

October 25, 2010

Present: David Owen, Lou Abella, Ralph Averill, Gary Fitzherbert

Alternates Present: A.J. Dubois, Harry Wyant

Absent: Ray Reich, Andy Shapiro

Staff Present: Janet Hill, Shelley White

Others Present: Mr. Rogness, Mr. Parker, Mr. Chute, Ms. M. Cheney, Mr. Frank, Ms. B. Cheney, Mr. Steward, Mr. Templeton, Mr. & Mrs. Boyer, Mr. & Ms. Federer, Ms. Klauer, Mr. Klauer, Mr. Szymanski, Atty. Fisher, Mr. Sabin, Ms. Wildman, First Selectman and Mrs. Lyon, Mr. Snook, Mr. R. Wyant, Ms. Carron, Mr. Gambino, Ms. Purnell, Mr. & Mrs. Solomon, Ms. D. Forese, Ms. Giampetro, Mr. Collum, Residents

Mr. Owen called the meeting to order at 7:30 pm.

PUBLIC HEARINGS

Seated:

Mr. Owen, Mr. Averill, Mr. Fitzherbert, Mr. Abella, Mr. Wyant (for Reich)

Town of Washington/10 Blackville Road/Revision of Special Permit:

Section 4.4.9/Facilities of the Town of Washington/Driveway, Stormwater Management, Outdoor Storage Area:

Mr. Owen read the Legal Notice published in Voices on September 15 and September 22, 2010 and then read the list of contents that are in the file for this application. First Selectman Lyon stated that this proposed material storage area on the Town Garage property will give the Town Highway Department a place to store materials that are necessary for road repairs and it will allow them to, for the most part, clean up the majority of what is at the Old Town Garage Site at Titus Road. The Commissioners and Selectman Lyon looked at the proposed Site Development Plan for the Town of Washington Public Works Department, sheet SD.1 by Arthur H. Howland and Associates, with a revision date of 10-7-2010. Chairman Owen noted that the Inland Wetlands Commission has approved the proposed plan and the Zoning Board of Appeals granted a Variance. First Selectman Lyon stated that the bins would be 3 blocks high (about 54" high). He stated the parking area will allow for delivery trucks to turn around and deposit materials in the bins and the Town Highway Department to load their trucks with materials. He stated that a White Pine buffer would be planted and would provide screening of the bins from the road. There were no further questions or comments from the Commissioner or the Public. Motion:

to continue the Public Hearing for 7:30 pm, on October 25, 2010, at Bryan Memorial Town Hall for the Town of Washington/10 Blackville Road/Revision of Special Permit: Section 4.4.9/Facilities of the Town of Washington/Driveway, Stormwater Management, Outdoor Storage Area,

by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

Revision of the Zoning Regulations/Section 12.14/Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment:

Mr. Owen read the Legal Notice published in Voices on October 13 and October 20, 2010 and then read the list of contents in the file for this application. Mr. Owen gave a brief history of section 12.14. Mr. Owen read the comments from Dan McGuinness, Northwestern Connecticut Council of Governments, dated 9/16/10 and Ms. Hill's Administrative Report dated 10/25/10 (both on file in the Land Use Office). The NWCOG had no objections or additional comments to the proposed changes to Section 12.14. Mr. Snook, ZBA Commissioner and co-author of this revision, discussed how he arrived at the numbers. He explained how sound travels and how the variable topography of the area was considered in figuring out the location of the noise generating equipment. Mr. Snook stated that he did not think the Land Use Office would need a decibel meter but a specification sheet from the manufacturer would state the decibel level of the equipment and would be required by the property owner. Ms. Forese asked if a property owner with 100 acres would be required to put a stockade fence around their generator. Mr. Snook confirmed that it would.

Motion:

to close the Public Hearing to consider the Revision of the Zoning Regulations/ Section 12.14/ Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment,
by Mr. Averill, seconded by Mr. Abella, passed by 5-0 vote.

Petition to Amend the Zoning Regulations/Sections 13.8, 21.1.24, and New Section 12.17/Excavation:

Mr. Owen read the Legal Notice published in Voices on October 13 and October 20, 2010 and then read the list of contents in the file for this application. Mr. Owen read Ms. Hill's Administrative Report dated 10/25/10 and the comments submitted by Dan McGuinness of the NWCOG, dated 9/16/10 (on file in the Land Use Office). Both Ms. Hill and Mr. McGuinness feel that there are ambiguities and inconsistencies in the proposed amendment to Section 13.8, 21.1.24 and New Section 12.17, which arise from language in the proposed amendment and the existing language in the regulations. Ms. Carron stated that the Town should be able to measure the amount of materials, specifically stone, being excavated from a property. She stated that when she and her husband wrote the proposed amendment they were referring to stone and not other materials such as compost and soil. Mr. Owen read the definition of Excavation under Section 21.1.24. Ms. Carron stated that the amount of stone that is being excavated from a property couldn't be enforced or calculated by the way the existing regulations are written. Mr. Fitzherbert stated that he agreed that it is hard to measure the amount of material being excavated. Mr. Owen stated that there are requirements in the Regulations that have to be met if the amount of material being excavated exceeds 100 cubic yards a year and the goal of the proposed amendment is to include excavation of stone that is less than 100 cubic yards a year. Ms. M. Cheney asked how many truckloads is 100 cubic yards. Mr. Wyant stated that 100 cubic yards would be five triaxle truckloads. Mr. Parker asked how the Town would know if a property owner was excavating more than 100 cubic yards of material, and if it is an enforcement issue. The Commission briefly discussed the dismantling of stonewalls and questioned whether that is considered excavation. Mr. Boyer asked if the business of quarrying was allowed in residential parts of Town. Mr. Owen stated that excavation of materials above 100 cubic yards a year must follow the requirements listed in Section 13.8. Mr. Szymanski stated that he felt that Section 13.8 contained some redundant language

and was not clear. Mr. Gambino read a letter dated October 25, 2010 (on file in the Land Use Office). His letter stated that he did not feel that the proposed amendment to the regulations would provide the 'relief' the petitioner is seeking, that there are discrepancies in the proposed amendment and suggested that the petitioner 'work directly with the neighbor.' Mr. Owen stated that he did not think the Zoning Commission would be ready to make a decision based on the petition submitted and that further research and revisions to the regulations regarding excavation are necessary. There were no further comments or questions.

Motion:

To close the Public Hearing to consider the Petition to Amend the Zoning Regulations/Section 13.8, 21.1.24, and New Section 12.17/Excavation, by Mr. Abella, seconded by Mr. Averill, passed by 5-0 vote.

Wykeham Rise, LLC./101 Wykeham Road/Special Permit:
Section 4.4.10/School:

Mr. Owen read the Legal Notice published in Voices on October 13 and October 20, 2010.

Mr. Parker announced he had a point of order. He read his statement (on file in the Land Use Office) requesting that Commissioner Fitzherbert recuse himself from the discussion. Mr. Owen continued to read the list of contents in the file for this application (statement dated 10/25/10 on file in Land Use Office). Mr. Owen reminded the Commissioners that the applicant has submitted a proposal for this property before but that this is a new, separate proposal. Mr. Klauer gave a brief introduction the application. He introduced Mr. Szymanski, Engineer. Mr. Szymanski displayed the Overall Site Development Plan, for Mathew & Erika Klauer, Wykeham University, sheet OSD.1, revision date 9/2/10, by Arthur H. Howland & Associates, P.C. He stated that the Bell Hill entrance would be abandoned and there would be a one-way entrance at the upper portion of Wykeham Road and the exit would be at the lower portion of Wykeham Road. Mr. Szymanski stated that there would be 103 parking spaces and that this is in accordance with the Zoning Regulations, which requires the number of parking spaces to be based on the number of auditorium seats. He stated that there is a detailed Storm Water Management Report for this proposal, which has been reviewed by LandTech Consultants on behalf of the Town. Mr. Szymanski read excerpts from page 4 of Atty. Zizka's letter, dated September 10, 2010, to the Zoning Commission (on file in the Land Use Office) and stated that the applicant has not received any indication from the Zoning Commission that there was a safety issue in regards to traffic with the original Special Permit. He stated that there would be three handicap parking spaces outside of the Main Building. The access of the proposed Main Building and 10% of the dorm rooms in this building would meet ADA requirements. Mr. Szymanski stated that they would add the maximum and mean height to the proposed elevation plan of the main building.

Mr. Klauer briefly discussed the proposed Planting Plan and that the buildings, including the main building, would be virtually unseen from both Bell Hill and Wykeham Road. He stated that they are proposing a grey color for the building so that it would blend in to the surrounding environment. He introduced Dirk Sabin, Landscape Architect. Mr. Sabin used the Overall Site Development Plan to indicate areas where he recommended some rearranging of the plantings. He stated that they would be clustered along the buildings and would be screened from sight of neighboring properties. He stated that the plantings would be a combination of White Pine, Norway Spruce and

Siberian Spruce. Mr. Sabin stated that there are some existing old hardwood specimens on the property and that an assessment would be done to determine how to preserve these trees.

Mr. Klauer addressed standards 7 & 8 of Section 13.b, Standards for Special Permits. He stated that standard #7 related to the conservation, environmental protection and sustained maintenance of the land and he feels that the modified Inland Wetlands Application that they have submitted meets this standard. He stated that most likely the students at the school will be older than the population that was at the Swiss Hospitality Institute and the proposed school's philosophy is 'Healthy Body, Mind & Planet.' Mr. Klauer stated that the buildings will be spread out, the class sizes will be smaller and they will most likely produce less noise. He stated that they have made an effort to address each standard required for a Special Permit and would welcome feedback from the Commissioners.

The Commissioners looked at the Overall Site Development Plan, revision dated 9/2/10. Mr. Szymanski confirmed that the proposed plan is to demolish all existing buildings except for the pool house. He stated that they would also add an emergency only access of grass pavers for the Southern area of the property (dorm #1 and pool area) to the circular drive. Mr. Fitzherbert asked if there would be planting near the main building. Mr. Sabin confirmed that they are proposing to plant above the building, between the abutters as well as groupings of conifers around the northern area where the main building would be located. The Commissioners looked at a map titled Planting Plan for Mathew Klauer, Wykeham University, sheet Pl.1 dated August 19, 2010. Mr. Sabin explained where some trees would be removed and others would be planted. Ms. Federer and Ms. Solomon looked at the Planting Plan. Ms. Solomon stated that she would like to see the final planting plan. Mr. Szymanski stated that they would be submitted a revised planting plan with Mr. Sabin's recommendations. Mr. Parker asked where the central air conditioning units would be located. Mr. Szymanski stated that the air conditioning units would be located next to each building and the generator would be buried in a vault 380 ft. away from Bell Hill Road. He stated that the generator would be for emergency only and it is doubtful that it would support the air conditioners. Mr. Parker stated that he would like to know more about the generator and is concerned that it could end up not being practical for the site and get changed later on and need a larger generator that would produce more noise. Mr. Szymanski stated that he was not sure of the exact generator that would be used but if the applicant were to deviate from what was on the plan they would have to come back to the Commission for approval.

Mr. Averill asked about the class schedule and hours of operation during the week. Ms. Klauer stated that the classes would be through out the day and there would be some evening and weekend classes. Mr. Averill stated that evening classes concern him and asked what would be the hours of operation. Ms. Klauer stated that these classes would evolve as they saw a demand for them and she estimated that they would end around 8 or 9 pm. Mr. Averill asked if the use of a dormitory be available to a student that takes a two-hour class. Ms. Klauer stated that only a student that is enrolled in a class would be staying at the dormitory and the only person that could stay at the dormitory that was not a student would have to be the spouse of the student. Mr. Averill asked what the academic purpose of the swimming pool was. Ms. Klauer stated that part of the curriculum is 'Healthy Body, Healthy Mind Healthy Planet,' and they anticipate using the pool in their curriculum. Mr. Averill asked if the pool would be available to a student that was taking an agricultural course. Ms. Klauer stated that most schools provide fitness facilities to their students. Mr. Averill asked if the proposed plan has received ADA approval. Mr. Szymanski stated that they have not applied for ADA approval. Mr. Averill stated that he was concerned that ADA compliance would require more coverage and the proposed plan is already at 9.9% lot coverage. Mr. Szymanski stated that he does not anticipate the lot coverage to go over 10% and they anticipated handicap accessibility in their proposed plan.

Mr. Owen asked how the proposed 103 parking spaces would be allocated. Mr. Klauer stated that they are assuming staff of 35-40 people

and they took into account the number of auditorium seats and believes that they have adequately estimated parking to accommodate residing students and day students and staff. Mr. Szymanski explained the traffic flow from the entrance at the upper portion of Wykeham Road (using Overall Site Development Plan rev. date 9/2/10) and discussed ancillary parking along the main driveway and the additional parking along the secondary access driveway. Ms. Klauer stated that they looked into widening the entrance and exit, which would require them to remove the stone wall and replace them with reinforced steel beams, which would add two feet to both exit and entrance. She stated that they would prefer to keep the stonewalls that have been there for over 100 years but they are willing to address the safety concerns regarding this issue. She stated that they have spoken to State Trooper Sordi who stated that if there is going to be anticipated traffic for an event at the school that onsite officers would be assigned to direct traffic.

Mr. Owen read from Atty. Zizka's letter, dated September 10, 2010 (on file in the Land Use Office), which contained responses to questions posed by the Zoning Commission regarding this application. He read the third question which asks: "Given the definition of "school" in the Zoning Regulations, what documentation should the Commission require as proof that the proposed use will be a bonafide school? Does the broadness of the definition impact the Commission's discretion in making this determination?" Mr. Owen read Atty. Zizka's response, which stated that "the Commission has a good deal of discretion in making such an analysis" and that the Commission should find whether the proposed plan complies with the Special Permit standards. He stated that if the applicant were found to be using it as something other than a school it would be a Zoning enforcement issue. Mr. Owen stated that a projected curriculum is in the file.

Mr. Owen asked Mr. Szymanski to address the fact that the proposed plan bears resemblance to the previously denied application for an Inn on this property and could he also address the size difference. Mr. Szymanski stated that dormitories 2,3,and 4 have the same square footage of the buildings in those locations with the previous application. He stated that where the proposed Main Building for Wykeham University was previously several smaller buildings and that dormitories 5,6,7,8 are the same size as the previous application. He stated that the Main Building is 12% smaller and has been rotated slightly. Mr. Klauer stated that the denied application had a footprint of 19,894 square feet and the current application indicates a proposed footprint of 17,598 square feet.

Mr. Owen read a letter from Ms. Federer, dated 10/22/10 (on file in the Land Use Office). Ms. Federer referred to Connecticut State Statute 47-42 D, which refers to Conservation Restrictions. Ms. Federer is the holder of an approximately 5-acre Conservation Restriction on the southern portion of the Wykeham Rise, LLC property. She stated, in her letter, that the proposed plan for Wykeham University is in direct violation of the Conservation Restriction. She stated that this matter is the subject of an appeal currently pending in the Connecticut Supreme Court and if the Zoning Commission approves the application she would appeal the decision. Mr. Owen stated that this letter was forwarded to the Town's Attorney and he advised the Commission to proceed with the application. Ms. Solomon read her statement, dated October 25, 2010 (on file in the Land Use Office) into the record. She stated that two elements needed to be addressed: 1. Whether this application is for a bonafide school and 2. The size, scope and scale of the proposed plan. Mr. Rogness stated that the dorm rooms are essentially the same as the inn rooms of the previous plan. Ms. Boyer asked if the parking considered the amount of help that would be hired for the university, that there were no administrative offices indicated on the plans and she did not feel the number of parking spaces would work. Ms. Klauer said that their staff count includes everybody Ms. Boyer mentioned and has compared their parking plan to other schools of this type. Ms. Klauer stated that Wykeham Rise LLC has a Board of Advisors that have combined academic experience of over 35 years and that it would presumptuous to hire an entire administrative staff before the project was approved. Mr. Solomon asked how the size and scope of the proposed plan could be determined if the number of staff cannot be determined. Ms. Klauer stated that they know roughly what the staff count would be. Mr. Solomon read his statement, dated October 25, 2010, (on file in the Land Use Office) requesting that a new traffic study

be done for this project to determine the impact that the proposed university would have on the local roads.

Mr. Klauer stated that the Swiss Hospitality Institute was not just a boarding school and that there were day students as well. Mr. Boyer stated that whether this is a bonafide school or not has to do with the scope and the size of the minimum enrollment. He stated that until the total offerings are presented and the minimum stay that is required for each offering is determined, no one can determine if this really is a school. Ms. Purnell asked if she could read her letter into the record. She asked first if there was going to be faculty housing. Mr. Klauer stated that there would not be faculty housing. Mr. Szymanski stated that they would have a security service. Ms. Purnell submitted a lengthy letter dated October 25, 2010 (on file in the Land Use Office) with attachments of photos, charts and maps. Ms. Purnell discussed her letter and indicated areas on the Overall Site Development Plan, revision date 9/2/10. She discussed the map titled Septic Facilities 'As-Built', prepared for Swiss Hospitality Institute, dated June 16, 1992, by Spath-Bjoklund Associates, Inc. She stated that she would be submitting this information to the Inland Wetlands Commission. Her statement discussed the existing site conditions, existing impacts to natural resources, proposed conditions, proposed enhancements. She asked the applicant how they propose to tie into the existing water system. Mr. Szymanski asked how this related to the Zoning Application. Ms. Purnell stated that it relates to this public hearing regarding the scope and scale of the proposed plan. Mr. Szymanski stated that there is an existing water main on site. Mr. Owen asked that the focus be on the Zoning Regulations. She stated that she feels that the potential for disturbance is a zoning issue and that the Zoning Commission should know the scale of this project. Ms. Purnell stated that she was concerned with the disturbance of the soils and the removal of trees in the northeast section of the property near Kirby Brook are not included in the area of limited disturbance on the map titled Removal Plan, prepared for Mathew and Erika Klauer, dated August 19, 2010, sheet RM.1 by Arthur H. Howland and Associates. She asked that the Commission request that the applicant submit a map that would include the areas of Mr. Sabin's Planting Plan and the areas along Wykeham Road and recalculate the area of proposed disturbance. She submitted charts in which she compared prior used of the property. Mr. Szymanski asked Ms. Purnell if she has any qualifications as a soil scientist. Ms. Purnell said that she did not but that Connecticut Case Law has determined that lay commissioners are able to figure out what constitutes a watercourse. Mr. Szymanski asked Ms. Purnell if she has any construction experience on a site this size. Ms. Purnell stated that she was on the Inland Wetlands Commission for 10 years and spent a lot of time monitoring properties for the Town. Mr. Szymanski stated that the Town Public Works Department requested that certain trees along Wykeham Road be removed for traffic safety reasons. Ms. Purnell asked if this proposal included some reconfiguration of Wykeham Road. Mr. Szymanski said it does not. Mr. Szymanski stated that the proposed plan indicates that they would stay within the 5-acre disturbance requirement. Ms. Purnell confirmed that she has never demolished a building. Mr. Szymanski asked Ms. Purnell if she thought that the location of dormitories 4,6 &7 violate the Zoning setback regulations. Ms. Purnell stated that she did not feel that the location violated zoning regulations but they are in close proximity to the 50-yard setback. Mr. Szymanski asked Ms. Purnell if she was aware of any studies that show that porous asphalt would operate in a manner where it would provide a more slippery surface than traditional asphalt. She stated that she advises against the porous asphalt for this site. Mr. Szymanski asked Ms. Purnell if she found any problems with the erosion calculations that have been submitted. Ms. Purnell said that she did not but she had concerns regarding the contributing watershed indicated on the submitted storm water plan. Mr. Szymanski asked Ms. Purnell if she believed that there have been any changes on Bell Hill Road that would somehow impact the submitted drainage calculations. She said she wasn't sure. Mr. Szymanski stated that the existing drainage system discharges directly into Kirby Brook. He stated that the proposed design includes porous asphalt, grassline swails, wet ponds and rain gardens and every impervious surface on the site 'goes through a multitude of stormwater management devices and no direct discharge to Kirby Brook. Mr. Szymanski submitted a report from Land-Tech, dated 10/25/10 to the Inland Wetlands Commission regarding Wykeham University (on file in the Land Use Office). Ms. Purnell stated that she did not feel that this report addressed the issues that were raised at

this meeting.

