

Rex Swain  
8 South Street  
Washington, CT 06793  
860-868-0131

January 14, 2023

Zoning Commission  
Town of Washington  
P.O. Box 383  
Washington Depot, CT 06794

Dear Commissioners:

The Gunnery is on the agenda for your upcoming January 23 meeting, applying for a modification to the their special permit. I hope you will review my letter of December 19 (attached), and also consider the following:

At your December 19 meeting, the land use staff framed this issue as a conflict between the neighbors and the school, and "encouraged communication ... in hopes of them coming to an agreement or understanding." That interpretation is misleading.

The actual conflict is between the school's activities and the Town's zoning regulations. The role of the neighbors was simply to complain about the activity, which apparently caused the land use staff to notice what had been going on for months and realize that it was not permitted.

The neighbors do not have the authority to come to any "agreement" about this unpermitted activity -- only the Zoning Commission does. But there has been no enforcement to date.

I am very concerned that (a) the school will be granted a modification, (b) the modification will be treated as *retroactive*, and (c) all is forgiven. I.e., no enforcement at all.

Again quoting from your December 19 minutes, "J. Hill stated that stock piling materials and construction storage was not a use permitted in the R-1 District either by right nor Special Permit."

I urge the Commission to deny the special permit modification application and instruct the school to halt the activity immediately.

Sincerely,

Rex Swain

Rex Swain  
8 South Street  
Washington, CT 06793  
860-868-0131

December 19, 2022

Zoning Commission  
Town of Washington  
P.O. Box 383  
Washington Depot, CT 06794

Dear Commissioners:

At tonight's Zoning meeting, the Gunnery is on the agenda to apply for a modification to their special permit. For several months, they have been using their South Street property as a construction staging area, causing much heavy truck activity. This activity is not permitted by their current permit, and so they will now apply for a modification.

The Gunnery application has all sorts of virtue-signaling language about sustainability, but never mentions that they are, and have been, in violation of their permit.

They say that "effective immediately" they are limiting the trucking hours. That is very big of them, considering that they are nevertheless in violation of their permit. A better response would be to immediately stop the unpermitted activity. If that is difficult for them, that is their problem, not mine.

When the Land Use office says "we have asked that they apply for a modification to their existing SP", I worry that the plan is (a) they apply for and are granted a modification, (b) the modification is treated as retroactive, and (c) all is forgiven. I.e., no enforcement at all.

My neighbors are also disturbed by all the activity, but none have come forward because the general feeling is that the school will have its way, as it has before.

My wife and I are self-employed and work at home. The trucking activity is very annoying. While we pay property taxes, the school is exempt from property taxes. I hope they are not also exempt from zoning regulations and enforcement.

Sincerely,

Rex Swain

Attachment: Email traffic

1. After I first called the Land Use office in November, MaryAnn emailed the Gunnery:

From: MaryAnn Haverstock <mhaverstock@washingtonct.org>

Sent: Fri, Nov 18, 2022 at 3:20 PM

Good afternoon,

This morning the Town of Washington received a call from a resident regarding trucks going in and out of South Street.

When we drove on South Street this morning, we did observe trucks going into the Gunn South Street property entrance.

If you have activity happening at South Street that may require a permit, please call the Land Use Office so that we can schedule a meeting and assist you in any potential application process.

Thank you,

MaryAnn Haverstock

Town of Washington

Land Use Office

Bear in mind that this trucking activity has been going on for **months** already. I had not complained because I assumed that the Gunnery was doing this legitimately. But I finally got fed up and called the Land Use office.

2. The Gunnery responded, attempting to minimize the issue to tradesmen parking:

From: Christopher Cowell <cowellc@frederickgunn.org>  
Sent: Monday, November 21, 2022 8:00 AM  
To: MaryAnn Haverstock <mhaverstock@washingtonct.org>  
Cc: Shelley White <swhite@washingtonct.org>  
Subject: Re: Town of Washington

Hello MaryAnn,

Thank you for reaching out, the activity noted were trades for the CIAC project meeting at the South Street location and carpooling to campus. We are using that parking area to reduce the number of vehicles that would otherwise be parking on the street surrounding the campus. Please let me know if you would like to talk on the phone about this or if you would like me to speak with any of the people that have contacted you.

Regards,  
Christopher W. Cowell  
Chief Financial Officer & Business Manager

### 3. MaryAnn connected me with Chris.

From: MaryAnn Haverstock <mhaverstock@washingtonct.org>  
Mon, Nov 21, 2022 at 11:05 AM  
To: Christopher Cowell <cowellc@frederickgunn.org>, <rex@rexswain.com>  
Cc: Shelley White [swhite@washingtonct.org](mailto:swhite@washingtonct.org)

Good morning,

With this email, I am connecting Rex and Chris.

Rex: 868-0131

Thank you,  
MaryAnn Haverstock

### 4. My response:

From: Rex Swain <rex@rexswain.com>  
Mon, Nov 21, 2022 at 11:18 AM  
To: Christopher Cowell <cowellc@frederickgunn.org>  
Cc: Shelley White <swhite@washingtonct.org>, MaryAnn Haverstock  
[mhaverstock@washingtonct.org](mailto:mhaverstock@washingtonct.org)

What I am troubled by is not car-pooling by tradesmen -- it is very large dump trucks full of excavated material. Some days there are a dozen trips up and down South Street. Can you comment on that?

## 5. Now we get to the real issue:

From: Christopher Cowell <cowellc@frederickgunn.org>  
Tue, Nov 22, 2022 at 12:54 PM  
To: Rex Swain <rex@rexswain.com>  
Cc: Shelley White <swhite@washingtonct.org>, MaryAnn Haverstock  
[mhaverstock@washingtonct.org](mailto:mhaverstock@washingtonct.org)

Hello Rex,

In addition to carpooling, we are also using the area for the temporary staging of materials to be used in the project. Are you available to connect on the phone next week to discuss this further? The best times would be in the morning on Tuesday the 29th or in the morning or after 4:30 on Wednesday the 30th.

## 6. Then:

From: Rex Swain <rex@rexswain.com>  
Tue, Nov 22, 2022 at 2:15 PM  
To: Christopher Cowell <cowellc@frederickgunn.org>  
Cc: Shelley White <swhite@washingtonct.org>, MaryAnn Haverstock  
[mhaverstock@washingtonct.org](mailto:mhaverstock@washingtonct.org)

Chris, I can understand that it is convenient for the school to stage material off-site. But the trucking is disturbing to those of us who live on the route. It may be "temporary", but it has been going on for months. We endured the construction of the soccer fields, but I did not know that the South Street site would also be used as a construction staging area.

My question really is for **Shelley and MaryAnn**:

Is this activity included in the permits that the school has for their construction project on the Green?

Thanks for your attention to this. -- Rex

7. MaryAnn then says that they are going to meet with the school -- without responding to the issue of permitted activities:

From: MaryAnn Haverstock <mhaverstock@washingtonct.org>  
Tue, Nov 22, 2022 at 3:34 PM  
To: Rex Swain <rex@rexswain.com>, Christopher Cowell <cowellc@frederickgunn.org>  
Cc: Shelley White [swhite@washingtonct.org](mailto:swhite@washingtonct.org)

Good afternoon, Rex,

The Town of Washington Land Use Office will be meeting at Gunn next week regarding any current site activity.

8. I added a little information. (Mizzy is the name of the trucking company.)

From: Rex Swain <rex@rexswain.com>  
Mon, Nov 28, 2022 at 11:16 AM  
To: MaryAnn Haverstock <mhaverstock@washingtonct.org>  
Cc: Shelley White [swhite@washingtonct.org](mailto:swhite@washingtonct.org)

Just in case they try to minimize this as an occasional activity, it goes on almost every day. So far this morning, four round-trips by the Mizzy trucks.

9. And then a little more. [Emphasis added.] Note this is three weeks into the "conversation".

From: Rex Swain <rex@rexswain.com>  
Mon, Dec 12, 2022 at 9:41 AM  
To: MaryAnn Haverstock <mhaverstock@washingtonct.org>  
Cc: Shelley White [swhite@washingtonct.org](mailto:swhite@washingtonct.org)

Now, in addition to the dump trucks, they are staging steel beams on South Street.

**Can you please tell me whether or not these are permitted activities?  
I feel like there must be a yes or no answer to this question.**

**If permitted, then I will shut up.**

**If not, then you have an enforcement issue.**

## 10. Finally some solid information:

From: Shelley White <[swhite@washingtonct.org](mailto:swhite@washingtonct.org)>  
Mon, Dec 12, 2022 at 10:45 AM  
To: Rex Swain <[rex@rexswain.com](mailto:rex@rexswain.com)>  
Cc: MaryAnn Haverstock [mhaverstock@washingtonct.org](mailto:mhaverstock@washingtonct.org)

Rex,

MaryAnn will not be in until Thursday of this week. We did meet with the FGS people and they are supposed to be submitting a Modification to a Special Permit before the next Zoning Meeting on December 19. The Commission will have to schedule a public hearing for the January 23, 2023, meeting.

These activities are not part of their Special Permit which is why we have asked that they apply for a modification to their existing SP.

## 11. My response. [Emphasis added.]

From: Rex Swain <[rex@rexswain.com](mailto:rex@rexswain.com)>  
Thu, Dec 15, 2022 at 12:38 PM  
To: Shelley White <[swhite@washingtonct.org](mailto:swhite@washingtonct.org)>  
Cc: MaryAnn Haverstock [mhaverstock@washingtonct.org](mailto:mhaverstock@washingtonct.org)

Another dump truck just lumbered noisily up South Street.

**Am I to understand that (a) the activities are not permitted by their Special Permit, but (b) it is okay for them to continue until their Special Permit may or may not be revised next year? Really?**

No response from the Land Use office.