

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

MINUTES

June 29, 2022

5:30 P.M. – Hybrid Meeting

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

MEMBERS ABSENT: Chairman Solley, Mr. Farrell

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

ALTERNATES ABSENT: None

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

PUBLIC PRESENT: P. Szymanski, S. Yates, Attorney Sherwood, R. Solomon, M. Solomon, J. Gorra, S. Ullram, H. Barnet, R. Parker, S. Payne, H. Boehning, R. Woodroffe, L. Gendron, K. Templeton, B. Templeton, M. Purnell, C. Charles, M. Ewing, J. Ewing, M. Giampietro, Other Members of the Public

Ms. Hill, acting Chair, called the meeting to order at 5:35pm.

Seated for this Special Meeting is Ms. Hill, Mr. Werkhoven, Ms. Radosevich, Mr. Mongar and Ms. Andersen.

101 Wykeham Road, LLC – Compliance:

This evening's discussion will focus on the terms of the 2013 Settlement Agreement as well as the Conditions of the Approval of the 2018 Special Permit for an Inn located at 101 Wykeham Road.

The following Memorandum was submitted by Attorney Sherwood – representing 101 Wykeham Road, LLC:

MEMORANDUM

August 28, 2018 Special Permit - Conditions of Approval

1. Settlement Agreement Conditions of Approval – see below
2. Post-Construction Condition

*Attorney Zizka questioned if whether the property owner would be willing to sign an agreement stating that the conditions exist and are understood, explaining that if the property were to be acquired in the future, the issue could not be contested, as it would be filed on the

land records prior to the start of construction and would include all of the revised dates of all applicable plans. Attorney Sherwood felt a resolution could be made and filed.

3. Satisfied - Added note referring to this condition on the revised floor plans¹ for guest rooms in the main building and cottages and legend "No kitchen permitted." (SKz-102, SKz-103, SKz-105, SKz-109, SKz-111)
4. Satisfied - Added note referring to this condition on the revised floor plans for guest rooms in the main building and cottages and legend "No kitchen permitted." (SKz-102, SKz-103, SKz-105, SKz-109, SKz-111)
5. Satisfied - Added note referring to this condition on the revised floor plans for guest rooms in the main building and cottages and legend "No kitchen permitted." (SKz-102, SKz-103, SKz-105, SKz-109, SKz-111)
6. Satisfied - Added note referring to this condition on the revised floor plans for guest rooms in the main building and cottages and legend "No kitchen permitted." (SKz-102, SKz-103, SKz-105, SKz-109, SKz-111)
7. Satisfied - Added note referring to this condition on the revised floor plans for guest rooms in the main building and cottages and legend "No kitchen permitted." (SKz-102, SKz-103, SKz-105, SKz-109)
8. Satisfied - Added note referring to this condition on the revised floor plans for guest rooms in the main building and cottages and legend "No laundry permitted." Removed "laundry" designation from cottage floor plans (SKz-102, SKz-103, SKz-105, SKz-109, SKz-111)
9. Satisfied - Changed the divider in the former ballroom into a permanent wall (SKz-102)

¹ See the revised architectural plans being submitted concurrently with this summary.

10. Satisfied - Made revisions to SD1² and SD2 suggested by Chris Allan - see Allan Letters of 9/15, p. 2,³ and 10/21, p. 3.⁴
11. Construction Condition
12. Construction Condition
13. Construction Condition
14. Post-Construction Condition
15. Post-Construction Condition
16. Satisfied – plans revised so that finished floor levels for main building do not exceed those shown on Sheet SD.1, revised to 12/17/12. (SKz-105.1, SKz-106)
17. Satisfied
18. Satisfied – Lighting plan submitted⁵
19. Satisfied – See SKz-109, SKz-110
20. Satisfied - Added note referring to this condition on the revised floor plan for pool house and added legend "No kitchen permitted" – see Skz-111
21. Satisfied – see (a) Email correspondence dated June 4, 2019 from Tom Osborne to Paul Szymanski (b) E-Mail Correspondence dated November 9, 2021 from Fire Marshal to Shelley White (c) E-Mail Correspondence dated November 11, 2021 from Paul Szymanski to Shelley White

² See the revised engineering plans submitted concurrently with this summary.

³ *"The emergency accessway shall be used for emergency purposes only and shall not be used to service the pool, pool house, or tented events. We recommend that a note be added to Sheet SD-2 stating that the emergency accessway shall be used for emergency purposes only and shall not be used to service the pool, pool house, or tented events."*

⁴ "Sheet SD-2, dated July 8, 2011 with latest revision date of 12/17/12 contains a label identifying a "proposed 20' wide grass paver emergency access to pool house area". Sheet D.2, dated February 14, 2018 revised 2/20/18 (PDF #29) contains a "reinforced lawn emergency vehicle access cross section" showing a 9" process stone subbase and a "typical grass paver installation" detail showing a 12" deep road base. These details are conflicting and should be modified to provide the correct subbase to support 60,000 pounds per the fire marshal."

⁵ Illumination Plan Prepared for 101 Wykeham Road, LLC 101 Wykeham Road Town of Washington County of Litchfield State of Connecticut Arthur H. Howland & Associates, P.C. Civil Engineers Land Surveyors Soil Scientists Land Planners 143 West Street Suite E New Milford, Connecticut 06776 Date May 29, 2019 Scale 1"=60'

22. Pending
23. Satisfied – see Letter dated March 8, 2022 from Ingrid M. Jacobs, P.E., Manager, Water Resources & Infrastructure Planning, Aquarion Water Company to Erika Klauer
24. Satisfied
25. Post-Construction Condition

Settlement Agreement November, 2012

1. Site plan has been modified by amendment
2. Satisfied - Inn contains 46 guest room units
3. Satisfied – 100 parking spaces provided, including handicapped⁶
4. Satisfied – Restaurant contains 68 seats, no outdoor seating proposed
5. Satisfied –
 - i. Spa and fitness center limited to 10,518 SF
 - ii. No exercise rooms are located in main building
 - iii. No treatment rooms are located in main building
 - iv. No provision for overnight stays in treatment rooms in fitness building
 - v. No proposed “day passes for the spa and fitness center or for any such exercise room.”
6. Satisfied – driveway will be abandoned
7. Satisfied – no amplified sound proposed
8. Satisfied –
 - i. No grilling or cooking equipment at pool house
 - ii. No outside grill on property
 - iii. Pool/pool house hours will be 8:00 a.m. to 8:00 p.m.
 - iv. Exterior lights compliant with Washington Zoning Regulations
9. Satisfied –
 - i. No more than 24 tented events between and only during May 1 and October 31
 - ii. Tented events limited to locations shown on Site Plan⁷
 - iii. No more than 12 tented events on south side
 - iv. No buildings, tents or other structures or parking in Restricted Area
 - v. No food or beverages shall be prepared or served in Restricted Area
10. NA
11. NA

⁶ Chart on OSD.1 has been modified to indicate that the 100 parking spaces including 5 handicapped spaces

⁷ See Arthur H. Howland & Associates plan - 101 Wykeham Road Tented Events Map

- 12. NA
- 13. NA
- 14. NA
- 15. Satisfied
- 16. NA

1/17/13 Conditions of Approval

- 1. Satisfied
- 2. Post-Construction Condition
- 3. Construction Condition
- 4. Construction Condition
- 5. Omitted
- 6. Satisfied – See Sheet PL.1 submitted concurrently with this summary
- 7. Construction condition

At the end of the discussion, Attorney Sherwood summarized what will need to be completed before the next Special Meeting (date to be determined):

Revise the memorandum

Revise the plans referenced in Conditions 3-8, stating that kitchens are not allowed (make language clearer)

18. Lighting plan – picture of the fixture

21. Provide an extra copy of the final revised plans, including architectural and site plans, which will be given via the Zoning Commission to the Fire Marshal.

22. Pending, but will modify SKZ-100, which is floor plan from level 0 to eliminate “Laundry Room” to “Laundry Receiving Room”

23. Pending – will provide copy of letter – signed statement agreeing to pay, and determining if there will be a lawn irrigation system from DPH.

Settlement Agreement:

Bottom of page 2 – Mr. Szymanski and Ms. Hill will meet to agree on the number of rooms which will be indicated on the plan, but will be less than 54.

Top of page 3 – plan number SK102 will be modified to say, “Lounge – no meal service”. Will also be included in the resolution.

Abandonment of the driveway – will speak to property owner.

Modify the plan showing the pool and include a fence.

Provide written confirmation regarding the abandonment of the school plans.

Discuss with property owner cleaning up the property.

Attorney Sherwood stated that these revisions will be made and submitted to the Zoning Commission.

Discussion Regarding PA 21-29:

Public 21-29 was passed in 2021 and a majority of the Act is in regards to Affordable Housing, accessory apartments specifically.

The Commission is tasked with deciding if they will opt out of Section 6.

There are also several additions to the Regulations that will need to be added or expanded upon, multi-family housing regulations in particular.

If the Commission decides to opt out of Section 6, it will need to be done so by January 1, 2023. The Board of Selectmen will need to agree with and vote on the decision.

The Commission decided to hold a Public Hearing at the July 25, 2022 Zoning Regular Meeting to decide if they will be opting out of Section 6.

MOTION: To schedule a Public Hearing for the following:

1. Proposal to opt out of the provisions of section 6, subsections (a) through (d), inclusive, of Public Act 21-29. Those provisions would establish a variety of state requirements for the Commission's regulation of accessory apartments.
2. Proposal to opt out of the provisions of section 8-2(d)(9) of the General Statutes, as amended by Public Act 21-29. Those provisions would limit the Commission's ability to set minimum parking requirements for residential uses.

The Public Hearing will take place on Monday, July 25, 2022 at 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 Ms. Radosevich, passed unanimously.

MOTION: To adjourn the June 29, 2022 Washington Zoning Commission Special Meeting at 8:28pm, by Mr. Werkhoven, seconded by Ms. Radosevich, passed unanimously.

To listen to this meeting's recording, please click here:

https://townofwashingtoncc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EQ0Nb0VV-j9Hm3-5kynrYiEBihPrYgR8R-CgLFDAgkncbA?e=EpjOCM

Respectfully Submitted,

Tammy Rill

Land Use Clerk

July 6, 2022

***Minutes are subject to approval**