

Zoning Commission

MINUTES

Public Hearing - Regular Meeting

June 27, 2016

7:30 p.m.

Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Averill
MEMBERS ABSENT: Mr. Werkhoven, Mr. Brinton
ALTERNATES PRESENT: Mr. Sivick, Mr. Burnham, Mr. Solomon
STAFF PRESENT: Mrs. Hill, Ms. Pennell
ALSO PRESENT: Mr. Synott, Mr. Fairbairn, Ms. Heller, Mr. Forrester, Ms. Bishop-Wrabel, Mr. Truesdale, Ms. Pring, Mr. Talbot, Ms. Anderson, Ms. Anderson-Krinkle, Mr. Schlotzberger, Ms. Darr, Ms. Holiman

Mr. Solley called the meeting to order at 7:35 p.m. and seated members Solley, Reich, Averill, Alternates Burnham, Solomon

Pending Applications:

Whalen/270 Litchfield Turnpike/Special Permit: Section 17.6.C/Change Non-Conforming Retail Use to Non-Conforming Service Business Use:

With regards to this pending application, Mr. Solley read aloud a letter dated 06-27-16 from Ms. Angela M. Greco. This letter stated that the applicant is withdrawing this application as she will not be purchasing this property due to becoming aware of DOT and environmental issues with the property after the special permit application was filed.

Washington Community Housing Trust/16 Church Street/Request to Change Special Permit Condition of Approval: Removal of Driveway Gate:

Mr. Averill recused himself from the Public Hearing as he is a member of the Washington Community Housing Trust.

Seated: Members Solley, Reich, Alternates Solomon, Burnham, Sivick

President of the Washington Community Housing Trust, Mr. Bill Fairbairn, spoke stating that when the Housing Trust first applied for this Special Permit, this gate was a condition it agreed to, but did not have to accept. He noted that this application was under Connecticut Statute 8-30g, the affordable housing statute. Mr. Fairbairn stated with this gate in place, it is very inconvenient to the residents, having only one way in and out of the property. He further stated that it is a safety concern in that if there were an emergency and something fell onto this gate/barrier and residents needed to utilize this driveway, they would not be able to do so. Mr. Fairbairn also pointed out that the Housing Trust also gave up one unit during this process to appease the neighbors. He feels it is time to have this gate removed for the convenience and safety of residents living here.

Mr. Solley gave a brief history of this application and a previous request to revise the special permit in March 2003. He noted at that time the Zoning Commission approved the requested modifications except for the removal of the gate. Mr. Solley noted that all traffic currently comes in and out of the Church Street driveway. He stated that for 13 years, the Washington Community Housing Trust has agreed to keep this gate in place, making Hinckley Road inaccessible to 16 Church Street traffic.

Mr. Solley asked if the Public had any comments. Mr. Synott, resident of 15 Hinckley Road, stated that he would like the gate to remain in place. He feels removing the gate would be a safety concern as there are a lot of kids on Hinckley Road. He further stated that the 15 mph speed limit has not been enforced and that is a concern. Mr. Synott has spoken to the State Police with regards to enforcement of the speed limit on Hinckley Road.

Mrs. Heller, also a resident residing at 8 Hinckley Road, spoke stating her concern with cars speeding down the road and not being aware that it is a dead end street. She feels there is quite a bit of traffic on this road and supports keeping the gate in place to prevent an increase in traffic flow on Hinckley Road.

Mr. Forrester, resident of Hinckley Road, expressed his concern with the safety issue if the gate was to be removed. He stated

there are kids between the ages of 5-8 who skateboard on this road. He stated that the sight lines down this road are poor.

At the request from Mr. Reich, the map "site plan", sheet SP-1.A, by Peter Talbot, AIA Architect, revised to 8/18/2004, was taken from the original 16 Church Street file so that members and the public could get a clearer picture of this area of Hinckley Road being discussed.

Secretary from the Washington Community Housing Trust, Ms. Bishop-Wrabel, spoke stating that this gate has created a hardship for its residents, particularly in conditions of ice and snow. She further stated that it puts a burden on residents to access their perspective parking areas. Ms. Bishop-Wrabel also stated that the Washington Community Housing Trust's insurance company has also expressed its concern about this gate being in place, feeling it to be an undue obstruction in the event of any emergency vehicle needing to access this apartment complex. Ms. Bishop-Wrabel stated that the residents of 16 Church Street should have the same rights as all other Town residents.

Ms. Truesdale, resident at 16 Church Street, expressed her concerns with safety issues during inclement weather. She also expressed her concern for the safety of emergency personnel being able to have access to the residents residing near the gate in discussion. She is in favor of removing the gate.

In reply to questions from Ms. Pring, resident at 12 Hinckley Road, Mr. Fairbairn clarified that at the time of this original Zoning application in 2003 under CT Statute 8-30g, the Washington Community Housing Trust did not have to give up one of its units as it did, nor put up this gate. He stated at the time this was a very controversial issue and to appease neighbors, they agreed to this. Mr. Fairbairn stated at this time it is a safety concern and are asking it to be removed.

Mr. Peter Talbot, architect for this project in 2003, stated that this gate was a safety concern, as well as an inconvenience to residents living on the upper level of the community housing property. He stated that the Washington Community Housing Trust tried to be accommodating to the concerns of the neighbors, but he thought the gate was not needed and was a safety concern.

MOTION: To close the Public Hearing to consider Washington Community Housing Trust/16 Church Street/Request to Change Special Permit Condition of Approval: Removal of Driveway Gate. By Mr. Reich, seconded by Mr. Burnham, passed 5-0 vote.

Seated: Members Solley, Reich, Averill, Alternates Sivick, Solomon

Lake Waramaug Country Club/22 Golf Links Road/Revision of Special Permit: Accessory Building, Relocate A/C units, Enlarge Main Building, etc.

Mr. Peter Talbot, architect, presented the application. Mr. Talbot read aloud his letter submitted dated 06-27-16, which explained the work being proposed.

Mr. Talbot submitted revised Site Plan drawings SP.101, dated 06-27-16. He stated the proposal includes demolition of an existing 20' x 20' storage shed and construction of a new 20' x 16' x 17' high storage shed with a basement for a fire pump if required and an increase in the size of the previously approved fenced in utility area north of the kitchen to house dumpsters and propane tanks.

Mr. Talbot stated the plan includes doing minor modifications in the parking area to accommodate handicapped parking. Mr. Talbot noted the club would neighbors to the East by putting shields on the mounted lighting in the trees. He stated they will also be moving air conditioning units from where they are currently located, which is near the generators, to the enlarged enclosed area.

Mr. Talbot stated the minor changes to the Club House will be an increase in the footprint at the NW corner to accommodate an ADA and Code compliant entry and stair. Mr. Talbot stated they will also add a planting bed/retaining wall east and south of the porch.

Mr. Talbot noted that the existing upgraded parking in Kent is shown on the site plan for information only and it is not certain that it will be addressed at this time.

Mr. Talbot stated the exhaust fans previously approved mounted on the east roof would now be mounted lower on the building so that they are more concealed. This would result in noise reduction for neighbors.

Mr. Solley asked Mr. Talbot where they were in regards to lot coverage. Mr. Talbot stated they are at 7.69% for the 34 acre property.

Mr. Solley asked if there were any questions/comments from the public. Mr. Schlotzberger asked if there was an increase in the Kent parking area. Mr. Talbot stated no. Mr. Schlotzberger also asked if there would be a noise reduction and Mr. Talbot confirmed there would be a significant decrease in sound from the exhaust fans, as well as moving the dumpsters further from the property line, which had caused some significant noise pollution from the trucks coming in to empty them.

Mr. Solley confirmed with Ms. Hill that there are no administrative concerns regarding the application.

Mr. Solomon asked how many neighbors are affected by this application. Mr. Talbot stated there are eight neighbors on the Washington side.

MOTION: To close the Public Hearing to consider Lake Waramaug Country Club/22 Golf Links Road/Revision of Special Permit: Accessory Building, Relocate A/C units, Enlarge Main Building, etc. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

REGULAR MEETING:

Seated: Members Solley, Reich, Averill, Alternates Sivick, Solomon

MOTION: To accept the Regular Meeting Minutes as corrected, by Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.

On page 2 of the 05-23-16 Regular Meeting Minutes under the heading Revision of the Zoning Regulations/12-28-15 Proposed Revisions, fourth paragraph down, the first sentence stating "After a lengthy discussion between Commission members, it was

agreed that the proposed language of Section 13.1.A-C be revised per Atty. Olson's recommendation" was deleted.

