

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

**MINUTES**

November 29, 2021

5:00 P.M. – Hybrid Meeting

**PRESENT:** Chairman Solley, Ms. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Farrell

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

**STAFF PRESENT:** Ms. White, Ms. Haverstock, Ms. Rill, Attorney Zizka

**PUBLIC PRESENT:** M. Purnell, M. Solomon, Attorney Sherwood, P. Szymanski, First Selectman Brinton, S. Ullram, R. Solomon, H. Barnet, L. Gendron, P. Rogness, J. Barnet, H. Barnet, R. Parker, M. Giampietro, S. Yates, R. Rebillard, Other Members of the Public

Chairman Solley called the meeting to Order at 5:04pm.

Chairman Solley, Ms. Hill, Mr. Werkhoven, Ms. Radosevich and Mr. Farrell will be seated for this workshop meeting,

**Discussion regarding 101 Wykeham, LLC – Land Tech Compliance Report:**

**Items of Interest for tonight's meeting:**

- Conditions of 2012 Settlement Agreement
- January 7, 2013 Meeting Minutes

Chairman Solley stated that he has contacted three Architects – two of which were associated with the project and one that did not have time to review the plans in question.

Attorney Sherwood stated that he and his team wished to present the areas of concern and answer any questions pertaining to these items.

For clarification, Attorney Sherwood stated that the purpose of this meeting was not to demonstrate compliance, but rather to present the areas of concern for the Commissions review and to take any questions they may have.

Attorney Sherwood supplied the Settlement Agreement to the Commissioners.

2.) Ms. Hill noted that she counted more than 54 units. The unit cap is 54. This could become an issue with the Health Department for septic purposes.

3.) 100 parking spaces with no overflow parking.

4.) The restaurant is limited to 68 seats during normal operation, 30 for outdoor seating.

Ms. Hill stated that the “Lounge” area would add seating and felt that the Lounge area should be moved to the other end so that it would be separated from the kitchen.

Ms. Radosevich stated she felt the Lounge area could be used as a dining area as well and preferred it be removed. Attorney Zizka suggested removing the tables or utilizing smaller tables to ensure that there will not be dining in the Lounge area.

5.) The Spa and Fitness Area:

Ms. Andersen stated she is concerned over whether there would be outside membership allowed. Attorney Zizka clarified that there is a condition regarding outside membership to the spa and fitness area.

6.) Existing driveway on Bell Hill Road must be permanently abandoned:

Ms. Hill stated that the site plan does not show a landscape plan that will eliminate the driveway. Mr. Szymanski explained that there would be evergreen plantings down the center of the driveway, however an excavator would need to be brought in to completely remove the driveway to allow the planting of the evergreens. Ms. Hill requested a note be added to the site plan – OSD-1.

7.) No amplified sounds.

8.) Pool house permitted to serve food and alcohol, but will not have a kitchen or way to cook food.

Ms. Andersen questioned the pool seating area and whether that could be considered a dining area as well. Attorney Sherwood explained that there would not be a kitchen area in the pool area, however if someone wished to order food at the pool, that could be done. Ms. Radosevich added that she felt the pool area should be considered additional seating for dining.

In March of 2020 Attorney Sherwood submitted a lighting plan that was in-line with the Town of Washington Zoning Regulations.

9.) Tented Events:

Ms. Hill questioned if the tents, or the noise generating from the tented areas, were to create a disturbance, if the Commission would be allowed to re-negotiate the locations. An answer was not provided.

Conditions 10-16: Attorney Zizka stated that these Conditions were legal conditions and felt they did not need review at this time.

Motions included in the Conditions: Number 5 regarding liquor sales and licensing was removed – or “struck” from the Motions.

Landscaping – Mr. Szymanski explained the landscape plan and stated it could be modified if the Commission preferred. Chairman Solley stated that this was a huge project and could be incredibly time-consuming for the Enforcement Officer. He preferred that a final plan be presented to the Commission.

Ms. Andersen voiced concern over plantings that would be used as a buffer for noise in the tented areas. Ms. Radosevich voiced concern regarding the “two general locations” referring to the tented areas. Mr. Szymanski explained where the locations were on the site plan. Ms. Andersen clarified that her concerns are for the neighbors and how noise pollution could affect them.

The following was submitted by Ms. Hill and read to the Commission:

“Questions/Concerns Raised at 11/19/2021 Special Meeting

Does Zoning have a signed approval letter from the Fire Marshal that references the latest revised plans? Did he review and/or address the concerns raised by Ms. Purnell’s consultants?

What is the status of the Inland Wetlands Commission approval; permit was to expire in August 2020.

Regarding the issue of the 504 vs 508 elevation; three points or questions:

1. I believe the Zoning Commission included condition #16 (ties the finished floor levels for the main building to those shown on the plan revised to 12/17/12 as was approved in the 2013 Settlement Agreement) in the 2018 approval because a) it appeared by leaving 504 off the site plan you might be trying to increase the height of the building and b) we had a presentation at the public hearing that documented based on the 508 elevation, the total height of the main building would be 2 feet over the maximum total height permitted per the Zoning Regulations. Therefore, the Commission took care to tie the height to the plan approved in the Settlement Agreement, which showed 504, and which was exactly what the owner/applicant had originally

proposed. You offered 504. Zoning did not come up with that figure.

2. Again, you offered 504 in 2013 and when 504 was referenced in the 2018 approval, you did not object. If 504 is now such a concern and if it means the main building is not buildable as I think was stated at the last meeting, why did you withdraw your appeal of the 2018 decision? And conversely, if 504 meant, and still means, the building could not be built, why would those who oppose the inn have been the ones to actually appeal the 2018 decision? You would have thought they would have been very satisfied with the outcome if the building was unbuildable. Considering these actions by both sides makes me think the building is, indeed, buildable after all.

3. For whatever reason, back in 2013 when the Settlement Agreement was being negotiated, the Zoning Chairman was in such a hurry to get it approved, that the site plan was not thoroughly reviewed. This resulted in an error on the part of the Zoning Commission when it approved the location of the main building approximately 20 feet too close to the boundary line. This makes the approved building non-conforming. It looks to me that an increase from 504 to 508 would increase the height of the building and significantly increase the volume of the building. You can't increase the non-conformity of a non-conforming building. I'm not sure if you could even apply to the Zoning Board of Appeals for a variance because this would be a self-created hardship.

11/29/2021

Janet M. Hill"

Chairman Solley questioned if Mr. Szymanski could possibly answer these questions and verify the information provided. Chairman Solley also referred to two letters written by Reese Owens of Reese Owens Architects, dated December 11, 2017 and January 29, 2018, where he did a scan to determine the average grade. Chairman Solley would like to address this at a further date. Attorney Sherwood has asked for a copy of these letters.

The Commission scheduled a Special Meeting for January 25, 2022 at 5:00pm, Bryan Memorial Town Hall and via Zoom Video Conference.

Ms. Radosevich stated that she would like the meetings in the future to allow Public comment. Chairman Solley explained that he was reluctant to do this. Attorney Zizka explained that this was not considered a Public Hearing, therefore the Commission was not required to allow public comment. He suggested allowing written statements and questions rather than allowing comment

at the meetings. Ms. Radosevich and Ms. Andersen questioned if enforcing a time limit on public comment would be an effective way to let everyone be heard. She and Ms. Andersen began to make a Motion to allow public comment, however, this was not on the Agenda and staff felt a vote could not take place. Chairman Solley reiterated that he felt written submitted comment and questions were effective.

Chairman Solley read an email sent to Ms. White from Ms. Purnell regarding information in the March 5, 2020 packet that she had not received from the Land Use Office.

Ms. White clarified that information had been sent, but due to the size of the files, some did not transfer. Mr. Szymanski was asked to send the information to Land Tech and did so on August 19, 2021. Also, several of the plans Ms. Purnell did not receive were for erosion control that were not applicable to the Conditions, but had sent them.

Ms. Andersen asked for clarification regarding the January 7, 2013 Meeting Minutes, the Conditions set forth, and the Regulations. A brief discussion followed.

**MOTION: To adjourn the November 29, 2021 Washington Zoning Commission Special Meeting at 6:30pm, by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.**

The recording of this evenings meeting can be found here:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/EQdJh-hntutCvfSwDL\\_aN4gBl36e-T-XcQe1ED9xFLN3g?e=5X8dkV](https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EQdJh-hntutCvfSwDL_aN4gBl36e-T-XcQe1ED9xFLN3g?e=5X8dkV)

Respectfully Submitted,

Tammy Rill  
Land Use Clerk  
December 3, 2021

\*Minutes are subject to Approval