

July 26, 2004

MEMBERS PRESENT: Mr. Fitzherbert, Mrs. Friedman, Mr. Martin

MEMBERS ABSENT: Mr. Owen, Ms. Page

ALTERNATES PRESENT: Mr. Abella, Mr. Shapiro

ALTERNATE ABSENT: Mr. Brinton

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Stone, Ms. McCaffrey, Dr. Suma, Dr. Bundy, Mr. Manson, Mr. Werner, Mr. O'Toole, Mr. Solley, Mr. and Mrs. Fedderer, Mr. Millington, Ms. Adams, Mr. DeCourcy, Ms. Kurz, Residents, Press

PUBLIC HEARINGS

Corax Corp./Special Permit: Section 6.5/248 West Shore Road/ Addition to Existing Dwelling

Mr. Martin called the public hearing to order at 7:30 p.m. and seated Members Fitzherbert, Friedman, and Martin and Alternates Abella and Shapiro for Mr. Owen and Ms. Page. Mrs. Friedman read the legal notice published in **Voices** on 7/14 and 7/21/04.

Mr. Martin noted all the documents submitted for the record and read the 7/26/04 ZEO Report. He noted the addition was within 50 to 75 feet of Lake Waramaug and so was a use permitted by Special Permit under the recently revised Regulations.

The map, "Improvement Location Survey," by Sterling Land Surveying, LLC., revised to 5/25/04 was studied.

Mr. Manson, owner, and Mr. Werner, designer, presented revised elevations of the proposed structure and photos of the existing dwelling and landscaping.

Mrs. Friedman asked if the WEO would review the plans and monitor the ongoing work. Mr. Manson said he would do so. He noted the Inland Wetlands Commission had required the preconstruction information included in the Appendix and that it had approved the stormwater management plan. Mr. Martin noted there would not be an increase in the roof runoff.

No one spoke for or against the application.

It was noted the landscaping plan included a barberry bush, which is invasive. Mr. Manson was asked to delete it from the plan. He did so and initialed the revision. Mrs. Friedman suggested a condition of approval that no invasive species be planted. Mr. Manson noted the landscaping plan showed the existing landscaping and said no new plantings were proposed.

MOTION: To close the public hearing to consider the application for a Special Permit: Section 6.5 submitted by Corax Corp. for an addition to the existing dwelling at 248 West Shore Road. By Mr. Fitzherbert, seconded by Mr. Shapiro, and passed 5-0.

Mr. Martin closed the public hearing at 8:46 p.m.

O'Toole/46 Kielwasser Road/Special Permit: Section 13.11.3/ Detached Accessory Apartment

Mr. Martin opened the public hearing at 8:47 p.m. and seated Members Fitzherbert, Friedman, and Martin and Alternates Abella and Shapiro. Mrs. Friedman read the legal notice published in **Voices** on July 21 and July 28, 2004.

Mr. Martin noted the documents in the file and read the 7/26/04 ZEO Report. It noted the west porch was proposed within 50 feet of the watercourse, which did not comply with Section 12.1.1 of the Regulations. Mr. O'Toole stated he had been informed of the problem. In her report, the ZEO had suggested approval of the application with the stipulation that construction of the porch not be included in the approval. Mr. O'Toole said he would prefer the Commission proceed in this way rather than wait to act on the entire application until ZBA ruled on a variance request.

There were no additional issues brought up by the Commissioners and no one from the public spoke in favor or against the application.

MOTION: To close the public hearing to consider the application for a Special Permit: Section 13.11.3 submitted by Mr. O'Toole for a detached accessory apartment at 46 Kielwasser Road. By Mr. Shapiro, seconded by Mr. Fitzherbert, and passed 5-0.

Mr. Martin closed the public hearing at 8:57 p.m.

Hotel Consult (The Learning Collaborative, Inc.)/101 Wykeham Road/ Special Permit: Section 4.4.10/School

Mr. Martin called the public hearing to order at 7:58 p.m. and seated Members Fitzherbert, Friedman, and Martin and Alternates Abella and Shapiro. Mrs. Friedman read the legal notice published in **Voices** on July 21 and July 28, 2004.

Mr. Martin noted all the documents in the file. He read the Town of Washington Health Dept. condition of approval, that the school may not occupy the buildings until all DEP requirements are met in writing and submitted to the Health Dept., which was specified by the Health Department in its 7/26/04 approval and the 5/19/04 telefax authorization from Mr. Kisseleff of the Hotel Consult. Mr. Fitzherbert read the 5/3/04 letter of accreditation from the Ct. Dept. of Higher Education.

