

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

**MINUTES**

January 9, 2023

7:00 P.M. – Hybrid Meeting

**MEMBERS PRESENT:** Chair Solley, (via Zoom), J. Hill, D. Werkhoven, W. Farrell, V. Andersen

**MEMBERS ABSENT:** None

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

**ALTERNATES ABSENT:** None

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

**PUBLIC PRESENT:** Attorney Sherwood, P. Szymanski, R. Parker, W. Bracken, M. Miner, M. Giampietro, R. Solomon, M. Solomon, K. Hunt, R. Hunt, S. Ullram, R. Ullram, M. Purnell, T. Peacocke, H. Barnet, K. Feldman, B. Gendron, L. Gendron, L. Glover, D. Arturi, M. Rodgers, H. Rodgers, P. Talbot, M. Freeland, Other Members of the Public

Chair Solley called the meeting to order at 7:00pm.

Seated members are Chair Solley, J. Hill, D. Werkhoven, W. Farrell and V. Andersen.

J. Hill will be Chair for this evenings meeting.

**Special Permit – Conditions of 2018 Approval:**

J. Hill explained that at previous meetings the Commission had requested that the property be cleaned up. Attorney Zizka explained that there is currently nothing in the Zoning Regulations that allows the Commission to condition the approval of a permit for something else on satisfaction/correction of a zoning violation on a separate matter.

V. Andersen questioned the effectiveness of Section 2.3.2.A – Abandoned Buildings and the issuance of a 9/7/2018 Cease and Correction order issued.

Attorney Zizka explained that legally, this is a separate issue and not something that can be implemented via these Conditions. Attorney Zizka added that this subject was not on the Agenda for this evenings meeting, therefore should not be discussed.

2.) Single Ownership Entity – Attorney Zizka, (representing the Town of Washington’s Zoning Commission), with help from Attorney Sherwood, (representing 101 Wykeham, LLC), will be drafting a document that the property owner must sign confirming single ownership when construction is complete.

#3 - #8: Notes have been added regarding kitchens/kitchen appliances nor washer/dryers not allowed in rooms on the plans with a revision date of August 18, 2022 by H&R Design, Inc., sheets SKz-102, SKz-103, SKz-104, SKz-105, SKz-109, and SKz-111.

9.) Commission is satisfied that the ballroom has been divided into two meeting rooms with a permanent wall located in between as shown on the plans dated August 18, 2022, SKz- 102.

**(26min.18sec):** Attorney Zizka suggested that Attorney Sherwood to describe to the Commission other process will be needed, assuming the Commission grants approval of the revised site plans.

P. Szymanski of Arthur H. Howland & Associates explained that once the Special Permit and Zoning Permits are approved, they will apply for a Building Permit with the Town of Washington, this will also be reviewed by the Fire Marshal, a general permit must be obtained via DEEP regarding storm water associated with commercial activities, and once all of these are approved and all permits obtained, construction can commence.

10.) Emergency accessway: This is Satisfied and a continuing condition of approval – see plans by Arthur H. Howland and Associates, revised 9/22/2022 – uses language in 8/28/2018 special permit language. Added to Sheet SD-2.

#11 – 12 – As-built drawings submitted upon to the Commission upon the completion of the Foundations and again upon completion of framing: this will be included in the document drafted by Attorney Zizka for property owner to sign. Hours of construction to be added as well.

13.) The amount of the bond shall be determined by the Commission.

#14-15 – To be addressed in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road.

**(37min.09sec.):** Was explained that use of the pool and use of the spa will be by patrons only, not guests of patrons. Some of the DEEP approval referred to patrons and their guests. This has no effect on what the Commission has approved.

16.) The submitted 2013 drawings were considered renderings at time of the decision. Appeal to the Appellate Court addresses this - found in Footnote 9 of Opinion.

Attorney Zizka explained that the Commission could ask that the architectural style in the presented renderings is the style used. P. Szymanski stated that there is no major difference between the renderings submitted and approved in 2018 to the most recent submittal.

17.) Satisfied. See sheets Skz-101, Skz-101, Skz-102, Skz-103 and Skz-104 of the architectural plans.

18.) Fixture photos provided – see sheet ILL.1, revised 8/19/22.

J. Hill concerned with light in a residential zone. Also, event lighting a concern.

Attorney Sherwood explained that they had quoted the Washington Zoning Regulations - Section 12.15, on the plans. The owner has agreed to the voluntary guidelines of the Washington Zoning Regulations with the exception being the parking area for safety and security reasons. There will be full cut off lighting, as required as a Condition of Approval.

J. Hill questioned the use of shades or dim lighting on the outdoor cupolas. P. Szymanski stated that he has was not involved with the interior design of the property. Attorney Zizka stated that if the Commission was not comfortable approving this section without more information, they were welcome to ask for more information or ask an expert/consultant for their opinion.

19.) Satisfied.

20.) No kitchen in the pool house. Note added to Sheet SKZ-111, Rev. 8/18/22

There will be a small bar in pool area.

21.) Memo from Fire Marshall dated 1/5/2023. Commission would like for the Fire Marshall to reference what plans he reviewed and be more specific as to what he approved. J. Hill offered to write a list of what she would like to be addressed by the Fire Marshal.

22.) Plans approved but not referenced. Commission have been emailed Dropbox files for review via Attorney Sherwood (sent to Commissioners via S. White).

23.) Condition Satisfied.

No irrigation system will be needed. All plants/landscaping will be native. Any water needed for the landscaping will be trucked in.

24.) Reference new plans in document drafted by Attorney Zizka and signed by the property owner.

25.) This will need to be included on the document drafted by Attorney Zizka and signed by the property owner.

**January 7, 2013 Settlement Agreement:**

1.) Attorney Zizka felt this was irrelevant to the Commission

New neighboring property owners are not required to consent to the plans through the Zoning Commission. If the new owners choose to independently take 101 Wykeham, LLC to court, they can do so.

- 2.) There are currently 46 units – 52 bedrooms.
- 3.) Parking spaces, (amount of), have been satisfied.
- 4.) There will be no food/meal service permitted in the Lounge area. Note on SKZ-102 shall state, “No meal service PERMITTED.” 2’ x 2’ tables in the Lounge area okay. Snacks okay (peanuts, chips).

A seating capacity of 68 in the restaurant.

Food – brought to the pool are from the kitchen, and drinks will be available in the pool area.

- 5.) Previous Engineering Consultant has confirmed that the spa and fitness area is no larger than 11,400 square feet in total.

No day passes allowed for spa.

- 6.) The permanent abandoning of the accessway on Bell Hill Road will be included in the draft document by Attorney Zizka and signed by the property owner of 101 Wykeham Road.
- 7.) No amplified sound will also be addressed in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road. Non-amplified sound is allowed, non-amplified sound must cease 30-minutes after local sunset.
- 8.) Will be addressed in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road.
- 9.) There shall be 24 tented events per year from May 1<sup>st</sup> through October 31<sup>st</sup>.  
Details/provisions will be included in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road.

10.) Not Applicable

11.) Not Applicable

12.) Not Applicable

13.) Not Applicable

14.) Not Applicable

15.) The site is no longer considered nor permitted as a school.

16.) Not Applicable

**Conditions of Approval – January 17, 2013:**

- 1.) Will be included in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road.
- 2.) Will be included in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road.
- 3.) Will be included in the document drafted by Attorney Zizka and signed by the property owner of 101 Wykeham Road.
- 4.) Bond amount will be determined at a later date.
- 5.) Deleted
- 6.) An evergreen buffering is listed on the 12/14/2021 plans.

Will consult DEEP's Fisheries Division. Will present the buffering plans to Inland Wetlands.

- 7.) Details are included – OSD-1, September submission.

**(2hr48min18sec.)** V. Andersen has requested that the matter of a Cease and Correct order be an item on the Agenda of the January 23<sup>rd</sup>, 2023 Regular Meeting of the Washington Zoning Commission.

The Commission has requested that Cardinal Engineering review the illumination plan to confirm it is in compliance with Section 12.1.5, will review added lot coverage of the path from the Main building to the pool house, and reviewing the building height to confirm that the upper floor does not exceed a maximum height of 504.6 as well as confirming the benchmark elevations per Section 11.7.2.3 of the Zoning Regulations.

J. Hill added that she will refer questions to the Fire Marshall.

The Commission will possibly vote that the Conditions of Approval have been met, at the February 27, 2023 Zoning Commission Regular Meeting.

**MOTION: To adjourn the January 9, 2023 Washington Zoning Commission Special Meeting at 9:56pm, by J. Hill, seconded by S. Mongar, approved 5-0 vote.**

Meeting Recording can be found here:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/ESfHdc0g859HjlaGywsLBeABHNBb\\_x2rv9uUxj48q9clrA?e=iDWWp7](https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/ESfHdc0g859HjlaGywsLBeABHNBb_x2rv9uUxj48q9clrA?e=iDWWp7)

Respectfully Submitted,

*Tammy Rill*

Tammy Rill

Land Use Clerk

January 13, 2023

\*Minutes filed, subject to Approval