

**TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, CT 06794**

ZONING COMMISSION MINUTES

Public Hearings - Regular Meeting

February 23, 2015

Present: Mr. Reich, Mr. Solley, Mr. Averill, Mr. Sorce

Absent: Mr. Sivick, Alt., Mr. Wyant, Alt., Mr. Werkhoven

Staff Present: Mrs. Hill, Mrs. Nelson

Others Present: Mr. Szymanski, Mr. Gillen, Mr. McGowan,
Mr. Harris, Mr. Studer, Mr. Spiegel, Atty. Slater

Gillen/137 Litchfield Turnpike/Special Permit: Section
12.6.1.c/General Home occupation/Coach-Trainer Office-Facility

The Chairman called the Public Hearing to order at 7:30 p.m.

Seated: Mr. Reich, Mr. Solley, Mr. Averill, Mr. Sorce

Mr. Gillen addressed the commission with a quick description of what he proposes. The floor plan is mostly gym area with a small office. The commissioners looked at First Floor Plans dated 2/23/15 and Photo 1 & Photo 2 dated 2/15/14. Mr. Solley asked what kind of equipment would be in the gym area. Mr. Gillen explained he would have a stationary bike, treadmill and weight bench with an open floor area. His plans also showed the existing shower and bathroom area. Typically Mr. Gillen would be seeing one client at a time as this is the nature of his business. Mrs. Hill stated that there is a separate entrance for the business and there is adequate parking. Mr. Sorce asked if he had any complaints or comments from his neighbors. Mr. Gillen responded saying no he hadn't.

There were no comments from the public.

MOTION: To close the public hearing for Gillen/137 Litchfield
Turnpike/Special Permit: Section 12.6.1.C/General

Home Occupation/Coach-Trainer Office-Facility. By Mr. Averill, seconded by Mr. Reich, and passed 4-0.

Mr. Solley closed the public hearing at 7:41 P.M.

Stiles & Angiollo/25 West Shore Road/Special Permit: Section 6.5/Construction Between 50 and 75 Feet from Lake Waramaug/Demolition Reconstruction of Dwelling, Install Septic System, Relocate Driveway, Landscape, etc.

Paul Szymanski, Engineer, represented the applicant at 25 West Shore Road. The proposal calls for the demolition of an existing home and the construction of a new home on relatively the same footprint. The applicant was granted variances from the ZBA for lot coverage and being within the setback. The ZBA is also requiring the applicant to merge the properties to the south with the main building lot. Mr. Szymanski noted the positive changes the applicant has proposed. They are proposing safety upgrades to the current driveway by changing the entrance from a 30 degree angle to a 90 degree angle and reduced the grade. They are proposing sight line improvements through the removal of some ledge along West Shore Road. From a storm water management perspective the applicant has proposed to provide remediation for more than the 250 sq. ft. of added impervious surface. Mr. Szymanski gave the commissioners a letter addressed to Mr. Bedini Inland Wetlands Chairman, dated January 26, 2015 and a handout "Infiltration Analysis based on a 100-yr. Storm", by Arthur H. Howland and Associates, dated 02/23/15, which includes runoff absorption rates and the capacity of the proposed cultech rechargers. Mr. Szymanski went on to explain that the roof runoff would be redirected to an underground infiltration system and it is sized for the 100 year storm. Mr. Solley asked about the merging of the lots and Mr. Szymanski said this would be done as required by the ZBA upon approval of the Special Permit. Mr. Solley said this plan was an upgrade. It was noted Mrs. Hill had reviewed the application for completeness.

Mr. Solley reviewed the Zoning Regulations Section 6.5 and Mr. Szymanski responded specifically to Section 6.5.2.B (post development stormwater runoff shall not exceed pre-construction runoff). He referred back to the calculations in his infiltration analysis and a discussion followed. Mr. Solley opened discussion up to the Public. Mr. McGowan, representing the Lake Waramaug Association, stated there are details that he believes should be shown more clearly and that the site plans are hard to read. He would like to see a separate detailed report on erosion and sedimentation control to analyze. His main concern was the areas of disturbance. He said, Zoning is required to

look at the amount of runoff on the entire lot, to minimize impervious surfaces, to have a planting plan and a full stormwater management plan that includes erosion and sedimentation control. Mr. McGowan said that the Planting Plan was easy to read but his critique of the plan was that not only should it show where plants are located but it should also show the size or age of the plantings. He said plantings that are smaller will not function as well as mature plants.

Mr. McGowan did not agree with the ZBA's decision to allow the increase of impervious surface coverage. Mr. McGowan noted that roof runoff is much cleaner than the driveway runoff would be and so wondered why they don't use gravel or pervious pavers in the parking area. He would like to see an anti-tracking pad as part of the erosion and sedimentation control plan. He supported the joining of the lots. Mr. McGowan stressed the regulations are to protect the water quality and said that getting specific details for the stormwater management and erosion control plans would ensure the Commission could accomplish this.

Mr. Szymanski responded that there were already drainage details included in the plan and that the issue of the increase in impervious surface has been addressed in his previous calculations. He demonstrated the post development stormwater runoff will not exceed pre-construction runoff. Regarding the proposed plantings, Mr. Szymanski explained why it would be better to use smaller plants. And instead of a bond, Mr. Szymanski suggested the plantings could be warranted for three years. He noted the proposed landscape buffer would assist in absorbing runoff. Mr. Solley asked about erosion control. Mr. Szymanski referred to #4 in the construction sequence that silt fence would be installed on the down gradient side and maintained at the catch basin on West Shore Road. He agreed they would use haybales at the base of the driveway. Mr. Solley and Mr. Szymanski discussed stormwater runoff and Mr. Szymanski said he was willing to address any concerns of the commission.

MOTION: To close the public hearing for Stiles and Angiollo/
25 West Shore Road/Special Permit: Section 6.5/
Demolish, Reconstruct Dwelling, Install Septic System,
Relocate Driveway, Landscape, etc. By Mr. Averill,
seconded by Mr. Reich, and passed 4-0.

Mr. Solley closed the public hearing at 9:02 P.M.

REGULAR MEETING

Mr. Solley called the meeting to order at 9:04 P.M. and seated Members Averil, Reich, Solley and Sorce.

Consideration of the Minutes

The Commission considered the December 15, 2014 regular Meeting Minutes of the Zoning Commission.

Motion: to accept the Zoning Meeting Minutes of December 15, 2014 as submitted, by Mr. Averill, seconded by Mr. Sorce, passed by 4-0 vote.

Pending Applications:

Gillen/137 Litchfield Turnpike/Special Permit Section (s):
12.6.1.C/
General Home Occupation

MOTION: To approve the Special Permit application/Section 12.6.1.C submitted by Mr. Gillen for a coach-trainer office - facility at 137 Litchfield Turnpike per the plan, "First Floor Plan," dated 2/23/15 and "Earth Sports Business Description," by Mr. Gillen. By Mr. Solley, seconded by Mr. Averill, and passed 4-0.

Stiles and Angiollo/25 West Shore Road/Special Permit
section(s) 6.5/
Construction Between 50 and 75 Feet from Lake
Waramaug/Demolition, Reconstruction of Dwelling, Install Septic
System, Relocate Driveway, Landscape, Etc.

There was a brief discussion regarding possible conditions of approval.

MOTION: To approve the Special Permit application/Section 6.5 submitted by Mr. Stiles and Mr. Angiollo to demolish and reconstruct the dwelling, install septic and stormwater management systems, relocate the driveway, landscape, etc. at 25 West Shore Road per the plans by Arthur H. Howland and Assoc., "Site Development Plan," dated 4/7/14 and revised to 1/28/15 and "Proposed Subsurface Sewage Disposal System Plan," dated 12/12/14 and revised to 12/15/14, subject to the following conditions:

1. a minimum of 250 sq. ft. of the parking area shall be constructed of porous pavers installed over a 6 inch washed stone base,
2. a separate erosion and sedimentation control plan shall be submitted for staff use,
3. hay bales for erosion control shall be used at the driveway entrance and wherever deemed

- appropriate at the discretion of the site contractor,
4. the ZBA variances shall be filed on the Town Land Records, and
 5. a copy of the landscaper's contract containing a three year warranty on all new planting material shall be submitted.
- By Mr. Solley, seconded by Mr. Averill, and passed 4-0.

New Applications:

Flood/29 Kinney Hill Road/Special Permit Section(s): 13.14/
Bed and Breakfast Establishment

MOTION: To schedule a public hearing at 7:30 p.m. on March 23, 2015 in the Upper Level Meeting Room, Bryan Memorial Town Hall to consider the Special Permit application: Section 13.14 submitted by Mr. Flood for a Bed and Breakfast Establishment at 29 Kinney Hill Road. By Mr. Solley, seconded by Mr. Averill, and passed 4-0.

Hanson (Caporizzo)/40 Shearer Rd./Special Permit Section(s):
13.11.3/
Detached Accessory Apartment

MOTION: To schedule a public hearing at 7:30 p.m. on March 23, 2015 in the Upper Level Meeting Room, Bryan Memorial Town Hall to consider the Special Permit application: Section 13.11.3 submitted by Mr. Hanson (Caporizzo) for a detached accessory apartment at 40 Shearer Road. By Mr. Solley, seconded by Mr. Averill, and passed 4-0.

Wright/14 Kinney Hill Road/Request for Renewal of Special Permit
Section(s): 13.16/Shop and Storage Use by Contractors and
Building Tradesmen.

It was noted that Mr. Ajello had inspected the property, that there were no complaints on file, and that in his December 2014 EO report, Mr. Ajello had recommended approval

MOTION: To approve a two year extension of the Special Permit: Section 13.16 issued to Mr. Wright for Shop and Storage Use by Contractors and Building Tradesmen at 14 Kinney Hill Road. By Mr. Solley, seconded by Mr. Reich, and passed 4-0.

Other Business:

Preliminary Discussion with Atty. Slater RE: Possible Petition to Amend Section 11.6.2 (setback from Town Boundary Line) of the Washington Zoning Regulations

It was noted that at the last meeting the 12/15/14 letter from Atty. Fisher had been received. In it he noted the difficult situation had by one of his clients whose property was divided by the Town boundary line and so he had asked the Commission to consider the revision of Section 11.6.2, which requires a 30 foot setback from Town boundary lines. Atty. Slater spoke on behalf of the property owner, Mr. Speigel, who was also present. He circulated many maps and a floor plan; two google maps of 157 New Preston Hill Road, "Site Plan", Sheet A0.0, dated 1/8/14 and "Main House and Garage First Floor Plan", Sheet A1.1, dated 3/12/14, both by Ferguson and Shamamian Architects, LLP., and "Sheet 1 of 3 - Topographic Survey - Overall," by Smith and Company, dated 5/2/14 and a document, Informal Discussion Regarding Setbacks for Single Parcels Extending Over Municipal Boundaries," dated 2/23/15 in which he listed two options for the revision of Section 11.6.2. Atty. Slater explained his client had been denied a variance to construct an addition that would extend across the Town line. He argued that the expectation of the property owner who has title to a single parcel is that he may use it as a single parcel. He also advised the Commission that other CT towns do not have similar regulations. He explained two revision options that he thought would solve his client's problem and asked the commissioners for preliminary feedback. Mr. Solley read the 2/9/15/memo from Mrs. Locher, Assessor, which did not support possible revision of 11.6.2. Atty. Slater responded that he did not think it wise to write Zoning regulations for the convenience of the Assessor. Other commissioners generally spoke about the difficulty of administering regulations when there are overlapping jurisdictions. Atty. Slater advised the Commission that for the next meeting he would submit a petition to amend the Zoning Regulations.

Preliminary Discussion/Harris and Sass/254 and 258 New Milford Tpk.
/Lot Line Revision, Install New Septic System, Install 3 Parking Lots, Addition to Restaurant, Driveway, Rain Gardens, River Walk.

Mr. Harris and his site planner Craig Studer distributed a preliminary plan, Sheet SD-1, "Lot Line Revision, Proposed Development and Erosion Control Plan," by Studer Design Associates dated January 8, 2015. Mr. Harris explained that the opportunity

has arisen for him to purchase the adjoining property belonging to Mr. Sass. By purchasing this property Mr. Harris could remedy three inconvenient issues that he deals with on a daily basis. They are 1.) the septic system, which is currently located under the front parking lot, has to be pumped on a bi-weekly basis 2.) he currently rents parking space for staff and patrons across the street and 3.) he also rents a food storage cooler and freezer space across the street. By purchasing the neighboring property he could apply to relocate the septic and staff parking across the river. The proposed addition would take care of the third issue because this would become food storage and prep area. Mr. Harris is also proposing to put in additional parking on the Rt. 202 side of the river. He explained this would help solve several safety issues of having staff and patrons cross Route 202 to get to his establishment. Currently the Harris property is located entirely within the Marbledale Business District, but the district line cuts through the Sass property. If the lot line was revised as shown on the preliminary plan, the district boundary would also run through the Harris property. This would mean that the Harris property would then be governed by the more restrictive regulations for the R-1 Residential District. It was noted that Mrs. Hill had written a preliminary report on zoning issues that would have to be addressed before the Harris proposal could be approved and that this report had been sent to Mr. Harris and to the commissioners. Mr. Struder said the Commission could waive these zoning requirements. Mrs. Hill said the standards in Section 9.6 would have to be met before waivers could be granted. Mr. Solley said that issues such as setback from wetlands and from the East Aspetuck River could not be waived and would require a variance from the Zoning Board of Appeals. Mr. Solley urged Mr. Harris and Mr. Studer to meet with Mrs. Hill to discuss the zoning issues and application process and they agreed they would.

Adjournment

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

Mr. Solley adjourned the meeting at 11:10 P.M.

SUBMITTED SUBJECT TO APPROVAL:

Linda Nelson, Land Use Clerk, 03/02/15