**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**November 16, 2017**

7:30 P.M. Main Level Meeting Room

**MEMBERS PRESENT:** Mr. Catlin,Mr. Bowman, Mr. Wyant, Mr. Peterson, Mr. Horan

**ALTERNATES PRESENT:** Mr. Wildman, Mr. Gunnip

**ALTERNATES ABSENT:** Ms. Kaplan

**STAFF PRESENT:** Mr. Ajello, Ms. White

**OTHERS PRESENT:** Mr. Neff, P.E., Mr. Alexander, Mr. & Mrs. Solomon, Atty. Pires, Mr. Owens, Architect, public, Mr. Becker, Mr. Gaunt, Mr. Grannis, Atty. Andrews, Mr. Sherr, Ms. Chapin, Ms. Solomon, Mr. Kalur, members of the public

**PUBLIC HEARING(S):**

Mr. Catlin called the meeting to order at 7:30 p.m.

Mr. Catlin recused himself.

Seated: Mr. Bowman, Mr. Wyant, Mr. Peterson, Mr. Gunnip, Alt. Mr. Wildman, Alt.

**ZBA-1046: To schedule a public hearing for the appeal of 101 Wykeham Rise, LLC/101 Wykeham Road/ Decision by the Zoning Commission of the Town of Washington:**

The Commission confirmed the scheduling of the public hearing for the above mentioned property.

**MOTION:** To schedule a public hearing on December 21, 2017 for appeal ZBA-1046, submitted by Wykeham Rise, LLC., 101 Wykeham Road to appeal the decision made by the Town of Washington Zoning Commission, by Mr. Wyant, seconded by Mr. Bowman, passed 5-0 vote.

**CONTINUED: ZBA-1044: Request of Arthur H. Howland & Associates, P.C./169 West Shore Road/For Variance from Section 11.6.1.C, Front, Side & Rear Setbacks and Section 12.1.1:**

Mr. Bowman read a letter from Arthur H. Howland & Associates addressed to Mr. Catlin, Chairman, Zoning Board of Appeals, dated November 15, 2017 to request an extension of this public hearing for the regularly scheduled meeting on December 21, 2017 (Bryan Memorial Town Hall at 7:30pm).

**Seated**: Mr. Catlin, Mr. Bowman, Mr. Peterson, Mr. Wyant, Mr. Horan

**CONTINUED: ZBA-1047: Request of Bitar/36 Carmel Hill Road/Special Exception from Section 12.14 – Noise Generating Equipment – To install a generator:**

Mr. Neff, P.E. was present to represent the property owner. He introduced Mr. Alexander, Acoustical Consultant. Mr. Alexander submitted a report describing his measurements and an assessment of the noise emissions originating with the Kohler Generator Model 48 RCL proposed for installation at 36 Carmel Hill Road (dated 11-13-17 – on file in the Land Use Office).

Mr. Neff stated that they are proposing the same location as discussed at the 10-19-17 ZBA Meeting and Mr. Alexander will explain how it complies in regards to sound level.

Mr. Alexander stated that the sound levels need to be 50 dB(A) or below. He took measurements at the property line approximately 50 ft. away from the proposed generator location and across Carmel Hill Rd. He indicated that he took measurements with the unit shut down and with it operating in exercise mode. Mr. Alexander stated that the nearest property line is 91 ft. away and the sound level would be 46.7 dB(A), adding three dB(A) in a worst-case sound level of 49.7 dB(A). He noted that the measurement across the street, at the nearest potentially impacted property line, the levels will be 48 dB(A). His report indicates, “The measured data indicates that the units will not exceed 50 dB(A) at the nearest property line during either exercise or emergency/full speed use.”

Mr. Neff noted that these tests were done without the proposed 6 ft. high, solid wood fence. Mr. Alexander stated that the gapless fence should decrease the sound level by 5 dB(A) or more.

There were no further questions from the public.

**MOTION:** To close the public hearing for application ZBA-1046: Request of Bitar/36 Carmel Hill Road/Special Exception from Section 12.17-Noise Generating Equipment – To install generator, by seconded by Mr. Wyant, seconded by Mr. Bowman, passed 5-0 vote.

**Meeting:**

Mr. Wyant stated that with the information received from this presentation he would be in favor of this application. Mr. Catlin stated that he agreed with Mr. Wyant but he wishes it were located elsewhere and it does meet the regulations. Mr. Bowman stated that he agreed with the technical information that has been presented but is also bothered by the location. He strongly suggested that 4 feet of space be allowed between the generator and the fence. Mr. Horan and Mr. Peterson agreed with the other Commissioners’ statements.

**MOTION:** To approve application ZBA-1047, request of Bitar at 36 Carmel Hill Road for a Special Exception from Section 12.17 – Noise Generating Equipment – To install a generator per site plan by Brian E. Neff, P.E., dated 9/26/17, Kohler Spec Sheet for 48 RCC Generator and letter dated 11/13/17 from Martin Alexander, Acoustics and Vibration Consultant, subject to the following condition(s): 1. Any change to the approved site plan will void the Special Exception, 2. Installation of code compliant 6’solid wood fence surround, by Mr. Wyant, seconded by Mr. Bowman, passed by 5-0 vote.

**Seated:** Mr. Catlin, Mr. Bowman, Mr. Peterson, Mr. Horan, Mr. Wildman, Alt.

Mr. Wyant recused himself.

**ZBA-1048: Request of The Gunnery, Inc/99 Green Hill Rd/Variance from Section 11.5.1.C-Increase in Lot Coverage- to construct Arts & Community Center with associated parking:**

Mr. Becker, Head of School at The Gunnery, briefly explained the need to update the arts and performance facilities to remain competitive within the private education industry. He said that the school meets 3 times a week in the lower gym across the street, at present the school’s visual arts take place across the street in a converted maintenance storage area and the performing arts are located in various reclaimed spaces in different buildings. Mr. Becker indicated that the main performing arts center seats 220 and there are approximately 290 students. They are proposing a to construct the Arts & Community Center on the main campus to provide more space and reduce the amount of pedestrian crossings that they have estimated to be 100,000/annually across Route 47. He noted that they would like to provide spaces to their students in regards to square footage and quality. Mr. Becker stated that The Gunnery did a study of about 8 peer schools and the average dedicated arts space square footage per student is 78 s.f., currently The Gunnery is 6th or 7th at 38 s.f. per student this project would put them in the middle. The Gunnery is planning to continue to make their space available to organizations in Town when school is not in session.

Mr. Becker explained how the proposed parking would be more efficient for drop off and pick up of students. The Gunnery is proposing to move the parking to the margins of the campus and make the existing parking area into a green space between the dining hall and the proposed arts building. He stated that The Gunnery has been working with the SLAM Collaborative to locate the proposed building on a hillside that was the site of a previously removed dorm and with sustainability in mind.

Mr. Gaunt, Architect, discussed an overview of the elements of the proposed arts center and parking. He displayed a rendering of the site including the proposed Thomas Perakos Arts and Community Center. He indicated the parking area that would be removed, and the proposed entry court-parking area which would direct traffic through the existing gatehouse. The rendering showed the proposed greenspace between the existing dining hall and the proposed arts center.

Mr. Gaunt stated that there were three things they wanted to focus on when designing the proposed arts center. The first area they considered was functionality, the second was appropriateness, and the third was attractiveness. He noted that they worked with the faculty to approach what space was needed for functionality. Mr. Gaunt displayed the main floor plan rendering and explained the thought around the space. He said that they designed a space that would accommodate the full student body. He displayed the lower level and the spaces that are included.

Mr. Gaunt displayed the exterior renderings to discuss the appropriateness and attractiveness of the proposed building. He explained how the scale was appropriate to the rest of the campus.

Mr. Grannis of the SLAM Collaborative addressed the site planning of the proposed project. He informed the Commissioners that this proposal has been approved by the Town of Washington Historic District Commission. He stated that he would address the lot coverage for this project and their next step was to seek a Special Permit from the Zoning Commission.

Mr. Grannis stated that the total land holdings of The Gunnery are 48.4 acres but per the zoning regulations all of the calculations are based on 21.7 acres. He reiterated that the crossing of Route 47 generates over 100,000 pedestrian trips per year and reducing that pedestrian traffic is in the best interest of The Gunnery and the Town of Washington. Mr. Grannis displayed existing and proposed drawings of the main campus. He noted that the proposed greenspace would be a place for the students to recreate while waiting to be picked up and the proposed entry court parking area would eliminate traffic through the campus at pick up and drop off time.

Mr. Grannis stated that they had performed borings to locate the rock and the proposed building has been located to mirror the existing grade and the angle of the steep rake theater fits the topography perfectly.

Mr. Grannis pointed out that the lot coverage they are proposing is to go from 25.9% to 30.3%. He stated that the increase in square footage is 4.4% (41,500 s.f. approximately 22,000 s.f. is the proposed building).

Mr. Grannis stated that he met with the neighbors across the street. Their property would face the proposed building and they requested strategically placed plantings but otherwise support the project.

Mr. Grannis stated that they will be using low impact strategies for stormwater management. He indicated where the proposed rain gardens would be located.

Mr. Catlin asked how large the proposed building is.

Mr. Gaunt responded that it is 30,800 s.f.

Atty. Andrews introduced herself to the Commission and discussed the legal standard for variances and how this application meets those standards. She submitted the revised landscaping plans indicating the proposed trees that the neighbor requested.

Atty. Andrews stated that the Commission must consider three standards when considering a variance. The first, she said, is due to the special conditions effecting this parcel the literal enforcement of the regulations results in hardship and exceptional difficulty. She stated that The Gunnery is a small school and is occupied by this lot for decades but it is in a residential zone and therefore subject to the lowest allowable lot coverage of 10%. The school requires many scattered buildings of different sizes, parking areas and interconnected walkways and there is nothing the school can do without getting a coverage variance. Atty. Andrews stated that if the school stayed within the strict lot coverage of 10% they would not remain viable in today’s world.

Atty. Andrews stated that the second standard the Commission needs to consider is whether the variance is in harmony with the intent of the Zoning Regulations. She noted that a school is a specially permitted use under the regulations. Atty. Andrew said, “It is therefore expressly the intent of the zoning regs to allow an independent school like The Gunnery to exist in this zone.” She read a section from the Town Plan of Conservation and Development which states that the Town should coordinate future development with The Gunnery as it is one of the establishments that is integral to the overall health of the Town.

The third standard Atty. Andrews said was that the Commission must give due consideration to public health, safety, convenience, welfare and property values. She stated that there is minimal public impact from the increase in coverage. Atty. Andrews noted the result of a dramatic reduction in pedestrian crossing over Route 47 with this proposed plan. She stated that the proposed arts center would have high energy efficiency, geothermal heating and cooling, rain gardens and other environmentally friendly features. Atty. Andrews informed the Commission that this is not to increase enrollment in the school but to keep The Gunnery viable.

Mr. Catlin asked how the addition of the new parking area and the elimination of some existing parking would affect the lot coverage.

Mr. Grannis responded that there are 128 spaces and the proposal would increase the amount of parking spaces to 146. He noted that this is for the main campus only not across the street.

Mr. Horan asked if he was correct in thinking that with the new arts center will create an increase during some occasions but by in large traffic will remain the same.

Mr. Becker stated that 98% of the use will be by students and faculty. He noted that during events they will be able to host more people. Atty. Andrews informed the Commission that a traffic study was done and it was determined, using a worst case scenario, that there would be no impact on traffic at those peak times.

Mr. Becker pointed out that the proposed entry parking area would reduce how far the traffic would go down Kirby Rd.

Mr. Catlin asked what the old space will be used for.

Mr. Becker stated that there are no immediate plans but they have considered lockers rooms, faculty meeting space but nothing definite. He noted that the non-athletic uses of the building such as the health center and some dorm rooms will remain. He emphasized that the main goal was to have everyday campus life on the main campus.

Mr. Bowman stated that he understands the need for the proposed building but his concern is that there is a substantial increase in lot coverage, no taking away of any existing lot coverage, no plan of development and The Gunnery might come back with a request for another building which everyone is in favor of, but it will be another increase. He expressed that it concerns him that there is no master plan of growth for the school.

Mr. Becker stated that he would be in favor of The Gunnery being able to control lot coverage. He noted that he understands that this building is large for the Town and the campus but relative to their competition it is normal. He stated that people expect this quality for what they pay in tuition. Mr. Becker said that The Gunnery is constrained in most ways that their peer schools are not. He stated that minimization and efficiency for future projects will always be considered but they need to keep up with their peer schools to stay viable in this competitive market.

Mr. Bowman stated that he would just like to see an overall plan instead of things coming to the Town piece by piece.

Mr. Catlin asked if there were any questions or comments from the public.

Mr. Sherr, volunteer for Town of Washington, works with economic development in the community, stated education is the industry of our Town. Nearly 40% of people that are employed work in education and if you add the arts and culture it is 50%.

Mr. Catlin read the letter from the Kohns (neighbors across the street) to the ZBA dated November 7, 2017 in favor of the proposed plan (on file in the Land Use Office).

There were no further questions or comments from the public.

**MOTION:** To close the public hearing for application ZBA-1048: Request of The Gunnery, Inc/99 Green Hill Rd/Variance from Section 11.5.1.C-Increase in Lot Coverage- to construct Arts & Community Center with associated parking, by Mr. Horan, seconded by Mr. Bowman, passed by 5-0 vote.

**Meeting:**

Mr. Horan stated that this proposed plan was finely presented, he understands the school’s problem trying to squeeze all these things onto the main campus and he is in favor of this application. Mr. Peterson stated that he is favor and feels that it was well presented and understands Mr. Bowman’s concern regarding a master plan. Mr. Bowman stated that he supports the needs of the School and the Town and recommended an overall development plan before the next project. He stated that he is in favor of this application. Mr. Catlin agreed that there is a hardship on this land and feels that the proposed plan has been thoughtfully planned to minimize impact and he is in favor. Mr. Wildman stated he agreed with the other Commissioners comments and feels that the request is in keeping with the requirements of a variance and he is in favor of this application.

**MOTION:** To approve the application ZBA-1048: Request of The Gunnery, Inc/99 Green Hill Rd for a Variance from Section 11.5.1.C-Increase in Lot Coverage- to construct Arts & Community Center with associated parking as per plans submitted by S.L.A.M. Collaborative dated 11-09-17 and Traffic Access & Impact Study, by Frederick P. Clark Associates, Inc., dated October 2017, By Mr. Catlin, seconded by Mr. Horan, passed by 5-0 vote.

**Seated:** Mr. Catlin, Mr. Bowman, Mr. Wyant, Mr. Peterson, Mr. Horan

**ZBA-1049: Request of Gunn Memorial Library/5Wykeham Rd/Variance from Section 11.5.1.A-Increase in Lot Coverage – To construct a covered outside entry, install emergency egress pathways:**

Mr. Owens, Architect, Ms. Chapin and Ms. Solomon were present to present the application for the Gunn Memorial Library.

Mr. Owens explained that the Gunn Memorial Library is transforming a storage area in the lower level to a space for functions. He informed the Commission that, currently, functions are held in the old section of the library and it is not efficient. The lower level program space will be more efficient for events. He said that this space will require proper egress and an entrance.

The Commissioners and Mr. Owens reviewed the site plan. He pointed out that the proposed entrance will be on the side of the library that faces the Washington Club. He stated that they would create a hardscape stairway on the other side of the building to provide a means for egress.

Mr. Owens and the Commissioners discussed the elevation drawings. Mr. Owens stated that they are proposing to add a steel stair with a covered canopy. He said that they have estimated the number of risers for the stairs on the other side of the building. Mr. Owens submitted a summary of the calculations for lot coverage that the surveyor provided (on file in the Land Use Office) and stated that the survey needs to be drawn up. He pointed that the proposed additions add up to an increase in lot coverage of 561 s.f. or .773%.

There was a brief discussion regarding programs that would be held in the space and ADA compliance. Mr. Owens confirmed that there was no requirement for two means of egress for the disabled because it is an existing building.

There were no further questions or comments.

**MOTION:** To close the public hearing for application ZBA-1049: Request of Gunn Memorial Library/5Wykeham Rd/Variance from Section 11.5.1.A-Increase in Lot Coverage – To construct a covered outside entry, install emergency egress pathways, By Mr. Wyant, seconded by Mr. Bowman, passed by 5-0 vote.

**Meeting**

Mr. Catlin stated that he does not have an issue with this proposal, that the lot is tricky with its size and slope and the POCD addresses supporting the Gunn Memorial library. He feels that the hardship is clear and that this is a great expansion using existing space. Mr. Bowman, Mr. Horan, Mr. Peterson and Mr. Wyant agreed with Mr. Catlin and stated that they are in favor of this application.

**MOTION:** To approve the application ZBA-1049: Request of Gunn Memorial Library/5Wykeham Rd for a Variance from Section 11.5.1.A-Increase in Lot Coverage – To construct a covered outside entry and install emergency egress pathways per plans by Reese Owens dated 10/20/17, by Mr. Catlin, seconded by Mr. Horan, passed by 5-0 vote.

**ZBA-1050: Request of Columbia-Farmer/55 Rabbit Hill Rd/Variance from Section 11.6.1 & 11.6.2-Front and Town Line Setback-to construct 275sf addition:**

Mr. Kalur was present to represent the property owners of 55 Rabbit Hill Rd. He stated that this building was built in the early 1900’s and is mostly in the Town of Warren bur there is a small section in the Town of Washington which is why he needed to apply for a variance. He informed the Commission that the present owners are looking to make the house more efficient, updated and usable. He noted that the small addition would be within the existing footprint with a shed roof connecting to the existing structure.

The Commissioners looked at photographs of the site and discussed the shed roof.

The Commission noted that elevations were not submitted. Mr. Catlin explained that in order to approve a variance the Commission needs a “snapshot” of exactly what is being proposed for the record. The Commission requested that the site plan show the property lines and the setbacks along with the specific measurements from the proposed structure to these points as well as an existing/proposed floor plan and elevations.

**MOTION:** to continue the public hearing for application **ZBA-1050:** Request of Columbia-Farmer/55 Rabbit Hill Rd/Variance from Section 11.6.1 & 11.6.2-Front and Town Line Setback-to construct 275sf addition, by Mr. Wyant, seconded by Mr. Bowman, passed by 5-0 vote.

**Seated:** All regular members and alternates

**CONSIDERATION OF THE MINUTES:**

**Correction(s)**

**Pg. 3:** Mr. Catlin stated that the fourteen years he has been on this commission that **he** has never **sat on such and appeal.**

**Pg.4:** All the Commissioners agreed to defer **the commencement of the public hearing at** the December meeting.

**MOTION**: To accept the minutes of the October 19, 2017 meeting as amended, By Mr. Catlin, seconded by Mr. Wyant, passed 5-0 vote.

**NOMINATION AND VOTE OF OFFICERS FOR 2018:**

Mr. Catlin congratulated the Commissioners on being elected.

**MOTION:** To nominate Mr. Bowman as Chairman and Mr. Catlin for Vice Chairman of the Zoning Board of Appeals for 2018, approved by vote of 7-0.

**EXECUTIVE SESSION:**

**MOTION**: To go into Executive Session at 9:35 p.m., approved by 7-0 vote.

**MOTION**: To come out of Executive Session at 9:57 p.m., approved by 7-0 vote.

**ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:59 p.m. by Mr. Wyant, seconded by Mr. Wildman, approved by 7-0 vote.

**Filed Subject to Approval.**

**Submitted by:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Shelley White, Land Use Clerk

November 22, 2017