Mr. Owen asked the applicants to describe the functions of the auditoriums. Ms Klauer stated they would function as lecture halls.

Ms. Giampetro read her statement (no date, filed in Land Use Office). She stated her concerns regarding the proposed university. She feels it is too big and will increase traffic and feels that, in this economy, why would anyone pay to take courses and not have credit attached to them.

Ms. Forese stated that this proposed plan would be smaller than Rumsey Hall and the Gunnery and it wouldn't be 'shoehorned' into a piece of land.

Mr. Parker asked if there were any comparable sites to this project. He asked the applicant to explain what experience the advisory board has with this type of school. Mr. Klauer stated that the application explains the school, the curriculum, back up curriculum, anticipated number of students and the school's mission statement. Ms. Klauer stated that there is an extensive analysis of the For Profit Education Industry that she could submit. She stated that this is an industry that thrives in the United States and other countries. Mr. Parker asked why the advisory board does not have any administrators. Ms. Klauer stated that the idea of hiring a head master is premature.

Mr. Rogness displayed a northwest elevation drawing of the proposed main building for Wykeham University. He read a statement to the Zoning Commission dated October 25, 2010 (on file in the Land Use Office) stating that he had five main concerns: 1. The drawings are incomplete, 2. Critical construction information is missing, 3. He believes that the daily life and function of these buildings would probably not operate smoothly, 4. The traffic impact information only includes accident data on Wykeham Road, 5. Noise in the summer months with the proposed 64 central air conditioning units. Mr. Rogness stated that he did not feel the Zoning Commission had adequate information to assess whether the proposed project meets the Special Permit Regulation. The Commission and Mr. Rogness looked at the proposed Floor Plans of the Main Building. Mr. Rogness referred to the floor plans indicating the inconsistencies he mentioned in his statement. Mr. Rogness asked the applicant to explain the difference between the functions of a lecture hall, auditorium, classroom and a breakout room. Mr. Klauer stated that a lecture hall and auditorium would be "a larger format where someone would give a lecture and a classroom would be more collaborative." Ms. Klauer stated that the type of classroom would be specific to the subject that is being taught. Ms. Klauer stated that the floor plans would be enforced by the Building Department. Mr. Szymanski stated that these were conceptual floor plan drawings and that there are no proposed third floor dormitory rooms. Mr. Owen suggested that this Public Hearing be continued on Monday, November 15, at 7:30pm in the Main Hall at Bryan Memorial Town Hall. He asked the applicant to submit a complete landscaping plan, four-sided elevation drawings of the Main Building, and the As-Built drawing for the proposed plan. Mr. Abella and Mr. Averill felt that the traffic issue should be addressed because the old report was for an inn not a school. Mr. Owen stated that there would not be concentrated traffic during the day and the traffic pattern would not adversely impact the neighborhood. Mr. Parker asked how the traffic pattern could be determined when there is no curriculum at this time. Mr. Owen stated that the application includes a description of the curriculum and the student body. Mr. Parker and Mr. Rogness questioned the size of the proposed project. Ms. Klauer stated that she did not agree that there is a concrete definition of a classroom. She stated that it would not make sense to build a property that would violate the Zoning Regulations.