MOTION: To accept the Special Meeting Minutes as submitted, by Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.

MOTION: To add subsequent business to the agenda: New Applications: A.) GSN, LLC/214 West Shore Road/Special Permit: Section 6.3/Addition to Existing Dwelling within 50-75 ft. of Lake Waramaug; B.) Archambault (Greco)/44 Wilbur Road/Special Permit: Section 10.4.1.D/Professional Services/Animal Health Practice. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

MOTION: To schedule a Public Hearing on Monday, July 25, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for GSN, LLC/214 West Shore Road/Special Permit: Section 6.3/Addition to Existing Dwelling within 50-75 ft. of Lake Waramaug. By Mr. Solley, seconded by Mr. Sivick, passed 5-0 vote.

MOTION: To schedule a Public Hearing on Monday, July 25, 2016 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application Archambault (Greco)/44 Wilbur Road/Special Permit: Section 10.4.1.D/Professional Services/Animal Health Practice. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

OTHER BUSINESS:

Seated: Members Solley, Reich, Alternates Solomon, Burnham, Sivick

Washington Community Housing Trust/16 Church Street/Request to Change Special Permit Condition of Approval: Removal of Driveway Gate:

Mr. Solley stated that when the selectman issued the driveway permits for this property, two accessways to public streets were acceptable and were approved. Mr. Solley stated that in 2003 due to pressure from the neighbors with regard to the driveway on Hinckley Road, the Washington Community Housing Trust in good faith sacrificed not only a housing unit, but agreed to the gate

being installed so that it could be used for emergency purposes only.

Mr. Solomon had concerns as to why back in 2003 the Zoning Commission required this gate with a vote of 5-0 and after all these years, he questioned why the need to have it removed and what has changed. He noted that he holds conditions on Special Permits to a high regard and if circumstances have changed warranting this gate to be removed, he would like to know what those changes are. Mr. Solley pointed out that when this decision was made back in 2003, the housing was not built yet and traffic conditions were not known as yet.

Discussion continued with regards to traffic and pedestrians walking on Hinckley Road and Church Street, as well as the neighbors close to this accessway in question. Mr. Solley noted that this accessway is built to accommodate two way traffic. He also noted that some brush would need to be removed to improve the sight line when exiting this driveway.

MOTION: To approve the request by Washington Community Housing Trust/16 Church Street/Request to Change Special Permit condition of Approval: Removal of Driveway Gate. By Mr. Reich, seconded by Mr. Burnham, passed 4-1 vote. Mr. Solomon voted no stating there is no significant change that warrants the removal of this gate. He also noted in 2003 the Zoning Commission voted 5-0 against removing the gate and respects this decision they made, believing in precedence and keeping things the same.

Lake Waramaug Country Club/22 Golf Links Road/Revision of Special Permit: Accessory Building, Relocate A/C units, Enlarge Main Building, etc.

Seated: Members Solley, Reich, Averill, Alternates Sivick, Solomon

Mr. Solley feels this application has improvements made since presented to the Commission a year ago. Mr. Solley asked if members had any comments on this application. Mr. Averill was pleased to see that there will be noise reduction.

MOTION: MOTION: To approve the request of the Lake Waramaug Country Club/22 Golf Links Road/for the revision of its Special Permit to include demolition and construction of storage shed, relocation of A/C units, propane tank, exhaust fans, and dumpster, enlargement of fenced utility area and club house entry and stairs, increase in height of two club house gables, landscaping, etc. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

Revision of the Washington Zoning Regulations/Sections 2.3.20, 4.2.2, 4.4.10, 5.2.2, 5.4.5, 5.4.9, 7.2.2, 7.3.20, 7.4.18, 8.4.20, 6.3.2, 6.4.11, 6.6.1, 6.6.6.C, 6.6.9, 6.6.10.D, 6.6.13, 7.3.6, 7.3.15, 7.4.8, 8.2.2, 8.3.6, 8.3.16, 8.3.20, 8.4.8, 9.2.4, 9.4.3, 9.4.1.H, 10.2.3, 11.4.4, 11.4.5, 11.5.1.C, 11.6.1.A, 11.6.3.C, 12.1.1.B.1, 12.6.1.C.1, 12.7.2, 12.7.5, 12.14.4, 12.14.5, 13.1, 13.1.B.9, 13.2.A, 13.2.B, 13.3, 13.4, 13.8, 13.8.3, 13.8.9, 13.10.4 - 13.10.7, 13.11.2.C - D, 13.11.2.G, 13.11.3.C - E, 13.11.3.G, 13.13.5, 13.14.4, 13.14.5, 13.14.8, 13.15.5, 13.16.1-2, 13.16.5, 13.16.7, 13.18, 14.1 - 7, 14.7.5 -6, 14.7.9, 14.7.10, 14.7.14, 15.6.3, 16.1 - 16.1.5, 16.3.2, 16.3.9 - 11, 16.4, 16.4.1, 16.4.1.H, 16.4.2 - 3, 16.5, 16.5.2 - 16.5.8.F, 17.5.A.1, 17.5.C.1, 17.5.F, 17.6, 18.1.1, 18.2, 19.1, 21.1.14, 21.1.25, 21.1.30, 21.1.32, 21.1.53, 21.1.59, 21.1.67:

Mr. Solley asked if members had any questions regarding these proposed Regulation revisions. Members stated they had no questions and were ready to vote.

MOTION: To approve Final Draft dated 06-15-16 of the Revisions of the Washington Zoning Regulations/Sections 2.3.20, 4.2.2, 4.4.10, 5.2.2, 5.4.5, 5.4.9, 7.2.2, 7.3.20, 7.4.18, 8.4.20, 6.3.2, 6.4.11, 6.6.1, 6.6.6.C, 6.6.9, 6.6.10.D, 6.6.13, 7.3.6, 7.3.15, 7.4.8, 8.2.2, 8.3.6, 8.3.16, 8.3.20, 8.4.8, 9.2.4, 9.4.3, 9.4.1.H, 10.2.3, 11.4.4, 11.4.5, 11.5.1.C, 11.6.1.A, 11.6.3.C, 12.1.1.B.1, 12.6.1.C.1, 12.7.2, 12.7.5, 12.14.4, 12.14.5, 13.1, 13.1.B.9, 13.2.A, 13.2.B, 13.3, 13.4, 13.8, 13.8.3, 13.8.9, 13.10.4 - 13.10.7, 13.11.2.C - D, 13.11.2.G, 13.11.3.C - E, 13.11.3.G, 13.13.5, 13.14.4, 13.14.5, 13.14.8, 13.15.5, 13.16.1-2, 13.16.5, 13.16.7, 13.18, 14.1 - 7, 14.7.5 - 6, 14.7.9, 14.7.10, 14.7.14, 15.6.3, 16.1 - 16.1.5, 16.3.2, 16.3.9 - 11, 16.4, 16.4.1, 16.4.1.H, 16.4.2 - 3, 16.5, 16.5.2 - 16.5.8.F, 17.5.A.1, 17.5.C.1, 17.5.F, 17.6, 18.1.1, 18.2, 19.1,

21.1.14, 21.1.25, 21.1.30, 21.1.32, 21.1.53, 21.1.59, 21.1.67.
By Mr. Solley, seconded by Averill, passed 5-0 vote.

ENFORCEMENT REPORT:

No report was submitted.

COMMUNICATIONS:

Mr. Mike Ajello, Zoning Enforcement Officer, received a letter via email dated June 14, 2016 from Ms. Shauna Holiman, 125 West Shore Road. In this letter, Ms. Holiman expressed her concern regarding the noise from drilling of wells a "few doors down" from her home. She stated it has been four weeks of this "pounding method" drilling and feels there is another method that should be considered in order to avoid the noise pollution. In her letter, she referenced other drilling methods she feels would be more suitable and asked that the Zoning Commission to look into these methods and consider them an option during the permit process.

Ms. Holiman was in attendance at this meeting. She did voice her concerns to the Zoning Commission. Mr. Solley accepted her letter for the record. However, he informed Ms. Holiman that there was not a matter under the jurisdiction of the Zoning Commission.

MOTION: To adjourn the meeting at 8:50 p.m. By Mr. Averill, seconded by Mr. Reich, passed 5-0 vote.

By: _____
Donna Pennell, Land Use Secretary
June 29, 2016