

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

MINUTES

February 7, 2022

5:30 P.M. – Zoom Meeting

MEMBERS PRESENT: Chairman Solley, Ms. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Ferrell

MEMBERS ABSENT: None

ALTERNATES PRESENT: Ms. Smith, Mr. Mongar

ALTERNATES ABSENT: None

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

PUBLIC PRESENT: Attorney Grickis, M. Girdhar, B. Brooks, B. Bouyea, A. Kuzma, J. Usaty, L. Hartley, M. Gorra, A. Vagnini, C. Cascio, Attorney Pires, R. Owens, E. White, R. Duke, S. Branson, R. Solomon, M. Solomon, M. Purnell, H. Barnet, P. Chain, V. Casey, E. Hearn, C. Charles, D. Tagley, M. Revere, R. Charrin, D. Sullivan, D. Dupuis, J. Barnet, P. Houldin, K. Sidley, J. Lodsins, First Selectman J. Brinton, Other Members of the Public

PUBLIC HEARING (Continued from the January 24, 2022 Zoning Commission Regular Meeting):

The meeting was called to order at 5:32pm by J. Hill.

Request of MFSPA2013, LLC, 116 Woodbury Rd., for a Special Permit – Section(s): 4.1.1 – Inn or Tourist Home, 13.1.C – Standards, and 14 – Applicability – for an event tents for wedding, corporate meetings and similar events:

Seated for this Public Hearing is J. Hill, D. Werkhoven, D. Radosevich, W. Ferrell and S. Mongar.

Chair Solley recused himself.

Attorney Grickis, representing the MFSPA2013, LLC (also known as “The Mayflower”), introduced Angela Kuzma, Vice President of Operations for The Mayflower, whom stated that The Mayflower was looking forward to working with the neighbors to address the current issues with noise while moving forward.

Bennett Brooks, also representing the applicant, explained that the “music shell” faces the East/Southeast and provides protection for the Western and Northern areas – where the homes are located. It will also provide protection from sound bouncing off of the Spa and directing to

Wykeham Road. The loudest area would be to the West and that was measured at 37 decibels – equivalent to quiet a whisper. He added that the noise regulations in the State of Connecticut are extremely strict and were designed to protect neighborhood properties. He stated that he felt their design would please the Commission as well as the neighbors.

Al Vagnini, representative for The Mayflower, explained that there will be a sound system inside of the shell that will be accessible via a control station. He added that the system will have set limits in accordance with the parameters of the property and not be allowed to go over that limit.

Attorney Grickis concluded by stating that he felt the Standards of Section 13.1.C will be met with plan, and thanked the Commission for their time.

Ms. Radosevich questioned if band and/or deejay's that will be hired for events will be bringing in their own amplification system or if they were only allowed to use what is on site. Mr. Vagnini stated that The Mayflower's system will be the only amplification system used for events.

Attorney Pires, representative for Mr. Duke and Mr. Casey, stated that he was disappointed that Attorney Grickis had not supplied him and his clients the revised plans for their experts to review prior to the meeting. He added that he did not believe the applicant would achieve the sound mitigation as proposed.

Attorney Pires expressed that there was a fundamental misunderstanding by the applicant that the noise standard was governed by DEEP. He explained that this standard did not apply to noise nuisance, and referred to Section 22-a-691.5 of the Connecticut Regulations are clear in stating that the noise level does not create a safe harbor for the noise illuminating from the property.

Ms. Chain, representing the opposing neighbors, stated that it was critical to consider the ambient environment when determining how the neighbors will be impacted by the noise levels.

Dr. Cascio, also representing the opposing neighbors, stated that he had reviewed the updated submission by The Mayflower and noted the following;

- The values that the applicant has said they will meet will be hard to meet due to the fact that the events will be held in a tent.
- The applicant's examples of event locations they have provided mitigation to in the past are not similar to Washington, Connecticut.
- The 36db improvement the applicant stated that they will be making has been decreased to 25db – will not meet the requirements to make the sounds at the neighboring property lines not be a nuisance.

Ms. Hill invited the Public to speak.

Ms. Hartley of Wykeham Road read a statement to the Commission opposing the proposed application.

Mr. White of Parsonage Lane stated that The Mayflower events last Summer deeply impacted his family's ability to enjoy the outdoors, and the bass in the music would rattle the windows of his home.

Ms. Gorra thanked the Commission as well as The Mayflower for their efforts to find a solution that works for everyone involved. She encouraged the Commission to be creative and flexible when making their decision.

Ms. Bouyea of Old North Road, stated that the neighbors were not treated well last Summer and was apprehensive to trust that The Mayflower would keep their word. She felt that there would still be a noise nuisance and that the events should be in a building, not a tent. She questioned how the Commission would be moving forward with their decision without knowing what the end result would be. She added that there had not been an issue with The Mayflower's events until this tent area was built.

Mr. Duke of Old North Road voiced his frustration with the Mayflower events in the Summer of 2021, asking the Commission to not approve the proposed.

Mr. Casey of Old North Road noted the span of locations affected by the noise coming from The Mayflower. He commended First Selectman Brinton and the Land Use Office for the Cease and Desist Order, and the Zoning Board of Appeals for upholding that order. He added that the order was ignored by The Mayflower and they were currently advertising the tent for events on their website.

Ms. Sidley of Bell Hill Road stated that she was surprised that the noise was coming from The Mayflower, as she lives about a mile from the location. She encouraged The Mayflower to construct a building for the events, rather than the current tent.

Ms. Hill asked the Commission for questions or comments.

Mr. Werkhoven questioned the exact distances to the neighboring homes, stating that the shell seems to be facing homes directly on Wykeham Road and the only buffer would be a few trees. Ms. Brooks stated that the closest home was 425 feet, followed by 796 feet, 802 feet and 850 feet. Mr. Werkhoven stated that the homes looked a lot closer than the measurements provided. He followed this by questioning the construction of the examples given to the Commission of venues Mr. Vagnini and Mr. Brooks worked with in the past. Mr. WERkhoven questioned if there was anything that could "dampen" the sound from traveling. Mr. Vagnini explained that he was confident in the design presented.

Mr. Ferrell questioned if Mr. Vagnini or Mr. Brooks had ever designed something like this for a tent. Mr. Vagnini stated that he has prepared plans for open parks, barns, tents and buildings. Mr. Brooks added that several vineyards had tents with successful mitigation.

Mr. Ferrell explained that he can often hear the music coming from a car on his road and could hear the vibration it caused. He voiced that he was concerned that a neighboring property would be affected by the sound no matter what precautions were put in place.

Ms. Radosevich commended the neighboring property owners as well as The Mayflower for their due diligence with presenting the Commission with as much information as possible.

Mr. Mongar stated that a number of neighbors had complained about windows rattling, as questioned if whether or not this was caused by dBc – decibels relative to the carrier. Mr. Brooks stated that the levels were measured by full spectrum and felt that with the shell and tent in place, there would be no more windows rattling.

Mr. Mongar then asked Mr. Vagnini if the music would be strictly electronic and bands, and if so would they be allowed to bring in amplifiers to connect to the system. Mr. Vagnini explained that there were amplified and non-amplified sources. The system will have a control limit with no way to exceed those limits.

Ms. Hill questioned Mr. Brooks and Mr. Vagnini's response to ATI's statement regarding the numerous speakers negating the mitigation with noise coming from the shell?

Mr. Vagnini explained that the system is zoned and only used at certain points during the evening. The individual speakers are closer to the seating area at a lower sound level.

Ms. Hill then questioned the use of vestibules in the entrance area that could be used as a sound barrier as suggested at the previous meeting. Mr. Vagnini explained that the use of the shell creates a muffler for the area, so the door area is protected by the shell. There is also sound absorption in the shell itself to muffle sound.

Ms. Hill voiced concern regarding the difference between the State standards of noise and noise nuisance as stated in Washington's Zoning Regulations and the difference in the two. Mr. Vagnini explained they designed this so that there would not be a nuisance, and used the State Standards because they were measurable.

Ms. Hill stated that the Land Use Department had never received a complaint when events were held near the Shakespeare Garden, and wondered what the difference in the areas were. Mr. Vagnini explained that the directionality of that area was better contained, however, they had designed the tent and shell to have the exact outcome.

Ms. Radosevich questioned for clarity if The Mayflower's intent was to hold two events at the same time. Attorney Grickis stated that no, they would not be holding two events at the same time. The Commission questioned the capacity of the tent versus the Shakespeare Garden area. Attorney Grickis stated that the tent could host 150 people. Mr. Girdhar explained that the capacity of the Shakespeare Garden was based on the event.

Ms. Smith questioned if the location of the tent could be moved to a different area on the 20 acres of property. Attorney Grickis explained that there was not another desirable area for the tent based on topography.

Ms. Hearn of Wykeham Road stated that she has lived in the area for over 30 years and that only over the past year has the traffic and noise has increased and become intolerable.

Ms. Hill reminded the Commissioners that once the Public Hearing was closed, they could not ask anymore questions. All Commissioners agreed to close the Public Hearing and to deliberate at the next Zoning Commission meeting on February 28, 2022.

MOTION: To close the Public Hearing for the Request of MFSPA2013, LLC, 116 Woodbury Rd., for a Special Permit – Section(s): 4.1.1 – Inn or Tourist Home, 13.1.C – Standards, and 14 – Applicability – for an event tents for wedding, corporate meetings and similar events, by D. Werkhoven, seconded by S. Mongar, passed unanimously.

The meeting ended at 7:44pm.

The recording of tonight’s meeting can be found here:

https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/ETyrYgMH9j1MlPmQAhVXE1kBjW_TqUy3ByIHEX-tb7HR8g?e=zVLKPF

Respectfully Submitted,

Tammy Rill

Tammy Rill
Land Use Clerk
February 14, 2022