

• September 26, 2005

MEMBERS PRESENT: Mr. Fitzherbert (Hearing only), Mrs. Friedman, Mr. Martin, Mr. Owen, Ms. Page

ALTERNATE PRESENT: Mr. Shapiro

ALTERNATES ABSENT: Mr. Abella, Mr. Brinton

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Ms. Roberts, Mr. Swain, Atty. Shrub, Mrs. Condon, Mr./Mrs. Boyer, Mr./Mrs. Farmer, Mr./Mrs. Small, Mr. Reich, Mr. C. Miller, Mrs. Miller, Ms. Burton, Mrs. Andersen, Mr./Mrs. Federer, Mr./Mrs. Graham, Mr. Smith, Mr. Kalluri, Mr./Mrs. Crumrine, Ms. Zelanko, Mr. Piscukas, Mr./Mrs. Auchincloss, Mr. Chute, Mr. C. Smith, Mr. Mnuchin, Mr. Owens, Mr. Hunter, Mrs. Payne, Ms. Anson, Mr. Gorrivan, Ms. Dyer, Mrs. Solley, Mr. Ensign, Mr. W. Smith, Residents, Press

PUBLIC HEARING

The Gunnery School, Inc./22 South Street/Special Permit: Section 4.4.10/Classroom Building and Driveway

Mr. Martin reconvened the public hearing at 7:35 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Shapiro for Mr. Fitzherbert who had not attended the first session of the hearing or listened to the tape recording of that session.

Mr. Martin read the list of documents that had been submitted to the file since the 8/22 meeting and noted the 2003 Washington Plan of Conservation and Development was also entered as part of the record. Ms. Roberts read the 9/22/05 letter from the South Street Neighborhood Association, which represented the opinions of thirty residents who opposed the application. Mr. Martin then read the 9/26/05 ZEO Report and noted it was the Commission's intention to close the public hearing this evening. He also reminded those present the Commission could consider only the Special Permit application submitted and not any potential future development plans.

Atty. Andrews, representing The Gunnery, briefly addressed concerns that had been raised by the public at the first session of the hearing. 1) She submitted a list of specific conditions of approval to govern the use of the proposed classroom building with the understanding they would not apply to the entire 70 acre parcel. The conditions were a) the classroom building would be used no more than an average of once per week, b) it would not be used after 8:00 p.m. and c) it would not be rented out for commercial use. 2) Regarding the concerns expressed at the last meeting that the proposal would adversely affect property values in the area, she submitted a 9/23/05 letter from Mr. Hunter, a certified appraiser in Washington and Litchfield County, in which he concluded the proposed building and driveway would neither negatively impact property values nor the surrounding neighborhood. 3) To respond to concerns that the original traffic study had not been conducted during peak morning traffic, she submitted an additional traffic report by Mr. Kalluri, a traffic engineer from Wilbur Smith Assoc. Mr. Kalluri explained his 9/23/05 report, which concluded that a) the proposal would not create a significant traffic impact at the intersection of South Street and Rt. 47 because it would add only four trips in the peak hour and b) the level of service after development would be Level

B - Good. 4) Regarding the proposed driveway, Atty. Andrews explained The Gunnery would not construct a driveway narrower than what was required by the Fire Chief and the school's engineering consultants. She also stated that while she understood any future uses for the property would require separate applications, the proposed paved 18 ft. wide driveway was appropriate and safe for school use and could also serve any future use without requiring additional disturbance to the wetlands. Mr. Smith, engineer, submitted a letter dated 9/26/05, which reviewed all the reasons why an 18 ft. wide driveway was required. He said he had met with the Fire Chief who wanted an 18 ft. wide driveway with 2.5 ft. wide hard shoulders to accommodate emergency vehicles and noted this width was necessary so that the 8 ft. 10 in. wide school busses could pass.

Mrs. Graham, head of the school, cited The Gunnery's credentials and accreditation by the state and entered these, the school's curriculum, and the spring 2005 issue of **Independent School** into the record. She noted sustainability and environmental awareness were an important part of the school's curriculum.

Mr. Martin read the 9/22/05 letter from Atty. Zizka, Commission counsel.

The Commission heard the following questions and comments from the public:

- Mr. Swain, South Street, asked whether in his letter the Fire Chief had requested a driveway width of at least 18 ft. or whether he said 18 ft. was adequate. Mr. Martin read the pertinent section of the Fire Chief's 8/18/05 letter, which stated the proposed 18 ft. wide driveway would provide adequate access for emergency equipment. As the letter did not state this was the minimum required, Mr. Swain thought perhaps he might also find a narrower driveway to be adequate.
- Ms. Zelenko, Painter Ridge Road, questioned the need for such a wide access. She thought the school could use the nearby wells to install a sprinkler system for the building and the land should be placed in total trust to preserve it for a total environmental classroom.
- Atty. Strub, representing Mr. and Mrs. Stern, South Street, asked for a list of the documents submitted today. Mrs. Hill noted them for the record. He suggested pull offs to enable vehicles to pass so that the driveway could be narrower and more consistent with the surrounding residential character. He, too, thought the Fire Chief might find a narrower driveway adequate. Atty. Strub disagreed with the part of Atty. Zizka's 9/22/05 letter pertaining to the expansion of off site satellite schools. He said this was a unique situation that was not covered in the Zoning Regulations and that his interpretation that the proposed use was an accessory use was as reasonable an interpretation of the Regulations as was Atty. Zizka's.
- Mr. Gorrivan, South Street, said his real estate broker had written him the proposal would decrease the value of his property and he offered to send a copy to the Commission. Mr. Martin advised him the hearing would be closed this evening so there would be no time to mail in information. Thus, Mr. Gorrivan summarized the letter verbally.
- Mrs. Payne, South Street, read her 9/26/05 letter, which proposed the 30 acres owned by The Gunnery on Frisbie Road would be a more appropriate location for an environmental classroom building.

The Commissioners asked the following questions:

- Mrs. Friedman thought the proposed driveway was a major concern. She said the idea of using the property for an environmental classroom and the construction of an 18 ft. wide driveway were inconsistent. She asked what other options had been considered. Mr. Smith said no other options had been considered because this was the width needed for emergency vehicles. He added that the traffic consultant from Wilbur Smith Assoc. concurred. Finally, he said the Fire Chief had personally advised him he wanted an 18 ft. wide driveway with 2.5 ft. wide hard shoulders, and the busses were 8 ft. 10 in. wide not including the mirrors.
- Mr. Fitzherbert asked if pull offs had been considered. Mr. Smith said, no, because the driveway had curves in order to avoid wetlands crossings and pull offs would not work with tight radius curves.
- Mrs. Friedman referred to the 9/22/05 letter from the South Street Neighborhood Assoc. and asked whether the existing driveway to the well fields could be used for access; either going in all the way to the proposed building or bringing the students part way in and having them walk the rest of the way. On the map, "Phase I Plan with Topography," by Smith and Co., revised to 8/17/05 Mr. Smith pointed out the location of the well field driveway and said it could not be used to access the classroom building for the following reasons: 1) The driveway would be too close to the well fields. Buck and Buck Engineers had advised The Gunnery there could be no soil disturbance or installation of new drainage structures near the well fields. 2) If the existing driveway were extended to the new building, it would have to cross wetlands, an alternative already considered and rejected by the Inland Wetlands Commission. 3) The existing driveway would be a longer route to the classroom building. 4) The existing driveway tends to channel runoff, while the proposed drive would be constructed without a crown to allow sheet runoff flow. 5) The extension of the existing driveway would run over the recently installed water tanks.
- Mrs. Friedman asked if the applicant had considered an oil and stone surface. Mr. Smith noted the driveway, especially the 10% grade section, required a stable surface to prevent washouts onto the well field. He said an oil and stone surface would meet that requirement.
- Mr. Piscuskas, Painter Ridge Road, agreed with Mrs. Friedman's concerns about the driveway.
- Ms. Kelly-Aquirre, Dean of Faculty and Curriculum, stated the school day is on strict time schedule and having the students walk to the classroom would waste learning time.
- Ms. Payne stated the Town already has Steep Rock and Hidden Valley, which could be used as outdoor classrooms and where there is already adequate parking.
- Mr. Miller, Wykeham Road, pointed out that last month the Zoning Commission had "easily" approved a Special Permit application for Rumsey Hall School on Romford Road where there is a major traffic problem. Mr. Martin stated the Rumsey Hall application was not relevant in this matter and that The Gunnery's application would be decided on its own merits.
- Mr. Kinsolving, South Street, questioned whether such large vehicles were needed to transport only 16 students to the classroom building. He thought they could walk at least part of the way in. He did not think there was a need for the driveway to be wide enough for a bus and emergency vehicle to pass because in the event of a fire, the bus full of students would have left the site before the fire trucks arrived. He did not think such a "slight use" merited such a wide driveway.

- Mr. Small, Green Hill Road, Gunnery teacher and coach, asked how many present had ever driven a bus and said 18 ft. might not be wide enough.
- Mr. W. Smith, Golf Course Road, Gunnery teacher and coach, said having driven school vans, he agreed with Mr. Small.
- Mrs. Friedman asked if pavers had been considered for the driveway. Mr. Smith stated the shoulders would be constructed over the extended sub base of the driveway and would be spread with top soil and grassed. They would be able to accommodate the weight of emergency vehicles. He did not think pavers were suitable for the road surface due to the 10% grade and because they would erode and cause ruts.

There were no further questions or comments.

MOTION: To close the public hearing to consider the Special Permit application: Section 4.4.10 submitted by The Gunnery, Inc. to construct a driveway and environmental classroom building at 22 South Street. By Mr. Owen, seconded by Mr. Shapiro.

Before the close of the hearing Mr. Martin thanked both the applicants and the public for their civil and professional conduct throughout the course of the hearing.

Vote: 5-0.

Mr. Martin closed the public hearing at 8:55 p.m.

This public hearing was 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 Regular Meeting to order at 8:58 p.m. and seated Members Friedman, Martin, Owen, and Page and Alternate Shapiro for Mr. Fitzherbert.

Consideration of the Minutes

MOTION: To accept the 8/22/05 Public Hearing -

Regular Meeting minutes as written. By

Mrs. Friedman, seconded by Mr. Owen, and

passed 5-0.

Pending Application

The Gunnery, Inc./22 South Street/Special Permit: Section 4.4.10/ Environmental Classroom Building and Driveway: Mr. Martin noted the Commission had three options: 1) approval, 2) approval with conditions, either the conditions offered by the school or others drafted by the Commission, and 3) denial. He asked the Commissioners for their non binding opinions. Mr. Shapiro preferred option #2, approval with conditions. He thought the Commission would be remiss not to incorporate the conditions offered by the applicant into the approval motion. Mrs. Friedman also opted for condition #2, approval with conditions. She agreed with Mr. Shapiro's point of view and also thought the proposed driveway was a major concern and should be modified as an additional condition of approval. She said she thought it was too wide, but would be willing to support it if an oil and stone surface was required so that it would blend in better with the natural environment. Mr. Owen, Ms. Page, and Mr. Martin preferred option #1, approval with no conditions. Mr. Owen did not support conditions that were stricter than the requirements of the Regulations. Ms. Page agreed and added, for example, she did not want to restrict the use of the classroom building to an average of once a week as offered by the applicant. Mr. Martin noted the small size of the proposed development and the low intensity of the proposed use. He asked if a condition that the building could not be rented out commercially would be acceptable. Mr. Owen and Ms. Page did not support this condition. Mr. Shapiro and Mrs. Friedman did. Mr. Martin thought this condition was appropriate because the Commission had in the past made this a condition of other approvals and commercial rental of the building would deviate from the approved school use. After brief further discussion, there was consensus that this condition become a part of the motion for approval. There was a brief discussion about whether there should be a condition that any further future development of the property would require an additional Zoning permit to make it clear this approval would be for Phase I only. It was decided this was not necessary because it was sufficiently clear in the Zoning Regulations themselves that this was the case. For the record, Mr. Martin stated the Commission would act only on the current Special Permit application and that any proposed future development would require a separate application, a subsequent public hearing, and a separate vote based on the merits of that future application. The driveway was again discussed. Mr. Shapiro thought since the Special Permit standards include safety considerations, the Commission should not require a narrower driveway because 1) the Fire Chief said 18 ft. was adequate and 2) Mr. Smith, engineer, said 18 ft. was necessary to navigate the tight turns. Mr. Owen thought the applicant had made its case for the 18 ft. wide driveway and noted the Inland Wetlands Commission had approved the specifications and the route through a sensitive wetlands area. Ms. Page stated the school has a responsibility to build the safest possible driveway for its students and she did not think the Fire Chief's letter should be ignored. Mr. Martin said he had reviewed both the Zoning Regulations and the Town Driveway Ordinance and the proposed driveway complied with both. He did not think it would be appropriate to require a change. Mrs. Friedman said she could accept the 18 ft. width if the surface was changed to oil and stone so its appearance would be more suitable for the surrounding residential neighborhood. She noted there was a precedent because the Commission had directed the Housing Trust to change surface materials at 16 Church Street. Mr. Owen did not support such a condition. Mr. Shapiro noted the Driveway Ordinance did not specify a specific required surface material or a minimum width and said it had been noted the proposal was for an adequate all weather surface that would accommodate the safe movement of vehicles.

MOTION: To approve the Special Permit application: Section 4.4.10 submitted by The Gunnery, Inc. to construct an environmental classroom building and driveway at 22 South Street per the plan, "Phase One Plan (with topography)," by Smith and Company, dated 7/12/05, revised to 8/17/05 with the condition that the building shall not be rented out for commercial use. By Mr. Martin, seconded by Mr. Owen.

The motion was briefly discussed. It was noted that the proposal had complied with all the dimensional requirements of the Zoning Regulations and that it complied with all the standards of Section 13.1.B due to its low intensity use. The definition in Section 21 of "school"

was read and it was noted The Gunnery had submitted documentation regarding its state accreditation. Finally, it was noted Atty. Zizka had advised the Commission the decision had to be based on the proposed use, not the user.