Ms. Solomon stated that she was concerned that if a lecture series were to occur that there would be a traffic issue and an issue with the limited number of parking spaces. Ms. Purnell discussed some data regarding traffic and stated that she thinks the Zoning Commission

should be interested in the traffic flow. She stated that the Institute for Traffic Engineers has updated their materials that would help with trip generation. Mr. Szymanski stated that he could use the previous traffic study from 2008 and apply the data from this application. Ms. Owen stated that a school is permitted in the R-1 Zone and schools have traffic and it would be difficult to scientifically measure the traffic. Mr. Parker stated that the entry corner of Bell Hill and Wykeham Road is a safety concern.

Ms. Federer asked if there was a specific length of time for classes. Ms. Klauer stated that the length of time for classes has not been specified to this date. Ms. Federer asked if a student that takes a 45-minute class would be allowed to stay in the dormitories. Ms. Klauer stated that a student that has enrolled in a class is eligible to stay in the dorms.

Motion: to continue the Public Hearing for Wykeham Rise, LLC./101 Wykeham Road/Special Permit: Section 4.4.10/School, on Monday, November 15, 2010 at 7:30 pm in the Main Hall at Bryan Memorial Town Hall, Washington Depot, CT. The applicant should submit as much up to date and final information as possible before hand, by Mr. Owen, seconded by Mr. Abella, passed by 5-0 vote

10:30 - The Commission took a 5-minute break.

REGULAR MEETING

10:35 – Meeting continues

Consideration of the Minutes

The minutes of the September 27, 2010 Zoning Commission Meeting were considered.

Motion:

to accept the Zoning Meeting Minutes of September 27, 2010, as submitted, by Mr. Owen, seconded by Mr. Fitzherbert, passed by 5-0 vote.

Pending Application(s)

Town of Washington/10 Blackville Road/Revision of Special Permit: Section 4.4.9/Facilities of the Town of Washington/Driveway, Stormwater Management, Outdoor Storage Area:

The Commission agreed that the Town was successful in locating this on the Town Garage Property. Mr. Fitzherbert stated he was pleased with the plan and that the Town would not have to purchase additional property for material storage.

Motion:

to approve Special Permit Application submitted by Town of Washington /10 Blackville Road/Revision of Special Permit: Section 4.4.9/Facilities for the Town of Washington/Driveway, Stormwater Management, Outdoor Storage Area,, by Mr. Owen, seconded by Mr. Abella, passed by 5-0 vote.

New Application(s)

There were no new applications to discuss.

Other Business**Revision of the Zoning Regulations/Section 12.14/Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment:**

Mr. Owen stated that the Zoning Board of Appeals did a great job in drafting this revision and that they are experienced in locating noise generating equipment. There were no further comments from the Commission.

Motion:

to approve the Revision of the Zoning Regulations/ Section 12.14/ Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment,
by Mr. Fitzherbert, seconded by Mr. Averill, passed by 5-0 vote.

Petition to Amend the Zoning Regulations/Sections 13.8, 21.1.24, and New Section 12.17/Excavation:

Mr. Owen stated that he felt that this amendment to the Zoning Regulations seems to create more problems and with ambiguity and enforcement. He stated that if the Commission would like to address this issue he suggest that they 'start from scratch' and research other town's regulations regarding excavation. There was a brief discussion as to when the Excavation Regulation was last brought to the Commission. Ms. Hill stated that Ms. Carron had worked to draft the amendment to the excavation regulation by using the existing regulations, which are ambiguous.

Motion:

to deny the Petition to Amend the Zoning Regulations/Section 13.8, 21.1.24, and New Section 12.17/Excavation, on the grounds that the Zoning Commission feels that the existing regulations that relate to excavation need to be amended and further researched,
by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

Ms. Hill stated that she would research other town's regulations concerning excavation.

Privilege of the Floor

No one from the public was present at this time.

Communications

Ethics Workshop 11/30/10:

Ms. Hill reminded the Commissioners that the Ethics Workshop sponsored by the Planning Commission would be on Tuesday, November 30, 2010 at 6:00 to 8:30 pm.

Enforcement

The Commission briefly discussed the ZEO report dated October 25, 2010 (on file in the Land Use Office).

Adjournment

Motion:

to adjourn at 11:45 pm.

by Mr. Owen, seconded by Mr. Fitzherbert, passed by 5-0 vote.

Mr. Owen adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk