

Zoning Commission

MINUTES

Public Hearings - Regular Meeting

December 27, 2016

7:30 p.m.

Upper Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven,
Mr. Solomon, Mr. Averill
ALTERNATES PRESENT: Mr. Burnham, Mr. Sivick
STAFF PRESENT: Mrs. Hill, Ms. Pennell
ALSO PRESENT: Mr. Tierney, Mr. Smith, Mr. Wilbur,
Mrs. Johnson, Ms. Allen, Ms. Decker, Ms.
O'Rodgers, Ms. Krajnak, Mr. Davidson,
Mr. Williams, Ms. Popilowski, Mr. Hearn,
Mr. Leach, Ms. Salzer, Mr. Gogness, Atty.
Fisher, Mr. Barnett, Ms. Purnell and
others.

PUBLIC HEARING:

Mr. Solley called the Public Hearing to order at 7:30 p.m. and seated Members Solley, Reich, Werkhoven, Averill, Alt. Sivick.

Continued Public Hearing for Tierney/6 Green Hill Road (11 Titus Road)/Special Permit: Section 8.5/Increase Maximum Permitted Lot Coverage for Expansion of Parking Area:

Mr. Solley read Mrs. Hill's 12/23/16 Administrative Report from last month. At the last Public Hearing the question was raised regarding whether an asphalt apron would be required by the Town for the extended cut onto Titus Road and it was noted approval was needed from First Selectman Lyon. Mr. Solley noted that Mr. Lyon had submitted a copy of the 12/07/16 Driveway Ordinance Approval, which included the notation that the apron requirement had been waived.

Mr. Tierney was present. He did inquire as to whether or not Processed gravel or millings were preferred. It was concluded That processed gravel would be used because millings compact and become impervious

Mr. Solley asked if there were any questions from Commission members or the public. No questions were noted.

MOTION: To close the Public Hearing for Tierney/6 Green Hill Road/Special Permit: Section 8.5/ Increase in Maximum Lot Coverage for Parking Area. By Mr. Werkhoven, seconded by Mr. Averill. Passed 5-0 vote.

Town of Washington/185 New Milford Turnpike/Special Permit: Section 4.4.9/Training Facility for Fire Department:

Mr. Werkhoven recused himself because he services the Board of Selectmen. Mr. Solley seated members Reich, Averill, Solomon, and Alt. Burnham.

Mr. Solley read the 12-02-16 Legal Notice for the record, as well as Mrs. Hill's 12/23/16 Administrative Review. He also read the list of items that are included in file for this application. Mr. Solley stated there were several letters against this application. These letters were read aloud; from Mr. Roger Bohan, dated 12-20-16, from Mr. and Mrs. Papsin dated 12-22-16, from Alice Maggin and Wayne Nelson, dated 12-21-16. He also noted that a petition against this application was also received signed by 44 residents.

Mr. Solley noted that there was a technical error because the Special Permit application was applied for under Section 9.4.3, which does not apply as the property is in the R-1 District. This should have been applied for under Section 4.4.9. Mrs. Hill stated in her report that if the Commission considers approving this application, she recommends publishing a correct legal notice citing Section 4.4.9 to avoid any appeal that could be filed based on this technicality.

Lt. Kevin Smith was present representing the Washington Volunteer Fire Department. Lt. Smith stated that the Washington Volunteer Fire Department is requesting approval to install a Class A training building at 185 New Milford Turnpike at the New Preston Fire Station. When this application was submitted, Lt. Smith stated they were under the impression that this location was in the B3 Marbledale Business District. He noted the surrounding properties near this proposed location include storage facilities, maintenance garage, gas station, construction maintenance facility that has storage facilities (similar to the building they are requesting to have approved), the State Department of Transportation salt storage facility and the Housing Trust property that has been in disrepair for 3-4 years now. Lt. Smith believes that the building they are proposing does aesthetically fit with the surrounding properties.

Lt. Smith discussed the importance of these trainings and of the proposed facility for the fire fighters themselves, as well as for the community.

Lt. Smith explained the intent and purpose of this building was to provide a safe and controlled live fire environment, which he stated is essential for the safety of the town fire fighters, as well as the community. He discussed what a Class A training building is and how it is constructed. He noted that for safety purposes the building must be non-combustible and only interior fires created with wood and paper products can be burned. Lt. Smith stated that fire department members can only perform live fire training in the Class A training building and that the closest building to Washington Volunteer Fire Department is in Danbury. Lt. Smith stated that Occupational Safety and Health Administration (OSHA) and the National Fire Protection Association (NFPA) mandate by the Federal government that this training be performed quarterly. He noted this is a non-funded training and the department has to provide this funding. He noted the challenges with recruiting volunteers and retaining current volunteers.

Lt. Smith stated that the Washington Volunteer Fire Department will be paying for this training building using state and federal grants, by department funds raised by fundraising, and its annual fund drive. He also gave a complete description of what the building would look like and how often it will be utilized. Lt. Smith had poster boards with photos similar to training buildings, as well as a Google Earth print out of the location and surrounding area. He discussed the plan to put in plantings to help in screening this building from residential homes on Mygatt Road. He reviewed the existing parking, as well as who will be using this facility. Lt. Smith stated that this facility would be utilized about 12 times per year by the members, as well as mutual aid towns that they rely on throughout the year for support. He explained the function of this training facility and the specifics of how training will be conducted.

During his closing remarks, Lt. Smith stated that the Washington Fire Department spent over 900 man hours in 2016, not including the training that individual members attend throughout the state to better the department and provide a higher level of service for the town's people. On behalf of the department, Lt. Smith is looking for the support of the town for this project to improve the level of training.

Mr. Solley asked Commission members if there were any questions. Mr. Averill asked Lt. Smith if parking at the proposed training

facility would be any greater than it is currently at the fire house during training/events, etc. Lt. Smith stated this would remain the same and he did not think that parking was a concern.

Mr. Solley asked Lt. Smith when fire department members attend mandatory training, what the average number of members attend as well the number of trucks. Lt. Smith stated that an average of 15-20 members attend and about 3 fire trucks are taken.

Mr. Solomon inquired as to why the New Milford facility cannot be utilized as a Class A training building. Lt. Smith explained that this is not a Class A building because it is and a wood structure and therefore, a real life fire simulation is not possible in this building.

Mr. Burnham asked how many mutual aid supporting fire departments would be a part of the live fire training process. Lt. Smith stated they would limit this training to the Washington Fire Department and limit it to one other mutual aid department. Assistant Chief, Craig Wilbur stated that when live fire training is conducted, the state and the NFPA mandates a specific amount of instructors per student, which is five members to one instructor.

Mr. Solley asked how many members are part of the Washington Volunteer Fire Department. Lt. Smith stated there are 65 members (which includes the maximum charter members allowed) and an average of 25 are active participants.

Mr. Reich asked if the Fire Department had to pay to use out of town facilities. Lt. Smith stated that they pay an annual fee to use the New Milford facility. Asst. Chief Wilbur added that the department does pay for two state employees to be there, as well as the propane that is used.

Mr. Solley inquired as to five instructors within the department with respect to time and cost. Asst. Chief Wilbur stated the instructors do go through extensive required state training and the cost is paid for by the department. Asst. Chief Wilbur stated there are two to four sessions per year, which are held throughout the state. It requires 120 hours to become an instructor.

There were no further questions from the Commission members. Mr. Solley opened up questioning to the public.

Mrs. Nina Johnson spoke, stating she has resided on Mygatt Road for 20 years. She explained her home is directly in back of the New Preston Fire house and basically the back of the fire house is her

front yard. Mrs. Johnson stated there have been trainings held there and she has complained about junk cars being left there after training. She explained she has great respect for the department and built her house knowing the fire house was there, which gave her a feeling of safety. Mrs. Johnson supports the department's fundraising/activities. She stated she has been in real estate for 30 years and said this training facility would severely depreciate the value of her home. Mrs. Johnson feels the proposed building is not attractive and no plantings can possibly hide the size and appearance of this building, nor block odors or noise that will be produced during training. She would be willing to support any fundraising necessary to support finding another appropriate location for this training facility.

Ms. Phyllis Allen, of 40 Quarry Ridge Road, submitted copies of her presentation for the Commission member. Ms. Allen also handed in a few more petitions as well. She represented the Mygatt residential community and she thanked the Washington Fire Department, all the volunteers that serve the community and noted her admiration for them. She noted the concerns for the construction of this training facility being located in the residential zone. She noted the size of this structure being 33 ft. height and 40 ft. wide and said it would look like it would belong in an industrial park. Ms. Allen stated that the front of this building would face Mygatt Road and be 275 ft. from a nearby residence. She further stated that the activities that are planned for this facility would pollute the air and water, specifically the Aspetuck River. She questioned how often this facility would be used and by who. Ms. Allen stated that in view of these concerns, she asked the Zoning Commission to deny this application.

Ms. Diane Decker of 96 Kinney Hill Road noted she was a member of the Washington Environmental Council, although not representing them at this meeting. She voiced her concern for the environment, wanting to address land, water and air. Ms. Decker had several questions for the Fire Department to address. Specifically where their water source would be from, what is the estimated amount of water to be used is and water waste, and had questions regarding the distinguishable water. Ms. Decker noted concerns about the slope of the site. She raised questions regarding the close proximity of gas stations, the chemical agents used to put out the fire and the plan for controlling prevailing winds when trainings are scheduled. Ms. Decker had a diagram from the International Association for Fire Safety Science which she submitted for the file. This diagram showed effects of fire and extinguishing agents on the environment.

Asst. Chief Wilbur stated the water used would come from the trucks themselves, which hold 2500 gallons of water. He stated the pump trucks hold 500 to 1000 gallons per truck and are filled from the Town Hall pond, hydrants, or a cistern at the fire house that collects rain water. Asst. Chief Wilbur noted that if the Town is under a drought condition, they obviously would not conduct a training session. He stated the estimated amount of water to be used during a typical training session is maximum of 500 gallons, noting a typical house fire uses 10,000 gallons.

Asst. Chief Wilbur discussed the waste water concerns. He stated the agents used during training sessions are organic materials and no petroleum is added.

In regards to the slope of the land, wet surface and the equipment that will be used, Lt. Smith explained that any water tracked by the vehicles themselves will be collected at the point of contact. He stated that behind the Depot Fire House there are no paved surfaces. There is a processed driveway area (anti-tracking pad), which ensures nothing is tracked out onto Rt. 202. Lt. Smith stated that when using this proposed building, no water would be sprayed outside the building and only internal fires are set. He noted no agents other than the water will be used.

Mr. Solley inquired as to where the water would be directed after a training session is complete. Lt. Smith stated a concrete slab area is put in place and the water would be captured in a retention basin.

Ms. Monique O'Rodgers who resides on Moody Bridge Road asked if there was a possibility that the New Milford facility location can be utilized if upgraded. Lt. Smith stated that location is on Kimberly Clarke's property and at any time they can terminate the lease. Asst. Chief Wilbur noted that it is a concrete box with a wooden house build around it and has caught fire several times.

Ms. Ruth Cranick of 85 Quarry Ridge Road stated that there is a Bethel training facility that could be considered. She inquired as to where other surrounding towns attend their training and was informed that they all use the same locations. Ms. Cranick feels that property values will decrease if this proposed building is permitted. She also stated that the cemetery near Quarry Ridge is where her husband was recently buried and she would appreciate this area to remain a quite peaceful place for her to reflect/pray.

Mr. Steven Davidson of 50 Quarry Ridge Road asked how many Class A training facilities there are in the Connecticut. He was told that there are eight facilities in Connecticut. Mr. Davidson asked what regulations are in place that can possibly cause these types of facilities to become obsolete and as a result, a new or different building required. He suggested a more prudent course to establish a facility in a location that allows for the unknown as opposed to boxing it into a residential area. As he is new to this area, he inquired as to what other properties in Town can be considered for this training facility in light of future regulation changes. Asst. Chief Wilbur noted that the Washington Volunteer Fire Department owns only two properties, the department on Rt. 47, which is a small lot and in a flood plain, and the department in New Preston.

Mr. Stephen Williams, residing at 86 Old Litchfield Road, stated he is a life member of the Washington Fire Department since 1980, a career fire fighter and deputy chief for the city of Danbury. He feels strongly that this Class A training facility is necessary to offer crucial training to members. Mr. Williams went into details of career training facilities that are utilized, their importance, and how they function. He explained the use of the Windsor Locks training center, pointing out that it is in use 28 weeks of the year due to career fire fighters using the facility. Mr. Williams closed by stating that he feels strongly that this Class A training facility is greatly needed.

Ms. Frankie Popilowski of 88 Quarry Ridge Road said her biggest concern is for property values, as she nor other property owners want to look at this unsightly building. Her second concern is if the building has an accident and explodes. Ms. Popilowski feels this should be pursued on a state level to obtain funding for training facilities. Lt. Smith stated that this funding has been cut from the budget. He also noted that there is a greater risk for a gas station explosion than a Class A training building.

Mr. Davidson stated his concern is the property value, noise level, and the degree of disruption in the residential area. He also expects that if this building is allowed, other towns will want to utilize this facility.

Asst. Chief Wilbur pointed out that this facility would be owned and in regulated by the Town of Washington. Mr. Burnham inquired as to state funding being involved and the affect it would have to regulating the facility. Asst. Chief Wilbur stated they are not applying for state funding only federal grants. He added they would not apply for a grant that would allow the state to regulate the Town of Washington's facility.

Mr. Tom Hearn, member of Washington Fire Department, asked the Commission if it can put regulations/restrictions as to the type of usage of this permit. Mr. Solley said the Commission can place conditions on special permits.

Mr. Jordan Leach, residing 67 Findley Road stated he is a volunteer for Washington Fire Department, has worked with Mr. Steve Davidson at Danbury Fire Department, a National Certified Safety Officer and a Connecticut Certified Fire Marshal. He stated the concerns of the gas stations and fumes reaching the burn building are not a concern due to the mandated safety measures put in place. With respect to becoming a regional fire school, he explained that there are a lot of parameters needed, along with a much larger facility. This building being proposed would not qualify for a regional school. Mr. Leach submitted the following handouts: NFPA 1403 Standard on Live Fire Training Evolutions, NFPA Guide to Building Fire Service Training Centers, NFPA 1720 Standard on Organization and Deployment, Emergency Medical Operations, and Special Operations to Public by Volunteer Fire Departments, NFPA 1500 Standard on Fire Department Occupational Safety and Health Program, and Connecticut OSHA Required Training Service to Meet Regulations.

These handouts listed OSHA requirements and codes that regulate what the fire service has to abide by. He pointed out the personal time invested by volunteers, travel time to get to trainings, the expense incurred and the commitment, along with maintaining their own personal full time jobs/families in order to receive the training necessary needed to uphold their obligations as volunteer fire fighters. Mr. Leach noted the burden this places on the recruitment process of volunteer fire fighters. He referenced a study completed by Naugatuck Valley Community College by their Fire Science program that showed 77% of the problem for recruiting fire fighters was the training requirements placed upon them. Mr. Leach stressed the importance of this training in a Class A facility, recruitment and maintaining firefighters after recruitment. He also explained the importance of having a local Class A training facility so that all mutual aid departments can benefit by training together.

Ms. Agi Salzer of 47 Quarry Ridge Road inquired about the time line if this application was approved. Lt. Smith stated it would take a year and a half for the process to be completed.

Ms. Ruth Cranick of 85 Quarry Ridge felt that the majority of public sees the need for such a facility. However, she stated

that the location choice is not ideal and does not enhance New Preston, nor the residential area.

Mrs. Hill asked the applicant to consider a more adequate planning plan because the proposed plan was entirely hemlocks, which are infested and dying out in this area and suggested they be dispersed with different species or that another type of planting be used. Mrs. Hill also stated with regard to a retention basin, that no plans had been submitted. She said that the location and size must be shown on the site plan, and a construction plan, as well as a maintenance schedule submitted.

Mr. Solley asked if there were further questions from the public and none were noted. He reiterated the reasons for this Public Hearing being continued to next month's meeting.

MOTION: To continue the Public Hearing for Town of Washington/185 New Milford Turnpike/Special Permit: Section 4.4.9/Training Facility for Fire Department to January 23, 2017 at 7:30 p.m. at Town Hall Main Floor Meeting Room. By Mr. Solley, seconded by Mr. Burnham. Passed 5-0 vote.

REGULAR MEETING

Mr. Solley called the meeting to order and seated Members Solley, Averill, Solomon, and Werkhoven and Alt. Sivick.

Consideration of the Minutes:

MOTION: To accept the Regular Meeting Minutes of November 28, 2016 as submitted. By Mr. Solley, seconded by Mr. Averill. Passed 5-0 vote.

MOTION: To add the consideration of the November 1, 2016 Special Meeting Minutes to the agenda. By Mr. Solley, seconded by Mr. Sivick. Passed 5-0 vote.

With regard to the Public Hearing Special Meeting Minutes of November 1, 2016, Mr. Solley noted that a correction was needed under "Also Present". Ms. Mastejo was spelled incorrectly throughout the minutes and should be spelled Ms. Mostajo.

Mr. Solley noted on page 6 of the minutes, first paragraph, reads "Mr. Averill does not feel hiring another engineer is necessary or that the applicant should be burdened with other the cost of another engineer." The sentence should read, "Mr. Averill does not feel hiring another engineer is necessary or that the applicant should be burdened with the cost of another engineer."

MOTION: To accept the November 1, 2016 Special Meeting Minutes as amended. By Mr. Solley, seconded by Mr. Reich. Passed 5-0 vote.

Pending Applications:

Continued Public Hearing for Tierney/6 Green Hill Road (11 Titus Road)/Special Permit: Section 8.5/Increase Maximum Permitted Lot Coverage for Expansion of Parking Area:

Mr. Solley asked the Commission members if they had any questions, comments, or conditions regarding the above application. None were noted.

MOTION: To approve Tierney/6 Green Hill Road/Special Permit: Section 8.5/ Increase in Maximum Lot Coverage for Parking Area. By Mr. Averill, seconded by Mr. Sivick. Passed 5-0 vote.

Other Business:

Revision of the Zoning Regulations:

It was the consensus of the Commission that this would be discussed at the next scheduled Zoning Commission meeting set for January 23, 2016.

Mrs. Hill distributed draft revisions to Section 17 by Atty. Michael Zizka dated December 26, 2016, to Commission members for their review.

Enforcement:

Enforcement Report:

The Enforcement Report dated December 27, 2016 by Zoning Enforcement Officer Ajello, was distributed to Commission members.

Correspondence:**12/16/16 Email from Mr. Rogness to Mr. Ajello re: 27 Bell Hill Road/Commercial Use in R-1 District:**

Mr. Solley stated that an email dated 12/16/16 was received from Mr. Peter Rogness who resides at 60 Bell Hill Road. In this email Mr. Rogness alleges that Ms. Erika Klauer is using her home at 27 Bell Hill Road in Washington as a sales and marketing office for her "Wykeham Rise" development. Mr. Rogness stated he believes this activity is in violation of the Town of Washington's regulations for the R-1 Zone.

Mr. Solley stated it his belief that what a homeowner does within his own home is his private business, including a homeowner conducting a private meeting within his home. He asked the Commission members to express their views on this matter.

Mrs. Hill thought this should fall under Section 12.6.1.C, general home occupation, and that Ms. Klauer should apply for a Special Permit.

At this time, Mr. Solomon recused himself from this discussion because he is an adjoining property owner. Mr. Solley seated Alt. Sivick.

Mr. Averill stated he was in agreement with Mr. Solley's opinion on this 27 Bell Hill Road correspondence. He feels this is a situation that the Commission does not need to be involved at this time.

Mr. Werkhoven stated he feels this matter could be considered as a home office or home occupation. He feels the only way to be sure on this is to send the appropriate staff out to the home to investigate.

Commission members discussed if this was something they had the authority to do. It was agreed to gather some facts regarding this matter before taking any action.

Mr. Peter Rogness, 60 Bell Hill Road, said the reason he felt a need to write this email was the fact that there were many cars parked at a blind spot along the top of Bell Hill Road. He felt it was too big of a commercial operation to be occurring at a home, in a residential district. Mr. Averill advised Mr. Rogness if this occurred again, he should call the police to handle the parking problem.

Mr. Howard Barnett of Sabbaday Lane, stated that an occasional meeting at a home is understandable, but this has been happening for a few months. He added that this home is a model home for the condominiums being proposed and there is marketing literature that has been circulated.

Ms. Margaret Purnell of 5 Old Litchfield Road stated there is a website available showing interior and exterior views of this Bell Hill property, and being marketed as such.

Referral from COG re: Revision of Woodbury Zoning Regulations/Proposed Multiple Residence District:

Mrs. Hill distributed an email from Jocelyn Ayer of Northwest Hills Council of Governments (NHCOG) regarding the referral from the Woodbury Zoning Commission regarding a proposed Multiple Residence District. This was distributed to Commission members for their review.

Adjournment:

MOTION: To adjourn the meeting at 10:15 p.m. By Mr. Solley, seconded by Mr. Averill. Passed 5-0 vote.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By: _____
Donna Pennell, Land Use Clerk
January 10, 2017