Vote: 4-1.

Mrs. Friedman voted No. She said she had no objection to the educational classroom building, but wanted the access to that building to have less impact on the property and surrounding neighborhood.

Other Business

Multifamily Housing Regulations: Mr. Martin passed out to the Commissioners Atty. Zizka's recently drafted regulations based on the Commission's discussions. As no one had the opportunity to review them prior to the meeting, discussion was deferred to the next meeting.

Revision of the Regulations/View Shed Protection: Mr. Martin circulated an undated memo from the Ridgeline Subcommittee of the Conservation Commission regarding its thoughts on revisions to the Zoning Regulations to protect scenic ridgelines. He noted Mr. Fitzherbert and Mr. Ajello had met with the subcommittee to discuss specific language. The subcommittee will be invited to next month's meeting to discuss this subject with the Commission. Mrs. Hill will send copies of Roxbury's and Kent's draft regulations to each Commissioner to review.

Revision of the Zoning Regulations/Section 16/Signs: Draft #8 of revisions to Section 16 and the draft sign permit application form had been mailed out for review prior to the meeting. After a brief discussion, some minor revisions were agreed upon. The proviso will be deleted from Section 16.3.7. The application form will refer to fixed and portable signs, not permanent and portable signs. The corrections will be made and the draft forwarded to Atty. Zizka for review. It was noted permits will be required for new businesses to use existing signs because that is the only means the Commission has to bring non conforming signs into compliance.

Fairfield land and Properties, LLC./116 Woodbury Road/Request to Amend Approved Special Permit Site Plan for Garden Spa and Inn/Decrease in Parking Spaces and Change of Parking Layout: Mr. Mnuchin, owner, and Mr. Owens, architect, were present. Mr. Owens reviewed the site plan that accompanied the 9/22/05 request. He explained less parking was needed than had been originally anticipated because 1) the number of rooms in the new inn had been reduced from 8 to 6 and 2) there would be fewer, but more versatile staff. Therefore, he proposed to decrease parking by four spaces. He pointed out on the site plan that the row of parking originally proposed over the septic area would be moved to an area along the service driveway and the parking near the inn reconfigured. He explained by moving the parking to lower areas on site, more effective screening could be accomplished. He also pointed out the proposed changes in parking would help to preserve green areas and would decrease coverage. Mr. Martin asked if the proposed parking would still be adequate to serve the facility. Mr. Owens said it would, but noted if it was determined in the future that more parking was required, there was plenty of room on site to add more spaces. Mr. Martin read the 9/26/05 Zoning Report, which found no problems with the proposal.

MOTION: To approve the request submitted by Mr. Owens on behalf of Fairfield Land and Properties, LLC. to decrease the required number of parking spaces to 30 and to revise the approved site plan for the Special Permit granted for the garden spa and inn at 116 Woodbury Road per the partial site plan entitled, "Mayflower Project," by Harper Owens Architects, LLC. dated 9/16/05. By Mr. Owen,

seconded by Ms. Page, and passed 5-0.

New Application

Ensign/50 Orchard Lane/Special Permit: Section 13.11/Detached Accessory Apartment: The application had not yet been reviewed by the ZEO, but Mrs. Hill noted the Health Department had approved it. A public hearing was scheduled for Monday, October 24, 2005 at 7:30 p.m. in the Land Use Meeting Room.

Privilege of the Floor

Mr. Owen thought it would be helpful for the Commission to have a list of how many attached and detached apartments were now available and occupied in Town.

Communications

PA 05-124: The new state statute, PA 05-124 was briefly discussed. All land use and Health and most Building applications will have to be accompanied either by a statement that there are no conservation or preservation easements, restrictions, or deeds on the property or if there are, by either permission for the proposed work by the easement holder or proof that the applicant notified the easement holder of the pending work by certified mail at least 60 days prior to the submission of the application. The form that will be used by all departments was reviewed. Mr. Martin thought this statute would cause a decrease in the number of conservation easements granted and so thought it was ill advised.

Commission Organization: Mr. Martin noted he is just completing 10 years of service on the Commission, including 6 years as chairman. He felt it was time to give someone else the opportunity to serve as chair. He said he would, however, serve out the remainder of his elected term as Zoning Commissioner. He noted he was advising the Commission in advance of his view with the hope that a current Commissioner would volunteer to serve as chairman. He hoped this would facilitate a smooth transition. If no one from the Commission volunteers, he noted there are precedents for appointments from outside the Commission. Ms. Page noted what a great job Mr. Martin has done as chairman and the rest of the Commission wholeheartedly agreed.

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

Mr. Martin adjourned the meeting at 10:03 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator

