

Re: Wykeham - Comments for WZC *please use this attachment instead*

Marguerite Purnell <mpurnell@snet.net>

Fri 3/24/2023 11:56 AM

To: Shelley White <swhite@washingtonct.org>; Tammy Rill <trill@washingtonct.org>

CAUTION: This email originated from outside of Town of Washington. USE CARE when opening attachments or links.

Hello again Shelley & Tammy,

If you haven't already sent out my comment letter to the WZC, please send this attachment, which was my final draft. I inadvertently sent you an earlier draft. Apologies for the mistake.

Once again, thanks in advance.

Appreciatively,
Margie

On 3/24/2023 11:35 AM, Marguerite Purnell wrote:

Good morning Shelley and Tammy,

At your earliest convenience would you please send the attached letter to all members of the Zoning Commission.

I also ask that the attached letter be posted along with the Agenda for Monday's meeting and that it be added to the *Communications* section of the Agenda, as I had requested for my 2/15/23 letter to the WZC.

Thanks so much. Have a great weekend.

Appreciatively,
Margie

Marguerite W. Purnell

Washington Zoning Commission
Bryan Memorial Town Hall
Washington Depot, CT 06794

March 23, 2023

**RE: 101 Wykeham Road, LLC
Special Permit Compliance Review
SP modification required & Land Use Timeline**

Dear Washington Zoning Commission (WZC) members,

If a special meeting is still scheduled for Monday, and if a vote is still planned regarding 101 Wykeham Road, LLC's (Wykeham) compliance, the outcome will be identical to what it's been since 2018's conditional approval: a resounding "No". The applicant's team has not yet been able to demonstrate compliance with all conditions of 2018's special permit (SP) modification approval in addition to their ongoing lack of compliance with sections of the 2013 Settlement Agreement (SA).

NEW SPECIAL PERMIT MODIFICATION REQUEST REQUIRED

More importantly, during this "compliance review" the applicant's team has already submitted substantive changes to the approved 2018 site plan. This is no longer just a compliance review. Had the WZC discussed and decided to forward my 2/15/23 comment letter to Cardinal Engineering, Cardinal would have confirmed that indeed changes have been made to 2018's site plan. Now, with additional site wide changes anticipated to solve the separation of the potable water supply from that to be used for fire suppression (identified as an issue years ago), the site plan will require even further revision. As such, **a new SP modification request is required to be submitted to the WZC.**

HOW DID WE GET HERE?

In an effort to provide additional background and a bit more clarity to the long running and ever-changing history of permit applications and revision requests for the property at 101 Wykeham Road, attached please find a land use timeline chart. I offer this to augment Commissioner Hill's recently generated timeline that was a good start, but pertained almost exclusively to the Zoning Commission. With a broader review, better understanding can be gained.

As you will see, since 2008 the owner/developer of 101 Wykeham Road has sought over 35 permit applications, permit revision requests and legal settlement requests from Washington's land use commissions. Most of the applications involved multiple meetings and numerous ongoing changes to the plans during the review process itself, often toward the end of a public hearing or administrative review when time is short for thorough scrutiny. Many applications were withdrawn, only to be resubmitted a few days or weeks later, thereby necessitating additional work for all involved: land use staff, commission members, legal counsel and yes, members of the public. It has been entirely the owner/developer's choice to proceed in such a manner.

In addition, most of the lengthy and expensive litigation since 2008 was initiated and pursued by the owner/developer. No sooner had the 2008 permit applications been submitted to Washington's land use commissions, when Wykeham turned around and sued the abutting neighbor who held a Restrictive Covenant (RC) over ~4 acres of the southern part of Wykeham's property. Washington's land use commissions were asked to process no less than 14 additional applications and permit revisions during the four years this separate legal wrangle was ongoing. All of those proposals featured structures sited in the contested area, an area possessing restrictions ultimately determined to be valid and enforceable. The Federers, who held the RC, were forced to defend their RC repeatedly as Washington's land use commissions granted permit after permit. And as the project grew larger and larger, other abutters felt the need to appeal in an effort to defend their homes and their extended neighborhood from an enormous commercial enterprise that will operate 24/7/365.

Careful review of the attached Land Use History Chart fleshes out exactly how we got here: the owner/developer exploited a supposed ambiguity in Washington's Zoning Regulations to submit a proposal for a LEED certified low profile country "Inn". When the "Inn" was denied by the WZC in 2008, the owner/developer appealed the denial and then brought application after application during the years the Federer RC litigation and the "Inn" litigation were in court, focusing on a "School" proposal that they knew would be better received (even though larger in size). Then in early January 2013, the "Inn" litigation was settled by four parties (the owner/developer, Federer, Peacocke and the WZC). The settlement used the last of the "School" site plans combined with an "Inn" use. The WZC had never before settled one of their land use decisions, and in their first settlement, a denial (of a smaller "inn") instantaneously became an approval of a larger "inn". Once the "School" plans (an *Institutional* use per Washington's POCD) had served their purpose, converted overnight into an "Inn" (now a *Commercial* use – inconsistent with Washington's POCD), the owner/applicant filed their own Restrictive Covenant to prohibit the property from being used as a school for the next 50 years, despite the fact that this property had been a school for over 100 years, a detail that the owner/developer had emphasized and relied upon during the various "School" applications.

The owner/developer has had special permit approval to build the "inn" since 2013, but instead of securing the last permits needed so as to start construction of the 2013 version, she has continued to return to Washington's land use commissions for another 15 permits/revisions as she grew the project in scope and scale. This is how we got to where we are now: the compliance review for the 2018 SP revision approval.

It bears mention that during these past 15 years, a number of important project components, including required state permits still have not been decided or obtained by the owner/developer. During various sessions of this compliance review the WZC was told that the building designs (especially the cottages) remain unfinalized and that the building interiors have not yet been designed. Additionally, it was only in the fall of 2022 that the septic permit approvals were obtained from DEEP, though as you now know, they were obtained using false/incorrect information and will require re-approval with the proper notice and sign off from the actual holders of the RC (please see my 2/23/23 letter to the WZC). Then of course there's the water supply issue, that the public has raised ongoing concerns about since 2008. As of the writing of this letter, the water supply issue remains unresolved. This is not a "little glitch". Lastly, there are the other permits that have not yet been finalized (i.e., the IWC permit) or even submitted (i.e. DEEP's Stormwater Construction General Permit).

In closing, I hope this information has helped to illustrate that the delay in proceeding with this development proposal lies squarely with the owner/developer.

Thank you once again for your consideration of these comments. As always, I remain willing to provide additional information or to answer any questions that you may have. I look forward to continued participation in the permitting process regarding the property at 101 Wykeham Road.

Sincerely,

Marguerite W. Purnell

Attachment: 101 Wykeham Road Land Use History Chart

101 Wykeham Road
Land Use History
2007 - 2023

App./Rev. Count	DATE RECEIVED	AGENCY	PERMIT/ACTION TYPE/NAME	PROJECT	PH	PH SESSIONS	DECISION	DECISION DATE	NOTES
	10/22/2007	WZC	NA						Preliminary discussion - Atty. Fisher states he has a client who owns land on a town road who wants to operate a country inn on their property. He inquired about the wording of WZR § 13.9.
	2/25/2008	WZC	NA	Revision of Regulations re: Inns	Y	1	Regulations Revised	6/23/2008	On 2/25/08, following months of discussion, the WZC decided upon proposed language to clarify WZR § 13.9. A public hearing was scheduled for 5/19/08. 4-1 vote to approve on 6/23/08.
	3/31/2008	NA	Property Sale				Recorded	4/16/2018	Wykeham Rise, LLC (WRLLC) purchases 101 Wykeham Road
1	5/19/2008	WZC	Special Permit	Inn	Y	6	Denied	12/15/2008	3-2 vote to deny (Wykeham Rise Inn) Note: The application was incomplete and violated the Zoning regulations (lot coverage and no application yet to IWC) when received by the WZC.
2	5/28/2008	IWC	IW-08-31	Inn	Y (SI)	4	Approved	11/5/2008	3-2 vote to approve; approved w/ 8 conditions (Wykeham Rise Inn)
	5/28/2008	IWC	Violation	Inn			Never Enforced	Ongoing	During IWC permitting, an eroded gully was identified as an ongoing source of excess sediment into Kirby Brook. The IWC Chairman observed this could be resolved voluntarily by the applicant or as an enforcement action. To date neither have been done.
3	7/31/2008	ZBA	ZBA-0813	Variance	Y	1	Withdrawn	8/?/2008	WRLLC sought variance to zoning regs 1.1.5.1 (lot coverage) & 2.1.1.37 (lot coverage definition).
	8/22/2008	NA	WRLLC v. Federer	Litigation re: Restrictive Covenant			Summary Judgement reversed & remanded	6/19/2012	Wykeham Rise, LLC sued the Federers (27 Bell Hill Road) re: the Restrictive Covenant that 27 held over 101 Wykeham Rd. CT Supreme Court determined "the trial court's conclusions...were improper...". Reversed & remanded.
	12/29/2008	WZC	WRLLC v. WZC	Litigation re: Inn denial			Settled	1/7/2013	Wykeham Rise LLC appealed the 12/15/08 denial of the "Inn" special permit. Settled in early 2013 with 1/7/2013 Settlement Agreement followed by 2/5/2013 8-8(n) hearing upholding the SA. [Note: See App # 18 on pg. 4]

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App./Rev. Count	DATE RECEIVED	AGENCY	PERMIT/ACTION TYPE/NAME	PROJECT	PH	PH SESSIONS	DECISION	DECISION DATE	NOTES
	1/5/2009	IWC	Federer v. IWC	Litigation re: Inn approval (violated RC)			Withdrawn? Settled?	1/7/2013?	Federer held restrictive covenant over 101 Wykeham Road and appealed the IWC's approval of the "Inn" (IW-08-31) - buildings proposed in Restricted Area. Federer withdrew as plaintiff 3/2/2010; Intervenor Peacocke remained.
	1/26/2009	WZC	Preapplication advice	Aff Housing				1/26/2009	Preliminary discussion: WRLLC Affordable Housing project (8-30g)
	2/23/2009	WZC	Executive Session	Inn				2/23/2009	Executive session held. Followed by 5-0 vote "to agree to participate in the proposed mediation for Wykeham Rise, LLC..." Note: mediation was unsuccessful; it broke down in early July 2009.
	2/25/2009	IWC	Preapplication advice+	Aff Housing + (Inn mediation)				2/25/2009	Pre-application advice (aff housing project) & vote to participate in mediation (re: Inn project) Note: mediation was unsuccessful; it broke down in early July 2009.
	3/31/2009	IWC	Violation (IW-08-31)	Inn			Never enforced	3/31/2009-12/8/2010	Condition #4 of IWC permit IW-08-31 required quarterly preconstruction water quality monitoring of Kirby Brook to establish a baseline. Results were provided Q3 of 2008, but never again. In late 2010 the IWC Chairman arbitrarily struck the condition from the permit.
4	4/22/2009	IWC	IW-09-09	Aff Housing	Y(PI)	0	Withdrawn	6/10/2009	First of the Affordable Housing applications submitted. PH to be held due to public interest, but never scheduled because required information had not been submitted to IWC. (Wykeham Terrace)
5	7/8/2009	IWC	IW-09-23	Aff Housing	Y	1	Denied	9/9/2009	5-0 vote to deny w/o prejudice - Incomplete app. (Wykeham Terrace)
6	9/23/2009	IWC	IW-09-39	Aff Housing	Y	3	Approved	12/22/2009	4-0 vote to approve; approved w/ 4 conditions (WykehamTerrace)
	1/4/2010	IWC	Peacocke v. IWC	Litigation re: Aff Housing			Settled	see #10 and #11 below	

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7	8/23/2010	WZC	Rev. to 1990 SP	School	NA	0	Withdrawn	9/?/2010	WZC had to consult with Atty. Zizka before proceeding.
8	9/1/2010	IWC	Req. to Amend IW-08-31	Inn -> School	Y (PI)	3	Approved	12/8/2010	5-0 vote to approve; approved w/7 conditions (Note: WQ monitoring struck) (WU-I)
9	9/27/2010	WZC	Special Permit	School	Y	3	Approved	12/27/2010	4-1 vote to approve; approved w/ 4 conditions (WU-I)
	1/3/2011	IWC	Giampietro v. IWC	Litigation: re: School			Dismissed or Mooted	2012?	Appeal of IWC approval ganted to first "University" (WU-I) proposal. Motion to dismiss granted when a subsequent minor modification was made to the permit, but not separately appealed. Project significantly larger than denied "Inn".
	1/20/2011	WZC	Peacocke v. WZC	Litigation: re: School			Mooted	2/5/2013	Appeal of WZC approval granted to first "University" (WU-I) proposal. Mooted by 1/7/2013 Settlement Agreement. Consolidated with Federer v. WZC.
	1/30/2011	WZC	Federer v. WZC	Litigation: re: School			Mooted	2/5/2013	Appeal of WZC approval granted to first "University" (WU-I) proposal. Consolidated with Peacocke v. WZC. Mooted by 1/7/2013 Settlement Agreement that was approved by Superior Court following 8-8(n) hearing on 2/5/2013.
10	6/22/2011	IWC	Proposed Settlement Peacocke v. IWC	Aff Housing	N	0	Denied	6/22/2011	0-5 vote to approve (denied) (Wykeham Terrace)
11	6/30/2011	IWC	Proposed Settlement Peacocke v. IWC	Aff Housing	N	0	Approved	6/30/2011	5-0 vote to approve; (IW-09-39 null & void) (Wykeham Terrace)
12	7/13/2011	IWC	Req. to Amend IW-08-31	School	Y	3	Approved	10/27/2011	4-0 vote to approve; Bedini recused; (WU-II)

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13	7/25/2011	WZC	Special Permit	School	Y	2	Withdrawn	10/20/2011	(WU-II)
14	10/24/2011	WZC	Special Permit	School	Y	3	Approved	2/14/2012	4-1 vote to approve; approved w/ 7 conditions (WU-III)
	12/28/2011	IWC	Giampietro v. IWC	Litigation: re: School			Dismissed or Mooted	?	Amended complaint associated with another IWC permit modification, this time for the 2nd "University" proposal. Motion to dismiss granted when a subsequent minor modification was approved, but not separately appealed.
15	1/11/2012	IWC	Req. to Amend IW-08-31	School	N	0	Approved	1/11/2012	5-0 vote to approve (WU-III)
16	1/25/2012	IWC	Req. to Amend IW-08-31	School	N	0	Approved	1/25/2012	5-0 vote to approve (added to agenda that night) amended motion of approval for 3rd req. to amend (WU-III)
	3/1/2012	WZC	Solomon Trustee et al v. WZC	Litigation: re: School			Mooted	2/5/2013	Appeal of WZC approval granted to 3rd "University" (WU-III) proposal. Mooted by 1/7/2013 Settlement Agreement that was approved 2/5/2013 by Litchfield Superior Court following 8-8(n) hearing.
17	8/8/2012	IWC	Req. to Amend IW-08-31	School	N	0	Approved	9/26/2012	4-0 vote to approve; approved w/3 conditions (WU-IV) IWC was told by applicant's engineer that "The footprint of the main building complex has been slightly increased in size." In fact, it was increased by 8,000 SF (from ~16,000 SF to ~24,000)!
	12/17/2012	WZC	Special Meeting & Executive Session				Held	12/17/2012	Special Meeting held almost entirely in Executive Session; Agenda listed "to discuss pending litigation - the status of appeals related to Wykeham Rise development proposals." No discussion or action took place after the 74 minute Executive Session other than meeting adjournment.
18	1/7/2013	WZC	Proposed Settlement WRLLC v. WZC	Inn (using School Site Plan)	N	0	Approved	1/7/2013	4-1 vote to approve SA, site plan & 2 renderings; approved w/ 6 conditions. (Legal & project intro ~26 minutes; public comment ~40 minutes; WZC discussion/deliberation ~27 minutes; crafting motion ~13 minutes). (Wykeham Project)

101 Wykeham Road

Land Use History

2007 - 2023

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	1/8/2013	WZC	Notice	Inn			Recorded	6/2/2015	Notice filed on Washington's land records of WZC approval of 1/7/2013 Settlement Agreement (SA) including 6 conditions of approval (from the last "school" approval in early 2012). (Wykeham Project) Note : Neither the site plan (32 sheets) nor the SA (3 pgs) were recorded.
19	1/9/2013	IWC	Review of SA	School -> Inn	NA	0	NA	1/9/2013	IWC Chairman soft-pedaled the potential for impact to wetlands & watercourses, thus consensus reached that changes would not affect wetlands or watercourses. Note : Identified as significant issue during the 2018 IWC application.
	1/22/2013	WZC	8-8(n) Hearing Settlement WRLLC v. WZC	Inn			Approved	2/5/2013	8-8(n) hearing held on 1/22/2013 regarding the proposed settlement. A Memorandum of Decision dated 2/5/2013 approved the settlement stating "The settlement reflects a substantially reduced project that should be much more acceptable to the neighbors." Per covenant #15 of the 2013 Settlement Agreement, "...WRLLC shall give up and surrender its two existing approvals for a school...". Atty. Fisher's 6/24/13 letter to the WZC Chairman "...hereby surrenders and relinquishes...the special permits granted..." for the school.
	6/24/2013	WZC	Condition of Settlement WRLLC v. WZC	School			Surrendered	6/24/2013	WRLLC (via Manager & Member Matthew Klauer) agrees that "For a period of 50 years from the date this Declaration is executed, Wykeham agrees that its Premises shall not be used as a public or private school, or college."
	11/5/2013	NA	Declaration of Restrictive Covenant	School			Recorded	11/25/2013	Agent approval directed by IWC - "reduction in scope" (Palihouse) The revised project reduced lot coverage by 11.47%.
20	12/10/2014	IWC	Req. to Amend IW-08-31	Inn	N	0	Approved	12/10/2014	Formation of 101 Wykeham Road, LLC (Wykeham Rise, LLC and Paligroup Holdings, LLC)
	1/26/2015	NA	Amended & Restated LLC Agreement	"Hotel project"			Entered	1/26/2015	Sale of 101 Wykeham Road: from WRLLC to 101 Wykeham Road, LLC
	2/12/2015	NA	Property Sale Warranty Deed				Recorded	3/3/2015	Agent approval - notice to IWC 5/13/2015 (Palihouse)
21	5/13/2015	IWC	Req. to Amend IW-08-31	Inn	N	0	Approved	5/13/2015	

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	5/15/2015	NA	Abutting Property Sale				Recorded	5/15/2015	Sale of 27 Bell Hill Road: from Federer to Erika Klauer Note: 27 Bell Hill Road holds RC over 101 Wykeham and is party to 2013 SA.
	5/16/2015	NA	Settlement Agreement Amendment	Inn			Entered	5/16/2015	"Plaintiff [Klauer] reached an agreement with another neighbor [Peacocke] and, to that end, signed a settlement agreement on May 16, 2015, both affirming its support for the modified plan and requiring submission of the modified plan to the Commission." No record of WZC sign off on amended SA.
22	5/18/2015	WZC	Req. to Amend 2013 SA	Inn	N	0	See below		Administrative review (Palihouse)
23	6/22/2015	WZC	Req to Amend 2013 SA	Inn	Y	3	Withdrawn	9/11/2015	Upon advice of Counsel - PH held (Palihouse)
24	7/8/2015	IWC	Req. to Amend IW-08-31	Inn	N	0	Approved	7/8/2015	Agent approval - notice to IWC 7/8/2015 (Palihouse)
	8/28/2015	NA	WRLLC v. 101 Wykeham Rd LLC & Paligroup	Litigation re: "Hotel project"			Withdrawn (went to Arbitration)	9/15/2015	WRLLC brought suit against its business partner in Litchfield Superior Court, and ended up in arbitration in NYC. Initial paperwork filed that indicated earlier litigation between EK & MK to remove MK from the company. Note: Hotels are not a permitted use in Washington.
	9/9/2015	NA	WRLLC v. 101 Wykeham Rd LLC & Paligroup	Arbitration "Hotel project"			Settled	3/?/2016	Approximate 6 month arbitration proceeding at Judicial Arbitration and Mediation Services in New York City. Settlement reached.
	12/27/2016	WZC	Complaint / Violation						Commercial use in a R-1 district. 27 Bell Hill Road being used as a "model home" promoting condo sales at 101 Wykeham. Note: Condos are not a permitted use in Washington.
	1/22/2017	NA	NA						Fire destroys existing Main Building.

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Land Use History
2007 - 2023

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25	2/8/2017	IWC	Req. to Amend IW-08-31	Inn	N	0	Approved	2/8/2017	Request for bond reduction to clear fire damaged main building.
	4/24/2017	WZC	Executive Session	Inn / Condos			Held	4/24/2017	Atty. Zizka: "...discussion of potential claims to enforce a legal right that the commission has, which in this case is the Settlement Agreement, qualifies as pending litigation under the Statutes." 90 min. Exec Session
26	5/22/2017	WZC	Administrative Application - Construct Inn	Inn	N	0	Denied	8/28/2017	Essentially a compliance review. Discussed at May, June, July & Aug. mtgs. 3-2 vote to deny; inconsistent w/SA. Application required. (Ocean House)
	5/7/2017	IWC	Violation	Inn			Enforcement Action	6/14/2017	Unauthorized work adjacent/within Kirby Brook. No IWC permit for this work (demolition/reconstruction of stone walls/pillars at 101 Wykeham entrance). Violation letter sent. Small fine paid. WEO stopped work ~one month after 1st complaints. Work incomplete; erosion into Kirby Brook
	5/7/2017	WZC	Violation	Inn			No action taken		Unauthorized demolition/reconstruction of stone walls/pillars at 101 Wykeham entrance. No bond posted, no 48 hour notice provided. Work completed is inconsistent with permitted plans. Encroachment into Town ROW. Sight lines further impaired. To date, matter unresolved.
27	6/14/2017	IWC	Req. to Amend IW-08-31	Inn	N	0	Approved	6/14/2017	5-0 vote to approve revisions. Request added to agenda that evening. Revised project increase lot coverage by over 11%! Major increase in lot coverage was not disclosed, nor discussed.
28	9/25/2017	WZC	Req. to Modify 2013 SP	Inn	Y	4	Withdrawn	3/?/2018	Withdrawn before WZC was to deliberate in early March. PH had closed on 2/13/2018. An Executive Session was scheduled 3/5/2018 followed by a Special Meeting for deliberation on 101 Wykeham - neither held.
29	10/19/2017	ZBA	ZBA - 1046	Inn Appeal of WZC denial	Y	0	Withdrawn	12/20/2017	101 Wykeham Road, LLC appealed the WZC denial of its administrative application. Withdrawn the day before the ZBA PH was to begin.
	11/5/2017	IWC	Expiration IW-08-31	Inn			Permit Expired	11/5/2017	The original 2008 wetlands permit, modified numerous times (shifting locations of parking and buildings, eliminating LID components and expanding the size of the proposal and the area disturbed) expired.

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	12/11/2017	WZC	Executive Session	Inn			COI Waived	12/11/2017	Vote to waive Conflict of Interest to allow Atty. Zizka to represent WZC and ZBA in the appeal brought by 101 Wykeham Rd, LLC re: 8/28/17 denial.
30	2/14/2018	IWC	IW-18-04	Inn	Y (Pet)	5	Approved	8/14/2018	5-0 vote to approve; approved with 10 conditions. Application incomplete - no CE form, no wetlands soils report & sketch plan +. Plans <u>not final</u> when approved (instead 3 conditions added). To date final plans and calculations (per conditions of 2018 approval) have yet to be provided/reviewed..
31	2/26/2018	WZC	Req. to Modify 2013 SP	Inn	Y	3	Approved	8/28/2018	3-2 vote to approve; approved w/ 25 conditions. Conditions of approval corrected (dates of site plan sheets) at 9/24/18 mtg.
32	2/26/2018	WZC	Administrative Application - Construct Inn	Inn	N	0	Denied	8/28/2018	5-0 vote to deny.
	4/17/2018	WZC	Executive Session	Inn				4/17/2018	50 minute Executive Session re: "pending litigation" regarding 101 Wykeham.
	9/6/2018	IWC	Purnell et al v. IWC	Litigation: Appeal of IW-18-04			IWC approval upheld	1/11/2022	Appeal of 2018 IWC approval to Litchfield Superior Court, transferred to the complex litigation docket where it was dismissed. Petition for certification granted to appeal to Appellate Court. Appellate Court decision affirmed the lower court's ruling. Petition for cert. to CT Supreme Court denied.
	9/7/2018	WZC	Violation	Inn			Withdrawn? Unresolved ?	10/9/2018?	Cease & Correct Order & Citation issued. The <i>Order</i> was possibly withdrawn (no signed letter provided)...if so, it was contingent upon timely follow through with main building clean up. 4.5 years later no clean up has begun. No citation payment was ever made.
	9/?/2018	WZC	101 Wykeham Road, LLC v. WZC	Litigation: Appeal of 8/28/18 app			Withdrawn	5/17/2019	Owner/developer appeals 2018 WZC approval, but drops the appeal 8 months later.
	9/19/2018	WZC	Parker et al v. WZC	Litigation: Appeal of 8/28/18 app.			WZC approval upheld	1/11/2022	Appeal of 2018 WZC approval to Litchfield Superior Court, transferred to the complex litigation docket where it was dismissed. Petition for certification granted to appeal to Appellate Court. Appellate Court decision affirmed the lower court's ruling. Petition for cert. to CT Supreme Court

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	11/19/2018	WZC	Executive Session	Inn			No action taken	11/19/2018	To discuss pending litigation and claims 101 Wykeham Road, LLC/101 Wykeham Road.
33	12/17/2018	WZC	New Application	Inn	N	0	Withdrawn	12/17/2018	The application and pending discussion (re: Atty Kelly's 11/19/18 letter to the WZC) were both withdrawn at the meeting via letter from Atty. Kelly dated 12/17/18.
	3/1/2019 - 4/30/2019	NA	Abutting Property renovation						Renovations at 14 Bell Hill Road. Multiple Building Permits granted to Erika Klauer (as stated owner) and Colin Dehram.
34	12/16/2019	IWC	IW-20-01	Demo & abatement (main bldg.)	N	0	Approved	3/11/2020	5-0 vote to approve; approved w/ 5 conditions including <u>new</u> WQ monitoring pre, during and post demo & abatement of fire damaged (early 2017) main building.
35	3/5/2020	WZC	Compliance Review Special Permit	Inn	N	0	Ongoing		4 Special meeting "workshops" held from 11/4/21-1/9/23. Second 3rd party review (limited scope as dictated by applicant's team) began mid Feb. 2023. Note: public comment requested before each workshop, but not granted.
36	3/5/2020	WZC	Zoning Permit	Inn	N	0	On hold		Requested 3/5/20 by Atty. Sherwood, but later confirmed by applicant's team that only the issuance of the Special Permit is being sought at this time (see above).
	12/7/2020	NA	Abutting Property Sale				Recorded	12/8/2020	Sale of 23 Bell Hill Road: from Clarke estate to KR CT Homes, LLC (Erika Klauer, Member)
	1/23/2021	NA	Abutting Property Sale				Recorded	2/5/2021	Sale of 14 Bell Hill Road: from Christopher & Teresa Peacocke to DiBenedetti Note : 14 Bell Hill Road is party to the 2013 SA
	2/12/2021	WZC	Violation	Inn			Discussed	2/22/2021-7/26/2021	Use of Bell Hill Road access with heavy machinery for tree removal on 23 Bell Hill Road (and 101 Wykeham Road) property. Access was to have been abandoned per 2013 SA. Enforcement letter drafted, but apparently never sent...the WZC "...could not agree on whether to send the letter or not."

101 Wykeham Road

Land Use History

2007 - 2023

App./Rev. Count	DATE RECEIVED	AGENCY	PERMIT/ACTION TYPE/NAME	PROJECT	PH	PH SESSIONS	DECISION	DECISION DATE	NOTES
	2/12/2021	IWC	Violation	Inn			Partial Enforcement Action	3/10/2021	Use of Bell Hill Road access with heavy machinery in URA. Tree removal in URA. Tree removal on 23 Bell Hill Road (and 101 Wykeham Road) property. No IWC permit for this work. Fine notice sent to contractor & 23 Bell Hill (?). Fine paid, but no ATF application ever submitted.
	7/15/2021	NA	Abutting Property Sale				Recorded	7/19/2021	Sale of 27 Bell Hill Road: from Erika Klauer to Boehning & Glover Note: 27 Bell Hill Road holds RC over 101 Wykeham and is party to 2013 SA.
				Total PH Sessions		45			