

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

MINUTES

March 28, 2022

7:30 P.M. – Zoom Meeting

MEMBERS PRESENT: Ms. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Farrell

MEMBERS ABSENT: Chairman Solley

ALTERNATES PRESENT: Ms. Smith, Mr. Mongar, Ms. Andersen

ALTERNATES ABSENT: None

STAFF PRESENT: Ms. White, Ms. Haverstock, Ms. Rill

PUBLIC PRESENT: S. Branson, A. Bowen, C. Matteo, K. Feldman, B. Bouyea, P. Becker, E. Vikstrom, M. Connor, V. Casey, J. Hammer, M. Andrews, Attorney Pires, M. Solomon, R. Solomon, M. Guerra, J. Lorina, E. Hearn, D. Arturi, M. Mostajo, M. Gorra, M. Lloyd, J. Barnet, Pastor Grey, R. Hackney, E. Bowen, A. Crumrine, L. Frank, M. Purnell, J. Santoleri, T. Thacher, K. Turner, A. Levande, C. Croce, L. Hartley, M. Schwartz, A. Gutterman, K. McCutcher, K. Lavaway, C. Charles, M. Girdhar, Attorney Grickis

The Public Hearing was called to order at 7:30pm.

Mrs. Hill will be acting as Chair this evening in Mr. Solley's absence.

Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Special Permit – Section(s): 7.4.9 – Housing in Business Districts – and Section 7.6 – Minimum Setback and Yard Dimensions – for retail, office and apartment use and to reconstruct a handicap ramp:

Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Farrell and Mr. Mongar will be seated for this Public Hearing.

Mr. Virbickas, representing the property owner, stated that his client is proposing renovations to the building that would be utilized as an office/retail shop in the lower half of the current building with two apartments on the second level. Renovations to the handicap ramp are also being proposed, as the current ramp is outdated and not to code. The applicant will be seeking ZBA approval for the handicap ramp at their April meeting and have not received Health Department approval yet.

Mrs. Hill questioned if there would be any exterior lighting added. Mr. Virbickas explained that there were considering added pole light with a maximum height of ten to twelve feet.

Ms. Radosevich questioned if the access to the upstairs was inside or outside. Mr. Virbickas stated that the upstairs would be accessible by a path to the upstairs area with a deck. Mr. Farrell questioned the square footage. Mr. Virbickas estimated 1200 square feet each. Ms. Andersen suggested that the applicant contact the Housing Commission to determine fair market value.

Mrs. Hill stated that the plans submitted show part of a parking space and part of the driveway over the boundary line in the D.O.T. right of way. Because of this, the Commission is asking for a revision to the site plan that will correct this, as well as written detail of the lighting that will include the height and type of lighting that will be used.

MOTION: To continue the Public Hearing for the Request of SMF Universal, LLC – 124 New Milford Turnpike – for a Special Permit – Section(s): 7.4.9 – Housing in Business Districts – and Section 7.6 – Minimum Setback and Yard Dimensions – for retail, office and apartment use and to reconstruct a handicap ramp. Motion made by Ms. Radosevich, seconded by Mr. Mongar, approved unanimously.

Request of The Frederick Gunn School, Inc – 99 Green Hill Road, for a Special Permit – Section 4.4.10 – Uses Permitted by Special Permit – for the demolition of existing building and construction of new building:

Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Farrell and Mr. Mongar will be seated for this Public Hearing.

Mr. Becker, Head of The Frederick Gunn School, informed the Commission that the proposed demolition and reconstruction would be for a new science building, also referred to as the Center for Innovation and Active Citizenship. This update would provide updated science labs, lower the overall energy footprint of the campus, increase handicap accessibility, and overall preserve the natural environment of the campus.

The proposed is a two-story building that requires a net increase of 0.66% with a proposed lot coverage of 30.96%, which was approved by the Zoning Board of Appeals.

With the goal of preserving natural features in mind, there were several bedrock outcroppings that will remain in the area, along with several mature trees and new plantings. Some trees would have to be taken down, but would be replaced. Any lighting will be dark sky friendly, mostly on bollards.

Ms. Andersen questioned the amount of water to be used for the geo thermal system, with the concern being the public water system in that area. The Frederick Gunn School's team assured the Commission that the geo-thermal system would not use an over abundance of water.

Mrs. Hill questioned in the Frederick Gunn School would be notifying the Land Use Office 48 hours prior to the start of work so that the sediment and erosion control methods could be inspected. Mr. Lavaway stated that if it was not listed on the drawings, it could be added to them.

Ms. Andrews addressed the nine standards of the Special Permit and how they will be met.

Mrs. Hill questioned the hours and days of construction. The Frederick Gunn School's Attorney, MaryJo Andrews, stated that the intended hours of construction would be 7:00am to 5:00pm Monday through Friday with some Saturday's. The goal is to begin this Summer while the students are not on campus

with an approximate finish goal of July 2023. Mrs. Hill stated that there should not be any construction taking place on Sunday's or holidays.

The representatives for Frederick Gunn School explained that the demolition of the current building could take 4-5 weeks with a 2-3-week span of time for abatement. If any blasting is required a pre-blasting survey would be done to the area and neighbors will be notified prior to the blast.

Mr. Charles of Tompkins Hill Road questioned what the H.E.R.S (Home Energy Rating System) rating will be. The representatives for Frederick Gunn School stated that while they are doing their best to be as energy efficient and sustainable as possible, but was not designed to be truly net-zero.

Mrs. Hill stated that the regulations do not require applications to be sustainable but was impressed with the amount of measures the applicant was taking on their own to be more sustainable.

Mr. Mongar noted the amount of construction vehicles travelling through the Depot on Saturday's during construction of the Arts building and questioned if the area could be avoided during this time, as the Depot is incredibly active during Summer and Fall months and there is an increased number of children in the area. The applicant stated that they could speak to the construction manager about this.

MOTION: To close the Public Hearing for the Request of The Frederick Gunn School, Inc – 99 Green Hill Road, for a Special Permit – Section 4.4.10 – Uses Permitted by Special Permit – for the demolition of existing building and construction of new building, by Mr. Werkhoven, seconded by Mr. Mongar, approved unanimously.

Proposed Revisions to the Washington Zoning Regulations – Section(s): 14.3; 14.7.13, 21.1.65 - Preservation of Trees, Natural Features:

Mrs. Hill explained that the Commission had received an opinion from Attorney Zizka that has not been reviewed by the entire Commission. A copy of his letter can be found here:

https://townofwashingtongcc-my.sharepoint.com/:b:/g/personal/trill_washingtonct_org/ES643BRK4xVPiSLMQG20BvoBd4w63NUPiAJVRt3_Jf65Q?e=Q08gHx

MOTION: To continue the discussion regarding the Proposed Revisions to the Washington Zoning Regulations – Section(s): 14.3; 14.7.13, 21.1.65 - Preservation of Trees, Natural Features for the April 25, 2022 Washington Zoning Commission Meeting, by Ms. Radosevich, seconded by Mr. Werkhoven, passed unanimously.

REGULAR MEETING:

The Regular meeting was called to order at 9:05pm.

Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Farrell and Mr. Mongar are seated.

CONSIDERATION OF THE MINUTES:

The following corrections were submitted by Chairman Solley and read by Mrs. Hill:

Page 2, 5th paragraph shall be edited to state: “Chairman Solley explained that a 1200 square foot accessory structure would not be allowed...”

Page 2, 8th paragraph shall be edited to state: “Attorney Zizka explained that in Section 12.5 – which is a general regulation that applies to accessory structures, states that the ground floor area shall not exceed 75% of the ground floor area of a principal building. This applies to all accessory structures. In Section 13.16.5 it is stated that no shop in the R-1 district shall occupy a total floor area in a residence greater than 33% of the total square footage of the primary residence”.

Page 3, second sentence shall be edited to state: “Seated for this meeting are....”

Mrs. Hill made the following correction:

Page 4: Motion to deny the application for LaBella: The application was not denied “based on irregularities in Section 12.5.2” but because the proposed building did not comply with the standards of Section 12.5.2.

MOTION: To approve the February 28, 2022 Washington Zoning Commission Meeting Minutes as corrected, by Mr. Werkhoven, seconded by Mr. Mongar, passed unanimously.

PENDING APPLICATIONS:

MOTION: To approve the Special Permit application submitted by The Frederick Gunn School, Inc. – 99 Green Hill Road, Section 4.4.10 – Uses Permitted by Special Permit – for the demolition of existing building and construction of new, larger building subject to the following conditions: 1.) As-built drawing shall be submitted to the Zoning Commission upon the completion of framing so that compliance with Section 11.7 – Maximum Building Height, can be confirmed. The as-built drawings shall be approved by The Commission or its authorized agent(s) before the commencement of further construction. The Commission shall, at the expense of the applicant, refer such drawings to a professional engineer for review. 2.) Outside construction may take place only between the hours of 7:00am and 5:00pm, Monday through Friday, and between the hours of 8:00am and 4:00pm on Saturdays. No blasting, no operation of heavy equipment and no site work are permitted on Saturday and Sunday, before 8:00am Monday through Friday, and on the following holidays: Memorial Day, Fourth of July, Labor Day and Thanksgiving. 3.) In accordance with Section 13.4 of the Zoning Regulations, an erosion and sedimentation control bond, in the form of a cash bond or an irrevocable letter of credit from a financial institution with offices in Connecticut, in an amount and for items to be determined by the Commission in consultation with the Commission’s attorney and/or engineer approved by the Commission and paid for by the applicant, shall be secured before disturbance of the site begins. 4.) 48-hour notice to the Zoning Enforcement Officer before work begins is required so the erosion controls may be inspected. Motion made by Mr. Mongar, seconded by Mr. Werkhoven, approved unanimously.

NEW APPLICATIONS:

Ingrassia, 292 Bee Brook Road, for a Special Permit – Section 12.8.5 – Temporary Uses Requiring a Special Permit – for the Spring Hill Arts Gathering Festival:

Mr. Mongar as recused himself for this Application. Ms. Andersen will be seated along with Ms. Hill, Mr. Werkhoven, Ms. Radosevich and Mr. Farrell.

Mrs. Hill asked that the following questions be addressed by Ms. Ingrassia prior to the Public Hearing:

- 1.) What exact events are proposed
- 2.) Where will the events be held (Indoors? Outdoors?)

- 3.) Lighting and/or amplified sound proposed?
- 4.) Signs?
- 5.) Parking and traffic management
- 6.) Outdoor amplified sound?
- 7.) Health Department approval

If the applicant does not provide this information prior to the Public Hearing, the application will be considered incomplete and denied. Mrs. Hill noted that this event would be considered the one event in accordance with Regulation Section 12.8.5.C allowable for the year and questioned if the applicant was aware of this.

MOTION: To schedule the Public Hearing for the Request of Ingrassia, 292 Bee Brook Road, for a Special Permit – Section 12.8.5 – Temporary Uses Requiring a Special Permit – for the Spring Hill Arts Gathering Festival. The Public Hearing will be held on Monday, April 25, 2022, 7:30pm in the Main Meeting Room of Bryan Memorial Town Hall as well as via Zoom Video Conference. Motion made by Mr. Werkhoven, seconded by Mr. Farrell, passed unanimously.

OTHER BUSINESS:

Schedule Workshop/Special Meeting for 101 Wykeham, LLC Compliance:

Mrs. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Farrell and Mr. Mongar are seated.

Mr. Szymanski and Attorney Sherwood had compiled a list of dates they will be available to meet with the Commission. The Commission agreed upon April 19, 2022 at 7:30pm for the Special Meeting to take place. Mrs. Hill requested revised plans for the Commission to review. The Commission would proceed with the items not covered yet and Mrs. Hill made it clear that the Commission would not be making a final decision during this Special Meeting.

Reminder – discussion regarding J. Hill’s review of PA-21-29 for the April 25, 2022 Washington Zoning Commission Meeting:

Mrs. Hill stated she would re-send her review to those that have not received it yet.

ENFORCEMENT:

Ms. Haverstock stated that the Land Use Office have been conducting pre-application meetings for several months and they have been highly successful and encouraged applicants to consider making an appointment to meet with herself and Ms. White for pre-application review.

Ms. Radosevich questioned the progress regarding Everything Botanical and the storage containers on the property. Ms. Haverstock stated that the Land Use Office had spoken with the property owners and they were in the process of obtaining quotes for a barn for storage.

COMMUNICATIONS:

Discussion regarding Attorney Grickis’ email to S. White with questions regarding 2019 Special Permit for Mayflower Inn Hospitality Tent:

Attorney Zizka submitted the following to the Commission for their review:

https://townofwashingtongcc-my.sharepoint.com/:b:/g/personal/trill_washingtonct_org/EZ8-6wA0k5ZNvfayBteEJOMBfgzexcNV7_nn1c_LNjzJig?e=bpFoJV

The Commission highly recommended that The Mayflower use extreme caution regarding any event where noise nuisance could be an issue. Attorney Grickis, along with Mr. Girdhar, General Manager of The Mayflower, agreed to this.

Short Term Rentals:

The Commission received several letters regarding short term rentals. Mrs. Hill stated that the letters would be submitted to Attorney Zizka for review, however, he and Chairman Solley had been researching the matter and hoped to have more information for the April 25, 2022 meeting. The Land Use Office has been looking at other towns and their regulations for guidance.

Attorney Hammer, representing K. Feldman and H. Frater of West Shore Road, discussed at great length the regulations they felt were being violated with a short-term rental located at 121 West Shore Road.

Mr. Hackney of West Shore Road expressed his concerns regarding the property 121 West Shore Road.

Ms. Matteo of West Shore Road expressed her concerns regarding the property at 121 West Shore Road, citing enforcement as an issue on the matter. She requested a Cease and Desist be issued to the property.

Ms. Radosevich asked Ms. Haverstock for her input on the matter.

Ms. Haverstock, noting that she had not been prepared for a full discussion on the topic at this meeting, but rather the April meeting, stated that short-term rentals are an up and coming issue with the entire town and not just one specific property, which is why Chairman Solley and Attorney Zizka were reviewing our regulations further.

Mr. Charles questioned if the home received Health Department approval for a 3-bedroom septic but was advertised as a 5-bedroom home, why a violation could not be issued.

Ms. White stated that she had reviewed the file for 121 West Shore Road and there was no Certificate of Occupancy for the property. Neither she nor Ms. Haverstock were employed in their current positions at the time of the building permit issuance, and she felt that guidance from Attorney Zizka was pertinent.

Ms. Matteo again questioned why a Cease and Desist could not be given. Ms. Hill explained that the Commission follows the recommendation of their attorney, and they had not received his guidance yet, as this discussion had been originally scheduled for the April meeting.

PRIVILEGE OF THE FLOOR:

ADMINISTRATIVE BUSINESS:

None

ADJOURNMENT:

MOTION: To adjourn the March 28, 2022 Washington Zoning Commission meeting at 10:42pm, by Ms. Radosevich, seconded by Ms. Hill, passed unanimously.

To listen to the recording of this evenings meeting, please click here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EW0oh6NelZGpLlpq6u2WFsBCr45s-BzOHB6isHOX_zjbg?e=2Lb27g

Respectfully Submitted,

Tammy Rill

Land Use Clerk

April 4, 2022