Mr. Martin noted the application was to operate a school on the property, schools are permitted by Special Permit in the R-1 District, no changes were proposed to any of the buildings or to the site plan, and if any such changes were proposed in the future, the applicant would have to apply again to the Commission.

Dr. Suma, Vice President of the Graduate Institute, Dr. Bundy of the Board of Trustees, Ms. McCaffery, Chief Operating Officer, and Mr. Stone, Founder, were present. Mr. Stone detailed the organization of the proposed non profit institute of higher learning and explained the difference between The Learning Collaborative, Inc. and The Graduate Institute. He said The Learning Collaborative, Inc. was making the application for The Graduate Institute to operate the school at 101 Wykeham Road. The focus of the school was on adult learners such as teachers, health care providers, and businessmen. The schedules for the five accredited degree programs would be staggered and each

program would meet approximately one third of the time off campus. He stated there could be some instances when students would stay overnight due to weather and the remoteness of the campus.

Mr. Millington asked if the funds had been raised to purchase the property. Mr. Stone said the school did not yet have a firm commitment for funding, but had a continuing option to purchase the property. Mr. Martin noted the Hotel Consult had authorized the applicant to apply and The Learning Collaborative, Inc. had the right to do so even though the funding was not in place.

Mrs. Fedderer asked for clarification regarding the scheduling of the programs. Mr. Stone noted the flexible scheduling was a complex process, but the aim would be to have only small numbers of students on campus at any one time. He said there would be approximately 60 group meetings over 40 weekends and that each group was comprised of 8 to 22 students. He also noted the school hoped to have 300 eventually enrolled with a maximum of 100 on campus at any one time.

Mr. Solley asked if the staff would reside on the premises. Mr. Stone responded there would be a superintendent on the grounds. Mr. Solley asked if the school would utilize the dining room and food service. Mr. Stone said the small kitchen/snack bar would be used, but not the large scale cooking facilities.

Mr. Fedderer referred to the ZEO's review and asked if the 28 existing parking spaces would be adequate. Mrs. Hill noted for the record the parking lot had 28 spaces, but there was additional parking on campus for a total of 79 existing spaces. Mr. Stone said car pooling was encouraged.

Mr. DeCourcy asked if the dorms would be used for overnight accommodations. Mr. Stone said they would be used by students with Friday evening and Saturday classes by reservation only. The current capacity is 110 students, but he did not anticipate more than 20 to 30 staying over on Friday nights.

The dorms were briefly discussed. Mr. Stone said there were three dorm buildings and if all went well, the school would eventually apply to tear them down and to rebuild them.

It was noted most of the students are from New England with occasional students from as far away as Europe and the mid west.

Mr. DeCourcy asked if the school was served by the Judea Water Company. Mr. Stone said there was an artesian well.

Mr. Millington asked if the school proposed to use all of the existing buildings. Mr. Stone did not know, but said they would all be maintained. He noted there was a possibility that seminars would be held on campus in the future as presently it conducts one day seminars at Yale.

An adjoining property owner asked about the expected noise level. Mr. Stone said there would be regular classroom and parking lot noise, noting that the students were serious adult learners.

Mrs. Fedderer asked why the school would consider purchasing such an expensive property. Mr. Stone stated Washington has a culturally

focused reputation and that the residents of the area were attuned to intellectual and cultural pursuits more so than were some of the more urban areas. Mrs. Fedderer asked if the school expanded, would it increase weekend or weekday classes. Mr. Stone said most students were adult learners who were available on weekends. Mrs. Fedderer asked if there would be any entertainment for students. Mr. Stone said other than lectures, there would not.

Mrs. Friedman asked about the maximum number of weeks during the summer the school would operate. Mr. Stone said the Institute had never been in session for more than four weeks during the summer, usually in July.

Mr. Stone passed out brochures addressing the educational goals of the Institute.

Mr. Martin noted the proposed use of the property as a school must be consistent with the Zoning Regulations. He said the Commission was concerned about neighborhood impact and whether the proposed operation could be assimilated into the Wykeham Road area. The response to Mrs. Hill's 7/19/04 letter was reviewed. It was noted no additional outside lighting was proposed. Mr. Martin asked the residents present if the existing lighting was objectionable. They indicated it was not. A 15 /sq. ft. sign was proposed, which Mr. Martin stated was problematic because only 2 sq. ft. signs are permitted in the R-1 District.

Mr. Martin summarized the issues arising from the public hearing that the Commission would need to deliberate after the close of the hearing; 1) DEP requirements, 2) Fire Marshal approval, 3) relationship between The Learning Collaborative, Inc. and The Graduate Institute - although there was an overlapping board of trustees, The Learning Collaborative, Inc. was the applicant, but The Graduate Institute had state accreditation and would operate the school, 4) sign, and 5) parking. The proposed sign was briefly discussed and it was suggested if the application was approved, the school could then submit a proposed sign design for approval. Mr. Martin noted there are 79 parking spaces and asked the Commissioners if they thought this was adequate. It was the consensus it was adequate. Mr. Abella asked if the school intended to rent out the facilities when it wasn't using them. Mr. Stone said it did not.

Mrs. Fedderer asked what control the Commission would have over the future growth of the school. Mr. Martin noted the letters submitted were part of the application and on the record. If the numbers noted on the record were exceeded, another public hearing would be required.

Mrs. Collum asked about security. Mr. Stone said there would be a full time caretaker on the property.

A resident commented she thought the proposed use of the property would benefit the Town.

There were no further hands raised from anyone wishing to make additional public input on this matter.

MOTION: To close the public hearing to consider the application for a Special Permit: Section 4.4.10 submitted by The Learning Collaborative, Inc. for the Graduate Institute to operate a school at 101 Wykeham Road. By Mr. Shapiro, seconded by Mr. Abella, and passed 5-0.

Mr. Martin closed the public hearing at 9:14 p.m.

These public hearings were recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mr. Martin called the meeting to order at 9:18 p.m. and seated Members Fitzherbert, Friedman, and Martin and Alternates Abella and Shapiro for Mr. Owen and Ms. Page.

Consideration of the Minutes

MOTION: To accept the 5/24/04 Regular Meeting minutes as presented. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

MOTION: To accept the 6/28/04 Regular Meeting minutes as presented. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

The Commissioners thanked Mrs. Osborne for the good job she did on the 6/28/04 Minutes.

Pending Applications

Corax Corp./248 West Shore Road/Special Permit: Section 6.5/ Addition to Existing Dwelling

Mr. Martin noted the invasive barberry plant had been deleted from the landscaping plan. He said the documents presented showed there would be no increase in the runoff resulting from the proposed construction. Mrs. Friedman asked that the motion of approval formally note the erosion and sedimentation control plan is included in the application.

MOTION: To approve the Special Permit application: Section 6.5 submitted by Corax Corp. for an addition to the existing dwelling at 248 West Shore Road with the understanding that the plans, "Stormwater and Erosion Control Plan-Sec. 6.5.1, Narrative and Written Description-Sec.6.5.2," and "Appendix A" submitted as part of the application must be implemented. By Mr. Shapiro, seconded by Mr. Abella, and passed 5-0.

O'Toole/46 Kielwasser Road/Special Permit: Section 13.11.3/ Detached Accessory Apartment

Mr. Martin noted approval would include only converting the second story of the garage to a dwelling unit and constructing the northern stairway and would not include any external construction within 50 feet of the watercourse.

MOTION: To approve the Special Permit application: Section 13.11.3 submitted by Mr. O'Toole for a detached accessory apartment at 46 Kielwasser Road with the condition that this approval does not include any external changes to the exterior of the existing building that are within 50 feet of the watercourse, and thus are not permitted by the Zoning Regulations. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

Hotel Consult (The Learning Collaborative, Inc.)/101 Wykeham Road/ Special Permit: Section 4.4.10/School

Mr. Martin noted Mr. Stone had clarified the relationship between The Learning Collaborative, Inc. and The Graduate Institute. Dr. Segal was chairman of the board of trustees for both organizations and The Collaborative was making the application for the Institute to operate the school. It was noted the application had been amended in the public hearing to reflect this. The sign was discussed. It was agreed that only a 2 sq. ft. sign would be permitted and if the school wanted a larger size, it could apply for a variance. It was also agreed written approval by both the state DEP and Town Fire Marshal should be made conditions of approval. Mr. Martin noted the Commission was acting on the application submitted, which did not include a proposal to rent out any of the facilities when they were not in use by the Institute, but it was agreed this should also be specified as a condition of approval. Mrs. Friedman voiced her concern about the school's plans to expand. She asked that the letter indicating the size of the student body be referenced in the motion.

MOTION: To approve the Special Permit application: Section 4.4.10 submitted by The Learning Collaborative, Inc. for The Graduate Institute to operate a school at 101 Wykeham Road subject to the following conditions:

1. written approval from the State DEP is received,
2. written approval from the Town Fire Marshal is received,
3. the proposed sign is limited to 2 sq. ft. as is permitted in the R-1 District,
4. the Graduate Institute shall be the sole entity to operate the facility for its own sole and exclusive use,
5. approval is based on the 5/25/04 letter from Dr. Segal of The Graduate Institute to the Town of Washington Health Department, which states the anticipated number of students is approximately 200, and
6. approval is also based on the 7/21/04 letter from the applicant to Mrs. Hill.

By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

New Applications

Public hearings were scheduled on Monday, August 23, 2004 for the following Special Permit applications:

7:30 p.m. - **Paggioli/1 Tinker Hill Road/Section 6.4.6/Fence on Lake Side of West Shore Road**

Immediately following - **Averill/10 New Preston Hill Road/Section 13.11.3 /Detached Accessory Apartment**

Farmer/191 Popple Swamp Road/Renewal of Special Permit/Section 13.14/Bed and Breakfast Establishment

Mr. Martin read the 7/26/04 ZEO Report and noted there were no complaints on record nor any concerns about this Bed and Breakfast.

MOTION: To approve the renewal of the Special Permit: Section 13.14 issued to Mr. and Mrs. Farmer to operate a Bed and Breakfast at 191

Popple Swamp Road; expiration date: 7/26/07. By Mrs. Friedman, seconded by Mr. Shapiro, and passed 5-0.

Other Business

Conto/Petition to Amend the Zoning Map to Include 17 River Road in the B-2, Washington Depot Business District

A public hearing was scheduled for the September meeting and the petition will be referred to the Planning Commission as is required per state statute.

Signs

Mrs. Friedman noted the number of illegal signs was increasing throughout Town, especially sandwich board signs within the state right of way in the Depot. There have been no permits issued for sandwich board signs. While the Commission appreciated the need for small local businesses to advertise, it was concerned about the proliferation of these signs and how they detract from the overall appearance of Town. Mr. Martin noted that the Commission wants to help the local businesses because their sustainability is consistent with preserving rural character. Mrs. Friedman thought the current sign regulations are confusing, outdated, and in need of revision. Mr. Solley, Selectman, also voiced his concern about illegal signs and said he supported the current fairly restrictive sign regulations. Mrs. Hill noted the Commission's policy on enforcement has been complaint driven and so recent enforcement has not been consistent. She recommended enforcement be consistent throughout Town, not just in the Depot. Mrs. Friedman recommended the strict enforcement of the current regulations while the Commission works on revisions. Mr. Martin thought if the Commission was going to change its policy to aggressive enforcement, the business owners must first be notified. He recommended a letter be sent to the Business Association to inform it that 1) signs require zoning permits, 2) free standing signs must be placed at least 10 feet back from property lines, and 3) signs must be placed on your own property. He also recommended the Association be informed the Commission would soon begin discussion about revising the sign regulations and ask it for input about what improvements it thinks are needed.

Mrs. Hill and Mrs. Friedman will prepare a draft letter, which will ultimately be sent to the Business Association and all business owners to 1) inform them of the Commission's more aggressive enforcement policy, 2) inform them of the current sign regulations, and 3) inform them of the Commission's intent to improve the regulations and ask for their input. Mr. Martin will review the letter before it is sent out.

Also regarding signs, Mrs. Hill noted the Hildemanns, who had been granted a Special Permit for a commercial horseback riding establishment, wanted a sign larger than the 2 sq. ft. permitted in the R-1 District. It was the consensus of the Commission that larger signs were not permitted and that 2 sq. ft. was the maximum size allowed.

Use of Email for Commission Communications: It was noted Mrs. Hill finally has email capability. All Commissioners with email will be sent routine correspondence such as minutes and agendas by email. Absent Members should provide Mrs. Hill with their email addresses as soon as possible.

Implementation of the Plan of Development: Mr. Martin noted last month's discussion had been high quality and thanked Mr. Shapiro for

his analysis. He noted the dialogue would be ongoing.

MOTION: To adjourn the meeting. By Mr. Fitzherbert.

Mr. Martin adjourned the meeting at 10:45 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Zoning Enforcement Officer