 6. Site specific turf management. He stated that there are two elements of the Special Permit approval criteria that his report addresses. Mr. Klein discussed the proposed landscape buffer on all the graded slopes and the requirement to preserve natural features, protect the environment and provide a sustainable development. There would be no loss of habitat on the site, the groupings of plants and other important environmental elements would remain and the integrative pest management plan along with the sizable buffers will maintain water quality in terms of sustainability.

Mr. Galante from Frederick P. Clark Associates, Inc. was present to discuss the report titled Traffic Access & Impact Study, The Gunnery South Street Athletic Fields, dated April 2, 2012. He stated that the traffic study report specifically addresses a Wednesday afternoon and Saturday afternoon game day condition and primarily focuses on the South Street Woodbury Road intersection. He stated that they did manual counts during the peak hours and machine counts. Mr. Galante stated that the results indicate that the area roads carry a low volume of traffic during each of the peak hours and South Street carries a significantly lower volume than Woodbury Road (Route 47). He stated that a minimal delay will be experienced on these roads at these times. Mr. Galante stated that they studied accident data and for the past 3 years and there have been three accidents which were all 1 car accidents. Based on the results of the analysis, the impact of this development on the road system is insignificant and they do not recommend any modifications in traffic control.

Mr. Brooks, Acoustic Engineer, from Brook Acoustics Corporation, stated that based on the acoustical analysis (dated April 4, 2012. On file in the Land Use Office) the existing quiet background environment would be maintained, which includes traffic from Route 47 and South Street, "sounds of nature and other neighborhood typical sounds." He stated that the athletic fields would add the non-intrusive sound of students and infrequent game sounds. Mr. Brooks stated that the projected sound levels meet the DEEP regulations. Mr. Fitzherbert asked if elevations were taken into account and Mr. Brooks confirmed that they were.

Mr. Hunter, Connecticut Certified Appraiser and MAI of Hunter Associates, LLC was present to discuss the Neighborhood Impact Study, dated April 3, 2012 (on file in the Land Use Office). Mr. Hunter stated that he reviewed the proposed development in terms of determining whether there would be a negative impact on surrounding properties. Mr. Hunter stated that they looked at the physical and economic impacts and from a visual point of view there is no impact if you look at the Cross Section Maps from Smith & Co and there is no traffic safety or acoustic issues. He stated that he looked at properties that are abutting or next to similar athletic fields that do not have lights, compared the sale prices of some of the single-family residences which did not have athletic fields near them. Mr. Hunter stated that, in his opinion the proposed athletic fields would not adversely affect property values or have a negative impact to the neighborhood.

Motion:

to continue the Public Hearing for The Gunnery, Inc/22 South Street/Special Permit: Section 4.4.10/Install Athletic Fields to Tuesday, May 8, 2012 in the Land Use Meeting Room at Bryan

Memorial Town Hall at 7:30 pm,
by Mr. Reich, seconded by Mr. Abella, passed by 4-0 vote.

REGULAR MEETING

10:25 pm: Mr. Reich leaves and Mr. Wyant is seated.

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Solley, Mr. Abella, Mr. Wyant, Alt.

Consideration of the Minutes

The minutes of the March 26, 2012 Zoning Commission Meeting were considered.

Motion:

to approve the Zoning Commission Regular Meeting Minutes of March 26, 2012, as submitted,
by Mr. Werkhoven, seconded by Mr. Abella, passed by 5-0 vote

Pending Application(s)

10 Main Street, LLC./10 Main Street/Special Permit: Sections: 7.5 and 7.6/Increase in Maximum Lot Coverage. Reduction in Minimum Setbacks/Additions to Commercial Building and Garage:

The Commissioners considered this application and were in agreement that .3% was a minimal increase in lot coverage and that no neighbors expressed concern. Mr. Solley stated that he feels that the applicant addressed Section 7.5 and 7.6 of the Zoning Regulations sufficiently. Mr. Wyant and Mr. Werkhoven stated that they supported this application.

Motion:

to approve the application for 10 Main Street, LLC., 10 Main Street for a Special Permit: Section(s) 7.5 & 7.6 for an Increase in Maximum Lot Coverage and a Reduction in Minimum Setbacks for Additions to Commercial Building and Garage,
by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

Alger, Karabell/112 River Road/Special Permit: 813.11.3/Detached Accessory Apartment:

The Commissioners stated that submitting a revised floor plans including the kitchenette to the Land Use Office would be a condition of approval for this application.

Motion:

to approve the application for Alger and Karabell, 112 River Road for a Special Permit: Section 13.11.3 for a Detached Accessory Apartment with the condition that a revised floor plan including a kitchen are submitted to the Land Use Office,
by Mr. Fitzherbert, seconded by Mr. Abella, passed by 5-0 vote.

Supply Holdings, LLC. /2 Calhoun Street/Special Permit: 8.6 Reduction in Minimum Setback for Two Accessory Structures:

Mr. Solley stated that he is concerned with the setback from the DOT property line. Mr. Fitzherbert stated that he was concerned that placing the proposed building 22 feet from the

existing building to the west would be very cramped. Mr. Wyant stated that it would be difficult for two trucks to pass between 17 feet. There was a brief discussion regarding the proximity of the second shed to the Steep Rock easement line.

Motion:

to approve the application for Supply Holding, LLC., 2 Calhoun Street for a Special Permit: Section(s) 8.6 for a Reduction of Minimum Setback for the Construction of Two Accessory Buildings,

by Mr. Werkhoven, seconded by Mr. Wyant, passed by 4-0-1 vote. Mr. Solley abstained.

New Application(s)

Rumsey Hall School/201 Romford Road/Special Permit: Section 4.4.10/Demolition, Reconstruction, Enlargement of Dining Hall-Student Center and Section 12.8.2/Temporary Kitchen Facilities:

The Commission set the Public Hearing date for this application. Motion:

to schedule a Public Hearing on May 21, 2012 at Bryan Memorial Town Hall at 7:30 pm to consider the application for Rumsey Hall School/201 Romford Road/Special Permit: Section(s) 4.4.10/Demolition, Reconstruction, Enlargement of Dining Hall-Student Center and Section 12.8.2/Temporary Kitchen Facilities,

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

Community Table Restaurant, LLC./223 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Greenhouse Addition to Existing Building and Additional Parking Spaces:

The Commission considered this application. Motion:

to schedule a Public Hearing on May 21, 2012 at Bryan Memorial Town Hall to consider the application for Community Table Restaurant, LLC./223 Litchfield, Turnpike/Special Permit: Section 10.4.1.a/Greenhouse Addition to Existing Building and Additional Parking Spaces,

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

Other Business

Referral from Roxbury Zoning Commission/Proposed Revisions to the Roxbury Zoning Regulations:

Ms. Hill stated that the Land Use Office received a referral from the Town Of Roxbury regarding revisions that were made to their Zoning Regulations and that she would have it in her office if someone wanted to review the changes.

Privilege of the Floor

Zoning Enforcement

The Commissioners considered the Zoning Enforcement Report dated April 23, 2012.

Community Table/223 Litchfield Turnpike:

Mr. Ajello stated that a Special Permit application was submitted and that more detail is in his Enforcement Report.

Smith/35 East Shore Road:

Ms. Hill stated that she sent a certified letter to Ms. Smith. Ms. Smith contacted her to let her know that she is out of State and would contact her when she returned.

Adjournment

Motion:

to adjourn at 10:50 pm. by Mr. Fitzherbert, seconded by Mr. Abella.

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk,