

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
Zoning Commission Regular Meeting

**MINUTES**

April 24, 2023

7:30 P.M. – Virtual Meeting

**MEMBERS PRESENT:** Chair Solley, J. Hill, D. Werkhoven, V. Andersen, W. Farrell (arrived at 7:48pm)

**MEMBERS ABSENT:** None

**ALTERNATES PRESENT:** S. Smith, E. White

**ALTERNATES ABSENT:** S. Mongar

**STAFF PRESENT:** S. White, T. Rill, M. Haverstock

**PUBLIC PRESENT:** R. Solomon, M. Solomon, M. Giampietro, K. Hunt, R. Hunt, K. Gallagher, D. Buell, Attorney Fisher, S. Branson, D. Glass, R. Bartsfield, J. Lodsin, J. Averill, J. Harris, R. Ullram, S. Ullram, D. Pushlar, D. Arturi, M. Weber, C. Francis, M. Revere, S. Payne, L. Gendron, M. Rogers, H. Rogers, D. Sarjeant, J. Sarjeant, S. Dodge, R. Parker, E. FitzHugh, L. Glover, D. Dupuis, M. Purnell, L. Anderson, L. Brass, P. Talbot, G. Lewis, Other Members of the Public

**PUBLIC HEARING(S):**

Chair Solley called the Public Hearing to Order at 7:34pm.

Seated for the Public Hearing is Chair Solley, J. Hill, D. Werkhoven, V. Andersen and E. White for W. Farrell.

**Request of Harris, 254 New Milford Turnpike, for a Modification to an Existing Special Permit, Section(s): 9.5 – Maximum Lot Coverage, 9.6-Minimum Setback and Yard Dimensions, 11.6.3.A – Open Fences, 12.3-Buffers, 12.15 Outdoor Lighting in Residential Districts and 15.2 – Number of Parking Spaces:**

Chair Solley explained that he would like to address each of the Zoning Regulation Sections that the applicant is requesting the modification for, one-by-one. Dean Pushlar, representing the property owner, began with:

**Section 9.5- Maximum Lot Coverage:**

Due to the property owner's removal of an apartment building, there is a reduction in lot coverage. The lot coverage will now be 4.82% with the proposed parking.

**Section 9.6: Minimum Setback and Yard Dimensions:**

S. White overviewed each Section of 9.6.

Section 9.6.1: the location on the property that is requested for this Section was not visible from the road, therefore not a major concern.

9.6.2: not applicable.

9.6.3: A survey has been provided and a photometric site plan has also been submitted.

9.6.4: Commission may want to consider requesting that the garbage dumpster be moved away from the residential location and river – possibly to the western side of the property. Mrs. Hill stated that a fence under 8-feet tall could be added - up to the property line. The lamp posts along the edge of the property line are considered structures as per the Zoning Regulations. The Inland Wetlands Commission approved the proposed plantings. Mr. Pushlar stated that he would return to the Wetlands Commission to provide them the updated plan, if needed.

Mrs. Hill was concerned that the location of the fence was confusing and requested a more accurate site plan. The proposed location will be 7-foot 6-inches from the property line, if approved. The lights and gravel parking area will also be moved 7-foot 6-inches from the property line, if approved. Ms. White pointed out that the lighting just before the bridge was not a part of the original approval.

Mr. White questioned the parking area coverage. Mr. Pushlar explained that 18-feet is needed for parking and 24-feet is required for the aisle area. The location of the dumpster came into question. Mr. Pushlar explained that this area is where the apartments and storage for the White Horse are located.

Chair Solley asked Mr. Pushlar to explain the need for this parking area. Mr. Pushlar stated that the owners of the parking area across the street no longer allowed The White Horse to use their lot for restaurant parking.

Chair Solley then questioned the tent that had been approved during Covid for outdoor dining, and whether or not that area could be used for parking. Mr. Harris, owner of the property, stated that the area was not viable for parking.

Chair Solley questioned if the parking area directly over the bridge, (labeled on plan as – Existing Gravel Parking, permitted 2015, 4508 S.F – 8 spaces), would be used for customer parking. Mr. Pushlar confirmed.

Sixty-six spaces total – which includes the area in front of the White Horse, the area just over the bridge by the house, (as labeled on the Site Plan), and the employee parking area.

Mrs. Hill questioned the stones/boulders in the parking area that are directly on the neighbor's property line, and whether or not the applicant intended to receive permission from that property owner to leave them there. Mr. Pushlar stated that they will be removed if the property owner would like them to be.

Mr. White questioned the location of the dumpster, adding that another location would be more considerate to the neighbors as far as noise and lights are concerned.

#### 11.6.3.A – Open Fences:

Mr. Pushlar confirmed that a six-foot tall, 150-foot long fence will be located at the beginning of the delineation line that separates the Business District from the Residential District down to the neighboring property line will be on the proposed 7-feet 6-inch setback.

The Commission questioned the vegetation that will be planted as a buffer. The list includes Red Maple, Juniper, Arborvitae, and Switch Grass. These plantings are known to grow tall and will serve as a buffer from the lighting.

#### 12.15: Outdoor Lighting in Residential Districts:

Chair Solley noted that lighting is a main concern, especially for the neighbor. Mr. Pushlar explained that they are proposing a 10-foot-high post with an LED adjustable light. Mrs. Hill questioned why light shield would not be placed on all of the lights. Mr. Pushlar explained that this affects the distribution of the light, but they will be on the lights located on the proposed 7-foot-six-inch line.

Mrs. Hill questioned the reduction of the height of the light posts to 10-feet and why it could not be shorter. Mr. Pushlar explained that the light distributes more the higher it is.

Mrs. Hill then asked if bollard lights would be more effective. Mr. Pushlar stated that some could be changed to bollards. He added that a shield can also be placed on the back of the lights. On the light labeled "Replace Fixture", the Commission has asked that a shield be placed. Ms. Haverstock pointed out that this particular light was not approved originally, so a solution regarding it needs to be made. The light in the tree illuminating the river should be removed. The Commission discussed a timer for the lighting. Mrs. Hill noted that both addresses owned by Mr. Harris – 254 and 258 New Milford Turnpike were listed on the site plan, and that on the site plan it reads that the applicant will abide by the dark-sky friendly regulations, therefore, whichever property the light in the tree is located, it needs to be removed as it is not allowed. Mr. Pushlar agreed.

Mrs. Hill questioned the wattage of the lights. Mr. Pushlar discussed the photometric plans and explained that the lights can be dimmed if they are too bright.

#### 15.2 – Number of Parking Spaces:

Chair Solley questioned the use of the tent near the front parking area of The White Horse. Mr. Harris explained that it had been placed there during Covid as an outdoor dining area. Chair Solley asked if this tent was going to be removed now that Covid restrictions have eased, and asked if this area could be used for extra parking. Mr. Harris explained that he would like to keep the tented area and that this area was not a potential parking area. The Commission informed Mr. Harris that the tent will need to be permitted if it is going to become a permanent structure. Also, the Commission questioned if the number of seats under the tent were counted by the Health Department. Mr. Harris stated that he would reach out to the Health Department.

Chair Solley asked if the members of the public would like to speak.

Ms. Gallagher of 3 Findlay Road stated that the lighting is a huge problem for her and her family, with bright lights shining in her windows all night long. There is also a light that is illuminated and reflects off of the river and shines into her son's bedroom. She added that a light post had been added to the Site Plan, there was no shielding from the illuminated river, and there is currently a light post on her property, along with the rocks and boulders that she would like removed. Ms. Gallagher voiced her concern regarding the size of trees that will be planted, questioning the timing and growth. She went on to explain that, currently, tenants were parking in the location of a former shed that is uphill from her home and their headlights shine into the windows. Mr. Pushlar stated that parking will no longer be allowed in this area.

Mrs. Hill asked Ms. Gallagher if she felt the proposed plantings and six-foot fence would be a sufficient buffer. Ms. Gallagher said it would help, however, there was a ten-foot light post that was still an issue.

Chair Solley explained that conditions can be made to the Modification of the Special Permit.

Ms. Gallagher concluded her concerns by adding that the location of the dumpster brings forth a nuisance in regards to noise, litter that blows onto her property and the trash haulers lights in her windows very early in the morning.

Mr. Harris confirmed with Mr. Pushlar that the lights could be put on a dimmer.

Attorney Fisher, representing Ms. Gallagher, stated that the issue comes down to commercially zoned activity that is taking place next-door to a residential zone, and the several steps could be taken by Mr. Harris that could improve the situation. He added that the light illuminating the river that is not permitted could be taken care of rather quickly and eliminate the issue for Ms. Gallagher.

Mrs. Hill clarified that Dark-Sky Friendly – Section 12.15 is intended for the residential zone, however, the applicant stated on their plan that they would comply.

**MOTION: To grant a continuance for the Request of Harris, 254 New Milford Turnpike, for a Modification to an Existing Special Permit, Section(s): 9.5 – Maximum Lot Coverage, 9.6-Minimum Setback and Yard Dimensions, 11.6.3.A – Open Fences, 12.3-Buffers, 12.15 Outdoor Lighting in Residential Districts and 15.2 – Number of Parking Spaces, for the May 22, 2023 Washington Zoning Commission meeting at 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall and via Zoom Video Conference, by V. Andersen, seconded by E. White, approved unanimously.**

#### **REGULAR MEETING:**

The Regular Meeting was called to Order at 9:16pm.

Chair Solley, Mrs. Hill, Mr. Werkhoven, Mrs. Andersen and Mr. Farrell were seated.

#### **CONSIDERATION OF THE MINUTES:**

**MOTION: To approve the March 27, 2023 Washington Zoning Commission Meeting Minutes as submitted, by V. Andersen, seconded by J. Hill, approved unanimously.**

#### **NEW APPLICATIONS:**

There were no New Applications.

#### **OTHER BUSINESS:**

##### **101 Wykeham Road – Update – NO VOTE:**

Chair Solley stated that the Commission was waiting on the fire suppression details as well as the lighting plan with opinion from Cardinal Engineering. Ms. White stated that she had received an email from the lighting experts after 5:00pm that day that she would be passing along.

Chair Solley explained to the public that 101 Wykeham had previously been granted approval for an Inn at this location, and the Commissions task is to affirm that all of the conditions of the 2013 Settlement Agreement and the Conditions of the Modification of the Special Permit from 2018 comply.

Mr. Werkhoven asked if Attorney Zizka could weigh in on the issue regarding the neighbors that had purchased the homes involved in the Settlement Agreement. Chair Solley confirmed that Attorney Zizka could be asked to give his opinion on the matter.

**ENFORCEMENT:**

Ms. Haverstock stated that several permits have been issued in the month of April. She contributed pre-application meetings for the success of these permits.

Ms. Haverstock also discussed the process of Certificate of Zoning Compliance. Once a project is finished, the applicant must schedule an appointment so that she can confirm that the project has met what the application states. Once this step is finished, the Building Department can issue a Certificate of Occupancy.

**INVOICES AND COMMUNICATIONS:**

Chair Solley thanked the public for their letters regarding 101 Wykeham Road and confirmed they had been received and read.

Ms. White informed the Commission that beginning July 1, 2023, she will be developing a spreadsheet for invoices that the Commission can view monthly.

**PRIVILEGE OF THE FLOOR:**

M. Giampietro presented the Commission with a picture of the future inn super-imposed over a picture of Bryan Hall Plaza to compare the size. She asked the Commission to read and abide by the Washington Zoning Regulations.

K. Hunt voiced her frustrations regarding the future inn – lighting, the traffic and, water issues to list a few.

R. Solomon has requested that the Commission vote on whether the issues raised by neighbors, including herself and M. Purnell, could be forwarded to Cardinal Engineering for review. Ms. White explained that she forwards the letters to Attorney Zizka and Wykeham’s Attorney Sherwood and believes they decide what is forwarded to Cardinal Engineering. Chair Solley stated that he did not realize this was the process and would speak to Attorney Zizka. The Commission agreed that there were issues in the letters that should be considered.

M. Weber voiced her concern regarding the tented events and questioned the noise coming from them. Chair Solley explained that 101 Wykeham will be limited in the number of events and are prohibited from having amplified sound at the events. Mrs. Weber added that she felt that it is unfair that places like Averill Farm and Spring Hill Vineyard were only allowed to have a few events per year, while the future inn as well as The Mayflower were allowed to have several per year. Mrs. Hill clarified that the number events allowed at 101 Wykeham were based on a court settlement.

M. Solomon questioned the fire suppression system and noted that the third-party review expressed that there would not be enough water for tented events and meeting room events for fire suppression.

M. Purnell asked the Commission to consider that there are current Regulations in place that were not Regulations in 2013. She also pointed out that in the April 13<sup>th</sup> letter, the math regarding the water usage is incorrect. (02hr. 13min. 56sec.)

**ADMINISTRATIVE BUSINESS:**

There was no Administrative Business for this evenings meeting.

**ADJOURNMENT:**

**MOTION:** To adjourn the April 24, 2023 Washington Zoning Commission meeting at 9:52pm, by V. Andersen, seconded by E. White, approved unanimously.

Meeting Recording can be found here:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/person/trill\\_washingtonct\\_org/EeEHjia1CJNEiPC8mlkkcDIBhbNlIrS\\_T7aDZCx7EKUg?e=7tbXxe](https://townofwashingtongcc-my.sharepoint.com/:u:/g/person/trill_washingtonct_org/EeEHjia1CJNEiPC8mlkkcDIBhbNlIrS_T7aDZCx7EKUg?e=7tbXxe)

**Respectfully Submitted,**

*Tammy Rill*

**Tammy Rill**

**Land Use Clerk**

**May 1, 2023**

**\*Minutes filed, subject to approval**