

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

MINUTES

January 23, 2023

7:30 P.M. – Virtual Meeting

MEMBERS PRESENT: Chair Solley, J. Hill, W. Farrell, V. Andersen, D. Werkhoven (arrived at 7:36pm)

MEMBERS ABSENT: None

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

ALTERNATES ABSENT: None

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

PUBLIC PRESENT: R. Boehning, R. Swain, M. Revere, B. Papsin, S. Schereshewsky, R. Solomon, M. Solomon, S. Branson, H. Barnet, K. Detje, L. Gendron, First Selectman J. Brinton, S. Ullram, M. Miner, M.J. Andrews, P. Becker, K. Lavaway, C. Cowell, D. Varnish, M. Giampietro, E. FitzHugh, J. Lodsins, R. Bartfield, G. Gambee-Lewis, M. Ewing, M. Gil-Rogers, R. Fisher, D. Ringel, T. Bent, Other Members of the Public

PUBLIC HEARING(S):

Request of The Frederick Gunn School, 99 Green Hill Road, for a Modification to the Special Permit regarding the Center for Innovation and Active Citizenship:

Chair Solley, J. Hill, W. Farrell, V. Andersen are seated – Alternate E. White is seated for D. Werkhoven.

The Land Use Department had received a complaint from a neighbor of 22 South Street that there had been an excessive amount of large construction vehicles travelling to the site daily. Upon inspection, ZEO MaryAnn Haverstock discovered The Frederick Gunn School have been using the property to store material and dirt from their 99 Green Hill construction of the Center for Innovation and Active Citizenship building.

Christopher Cowell, Chief Financial Officer for The Frederick Gunn School, stated that the school is requesting a modification to a current Special Permit that would allow for storage of the materials at 22 South Street. Mr. Cowell explained that the 99 Green Hill site was fairly tight, and as a safety precaution for the students as well as the preservation of some trees and landscape, the contractors had started transferring materials to the South Street site, which the Frederick Gunn School also owns. He added that the trucks would stop hauling to the South Street property on February 10th, 2023 and begin again on June 1st, 2023, and ending again on August 31st, 2023 when the project will be completed.

The school has considered alternating the trucks route to Nichols Hill Road and Route 199 to ease the noise disturbance and truck traffic. Mr. Lavaway, representing The Frederick Gunn School, stated that they have

limited the hours of travel from 8:30am to 3:30pm. The school would also be willing to limit the days of hauling from Monday to Friday.

V. Andersen questioned why the school had not included the use of 22 South Street in the original application. P. Becker, Head of The Frederick Gunn School, stated that the plan had been to store materials on school owned property. Ms. White, Land Use Administrator, explained that the 22 South Street property had not been included on the plans for material storage on the original application. It was added to the modification application.

J. Hill stated that her concern was that the school was asking for permission to use the property for stock piling and storage in an R-1 district, a use that was not allowed by right nor Special Permit. S. White explained that Section 12.7.4 states that, "Stockpiled topsoil and other earth materials shall not be kept closer than 150 feet from a neighboring residence. The Commission may require that such material be graded, seeded or otherwise stabilized to prevent dust, erosion or unsightly appearance". While noting this was not a use per say, it was listed under this Section.

M. J. Andrews, attorney for The Frederick Gunn School, explained that stock piling would be considered as part and parcel to the stages of construction. J. Hill stated that she would not have issue with that if the storage and stock piling were on the same property as the construction that was taking place.

Public Comment (33min. 30sec.):

Mr. Rexford Swain, owner of 8 South Street, stated that he had made the original complaint regarding the traffic to the Frederick Gunn School's 22 South Street property.

Mr. Swain questioned if whether or not Chair Solley should recuse himself from the Public Hearing, explaining that Chair Solley has supported the Frederick Gunn School publicly, noting that the dining hall was named for his family.

Chair Solley explained that his extended family had been involved with the school for numerous years, however respectfully declined recusal.

R. Swain continued by stating he felt the change of hours of operation and travel route was not acceptable. He felt that there were other areas in the town for staging of these materials, as it was in an R-1 district. He felt the project was not planned for correctly, and that this was a problem for the school to solve.

Mr. Dean Ringel of 33 South Street questioned the number of trips, (truck travel), to and from the site from the current date until February 10th, and the number of trips from June 1st to August 31st.

K. Lavaway did not have an exact number, but guesstimates that it would be intermittently 8-10 trucks a week.

D. Ringel then questioned the proposed exact alternate route the school was proposing.

K. Lavaway stated that the proposed return route would be alternating the South Street/Route 47 route with the South Street to Nichols Hill to Roxbury Road route.

Chair Solley asked if the Frederick Gunn School would be willing to look into an alternate spot to store materials. K. Lavaway stated it could be looked into.

The Commission members agreed that they had retained all of the information they needed and to close the Public Hearing.

MOTION: To close the Public Hearing for the Request of The Frederick Gunn School, 99 Green Hill Road, for a Modification to the Special Permit regarding the Center for Innovation and Active Citizenship by V. Andersen, seconded by Chair Solley, approved unanimously.

REGULAR MEETING:

Chair Solley called the Regular Meeting to Order at 8:28pm.

Chair Solley, J. Hill, W. Farrell, V. Andersen and E. White are seated.

CONSIDERATION OF THE MINUTES:

MOTION: To approve the December 19, 2022 Regular Meeting Minutes and the January 9, 2023 Special Meeting Minutes of the Washington Zoning Commission, as submitted, by J. Hill, seconded by V. Andersen, approved unanimously.

PENDING APPLICATIONS:

Request of The Frederick Gunn School, 99 Green Hill Road, for a Modification to the Special Permit regarding the Center for Innovation and Active Citizenship:

Deliberation:

V. Andersen – felt the modification should be denied, that the Frederick Gunn School should be responsible for coming up with a solution to fix the issue.

W. Farrell – agreed with V. Andersen, is not the Commissions duty to find a solution to fix the issue and one that would be less invasive to the neighbors.

E. White – felt that there will be disruption to the neighborhood if the materials are hauled away from the property to another location either way.

J. Hill – did not believe storage and stockpiling was not allowed in an R-1, and a yes vote would mean going against the Zoning Regulations.

Chair Solley – did not believe the South Street property was discussed at the original Public Hearing, and he did not believe Section 12.7.4 would be helpful to this application.

MOTION: To deny the Request of The Frederick Gunn School, 99 Green Hill Road, for a Modification to the Special Permit regarding the Center for Innovation and Active Citizenship – and not allow stock piling and storage at the 22 South Street property, by J. Hill, seconded by V. Andersen, denial carried 4-1 vote.

NEW APPLICATIONS:

Request of Ingrassia, 292 Bee Brook Road for a Special Permit, Section 12.8: Temporary Events, for the 2023 Spring Hill Arts Gathering (SHAG), June 22nd – June 25th, 2023

MOTION: To schedule a Public Hearing for the Request of Ingrassia, 292 Bee Brook Road for a Special Permit, Section 12.8: Temporary Events, for the 2023 Spring Hill Arts Gathering (SHAG), June 22nd – June 25th, 2023, for the February 27, 2023 meeting of the Washington Zoning Commission, 7:30pm, in the Main Meeting Room of Bryan Memorial Town Hall as well as via Zoom Virtual Conference by Chair Solley, seconded by J. Hill, approved unanimously.

OTHER BUSINESS:

Discussion of PA 21-29:

J. Hill informed the Commission that the Committee have almost completed the draft regulations that would permit multi-family housing, condo and rental units throughout the town, as required by PA 21-29. Attorney Zizka has weighed in and would like the Zoning Commission to review the draft at the March Zoning Commission meeting.

Discussion of LID (Low Impact Development) Regulations:

LID is defined as a design strategy using naturalistic, on-site and best management practices to lessen the impacts of development and the quality and quantity of stormwater. A town wide committee has been formed with members include J. Hill, First Selectman Brinton, J. Hubelbank, C. Charles, W. Hileman, S. White, M. Haverstock and B. Papsin. J. Hill explained that there would be changes for the Zoning Commission to consider in the future regarding LID, but explained the Wetlands Commission have been practicing low impact development techniques for years.

ENFORCEMENT:

101 Wykeham, LLC – discussion regarding a Cease and Correction Order - #Z18-09-103, dated September 7, 2018:

On September 7, 2018, former Zoning Enforcement Officer, Richelle Hodza, had issued a Cease and Correction Order to 101 Wykeham.

On September 28, 2018, there had been a response from 101 Wykeham's legal counsel stating that the town did not have the ability to issue the Cease and Correct Order. Also, on September 28, 2018, a company named Fusco had submitted a construction sequence, but this is not needed until the Conditions are met for the Special Permit.

On October 9, 2018 the Order was withdrawn.

V. Andersen questioned who issues a Cease and Desist/Correct Order and what the process is and if the Commission needs to vote on the action or not.

S. White explained that the Zoning Enforcement Officer does not need a vote from the Commission to proceed with a Cease and Desist/Correct, however she and M. Haverstock would prefer to have input from the Chair at the very least.

COMMUNICATIONS:

Letter from H. Barnet regarding the Illumination Plan for 101 Wykeham, LLC:

Chair Solley stated the Commission received H. Barnet's letter, but would not be discussing it tonight.

Letter from M. Solomon regarding Verification of Water Requirements – 101 Wykeham:

Chair Solley stated the Commission had received M. Solomon's letter, but would not be discussing it tonight.

Letters from M. Purnell as well as G. Lewis were also submitted. Chair Solley stated the communications will be considered.

PRIVILEGE OF THE FLOOR:

R. Bartfield of Wykeham Road explained that he had submitted a letter via the Town of Washington website regarding 101 Wykeham Road. Chair Solley interjected explaining that 101 Wykeham would not be discussed tonight, but the Commission would receive and consider letters. The Land Use staff provided their email addresses to the public.

V. Andersen requested an Executive Session meeting with Attorney Zizka so that she could better understand 101 Wykeham. Chair Solley, along with S. White explained that the Commission could not have an Executive Session. Chair Solley encouraged V. Andersen to write her questions for Attorney Zizka as S. White has suggested, and they would be forwarded to him.

S. White strongly encouraged each Commissioner to attend the Land Use Law seminar on March 11, 2023. J. Hill added that 4 hours of continuing education a year is now required by state law for all Board and Commission members under PA 21-29,

ADMINISTRATIVE BUSINESS:

Election of Officers – 2023:

MOTION: To elect Nicholas Solley as Chair of the Washington Zoning Commission for the year 2023, by J. Hill, seconded by E. White, approved unanimously

MOTION: To elect Janet Hill as Vice Chair of the Washington Zoning Commission for the year 2023, by Chair Solley, seconded by E. White, approved unanimously.

Registration for Connecticut Land Use Seminar:

As previously discussed, Land Use staff encouraged the Commission members to register for this seminar hosted by the Connecticut Bar Association.

ADJOURNMENT:

MOTION: To adjourn the January 23, 2023 Washington Zoning Commission meeting at 9:26pm, by J. Hill, seconded by Chair Solley, approved 5-0 vote.

Meeting Recording:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/ERxAQGAKxbJKnvBTo6wXeKsBEX9RYt0FzY3EgJPfKimOKw?e=adoChw

Respectfully Submitted,

Tammy Rill

Land Use Clerk

January 27, 2023

*Minutes filed, subject to approval

