

Zoning Commission
 MINUTES
 Public Hearings – Special Meeting
 April 23, 2018

7:30 p.m.
 Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong
ALTERNATES PRESENT: Ms. Radosevich, Mr. Sivick
ALTERNATES ABSENT: Ms. Lodsin
STAFF PRESENT: Ms. Hill, Ms. White
ALSO PRESENT: Mr. Bedini, Mr. & Mrs. Barnet, Atty. Kelly, Ms. Freidman, Mr. Charles, Mr. & Mrs. Solomon, Mr. Cava, Mr. Quist, Mr. White, Ms. Audet, Mr. Couch, Mr. Hua, Ms. Rowe, Mr. & Mrs. Fredlund, Mr. & Mrs. DeMeo, Ms. Purdy, Members of the Public

PUBLIC HEARINGS:

Shepaug Valley Regional School District #12/159 South Street/Special Permit: Section 4.4.10/Addition to Existing School – AgSTEM plans:

Mr. Solley called the public hearing to order at 7:30 p.m.

Seated: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong

Mr. Cava, Chairman of the Building Committee for the Region 12 Board of Education was present and introduces Mr. White, Landscape Architect, from Kaestle Boos Associates.

Mr. White displayed a full size and distributed reduced copies of the drawing titled “Overall Site Plan,” prepared for Shepaug Valley School by Kaestle Boos Associates, Inc, dated 3/22/18 sheet C1.00site plan. He pointed out the additions to the existing school building, outside growing areas, the addition of the Equine building, a turn out area, riding ring, outbuildings for storage, ADA compliant and emergency access ways and reconfigured parking areas to the property. He stated the parcel is 67.9 acres and the additions have been appropriately sized for the AgSTEM program.

Mr. White informed the Commission that they have received variances for building height, lot coverage, parking increase and Inland Wetlands setback and have also received approval from the Inland Wetlands Commission. He discussed the lighting that will be used and how it is in full compliance with the zoning regulations. Mr. White pointed out the location of the proposed generator included with housing for noise attenuation. He discussed how the location complies with the zoning regulations.

Mr. White spoke about the installation of a new drainage system on the property and how it will improve the quality of water. He noted that Mr. Couch P.E. of Martinez Couch & Associates, LLC will discuss the septic improvements on the site.

Mr. Reich asked how many generators are on the site.

Mr. White stated that there is no generator on site at this time. This proposed generator would serve the kitchen and essential components of the new facilities.

There was a discussion regarding animal waste. The waste will be cleaned up daily and put in a designated dumpster and removed from the site.

Mr. White briefly discussed blasting. He informed the Commissioners that there will be minimal blasting on the site for installing utilities.

Mr. Armstrong asked if there was any consideration put toward installing solar panels on the southern face of the roof on the Equestrian Building.

Ms. Mangelli from Kaestle Boos responded that they had discussed solar possibility but at this time are not pursuing it. She stated that, as far as sustainable design, they are required to meet Connecticut High Performance Building Standards which is equivalent to a LEED Silver designation for a building. She explained that there are various sustainable design solutions that will be taken care of in the project such as acoustic, low flow water and reflective roofing areas for example. Ms. Mangelli noted that the solar panels were not determined to be a cost benefit.

Mr. Solley asked if the trusses are rated to hold the weight of the solar panels.

Ms. Mangelli responded that they were not at this time.

Mr. Reich expressed concerns regarding trespassers.

It was noted that the property will have lighting and monitoring cameras.

Mr. Solley asked about the septic systems.

Mr. Couch, P.E. reviewed the Erosion & Sedimentation Control Plan. He noted the new smaller septic system for the backwash of the pool and another smaller septic system for the Equine Building. The existing septic system is in top condition but they have planned a reserve area in case that it fails. He briefly discussed the storm drain attenuation.

Mr. Quist, New Preston, asked why the waste from the animal building would not be composted.

Mr. Cava responded that composting could be a possibility as part of the curriculum. He briefly discussed the hydroponic studies and how they plan to use the waste from the fish for fertilization.

Ms. Rowe asked why the solar panels are not being explored more thoroughly.

Mr. Cava responded that the roof could not support that load of the solar panels and the snow. He explained how Region 12 has instituted other sustainability practices and managed to reduce its spending by \$90,000 - \$120,000 with the adjustments they have made to the buildings so far.

There was a brief discussion regarding traffic. It was noted that they do not feel there will be a significant increase in the traffic.

Mr. Hua, PE, PTOE, of KWH Enterprise, LLC, discussed results of the traffic study that was done for this project. He informed the Commissioners that the peak times are between 7- 8 am and 2:15-3:15 pm. He noted that they have calculated an additional 76 trips in the peak morning

hour and 46 trips in the afternoon peak hour, which ranges from a 20-30% increase in vehicular trips. Mr. Hua also researched data regarding accident history in the vicinity and site distances and in his professional opinion, he does not feel that anything will change.

There was a discussion regarding the commencement of construction for the project. Mr. Cava stated that they hope to start demolition this summer and with regards to the construction of buildings would start in the fall. He informed the Commission that the program will start in the fall of 2019 and the interior renovations and additions, with the exception of the greenhouse should be finished by August of 2019.

Mr. Solley asked what the proposed hours of construction would be.

Ms. Mangelli offered to give an approximate hours of construction and get a more accurate number from the construction manager for the Zoning Commission.

Mr. Solley discussed how the Zoning Commission has worked with the requests of other schools in town.

MOTION: To close the public hearing for Shepaug Valley Regional School District #12, 159 South Street for a Special Permit – Section 4.4.10 for an addition to existing school for Agstem plans, by Mr. Werkhoven, seconded by Mr. Averill, passed by 5-0 vote.

Petition to Revise Section 12.8.1 for the Zoning Regulations to allow Arts Festivals:

Seated: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong

Atty. Kelly introduced himself and stated that he is represent himself and Mr. & Mrs. Ingrassia for this petition. He discussed the history of this request. He explained how Section 12.8.1 of the Zoning Regulations allow these temporary uses in any district of the Town. Atty. Read Section 12.8.1 and noted that the ZEO reviews the application and it is an administrative sign off.

Atty. Kelly informed the Commission that support of Pilobolus is primarily what drove this application when the concept of a 5 Senses Festival was being discussed. He explained that they are planning an event that would be spread out over time and more experiential and integrated with the proposed property for this particular event. Atty. Kelly stated that they are

basically seeking to add a separate 2nd subsection under Section 12.8, which specifically allows, in addition to the 7-day permit, which already will allow the following: For an art festival for which a 7-day permit has already been issued under 12.8.1.i up to an additional fourteen days provided that all of the following:

1. The total days granted under 12.8.1 and any additional up to 14 days under this section to a maximum of 21 days all falling within a 28-day contiguous period.
2. Attendance to events scheduled within the seven-day permit under 12.8.1 shall be limited to a maximum of 300 persons.
3. Attendance on all additional days outside of the seven days already granted under Section 1 shall be limited to a maximum of 100 persons.
4. The festival must be held on property having at least 15 acres with sufficient on-site parking and with both frontage and access on a State Highway.
5. The Zoning Commission must determine by majority vote that the general standards typically applied to Special Permits under Section 13.1.C (list of specific sections of the general standards) are reasonably met when considering the temporary nature of the use.
6. An Art Festival is defined as a series of events hosted by a 501c3 Arts Organization. Event being defined as a workshop, display, class, artistic performance, or other similar quiet experiential event in the visual, creative, wholistic, and performing arts.

Atty. Kelly stated that this proposal is required to be considered by the Planning Commission which, after consideration at this month's meeting, found this proposal consistent with the 2014 Plan of Conservation and Development. He read the letter he received from the Planning Commission's Chairman, Mr. Hileman (on file in the Land Use Office). Atty. Kelly read the section titled The Creative Economy from the 2014 POCD.

Atty. Kelly stated that he has read the letters that have been submitted by the public regarding this petition and pointed out that, in his opinion, there is one overriding theme. He continued to explain that these letters are not talking about this application and that the letters are referring to a particular application of the Pilobolus property on Bee Brook Road if and when this regulation change is adopted. Only after the regulation change is adopted would Pilobolus be able to bring an application to the Zoning Commission under this changed regulation. This process would allow the applicant to show the Zoning Commission how it meets the requirements. Atty. Kelly noted that they have been open that this petition is motivated by this event for Pilobolus but it is not the sole reason.

Atty. Kelly informed the Commissioners that the reason why he only mentioned some of the standards under Section 13.1.C is because they are normally for permanent changes and this would be for a temporary event. He discussed the standards under Section 13.1.C.

He closed by reading a letter from Mr. & Mrs. Ingrassia apologizing for not being able to attend tonight's meeting addressed to the Zoning Commission. In this letter they explained their efforts to support Pilobolus are driven by the same focus on maintaining a balance of people, activities, and events that define a special community. The Ingrassia's stated that the arts are part of that mix and they are worried that if the Town of Washington does not increase its ties to Pilobolus that it will risk losing them. They acknowledged that they respect the opinions of neighbors and the public and would like the opportunity to address any of their concerns. The Ingrassia's expressed concern being referred to as "an arrogant neighbor" and feel that they have reached out to their closest neighbors and the public and welcome any feedback and the chance to address any concerns.

Mr. Solley asked the Commissioners if they had any comments.

There was a brief discussion regarding what would be allowed under Section 12.8.1 as it exists now.

Mr. Solley stated that he has quite a few letters from the public regarding this matter. He requested that anyone in the room read their letter if they submitted one.

Ms. Fredlund of Bee Brook Rd stated that this is a residential area that this is being proposed and they want to protect their property. She said that she is concerned that the petition requests 21 days but is ambiguous as to how many times a year, about the number of people in attendance and parking for 300 people. She read her letter addressed to Ms. Hill and the Washington Zoning Commission, dated April 18, 2018. In this letter she expressed her concerns, that she and her husband were not in favor of this petition and asked that the Zoning Commission deny this amendment (letter on file in the Land Use Office).

Ms. Fredlund read the letter submitted by Mr. & Mrs. Newman of 266 Bee Brook Rd, dated April 15, 2018, who are also concerned about the petition and how it will affect their property. They requested that the Zoning Commission reject this request. (on file in the Land Use Office).

Mr. Solley read the referral response dated 3/28/18 from the Northwest Hills Council of Governments which states "NHCOG staff has reviewed this referral and finds no apparent conflict with regional plans and policies of the known concerns of neighboring towns."

Mr. Solley read Mr. Charles correspondence to Mr. Hileman, Chairman of the Washington Planning Commission dated April 4, 2018 which expresses his concerns such as; 1. There being a number of other facilities that could be used for the event, 2. Limiting the Temporary Use to State Roads is logical for this festival site, but not on a State Road such as West Shore Rd, 3. Anyone with any sized parcel should be allowed to have a festival provided the parcel can safely support the proposed activities, 4. 21 days seems to be too long a period and too broad and area. He concluded that "more thought needs to go into considering the implications of the proposed revision before such a revision is approved or to find a better way." (on file in the Land Use Office).

Mr. Solley read the correspondence from Mr. Comer, Chair of the Washington Democratic Town Committee stating that they have reviewed the revised application from the Ingrassias and Atty. Kelly. He expressed a couple of areas of concerns, one being the no limit on the number of events that could be held each year. The correspondence concluded with "Out lack of opposition is predicated on our assumption that there are no further requests forthcoming for additional changes to the zoning regulations, including specifically any changes to overall zoning regulations for the R1" (on file in the Land Use Office).

Mr. Solley read letters from Mr. & Mrs. DeMeo, neighboring property owners, Mr. & Mrs. Harrison of Keilwasser Road, Mr. & Mrs. Pasch of Buffum Road, Mr. & Ms. Long of Bee Brook Road, Mr. & Mrs. Updegraff of Bee Brook Road expressing concerns about noise, increase in traffic, increase in intensity and other nuisance conditions.

Mr. Armstrong read a letter of opposition from Ms. Quist-Bailey dated April 19, 2018.

Mr. Solley read a letter of opposition from Ms. Dyer of Buffum Road dated April 19, 2018.

Mr. Solley read Ms. Freidman's letter stating her concerns and additional considerations that she feels should be addressed in the petition amendment; "1. Include minimum setbacks for the event, parking and other disruptions, 2. Include language specifying only one event per

calendar year for 501c3 organizations, 3. Require entrance and exit exclusively from state highway, 4. Require a public hearing, so neighbors have a voice, and 5. Eliminate language stating that the special permit standards of 13.1.c need only be "reasonably met when considering the temporary nature of the use."

Ms. Freidman wanted to clarify that she attended the Planning Commission meeting and they had indicated that the amended regulation needed strengthening.

Atty. Kelly disagreed with Ms. Freidman's characterization but that the letter from Mr. Hileman speaks for itself. He said that Mr. Rimsky, member of the Planning Commission, discussed at length how events like this should be less regulated.

Atty. Kelly stated that he understands that people are responding to the unknown. He explained that if this regulation were to be adopted and Pilobolus came back to the Zoning Commission with an application for this event and if the Zoning Commission felt that there was the potential for adverse effects, they could deny the application. He noted that this type of event could not happen in a number of locations in Town and that these events tend to take place at the local schools which are all in the R-1 District. He does not believe that any of these events have affected the value of homes or caused ongoing nuisance problems. Atty. Kelly used the Parks and Recreation Camp that will be held 10 weeks in the summer at the primary school.

Ms. Purdy, caterer from Roxbury, stated that she would be involved with the food for this event. She noted that in her town the Pickin' and Fiddlin' event was not favored by the community at first and now it is a welcomed annual event.

Ms. Rowe asked if the applicant would have to reapply for a temporary permit each time they want to use it.

Mr. Solley responded that they would need to reapply.

Ms. Freidman pointed out that the Special Permit criteria do not state the difference between good noise and bad noise. She noted that Atty. Kelly continues to say that this petition is not related to Pilobolus but keeps bringing Pilobolus into the discussion.

Ms. Solomon of Bell Hill Road, stated that she is concerned with the duration of 21 days and feels it is too long.

Mr. Charles expressed that it is difficult because of the applicant tight time frame.

Mr. Solomon of Bell Hill Road asked what the Town's experience is regarding Section 12.8.1 in the context of the circus/carnival for eight days and have they ever, historically, been in a residential neighborhood.

Mr. Solley responded that when the regulations were initially crafted there had been a fair on Fairgrounds Road, now known as Orchard Lane. He said that after two or three years in moved into the Depot at the Primary School grounds. Mr. Solley stated that the Fireman's Carnival was once at Bryan Plaza and then moved to the Primary School grounds. He believes both events lasted about a week.

Mr. Solomon feels that the revision of 12.8.1.ii is too specific and the Zoning Commission might not have the ability to turn a request for an event down.

Ms. Fredlund stated that they did not purchase their property knowing that an arts festival would be taking place at a nearby property.

Atty. Kelly responded that he meant that the residential property owners around locations such as the Green, Washington Primary School and the Gunnery feel like they are being disturbed with the activities that go on at those locations. He responded to Mr. Solomon's comments by saying that by adding Section 12.8.1.ii they are not eliminating Section 12.8, so the judgement still exists. Atty. Kelly stated that as to the thought of over regulation he has crafted this revision in an attempt to address the feedback that he has received.

Mr. Quist stated that he feels that seven days is more than generous for this type of event.

There was a brief discussion that confirmed that a seven-day event has already been applied for and approved administratively by Zoning.

There were no further comments or questions.

Motion: To close the public hearing for the petition to revise Section 12.8.1 of the Zoning Regulations re: Arts Festivals, by Mr. Reich, seconded by Mr. Werkhoven, passed by 5-0 vote.

REGULAR MEETING

Regular Business

Mr. Solley called the regular meeting to order.

Seated: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong

Consideration of the Minutes:

The Commissioners considered the regular meeting minutes from March 26, 2018.

MOTION: To approve the Regular Meeting Minutes of March 26, 2018, by Mr. Averill, seconded by Mr. Werkhoven, passed by 5-0 vote.

Pending Applications:

101 Wykeham Road LLC. /101 Wykeham Road/Revision of Special Permit for Inn/Public Hearing continued to 5/15:

The Commissioners confirmed that this Public Hearing will be continued to May 15, 2018 at 5pm in the Upper Level Meeting Room in Bryan Memorial Hall, Washington Depot.

Shepaug Valley Regional School District #12/159 South St./Special Permit: Section 4.4.10/Addition to Existing School-AgSTEM Plans:

The Commissioners considered the proposed Special Permit request for Shepaug Valley Regional School District #12. They discussed hours of construction with consideration of the neighbors.

MOTION: To approve the Special Permit application for Section 4.4.10, submitted by Shepaug Valley Regional School District #12, to build additions to existing school for Agstem Academy and associated renovations at 159 South Street, plan set titled “New Agriscience Stem Academy Additions & Associated Renovations,” submitted by Kaestle Boos Associates, Inc. dated 3/22/2018, subject to the following conditions: 1. Weekday construction may commence at 7:00 am and must conclude by 6:00 pm, 2. Weekend construction may commence on Saturdays only at 8:00 am and conclude by 5:00 pm, and 3. No blasting will be permitted on Saturdays, by Mr. Werkhoven, seconded by Mr. Averill, passed by 5-0 vote.

New Applications:

There were no new applications to consider.

Other Business:

Petition to Revise Section 12.8.1 for the Zoning Regulations to allow Arts Festivals:

The Commissioners considered the above-mentioned petition.

Mr. Averill stated that he is philosophically opposed to changing a regulation that would affect the whole town for, essentially, one applicant. He is agreeable to 7 days for the event but feels that 21 days is too much. Mr. Werkhoven agrees with Mr. Averill and feels that the already approved 7-day event could act as a trial. He noted that some of the activities that Atty. Kelly described are innocuous, but he does not want to change a regulation that would affect the entire town.

Mr. Solley asked the Commissioners, if they would consider taking on the administrative role of the ZEO. He explained that since Ms. Hill is the Deputy ZEO, they had a site visit to the Bee Brook Property and with his assistance approved the 7-day event because it met all the requirements of the Zoning Regulations.

Mr. Werkhoven stated that he would like to see the applicant come back to the Commission if there were to be a second application.

Mr. Solley stated that he agreed that they should not allow a change to the Zoning Regulations that would affect the entire residential district for one event. He stated that people moved to these areas without the thought there could be an arts festival next door to their home.

Mr. Reich agrees with Mr. Werkhoven and Mr. Averill but feels that they should consider Ms. Purdy's comments regarding the opposition of small towns like ours to anything new and unfamiliar but try it and eventually end up finding that it is a good thing for the Town.

Mr. Armstrong feels that the 7-day period of time allowed in the current regulations is acceptable for now with the intention of revisiting this section later because it needs more controls.

Mr. Solley informed the Commissioners that they could make the decision tonight.

There was a brief discussion regarding if the applicant can apply immediately for another 7 days. It was agreed that they could, but it would be up to Ms. Hill and potentially the Commission to approve it.

Mr. Solley stated they would consult with Town Counsel.

Ms. Hill stated that she would not feel comfortable signing off on another 7 days and would rather have the Commission make that decision.

MOTION: To Deny the petition to Revise Section 12.8.1 if the Zoning Regulations re: Arts Festivals, by Mr. Werkhoven, seconded by Mr. Reich, passed by 5-0 vote.

Enforcement:

The Enforcement Report was distributed to the Commissioners. There was no discussion at this time.

Adjournment:

Motion: To adjourn the meeting at 10:40 p.m., by Mr. Armstrong, seconded by Mr. Averill, passed unanimously.

Submitted subject to approval:

By: _____
Shelley White, Land Use Clerk, April 30, 2018

*All supporting documents mentioned are on file in the Land Use Office

**A recording of the meeting is available to the public in the Land Use Office.