

January 23, 2012

Present: Gary Fitzherbert, Lou Abella, Ray Reich, Nick Solley, Dave Werkhoven

Alternates Present: Harry Wyant

Absent: Andy Shapiro, A.J. Dubois

Staff Present: Shelley White, Janet Hill, Mike Ajello

Others Present: Atty. Fisher, Atty. Branse, Atty. Schain, Mr. Szymanski, P.E., Mr. Klauer, Mr. Rogness, Mr. & Mrs. Solomon, Mr. & Mrs. Federer, Ms. Purnell, Ms. Hyde, Press, Residents

Mr. Fitzherbert called the meeting to order at 7:32 p.m.

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Abella, Mr. Reich, Mr. Solley

PUBLIC HEARING(S)

Stone/295 New Milford Turnpike/Special Permit: Section 9.4.1.d/Eating and Drinking Establishment/Addition of Outdoor Seating:

Ms. Hill read the public notice published in Voices on Wednesday January 11, 2012 and January 18, 2012. Ms. Hill read the list of documents in the file. Ms. Stone stated that she is the owner of the Chuck Wagon restaurant and would like to expand seating to the existing outdoor patio. She stated that this has received approval from the Health Department. Ms. Hill stated that there are no issues with parking and Ms. Stone plans to refurbish the existing lighting on the deck area. Ms. Stone explained the lighting to the Commissioners.

There were no further questions or comments.

Motion:

to close the Public Hearing for Stone/295 New Milford Turnpike/Special Permit: Section 9.4.1.d/Eating and Drinking Establishment/Addition of Outdoor Seating, by Mr. Abella, seconded by Mr. Reich, passed by 5-0 vote.

Wykeham Rise, LLC./101 Wykeham Road/Special Permit: Section 4.4.10/School:

Ms. Hill stated that the proposed plan has been approved by the Fire Marshal and read the list of documents that have been received from 12-19-11 through 1-23-12.

Mr. Fitzherbert stated that because of the amount of materials that need to be reviewed he would ask the Commission to hold their thoughts in the event that the Public Hearing is closed tonight and review at the next Regular Meeting of the Zoning Commission, which has been moved to February 13, 2012 at 7:30 in the Land Use Meeting Room at Bryan Memorial Town Hall.

Mr. Szymanski, Engineer, representing Wykeham Rise, LLC, stated that the Inland Wetlands Commission has approved the proposed plans and that he had a meeting with Ms. Hill, Mr. Ohmen, Deputy Fire Marshal, Mr. Osborne and Mr. Showalter to review the plans and address the comments regarding emergency access, Fire access, etc. He stated that at that meeting the Fire

Marshal recommended relocating some of the hydrants, requested two separate reinforcement lawn access ways in front of the Main Building and Dormitory Number 1. Mr. Szymanski stated that the applicant has agreed to provide these access ways. He stated that they discussed the entrance and exit on Wykeham Road and the size of the culverts at these locations because one is not as wide as the other but was found to be sufficient for fire safety. Mr. Szymanski stated that they discussed the dry hydrant with underground cisterns that is proposed northwest of the Main Building, driveway circulation, each of the buildings and the proposed grading and any other questions regarding Fire Marshall Safety.

Ms. Hill stated that revised plans were submitted to the Land Use Office and she sent them to the Fire Marshall who approved the revised plans.

Mr. Solley asked what the net width of the drive-able surface, excluding the cape cod curb, of the driveway would be. Mr. Szymanski stated that it would be 16 feet wide and the location of the cape cod curbs vary on the site. Mr. Solley asked if there would be a combination of cape cod and bituminous standard curbing. Mr. Szymanski stated that there is no standard curbing for the proposed plan and stated that for example there is proposed cape cod curbing on the downhill portion of driveway number 2 but not the uphill portion. Mr. Solley stated that the cape cod curbing is approximately 1 foot in width and that there would be a total driving surface width of 17 feet. Mr. Szymanski confirmed that this was correct. He stated that they submitted a turning template, which showed an SU30 vehicle (delivery type truck) passing a passenger vehicle (large pick up truck) without a problem.

Mr. Szymanski addressed the questions regarding driveway grading. He stated that the access way to pond #1 has a grade of approximately 17% and would be constructed grass pavers and in their opinion does not meet the definition of a driveway. Mr. Szymanski read the definition of "Driveway," from the Zoning Regulations. He stated that this access way would be used minimally to clean the detention ponds 1 to 2 times per year. Mr. Szymanski discussed the water monitoring system that would be used.

Mr. Szymanski stated that Mr. Natale's, Licensed Surveyor, letter calculates the lot coverage as 9.89% including the revisions. He stated that the proposed elevation drawings of Dormitories 2, 3 & 4 look as though there are exterior stairways but they are railings on a retaining wall. Mr. Szymanski stated that the chimneys indicated on some of the elevation drawings are for illustrative purposes only and everything would be constructed as the floor plans that have been submitted for the record. He stated that all of the retaining walls were counted in the lot coverage calculation and to be conservative they included the remains of a foundation (near IW Flag #50) as well.

Mr. Szymanski stated that at the request of the Commission they added evergreen trees 8 to 10 feet high in the northwest corner to alleviate the concerns of the visual impact of the site to motorists along Wykeham Road. He stated that the lawn along Kirby Brook would remain undisturbed and allowed to grow naturally and would become an additional buffer over time.

Mr. Szymanski stated that the submitted elevation drawings are to scale and displayed the map titled Overall Site Development Plan, prepared for Mathew & Erika Klauer, by Arthur Howland & Associates, with revision date of 1-23-12, sheet OSD.1, and stated that they added the building height spreadsheet that incorporated the average existing grade and the average proposed grade of which they must use the lower calculation of the two and the maximum building height, maximum total vertical height from average existing grade and the maximum total vertical height from

average proposed grade. He stated that they added clarity to the elevation drawings to show and demonstrate that it meets the height requirements. Mr. Szymanski stated that the building height spreadsheet was submitted in September but they recently added it to sheet OSD.1 for clarity.

Mr. Szymanski stated that the total proposed floor area is 90,252 sq. ft. and compared this square footage to the existing schools in Town. He stated that the subterranean floor levels were included in this calculation.

Mr. Szymanski displayed the map titled Planting Plan, prepared for Mathew & Erika Klauer, by Arthur Howland & Associates, sheet PL.I with revision date of 1-4-12 and stated that evergreens were added to the Bell Hill Road service driveway. He stated that they added detail to the map titled Detailed Erosion Control Plan & Construction Sequence (Phase 1), prepared for Mathew & Erika Klauer, by Arthur Howland & Associates, sheet SEQ.1 with revision date of 1-4-12, to state that the Bell Hill Road drive is to be abandoned and not used for construction.

Mr. Fitzherbert requested public comment and asked that they speak of new information only.

Atty. Branse stated that he objected to the information that the applicant submitted this evening and feels it should be disregarded because he and his clients have not had time to review the materials. He stated that his clients do not object to a school on this property and that Mr. Parker attached the Zoning Minutes from February 1990 when the Swiss Hospitality Institute was applying for a Special Permit for a School to his letter to the Commissioners dated January 17, 2012 (on file in the Land Use Office). Atty. Branse stated that no one opposed the school for the Swiss Hospitality Institute and he feels that there is repeated opposition towards this school application because it is 54.7% larger than the SHI and is larger by 5,528 sq. ft. from the inn that the Zoning Commission previously denied because of its intensity. He stated that the plans still have inconsistencies.

Atty. Branse submitted all of the Town of Washington Staff Reports from Ms. Hill because this is a reapplication and he wants to make sure that they are part of the record for this application. He stated that the reports show that the same issues have been brought up repeatedly. Atty. Branse submitted the originals of the reports submitted by Towne Engineering dated 11/28/2011 and 1/17/2012 (on file in the Land Use Office).

Atty. Branse stated that the 16-foot driveway would not meet Fire Safety Regulations and the Fire Marshal has requested a 20-ft. drive-able surface and these additions to the driveway would add to the lot coverage, which Mr. Branse and his clients have calculated to already exceed the allowable lot coverage. Atty. Branse read the NFPA definition of an access way, a section from the Town of Washington Zoning Regulations and an email from Atty. Mike Zizka that states that an emergency vehicle access is a form of driveway.

Atty. Branse stated that the applicant have calculated the size of their buildings incorrectly and that sheets A100 thru A104 do not provide sufficient detail to determine if the buildings are correctly calculated in the applicant's Lot Coverage Calculations. The coverage calculations that were submitted by the applicant on 7/5/11, 9/21/11, 12/21/11 all calculate that dorms 1-5 total 16,133 sq. ft. He stated that for this January 6, 2012 submission they decreased the footprint of dorms 2-5 but the overall square footage has remained at 16,133 sq. ft. Atty. Branse displayed footprints and elevations of proposed dorms 4 and 6 and discussed the various inconsistencies that he and his clients feel exist.

Atty. Branse stated that he and his clients feel that this application has all the defects of the previous plan for the inn that was denied by the Zoning Commission. Atty. Fisher wrote a letter dated September 9, 2011 (on file in the Land Use Office) and a memorandum from Wykeham Rise, LLC. dated August 12, 2010 (on file in the Land Use Office) that has statements that contradict each other. He then read excerpts from each letter.

Atty. Branse asked if the proposed Wykeham University is a school as the Town of Washington Zoning Regulations defines a school. He stated that this application is proposing a school as defined in Section 21.1.57 School, Private Occupational of the Zoning Regulations and then read the definition. Atty. Branse stated that the applicant has said that they do not need accreditation but they are wrong according to the Connecticut General Statutes 10A-34e, which states that a license from or accredited by the State Board of Education is necessary if they use the word 'University' in the title of the institution. He read the definition of 'Institution of Higher Learning,' and Connecticut State Regulations 10-34-1 and stated that the applicant is not allowed to use the term 'University' and it does not meet the T.O.W. Zoning Regulations because they include "College, University, etc" unless the Commission made it a condition of approval that they obtain approvals of CT Regulation 10-34.

Atty. Branse stated that the architectural plans that were submitted in December 2011 labeled the materials that would be used on the proposed buildings and the plans submitted this January 2012 did not include the material labels. He displayed elevation drawings from the previous application for the inn and asked the Commission to compare them to this application. Atty. Branse stated that the currently proposed plans do not show the Commission what they would be approving and he displayed elevation and roof plan drawings, sheet A103, from the applicants proposed plans.

Atty. Branse concluded with stating that they feel that the proposed plans for Wykeham University are inconsistent, they are a "substantial fall back from what you originally saw" and that the application should be denied until these issues are addressed. He stated that the same questions and issues that have been brought up since the beginning of this application process still exist and he and his clients feel that these questions and issues continue to not be addressed by the applicant.

Mr. Federer read his statement that requests the Commission, if it approves this application, have a condition of approval that alcohol never be served or allowed on campus, as it would conflict with the residential aspect of the neighborhood.

Ms. Purnell asked that the minutes reflect an error in the December 19, 2011 Regular Meeting Minutes of the T.O.W. Zoning Commission (see Consideration of the Minutes). She stated that in her letter to the Washington Zoning Commission, RE: Wykeham Rise, LLC Special Permit Application III for Wykeham University, 101 Wykeham Road, dated January 17, 2012, with attachments (on file in the Land Use Office) addresses and corrects a number of statements that have been made, during this third special permit application for Wykeham University. Ms. Purnell compared the size of the proposed school to the existing schools in the area and that she feels the proposal is "too large, too intensive and too incomplete." She compared the number of proposed classrooms and cafeteria size to the estimated enrollment of 180 students, and stated that the greenhouse and gardens are not indicated on the plans, the area of disturbance is calculated incorrectly, she feels the size of the Main Building and the entire scope of the project are too large, the width of the access drives are not indicated correctly on the plans, the reinforced lawn is depicted incorrectly in the plans, there are lighting issues and that there is still the question of

whether or not this is a school.

Mr. Solomon displayed the map titled Overall Site Development Plan, prepared for Mathew and Erika Klauer, by Arthur H. Howland & Associates, sheet OSD1, with a revision date of 1/4/12 and stated that the currently proposed plan indicates 61 rooms, which is 17 more rooms than the inn that was turned down by the Zoning Commission. He read from his statement dated 1/23/12 (on file in the Land Use Office) and compared the number of rooms to available parking spaces and stated that if someone parks in the main parking lot and walks to one of the dorms they would have to walk "3 football fields up the incline of Bell Hill Road" in the middle of winter. He urged the Commissioners to reread the special permit regulations and then read the applicants letter as to why the proposed plan satisfies these requirements. Mr. Solomon stated that if the Commission finds the applicant's explanations sufficient "the Town of Washington, in effect, has no real special permit requirements" and that this would set an unwanted precedent for future developers. He briefly talked about the applicant's responses to Section 13.1.b.2, 13.1.b.4 and 13.1.b.8 and asked the Commissioners if these responses were sufficient and "Is this all it takes?" Mr. Solomon stated that the proposed "University" is more than twice the size of "the school currently on site with substantially greater intensity of development and use." He stated that he was advised that this project would lower the value of his property.

Ms. Purnell stated that the all of the institutions at the property were accredited, no one spoke in opposition when these institutions applied for a Special Permit and that she has observed that no one has spoke in favor of Wykeham University.

Mr. Szymanski, Engineer, stated that with respect to sheet SEQ.4, they created four separate sheets SEQ.1-4 detailing, step by step how the site will be constructed to ensure the Inland Wetlands Commission during the entire construction of the project that there would not be any more than 5 acres disturbed at one time and the 13 acres of disturbed area that Ms. Purnell stated is incorrect. He stated that subject relating to Aquifer Protection & Flood Control were things discussed in the submitted drainage report that dealt with a number of things such as control of storm water from a quality and quantity perspective. Mr. Szymanski stated that currently everything on the site discharges directly in to the river or in to the wetland systems and they have considered this in the submitted Storm Water Management Report and have proposed grass line swales, wet ponds and rain gardens to promote the infiltration of storm water runoff.

Mr. Szymanski stated that in Ms. Purnell's letter, dated January 17, 2012 page 3 of 5-item number 6, she discusses floor plans and the lot coverage calculations and that the dorms have been altered but this is not reflected as decrease in lot coverage and he stated that this is an incorrect statement. Mr. Szymanski displayed the Elevation Drawings titled 4 Pod and 6 Pod Dormitories, prepared for Wykeham University, by Morris Adjmi Architects, sheet A104, dated 12/9/11 and stated that there is no exterior stairway, the second floor plan shows the balconies, the lower floor plan shows that there are doors coming out on to grade, the porches are represented on the floor plans and the elevations. He stated that the chimneys are the one inconsistency on the plans requested that the Commission make it a condition of approval that the chimneys be within the floor plan as shown. Mr. Szymanski stated that there is consistency between the elevations, the floor plans and the site plans. He stated that Ms. Purnell was correct that the light poles were within the 20 ft. and as requested by the Fire Marshal, they have been moved out 2 feet on each side.

Mr. Szymanski stated that, in reference to Atty. Branse's statement that new documents were submitted tonight and should not be considered by the Commission, the items submitted were an

updated Illumination Plan including the new location of the lights as recommended by the Fire Marshal, which could have been a field change, Sheet OSD.1 includes the Building Lot Table that had been submitted previously and is not new information.

Mr. Szymanski wanted to address Mr. Aubrey's statements regarding the proposed plan for waste removal and stated that there is nothing in the building code that supports Mr. Aubrey's statement that refuse could not be stored within a building. He stated that an alternative to what has been presented in the proposed plan would be to locate the dumpsters at the rear service drive behind the Main Building. Mr. Szymanski stated that a waste removal truck would be able to move a dumpster that is on wheels.

Mr. Szymanski addressed some issues mentioned in Ms. Purnell's letter dated 1/17/12 (on file in the Land Use Office) to the Zoning Commission and stated that the rooflines shown on the floor plans are consistent with the rooflines shown on the elevations, there aren't any doors to the exterior that are below grade, that issues regarding the windows on dorm #1 have been addressed and he thinks that she may have been referring to older elevations.

Mr. Szymanski stated that note 8A on the map titled Detailed Erosion Control Plan & Construction Sequence (Phase 1), prepared for Mathew and Erika Klauer, by Arthur H. Howland & Associates, sheet SEQ.1, with a revision date of 1/4/12, addresses the removal of the all bituminous material which includes the abandoned Bell Hill Access Drive. Mr. Szymanski stated that the Bell Hill Access Drive would be abandoned and not be used during construction. He stated that CL&P was recently at the location of the drive and had to cut away the brush get to the area to disconnect service.

Mr. Szymanski stated that the materials on the elevation drawings were incorporated in a letter from Mr. Klauer in his December 9, 2011 letter to the Zoning Commission and the materials have now changed from what was proposed.

Mr. Szymanski addressed issues discussed in Mr. Aubrey's letter to Atty. Branse dated January 17, 2012 (on file in the Land Use Office). Mr. Szymanski stated that the building heights have always been shown to scale on the elevation drawings and the elevation drawings are a component of the site plan. He stated that the widths of the access driveways, entrance and exit of the property, one-way circulation of traffic have all been approved by the Fire Marshal. Mr. Szymanski stated that the reinforced lawn access to the Main Building and Dorm #1 is not a requirement and would be provided as a courtesy to the Fire Marshal and Fire Department and they approved the 15 ft. width.

Mr. Solley asked why the 20 ft. width required for the first application of Wykeham University. Mr. Szymanski stated that it should not have been and the Fire Marshal had not specifically required that width.

Mr. Szymanski stated that the grass paver access to Pond #1 is not considered a driveway. He stated that there is cross section detail on the drawing titled Standard Detail Sheet, prepared for Mathew and Erika Klauer, by Arthur H. Howland & Associates, sheet D.2, with a revision date of 1/4/12 and that this access way would be used once or twice a year and is not part of the lot coverage calculation. Mr. Szymanski stated that they could propose cape cod curbing for the catch basin tops.

Mr. Szymanski stated that the reinforced lawn shoulders would not be used regularly and that the 16-foot width of the driveway is sufficient to allow two vehicles to pass each other.

Mr. Szymanski stated that Dormitories 2, 3, 4 & 5 have retaining walls and the surface area of the enclosures of these retaining walls would be either porous asphalt or permeable crushed stone and therefore not part of the lot coverage calculation. He stated that Mr. Aubrey's lot coverage calculation exceeds the 10% because he includes the grass access to the pump house and reinforced lawn. Mr. Szymanski stated that these access ways could be staked out for snow removal when necessary and that Zoning does not require a snow removal plan. He stated that the Inland Wetlands Commission approved the proposed snow removal plan for Wykeham University.

Mr. Szymanski stated that Sheet SD.1, prepared for Mathew and Erika Klauer, by Arthur H. Howland & Associates, with a revision date of 1/4/12, includes notation regarding signage, flaggers, etc. for traffic safety during construction.

Mr. Szymanski stated that no matter where the parking is located it would take up the same amount of space and therefore not affect the lot coverage. The parking has been located in the proposed location because they would like to separate the facility use from the vehicular use of the site. He stated that they have proposed to remove and restore the two buildings that are most visible from Wykeham Road, to allow the lawn area along Kirby Brook to grow back into a natural state, remove and re-vegetate the tennis court area, add more trees to increase screening, etc. Mr. Szymanski stated that adjustments have been made to the proposed plan to be sensitive to the neighbors, responsive to the concerns of the Commissions, consulting engineers, neighbors and attorneys and they feel that they are in compliance of the Special Permit Standards.

Mr. Fitzherbert asked Mr. Szymanski if the proposed plan takes into consideration the elevation and the lighting. Mr. Szymanski displayed the map titled Illumination Plan, prepared for Mathew and Erika Klauer, by Arthur H. Howland & Associates, sheet ILL.1, with a revision date of 1/20/12 and stated that they took into consideration the proposed grading of the site and the proposed elevations and then modeled the proposed lights that are proposed on site. He stated that they did this to take into consideration light pollution and that the map indicates that there is 0 light pollution onto neighboring properties

Mr. Reich asked if delivery trucks would be instructed to arrive to the site via a certain route. Mr. Szymanski stated that it would depend on where they are coming from.

Mr. Abella asked about the screening of the parking from the road. Mr. Szymanski, referring to sheet PL.1, stated that they are proposing a series of evergreens at the existing tennis court and another series of evergreens at the proposed exit and that if the Commission feels that there is a need to screen the aesthetics during construction they could concentrate on the supplemental screening and add more evergreens, if the Commission suggests, at the beginning of construction.

Mr. Solley asked how the delivery trucks are going to access the loading dock behind the Main Building due to the proposed location of the dumpster. Mr. Szymanski stated that the turning template that has been submitted shows that a passenger car would have the ability to drive in and turn around and a delivery truck would back in to the area. There was a brief discussion of vehicle maneuverability.

Atty. Fisher was present on behalf of Wykeham Rice, LLC. and stated that Zoning Commission

has the authority to accept evidence from any person at a later time at their discretion and the information that was submitted tonight was already submitted at an earlier date. He stated that he does not believe there is any reasonable ground to prohibit the introduction of this plan. Atty. Fisher stated that he feels there has been an attack on the project by the neighbors and Atty. Branse and referred to Atty. Branse's letter date 12-19-11 to Atty. Fisher. He stated that they do wish that there was not so much opposition to the project but they are not criticizing for people exercising their right to object to this application.

Atty. Fisher stated that Atty. Branse is troubled by the use of the word 'University' and stated that the applicant could use the term 'University' during the application process but could be called Wykeham Institute until it decides whether or not to gain accreditation. He stated that the proposed school meets the definition of 'School' in the Zoning Regulations and the Town of Washington allows schools in the Residential Zone and this particular property has been used as educational purposes for more than 100 years. Atty. Fisher stated that this is a school and not a house and would require larger buildings and it has been found over a number of years that a school is a benefit to the residents and the residential character of the area surrounding it. He stated that the current Plan of Conservation and Development states that this property has historically been institutional. Atty. Fisher stated that his client is applying for a school as defined in the Zoning Regulations. He stated that the real estate agent that advised Mr. Solomon that this school would devalue his property is an accomplished real estate agent but not an appraiser and that the appraiser that came to the December 19, 2011 Regular Zoning Meeting stated that the proposed plan would be an improvement to what exists now and benefit the surrounding properties. He stated that he and his client would like to know if there are any unanswered questions from the Commission that need to be addressed before the closing of the Public Hearing. Mr. Solley asked if Mr. Klauer could put in his own words how he considers this a school and not an inn disguised, as a school so there is no confusion. Atty. Fisher stated that he would not stop Mr. Klauer from answering the question but that this was asked before Mr. Solley became a Commissioner of the Zoning Commission and the answer was that this proposed plan satisfies the requirements of a school as defined in the Town of Washington Zoning Regulations and if anything are any deviations from the approved school use, that would be a violation of the permit.

Mr. Solley asked how the Zoning Officer would determine that because he feels that the school aspect of this application might be accessory to the boarding aspect of this application. Atty. Fisher stated that he would have to 'respectfully disagree' because every boarding school has dormitories, living space and amenities.

Mr. Fitzherbert stated that the primary role of the hearing is for the information to come to us and is not to have people convince the Commission.

Mr. Klauer stated that he believes that they have gone into great detail describing the mission statement, curriculum, detail of classes, academic calendar, academic policy, student profile, and total enrollment in the application to the Zoning Commission dated October 20, 2011. He asked what information the Commission would like in addition to this.

Mr. Solley stated that it is because of the fact there has been so much discussion as to whether the school aspect of this is going to be the primary use.

Mr. Klauer stated that in respect to the boarding aspect of the school dormitories would only be available to students, teachers and their families and in his mind this illustrates the fact that "those

who are enrolled in the school, in one way or another, whether it be enrolled in our curriculum or working to teach, are the only ones who will be allowed in these dormitories in addition to their family.” He stated that this is being compared to an inn, which is not part of this application and not allowed in the current regulations and that the Commission needs to determine whether this application meets the definition of a school based on the current regulation.

Ms. Hill stated that she wanted to add to the record the January 11, 2012 Inland Wetlands Minutes that contains the approval for Wykeham Rise, LLC.

Atty. Branse asked if he could address an issue.

Mr. Fitzherbert stated that he has to respectfully decline Atty. Branse’s request based on advice from Town Counsel that the applicant should be the last to speak at the Public Hearing.

Motion:

to close the Public Hearing for Wykeham Rise, LLC, 101 Wykeham Road/Special Permit: Section 4.4.10/School,

by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

REGULAR MEETING

Mr. Fitzherbert called the Regular Meeting to order at 9:50 pm.

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Abella, Mr. Reich, Mr. Solley

Consideration of the Minutes

The minutes of the December 19, 2011 Zoning Commission Meeting were considered.

Corrections:

5th page, 5th full paragraph, 2nd sentence, should read: Regarding the peer review done by Smith & Company in 2008, she stated that the applicant had calculated 9.78% lot coverage and Smith & Co. calculated 9.80% lot coverage.

Motion:

to accept the Zoning Meeting Minutes of December 19, 2011, as corrected,
by Mr. Werkhoven, seconded by Mr. Reich, passed by 5-0, passed by 5-0 vote.

Pending Application(s)

Stone/295 New Milford Turnpike/Special Permit: Section 9.4.1.d/Eating and Drinking Establishment/Addition of Outdoor Seating:

The Commission considered the application for Stone, 295 New Milford Turnpike and had a brief discussion regarding lighting. There were no further questions or comments.

Motion:

to approve the application for Stone/295 New Milford Turnpike/Special Permit: Section 9.4.1.d/Eating and Drinking Establishment/Addition of Outdoor Seating,
by Mr. Werkhoven, seconded by Mr. Solley, passed by 5-0 vote.

New Application(s)

There were no new applications to discuss.

Other Business

Election of Officers:

Mr. Reich and Mr. Abella presented the slate for Officers of the Town of Washington Zoning Commission:

Chairman: Gary Fitzherbert

Vice Chairman: Ray Reich

Secretary: Nick Solley

Motion:

to approve the slate of officers as presented, passed by 5-0 vote.

Privilege of the Floor

Mrs. Hyde stated that she was present to hear if there was any new information regarding parking at the Community Table.

Mr. Fitzherbert stated that he has been working on a personal working document for the Commissioners that would be a tool for their personal use at the meetings.

Mr. Solley asked when the Commission would use Town Counsel during the decision process. Mr. Fitzherbert stated that the Commission decides whether the application meets the Criteria for a Special Permit during their review and otherwise a question could be brought to Ms. Hill and she could contact Town Counsel if necessary. He stated that the Commission has 65 days from the close of the Public Hearing to make a decision.

There was a brief discussion regarding who speaks at Privilege of the Floor versus New Business on the Agenda.

Communications

Mr. Hill stated that the Zoning Commission would meet on February 13, 2012 at 7:30 in the Land Use Meeting Room at Bryan Memorial Town Hall.

Zoning Enforcement

Parking at the Community Table/223 Litchfield Turnpike:

The Commission considered the Zoning Enforcement Report dated 1-23-12. Mr. Ajello, Zoning Enforcement Officer, has been in touch with owner, who has retained an architect to redesign the parking and is considering many other options.

Dogpatch Rescue/20 Flirtation Ave.

Mr. Ajello stated that there have been neighborhood complaints of dog barking. He discussed the difference between a not for profit business and a commercial business and discussed the adoption fees and read a letter from Ms. Meade's lawyer (on file in the Land Use Office). Mr. Ajello stated that the property could not comply with a commercial kennel and he is not stating that it is a profit making organization but if it is not covered in the Zoning Regulations it is not allowed. He stated that he would work with the Dog Warden and Health Department as well as send another letter to Ms. Meade requesting a site visit.

Adjournment

Motion:

to adjourn at 10:38 pm.

by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote

Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk,