

# May 21, 2012

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

**Alternates Present:** Harry Wyant, Phil Dutton

**Staff Present:** Shelley White, Janet Hill, Mike Ajello

**Others Present:** Atty. Andrews, Atty. Williams, Atty. Marcus, Atty. O'Hanlon, Atty. Fisher, Mr. Farmen, Ms. Scoldari, Mr. Powell, Architect, Mr. & Mrs. Stern, Ms. Zelenko, Mr. Galante, Mr. Bedini, Mr. Carey, Mr. Talbot, Architect, Mr. Anderson, Mr. Klein, Mr. Smith, Land Surveyor, Mr. Hyde, Mr. Ernhout, Ms. Kliesner, Mr. Owens, Ms. Crumrine, Mr. Buck, Mr. Towne, Mr. Klein, Ms. Peckermen, Mr. Gould, Mr. Baudo, Mr. Kleinberg, Ms. Boyer, Mr. Farmen, Mr. Charles, Mr. Wadleton, Press, Residents

Mr. Fitzherbert called the meeting to order at 7:30 p.m.

## PUBLIC HEARINGS

Seated:

Mr. Fitzherbert, Mr. Werkhoven, Mr. Reich, Mr. Abella, Mr. Dutton, Alt.

Mr. Solley recused himself because he serves on the Board of Trustees for Rumsey Hall School.

Rumsey Hall School/201 Romford Road/Special Permit: Section 4.4.10/Demolition, Reconstruction, Enlargement of Dining Hall – Student Center – Faculty Housing, Reconfiguration of Parking, and Section 12.8.2/Temporary Kitchen Facilities:

Ms. Hill read the legal notice published in Republican American, on Thursday May 10 and Wednesday May 16, 2012 and then read the list of documents in the file for this application. Mr. Farmen, Headmaster, Rumsey Hall School, stated that Ms. Scoldari, Business Manager, Mr. Aston, Engineer and Mr. Pollock, Architect were present to speak to this application. Mr. Farmen stated that the reconstruction of the Dining Hall-Student Center-Faculty Housing building is the last part of school's long-term campus master plan. The Commissioners and Mr. Farmen looked at the map titled Compilation Plan Showing Change in Lot Coverage Resulting From Construction of New Dining Hall/Student Center, prepared for Rumsey Hall School, by Smith & Co, Surveyors and Engineers, dated October 12, 2011. Mr. Farmen stated that the existing Dining Hall was built in the 1950's and slightly enlarged in the 1960's when the boarding population was about 100 students and today's boarding population is 137 students. He stated that the existing structure also houses four faculty apartments, a health center that does not meet code, and a girl's locker room and the proposed structure would include these as well as a student center. Mr. Farmen stated that the Inland Wetlands Commission approved this proposed plan in December 2011 and the Zoning Board of Appeals approved the proposed plan in January of this year. He and the Commissioners looked at the drawings titled Campus Center, Floor Plans, Sheet A-1 and Exterior Elevations, Sheets A-2 & A-3, dated 8-24-11, prepared for Rumsey Hall School, by Wieber, Powell & Grunigen, Inc. Mr. Farmen stated that the proposed dining hall would accommodate all the boarding students at once.

Mr. Aston, Engineer from Buck & Buck, LLC noted the Lot Coverage Summary on the Compilation Plan by Smith & Co and stated that the lot coverage would increase from 6.7% to 7.0%. The

Commissioners and Mr. Aston looked at the drawing titled Campus Center for Rumsey Hall School, Layout Plan, Sheet L-1, dated 9-1-11, by Buck & Buck LLC and Mr. Aston stated that the Connecticut DEEP has approved the use of the existing septic because the use would not be increasing population served or the number of tenants in the building. He stated that the existing parking contains a shared area for kitchen deliveries, Health Center entrance, faculty and staff parking and the proposed plan would be a more efficient use of the space by having the deliveries on the opposite end of the building, entering from Whittlesey Road and all other traffic and parking on the other side of the proposed building, entering from Romford Road. Mr. Aston stated that the existing 43 parking spaces would be increased to 49 spaces, including handicap spaces adjacent to the Health Center. He stated that there would be a full sprinkler system in the proposed building that would be served by the current water system and that an underground 20,000-gallon water storage tank would be added at the top of hill by the ice rink. Mr. Aston stated that they would be phasing the demolition and construction of the site to provide access for student drop off and pick up and that they hope to accomplish the first phase of the proposed plan this summer. He stated this phase would include the new storm drainage that ties into the proposed plan. Mr. Aston stated that they have received a Variance from the ZBA and have been able to maintain the setback of the existing building so that the proposed building would not encroach any further into the river setback area. He stated that the earliest the construction would start would be in March 2013 and the drawing titled Campus Center for Rumsey Hall School, Miscellaneous Plans, Sheet L-7, dated 4-2-12, by Buck & Buck LLC, indicates the existing graveled service area where the proposed temporary kitchen would be located. Mr. Aston stated that the proposed location for the generator is at the lower side of the retaining wall adjacent to the proposed building and is 1 ½ ft. above the flood storm level indicated on the FEMA map. He stated that the grading that is being proposed would maintain the existing flood storage on the site.

The Commissioners and Mr. Aston briefly discussed the Whittlesey Road access and looked at the drawing titled Campus Center for Rumsey Hall School, Layout Plan, Sheet L-1, dated 9-1-11, by Buck & Buck LLC. Mr. Aston stated that the increase in lot coverage is mainly from the increased size of the turn around area for the deliveries and the building has a slightly larger footprint. He stated that Rumsey Hall School intends to follow the Town of Washington's dark sky friendly lighting regulations.

Ms. Scoldari read a letter from Mr. Romano of Fortunato Construction Group, addressed to Ms. Soldari, dated May 14, 2012, regarding Rumsey Hall School – Campus Center construction hours and delivery protocol (on file in the Land Use Office). Hours of construction would mainly be limited to 7am to 5pm on weekdays and if weekend work were necessary Saturday 8:30am to 5pm and no construction on Sundays. The municipality and the school would be notified if there were to be any deviations from this schedule.

Mr. Powell, Architect and the Commissioners looked at the drawing titled Campus Center for Rumsey Hall School, Floor Plans, Sheet A-1, dated 8-24-11 by Wieber, Powell and Grunigen, Inc. Mr. Powell stated that the height the building meets the current regulations and the existing building has a 1,000 sq. ft. footprint and the proposed building is about 16,000 sq. ft., which calculates to a 30% increase in square footage. He discussed the materials that would be used on the exterior of the proposed building and how they tie into the existing buildings on campus and stated that there is a flat roof above the kitchen, which would be hidden by other architectural features. The Commissioners and Mr. Powell looked at the drawings titled Campus Center for Rumsey Hall School, Exterior Elevations, Sheets A-2 & A-3, dated 8-24-11 by Wieber, Powell and Grunigen,

Inc.

Mr. Farnen stated that the existing dining hall seats 160 people and the new facility would seat 196 people; the serving area would be out of the dining area and the space would be more open and safer. Mr. Powell showed the flow of traffic on the drawing titled Campus Center for Rumsey Hall School, Floor Plans, Sheet A-1, dated 8-24-11 by Wieber, Powell and Grunigen, Inc. He showed the route a delivery truck would take on the drawing titled Campus Center for Rumsey Hall School, Layout Plan, Sheet L-1, dated 9-1-11, by Buck & Buck LLC. and discussed the delivery truck turning radius.

Mr. Farnen stated that everything would be enclosed in an 8 ft. tall construction fence around the project and demolition would take place during the March during the spring break. The Commission looked at drawing titled Campus Center for Rumsey Hall School, Demolition Plan, Sheet L-7, dated 9-1-11, by Buck & Buck LLC. Ms. Soldari stated that they would like to stabilize and prepare the site this summer while there are no kids on campus. Mr. Aston stated that the proposed plan indicates a temporary stone dust walking path and a route for through traffic for student drop off and pick up outside of the construction area. He stated that there would be one-way traffic except for the deliveries that enter and exit off the Whittlesey Road access.

The Commission briefly discussed the necessity to police the construction site so that no debris ends up outside of the construction area and the river is protected.

The Commission discussed that final approval from the Health Department for the temporary kitchen should be a condition of approval for the Zoning Commission.

Mr. Farnen stated that he spoke with the surrounding neighbors and invited them to look at the proposed plans and there were no objections.

Motion:

To close the Public Hearing for Rumsey Hall School/201 Romford Road/Special Permit: Section 4.4.10/Demolition, Reconstruction, Enlargement of Dining Hall – Student Center – Faculty Housing, Reconfiguration of Parking, and Section 12.8.2/Temporary Kitchen Facilities, by Mr. Werkhoven, seconded by Mr. Abella, passed by 5-0 vote.

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

Community Table Restaurant/223 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Additional Parking:

Ms. Hill read the legal notice published in Republican American, on Thursday May 10 and Wednesday May 16, 2012 and then read the list of documents in the file for this application. Mr. Talbot, Architect and Mr. Anderson, Owner were present to discuss this application. Mr. Talbot stated that the proposed plan to increase the parking capacity of the site to address the overflow parking issues of the restaurant. The original plan indicates 17 parking spaces and the proposed plan requests to increase the number of parking spaces to 32, three of which are in the front State right of way. The issue of parking along Wilbur Road is being addressed by proposing 5 employee parking spaces that the employees would pull into from Wilbur Road and therefore prevent shining lights into the neighbors houses and cars would not be parked along the road. Mr. Talbot stated

that they are proposing 4 new spaces in the formal parking area and 1 compact car parking space.

Mr. Talbot stated that the greenhouse has been eliminated from this proposed plan.

Mr. Talbot submitted a drawing titled Landscape Plan, prepared for The Community Grill, sheet L-1, revision date 5-18-12, by Dirk Sabin. He stated that this plan is a revised version of the approved landscape plan, but indicates the removal of 2 Cherry, 2 Maple, 1 Black Locust and transplanting 4 Norway Spruce to create a buffer along the edge of the roadway and transplanting and adding some plantings to buffer the proposed additional spaces near Route 202. Mr. Talbot stated that they are proposing to remove the existing 4 ft. tall light in the parking area and replace it with a 10 ft. light that shines down onto the parking area but is outside of the parking area and solar lights would be used to light the existing walking path from the proposed employee parking to the restaurant.

Mr. Solley asked if the employee parking area would have an apron. Mr. Talbot stated that there would be an asphalt apron from the property line to Wilbur Road for the five spaces and it would be approximately 18-20 ft. wide.

Mr. Talbot stated that the neighbors were notified of the proposed plan and this scheduled public hearing.

There was a brief discussion as to how the compact parking spaces would be marked.

The Commission and Mr. Talbot discussed the location and lighting of the pathway to the proposed employee parking spaces.

The Commission discussed the 3 parking spaces in the State right of way. Mr. Talbot stated that the only areas of new asphalt are indicated in brown on the drawing titled Site Plan, prepared for Community Table, based on A-2 survey done by T. Michael Alex as dated Sept. 2008, Sheet SP-1 revision date April 25, 2012.

Mr. Anderson stated that he believed that only employees parked on Wilbur Road and did not think that patrons parked there. Ms. Kleisner stated that she has seen patrons parking on Wilbur Road. Mr. Talbot stated that they would work with the employees to alert patrons not to park there. Mr. Anderson stated that the occupancy for the restaurant is 40 people and there is a staff of 16 and there are usually 10 of these employees working at the same time.

Mr. Fitzherbert discussed the history of the parking on Wilbur Road for the restaurant. Mr. Anderson stated that Mr. Dobson has verbally approved overflow parking on his property if needed. Mr. Solley suggested that the 5 spaces on Wilbur Road should have some sort of sign indicating that this is the only parking allowed on Wilbur Road.

Mr. Fitzherbert asked if there were any questions from the public.

Mr. Hyde from Wilbur road stated that he has looked at the proposed plan and appreciates that the Community Table is working with the Zoning Commission to resolve the parking issue on Wilbur Road. He stated that he has an issue with the proposed 5 employee parking spaces on Wilbur Road and suggested that a short gravel driveway where the existing footpath is from the existing parking lot between the flagged wetlands. This would deter people from parking on Wilbur Road

and it would be consistent with the neighboring businesses that have all their access off of Route 202. Mr. Hyde stated that Mr. Dobson's neighboring commercial building was required to have only access from Route 202. He stated that he was concerned that Mr. Dobson would rescind his offer for overflow parking if his building becomes 100% occupied and he is concerned about the traffic on Wilbur Road because of the young children and horses. Mr. Hyde stated that if this proposed plan is approved he requests that screening or a solid fence along the front of the parking spaces be installed so that vehicle parked there would not be visible from the restaurant's main parking lot. He stated that he submitted a sketched alternative parking plan in July of last year and feels that this may be worth looking at again.

The Commission and Mr. Ajello discussed the width of the footpath. Mr. Fitzherbert stated that the existing parking lot would have to be widened if a driveway was extended of the back of the parking area. Mr. Ajello stated that the path is basically a wetlands crossing that supports foot traffic. Ms. Hill stated that a revised plan was submitted it would have to be approved by the Inland Wetlands Commission and she feels that the IWC usually does not approve a plan if there is a feasible and prudent alternative, which has less impact to wetlands.

Mr. Fitzherbert stated that the neighbors would have to contact law enforcement about the speeding on Wilbur Road.

Mr. Talbot and the Commissioners discussed the screening and buffering of the proposed employee parking area off of Wilbur Road. There was a brief discussion regarding site lines, visibility and safety. Mr. Ajello stated that he was not in favor of any more planting in the State right of way because he feels it would cause safety issues.

Mr. Anderson stated that the restaurant serves dinner 5 nights a week and Sunday Brunch and closed for the month of March. He stated that there are approximately 6 or 7 employee cars a day.

Ms. Kleisner stated that she lives across the street in the back of the restaurant and stated that there were have been numerous occasions when the parking on Wilbur Road has caused problems and she is concerned about the continued parking on the road.

Mr. Ernhout stated that he is not in favor of more trees being cut down because they help decrease the noise from Route 202 and that he has had a problem with people have parking directly across from his driveway. Mr. Talbot stated that they do not like removing the trees but some of them have been damaged and they will be replaced with lower buffering trees that will grow and fill out and provide screening.

Mr. Hyde stated that a fence on top of the retaining wall of the employee parking spaces would hide the parking spaces and deter patrons from parking back there.

Mr. Harold stated that there has been little maintenance on Wilbur Road for the last 20 years and there has been flooding from CT to the gun store and he feels this should be worked on before too many cars are on the road. Mr. Fitzherbert suggested that this be brought to the attention of the Selectmen. Mr. Ernhout stated that there are more safety issues because of the presence of the restaurant.

Mr. Owens stated that he is in favor of the proposed plan to increase the parking and feels that this is integral in the success of the restaurant.

Mr. Hyde stated that he would like to see the shared parking agreement with Mr. Dobson be put in writing as stated in the regulations. Mr. Fitzherbert confirmed that this is a requirement in the regulations to have a written agreement regarding shared parking. Mr. Talbot stated that he does not feel this agreement would be necessary because the proposed plan would accommodate sufficient parking.

Ms. Kleisner looked at the proposed plan.

There were no further comments from the Commissioners or the public.

Motion:

To close the Public Hearing for Community Table Restaurant/223 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Additional Parking,  
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

9 pm – 5 minute break.

Seated: Mr. Fitzherbert, Mr. Reich, Mr. Abella, Mr. Wyant, Alt.

The Gunnery, Inc./22 South Street/Special Permit: Section 4.4.10/Athletic Fields:

Ms. Hill read the list of additional documents submitted to the file since the last Public Hearing on May 8, 2012. Mr. Fitzherbert stated a copy of a 9-22-05 letter to Mr. Martin from our legal representation that addresses some of the concerns raised by Mr. Peck in his 5-8-12 presentation was also added to the file. Mr. Fitzherbert stated that The Gunnery asked for a continuance after the Special Zoning Meeting of May 8, 2012 in order to properly address the oppositions concerns.

Atty. Williams for The Gunnery stated that he would like to present their rebuttal after they have heard everything from the opposition and they would like to provide a response to the claims and the criticisms once. He stated that at the last meeting Atty. O'Hanlon requested to defer his summation on behalf of his client and a summation of the information presented by his consultant and Atty. Williams stated that they would like to hear this summation before they give their rebuttal. Mr. Fitzherbert asked if The Gunnery would be submitting any new materials to the file. Atty. Hanlon stated that they are not submitting any information that would change the existing application and that it is information in response to the interveners. Mr. Fitzherbert stated that the Zoning Commission would only allow rebuttal to the points that are new and have not been already been addressed by the Inland Wetlands Commission.

Atty. Hanlon stated that there is new information that the interveners have not been able to address such as the letter from Atty. Zizka, and the Land Tech report and he would like to reserve the right to respond to these and any other newly submitted items. Mr. Fitzherbert stated that they would be able to respond to the new points and while the Land Tech report is new to the Zoning file.

Atty. Marcus, on behalf of Ms. Zelenko, stated that he objects to the submission of the Land Tech report because they never got to examine the end of this report because the Public Hearing for the Inland Wetlands was closed and the public/intervenors are not allowed to speak. He stated that if they are going to hear from Land Tech that he would like Mr. Allen to be available to answer some questions. Atty. Marcus stated that Mr. Allen is not a civil engineer he is an environmentalist. Mr.

Fitzherbert stated that The Gunnery is free to submit to the file what they want to submit to the file.

Atty. Williams expressed concern that they would provide a rebuttal and then at the next hearing they would hear additional arguments from the interveners and then The Gunnery would have to respond to these arguments "on the fly." Mr. Fitzherbert stated that the interveners could only respond to any new information submitted today.

Atty. Williams stated that over the past couple of weeks there have been letters from lawyers submitted into the file that contain a fair amount of accusation and recrimination and The Gunnery has chosen not to respond to these as they feel it is unproductive and prefer to discuss the issues at the Public Hearing. He stated that State Statute 8-3c the Zoning Commission must give due consideration to the Inland Wetlands Commission's report. Atty. Williams stated that they have submitted the Land Tech Reports because they are relevant to the broad environmental requirements in the Special Permit Standards and address the claims brought up by the interveners at the Inland Wetlands Commission. He stated that The Gunnery made changes to their plans in response to Land Tech's findings and when the Commission reads the Land Tech Report they will find that Land Tech is in agreement with most of the engineering issues for the proposed plan. Atty. Williams submitted the Land Tech Reports and the C.V.s for Mr. Allen and Mr. Bartos for the record. Atty. Williams stated that they have not refused to provide anything to anybody and that they had less than two weeks from the last hearing to tonight and they had agreed to provide the information when it was completed which was today.

Atty. Williams stated that the interveners have failed to present any evidence based on the core zoning issues such as traffic and parking, acoustics, property value and visual impacts on adjoining property owners. He stated that they mainly focused on storm water issues "and a computer generated fantasy of what the site will look like to birds flying over." Atty. Williams stated that tonight the Commission would hear from Curt Smith, Land Surveyor, Larry Buck, Engineer, Michael Klein, Environmental Expert and A.J. Towne, Contractor. He stated that there are written responses from Dr. Stewart Cohen and Mark Reifenhauer, Engineer.

Mr. Smith, Licensed Land Surveyor, displayed the landscape architect's rendering titled Google Earth Satellite Image With Overlays, by Sean Jancski, Landscape Architects, dated May 2012. He stated that this satellite image shows exhibit camera location #1 and camera location #2 of the photos that he would be showing next. Mr. Smith displayed photo #1 of the view from the edge of Judea Cemetery Road looking towards proposed fields, 1700 feet away (1/3 mile), dated May 2012. He stated that the landscape architect for the opposition called these potential visual impact areas and information that he submitted was not to scale, not signed or sealed and Mr. Smith stated that he feels they were misleading. He stated that he was able to assemble two-foot contours of the entire area and have been able to provide accurate base mapping. Mr. Smith displayed and submitted for the record, the drawing titled South Street Athletic Fields Cross Section to Judea Cemetery Road prepared for The Gunnery by Smith & Company, sheet 1 of 1 dated 5-11-12. He stated that this drawing has been signed and sealed, is a class T-3 Survey that has appropriate notations in the left hand corner and is drawn to scale. Mr. Smith stated that they went out and measured trees on the site and found that the heights range from 60- 90 ft., which confirmed their assumption of a 75 ft. average through this area. He stated that they consulted with the Natural Resources Conservation Service Plant Database and created a table titled Tree Height Note on the T-3 survey and stated that a 75 ft. average for tree height is a realistic average. Mr. Smith discussed the Cross Section view from Judea Cemetery Road to Athletic Fields and

stated that this drawing shows a 6 ft. tall individual from Judea Cemetery Road (visual reference point #1) and another 6ft. tall individual on the athletic fields and stated that based on the elevation measurements the playing fields would be about 50 ft. higher and he doesn't understand how the potential visual impact provided by the opposition's landscape architect shows players on the field from a view above when visual reference point #1 is 50 feet below the proposed fields.

Mr. Smith displayed the landscape architect's rendering titled Google Earth Satellite Image With Overlays, by Sean Jancski, Landscape Architects, dated May 2012 and then a photo of visual reference point #2 titled 45 Plumb Hill Road Backyard to Fields, 1600 ft. (1/3mile) Away, dated May 2012. He displayed and submitted for the record, the drawing titled South Street Athletic Fields Cross Section to Plumb Hill Road prepared for The Gunnery by Smith & Company, sheet 1 of 1 dated 5-11-12. Mr. Smith stated that the proposed fields are 90 ft. below the backyard of 45 Plumb Hill Road and the deciduous forest blocks any view of the proposed fields at this location.

Mr. Smith stated that there has been a great deal of discussion regarding the area of disturbance for the proposed fields and how it relates to environmental impact and visual appearance. He displayed and submitted a drawing titled Preliminary Subdivision Plan, 22 South Street Property, prepared for The Gunnery by Smith and Company, sheet 1 of 1, dated 5-11-12. Mr. Smith stated that the plan is based on an upland soils report done by Mark Beroz, Soil Scientist, dated October 2000. He stated that based on this report 9, 4 acre (avg.) building lots would be allowed according to the Subdivision Regulations, 2,700 LF of roadway would be required and there would be 2.9 acres per lot of disturbance and a total of 26.1 acres of land disturbance for the 70 acres. Mr. Smith stated that they calculated the area of disturbance for the neighboring Stern's property at 4.2 acres of disturbance and approximately 3.8 acres of disturbance for the Zelenko property. He stated that the Preliminary Subdivision Plan show 30.9 acres of Open Space-44% of the property. Mr. Smith stated that they went over Section 11.2-Density Regulations carefully and based on the on site inspection by Mr. Beroz, each of these lots conforms to Section 11 of the Zoning Regulations and the open space conforms to the density requirements as well.

Mr. Smith stated that he would like to discuss the concerns of what could actually be seen through the woods. He submitted and displayed 6 photos titled Stern Tennis Bubble As Seen 75, 125, 175, 225, 275 and 325 Feet Away At Property Line, dated May 2012 and stated that at 225 feet away the bubble become more difficult to see and at 325 feet away it is not visible through the woods. Mr. Smith stated that at 325 ft. he could still hear the rumble of the ventilation system. He stated that from the Environmental Classroom Location (365 ft. away) the Tennis Bubble is visible and probably more visible when the leaves are not on the trees.

Mr. Smith submitted and displayed the drawing titled Cut/Fill Worksheet, South Street Athletic Fields, by Smith and Company, revision date 5-11-12. He stated that this drawing indicates how small the cuts and fills are for the proposed fields and how they would not exceed the depths of the test borings refusal. He stated that at test boring B5 the refusal was is 6ft. and the cut is 9.4 feet so there is a 3.4 ft difference at this boring location. He stated that Mr. Towne would explain how they plan to remove the ledge in this area.

Mr. Buck from Buck and Buck Engineers submitted a letter/report addressed to Mr. Fitzherbert, Chairman dated May 21, 2012 in response to the statements and allegations made by Mr. Marc Goodin, P.E. at the May 8, 2012 public hearing. He stated that Mr. Goodin criticized the submitted site plans as not being detailed or specific and a lack of adequate information to force the contractor to build the plan the way we wanted it to be done. Mr. Buck stated that Mr. Goodin was



basically comparing the site approval drawings to what he perceived to be a proper set of contract documents for what is referred to in the trade as “bidding on the street.” He stated that Mr. Towne of Towne and Aurell, Inc. would build these fields.

Mr. Buck stated that Mr. Goodin suggested that the Zoning Commission was responsible for the review of the Sediment and Erosion Control. He stated that at the May 8 session of the Public Hearing Mr. Ajello, ZEO stated that according to the Zoning Regulations “erosion and sedimentation control is the Zoning Commission’s responsibility if the project is not under the jurisdiction of the Inland Wetlands Commission.” Mr. Buck stated that The Gunnery would go to the DEEP but it is premature to do this at this point in the process.

Mr. Buck stated that the proposed plan does not contain permanent measures to remove suspended solids from the runoff because the site has minimal paved area and suspended solids removal from runoff from grassed or landscaped areas is not required. He stated that there would be no use of road sand because the site would not be used in the winter. Mr. Buck stated that Mr. Allan of Land- Tech and Mr. Hayden of the Northwest Conservation District approved the plan without having a plan for suspended solids removal and if the DEEP requires it they can add it without any significant change to the submitted plan. He stated that the complete, detailed, construction procedures and limitations are incorporated in the plans on Sheet 6 of 8 and the Inland Wetlands Commission and Land-Tech have found them sufficient.

Mr. Buck stated that the rate of water flow will be very slow because of the grading of the moderate slope to short steep sections of level area, which allows the water to infiltrate into the ground, and because of the HSG C soil type there is no increase in runoff. Mr. Buck stated that Mr. Goodin cited studies by two other engineers, Torres, Engineering Inc and Artel Group, who support his claims that there will be increase in the runoff. He stated that the IWC and their consultant, Land-Tech, did not find the Artel Group argument convincing. Mr. Buck stated that the Torres Engineering Inc report is neither signed nor sealed, Mr. Torres is not individually licensed as a Professional Engineer and by State Law, not permitted to prepare or present drainage computations. Mr. Buck stated that Mr. Torres calculated the after development flow for the project will be as much as 47% less than the Smith & Company Drainage Report and they feel it would be irresponsible to design a drainage system for flows that are that low. Mr. Buck stated that Mr. Goodin and Mr. Torres incorrectly claimed that most of the project area was HSG A soil. He stated that the National Resources Conservation Service web soil survey clearly indicates that the area of the project is entirely in Hydrologic Soil Group B and this soil survey is included in the plan set prepared by Smith & Co. Mr. Buck stated that the Litchfield County Soil Survey is used to determine allowable residential density and the zoning class is not related to the Hydrologic Soil Group, which is used for drainage calculations. He stated that Mr. Marc Beroz of MB Soil Mapping, has mapped the soils of the property. This soil map is in the IWC files and accepted as accurate by Mr. Allan of Land-Tech and the Inland Wetlands Commission. Mr. Buck stated that based on these findings they are certain that their drainage calculations are correct, the project is in Hydrologic Soil Group B and it will produce a slight reduction in runoff. He stated that Mr. Riefenhauser used distances of overland flow that are well within the range of acceptable practice at 150 feet for the existing forested conditions and a distance of 200 feet for the thick, nearly level, turf of the athletic fields. Mr. Allan and the IWC accepted these computations as accurate. Mr. Buck stated that Mr. Goodin claims that the proposed level spreaders are located on land that exceeds the “maximum slope” and would not be approved by the DEEP based on page 5-10-2 of the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. Mr. Buck stated that he has

included a copy of pages 5-10-2 through 5-10-5 with his report date May 21, 2012 (on file in the Land Use Office) and that the level spreaders proposed for this project are a completely different concept from the level spreaders referred to on page 5-10-2 of the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. He stated that Mr. Goodin also included three pages from the Massachusetts Nonpoint Source Pollution Management document relating to level spreaders and this does relate to the type of level spreader proposed for this project. Mr. Buck stated that the length of the proposed level spreaders have a total length of 475 ft not 546 ft. as stated in his report (hand corrected in report, on file in the Land Use Office) and that the design flow of .078 cfs per foot is less than 1/5 of the Massachusetts standard based on the 25 year storm and just over a 1/4 of the Massachusetts standard base on the 100 year storm. He stated that the down gradient slope is steeper but the "spreaders are 3 1/2 to 5 times bigger and therefore the flow concentration will be drastically reduced." Mr. Buck stated that there is a spreader of the same design as proposed for this project at Rumsey Hall School, located on steeper slopes. He stated that Mr. Goodin claims that the reverse slope benches are inadequate. Mr. Buck stated that the information provided is sufficiently adequate for a contractor to build the benches and there will be constant supervision by a consultant hired by the Inland Wetland Commission and a contractor that knows how to build the benches and it will be done right. Mr. Buck stated that the drainage pipe at the turn-around area is a corrugated polyethylene perforated pipe that can be and can be adjusted to the lines and cover required and fabricated elbows can be used if the alignment shown requires bends that exceed the flexibility of the pipe. He stated that Mr. Goodin expressed concern that the level spreaders would not be able to perform a recharge function. Mr. Buck stated that the level spreaders are not intended to perform a recharge function and that the function of the level spreaders is dispersing the flow over a broad area and no intention of having a recharge or water quality function. He stated that Mr. Goodin stated that an additional 100 ft. of disturbance down hill would be required for detention basins. Mr. Buck stated that since there is no increase in runoff there is no need for detention basins. Mr. Buck stated that Mr. Goodin expressed concern about placing the athletic fields above ledge rock. He stated that there is one small corner on ledge rock that would need to be removed and the contractor understands that this area will be over-excavated and backfilled with pervious soils from the site in that area to provide drainage for the topsoil. Mr. Buck stated that the major distinction between Hydrologic Soil Group B, from the Litchfield County Soil Survey shows and Hydrologic Soil Group C from Mr. Boraz's report is the presence of a hardpan layer. He stated that hardpan in this area is made of a granular material which, when it is broken up, is granular material that drains well.

Mr. Smith from Smith & Company submitted a letter from Mr. Riefenhauser addressed to Mr. Fitzherbert, Chairman, Washington Zoning Commission, dated May 21, 2012. He stated that this letter corroborates the information Mr. Buck has given the Zoning Commission.

Mr. Towne of Towne and Aurell, Inc. stated that Mr. Buck spoke of many of the subjects that were on his list of responses to Mr. Goodin's Concerns (on file in the Land Use Office). He stated that he feels the plans are very clear regarding the reverse bench directional arrows. Mr. Towne stated that if ledge is encountered it would be mechanically removed with a ripper or hydraulic hammer and blasting is not an option for this project and there would be a barrier of drainage material at least a foot below the topsoil and above the ledge. He stated that the 12" pipe comes in a coil and bends are readily available if needed. Mr. Towne stated that the future maintenance of the level spreaders should be minimal and would be done with very low impact equipment. He stated that he does not foresee silt getting into these level spreaders. Mr. Towne stated that he is confident that the slope above the upper diversion swale is properly located and will be stabilized immediately and the

temporary diversion swale to the East will be directed to flow to the east side of the temporary topsoil stockpile area and if necessary a silt fence will be installed. He stated that the size of the topsoil stockpile area is sufficient and they would not be going outside of the work area at all. Mr. Towne stated that the contours on the drawing show enough and building the temporary traps in the same area of the level spreaders, then removed when the level spreaders are built and this would prevent any additional land disturbance. He stated that he feels that phasing would be detrimental to the project and would jeopardize the integrity of the final product and this is not a big enough project to require phasing.

Mr. Towne stated that they have 52 years of site contracting in this area and will not allow this to impact anything outside of the work zone.

Mr. Klein, Environmental Planning Services, stated that they have reviewed the proposed grading and stormwater management and erosion control plans and finds Mr. Jancski's comment that the limit of disturbance shown on the plans should be increased by 40 ft. is not necessary. Mr. Klein discussed the existing forest, and how the 2:1 slopes will be stabilized with a native grass, forb and shrub mix that does not require mowing. He stated that the shallow fill for the grading below the proposed field would not have an adverse effect on the existing trees and that Mr. Jancski's drawings and simulations are not accurate. Mr. Klein stated that a Stormwater Pollution Control Plan would be submitted to the DEEP 30 days prior to the start of construction, as required. He stated that the Stormwater General Permit and the Erosion Sediment Control Guidelines stress that alternative means of achieving the goals are acceptable as long as there is provided technical backup and he believes that their plans provide this. Mr. Klein displayed the Hydrologic Soil Groups per NRCS Soil Survey and stated that this subject was discussed, at length, at the Inland Wetlands Commission's Public Hearing. He stated that the entire area of the fields is in the Class B area. Mr. Klein stated that if the slit trenches are necessary are going to increase the infiltration rate of stormwater into the field and reduce the runoff even further and this was not taken into account in the computation but it is a likely scenario. He stated that the auger tests that he conducted do not confirm ledge very close to the surface except for the small corner, which has already been discussed this evening by Mr. Towne. Mr. Klein stated that additional data is not needed for the level spreaders.

Mr. Klein stated that Ms. Evans of Evans Associates claims that a detailed biological survey is required to rule out the presence of state-listed species but the site does not meet any of the three criteria listed on the Connecticut National Diversity Data Base. He stated that the area in which the work is going to occur is not steeply sloping and the average grade is 11% and after the proposed fields are in the average grade of 11% will remain the same. Mr. Klein referred to the 3-D model of the site and stated that in between there will be a short stretch of a steep slope, a long length of flat land and another short stretch of steep slope. He stated that the steeper sloping areas would be adequately stabilized and there would be no significant erosion on the entire site. Mr. Klein stated that there are invasive plants that currently exist on the site and there is no indication that they have or will displace any of the native plants. He stated that this problem would probably be more significant if this site was planned for a more residential use.

Mr. Klein stated that Ms. Evans claims that 2 acres zoning would be more protective of wildlife. He stated that there is a consensus among environmental professionals and conservation biologists that large lot single-family zoning has a significant negative impact on wildlife. Mr. Klein stated that impact on the wildlife is inevitable and an unavoidable consequence of land development but they

do not think it will be a significant impact because it is the most common in the region. He stated that they looked into the mammals that they might be concerned about and most of them are secure except for a few that they concluded are most likely not on this site. He stated that they considered the woodland and tree roosting bats when developing the construction sequence and feel that it should not impact these species. Mr. Klein stated that they considered the impact on birds, reptiles and amphibians and that there would be a marginal impact on forest interior birds and the small breeding habitat for amphibians should not be affected. He displayed the drawing titled Preliminary Subdivision Plan, 22 South Street Property, prepared for The Gunnery by Smith and Company, sheet 1 of 1, dated 5-11-12 and stated that the impact of a subdivision would be far greater than the athletic fields that are being proposed. (Mr. Klein's report address to Joseph P. Williams, Esq, dated May 21, 2012 is on file in the Land Use Office).

Atty. Williams stated that he planned to give a summation at the end of whatever the interveners present and asked if he could submit additional materials that they were planning on presenting tonight and he will give copies to the interveners to prevent any arguments of what is new. He asked a few people from the public could speak tonight that were at the May 8, 2012 and did not have an opportunity to speak. Atty. Williams submitted a copy of the presentation from tonight titled The Gunnery, Proposed South Street Athletic Fields, Rebuttal Presentation by Curtiss B. Smith, Smith & Company Engineers, Inc., dated May 21, 2012, a letter from Stuart Cohen, addressed to Mr. Fitzherbert, Chairman, dated May 21, 2012, addressing the article that Ms. Stern had submitted from the NY Times, and a letter from Stuart Cohen to Mr. Fitzherbert, dated May 21, 2012 re: Water quality analysis of the housing alternative for the Gunnery proposal (all three documents on file in the Land Use Office). Atty. Williams submitted photos of the use of the South Street property in the 1950's for hockey and an article from The Gunn Library with a photo of one of the earliest known baseball games played in the United States on the Washington Green.

Mr. Fitzherbert stated that they had finished the public comment and would prefer that they submit their statements in writing to the Zoning Commission. He stated that he needed Atty. Williams to submit a handwritten note requesting to continue the public hearing. Atty. Williams requested that the continuance be based on Mr. Fitzherbert's request that the interveners respond to only subjects that are deemed new. Atty. Williams submitted a request to continue the public hearing. Mr. Fitzherbert stated that the Zoning Commission would hear responses to only new items brought up at tonight's public hearing. Atty. O'Hanlon stated that there is no such thing as a conditional extension and that if a public hearing is open the public is allowed to speak. Atty. Marcus stated that he agrees with Atty. O'Hanlon and that the public has the right to respond.

Mr. Fitzherbert stated that he would allow people that have not spoken already to speak and that he did not want the same people saying the same thing to speak. He asked that a three-minute time limit be put on each individual speaker. Ms. Peckerman stated that The Gunnery has owned the South Street property for decades and it has always been used for recreational purposes and most residents of South Street purchased their homes after the school's acquisition of this property. She stated that she feels that the plans are well thought out and building homes on the property would not require a management plan or an extensive study on the impact to the land. Ms. Peckerman stated that she favors this development because "it goes a long way toward achieving the blended low density development the town is promoting." (Statement dated May 21, 2012 on file in the Land Use Office).

Mr. Gould, parent of two Gunnery students, stated that The Gunnery has been part of the Town of

Washington for 150 years and athletics is a core part of their educational program. He stated that the Gunnery has used athletic facilities all over the Town of Washington and education and athletics are inseparable and an integral part of every community. He stated that the proposed athletic fields are a limited use of the South Street property and is a discreet use of land than many other possible uses. Mr. Gould urged the Commission to support this application because it strives to preserve continuity of the Washington community and allows The Gunnery to prudently use the resources that they have invested in.

Ms. Zelenko stated that Mr. Childs, previous owner of adjoining property to The Gunnery South Street property, emailed her. Ms. Zelenko read the email, dated May 21, 2012 from Mr. Childs (on file in the Land Use Office) to the Commission and submitted it for the record. In the email Mr. Childs states that it was his "understanding that the water rights were the critical issue at the time" when The Gunnery purchased the property.

Mr. Baudo, Dean of Students for The Gunnery, stated that every student must participate in a sport because they believe that educating their students goes well beyond the classroom. He that the need for these fields has been a long standing one and that it should be noted that they are not looking to add fields but replace fields that The Gunnery will lose or have limited access to the fields that they are currently using. Mr. Baudo stated that the students and staff strongly support this initiative by the school and view the main campus and the South Street property as their home and are looking forward to the successful development of this proposed facility. He stated the proposed athletic fields provide and opportunity to enhance the student experience at The Gunnery and creates an increased opportunity to fulfill the school's mission.

Ms. Stern stated that she has lived in the Town of Washington for 27 years and she does not support having the athletic fields in a residential zone. She stated that she does not question the need for the fields but the property is not contiguous to the main campus.

Atty. Andrews stated that she would like to put to rest the question of the ownership of the 70-acre parcel. She submitted certified copies of the 3 deeds and stated that parts of the property were acquired at different periods of time, which can be confusing. Atty. Andrews stated that the deeds show there are no restrictions of the use on the South Street property and that The Gunnery paid \$150,000.00 for the property, which was a lot of money in the 1950's, a small portion of about 4.5 acres, was conveyed by a deed of gift. She stated that Smith & Co cites these three deeds in the plans.

Mr. Fitzherbert and the Commissioners had a brief discussion whether a special meeting should be scheduled for the continuance of this public hearing. Ms. Hill stated that there would be only one other public hearing on next month's agenda. It was the consensus of the Commission to schedule the continuance of this public hearing for the regular Schedule Meeting of the Zoning Commission on June 25, 2012 after the first public hearing at 7:30 pm at Bryan Memorial Town Hall in the Land Use Meeting Room.

Atty. Marcus asked if Mr. Towne if the location of ledge removal on the site is near the Zelenko and Stern properties. Mr. Towne stated that he would have to look on the test borings and see where they would be hammering and ripping the ledge. Atty. Marcus asked if he knew what the impact of the ledge removal would be to the neighboring properties. Mr. Towne stated that there should not be any impact and that there may be sound but no vibration and that he has only seen the vibration travel 40–50 ft. at the most. Atty. Marcus asked where the removed ledge would go. Mr. Towne

stated that they would hammer the ledge to smaller pieces on site and use it on other areas of the site and that they would not bury it. Atty. Marcus asked if large boulder would be removed and trucked off the site. Mr. Towne stated that they would not be trucking large boulders from the site. Atty. Marcus asked if a 50,000 cubic yard project is \$100,000.00 worth of site work or \$1,000,000.00 worth of site work. He stated that it is hard to visualize the scope of the project. Mr. Fitzherbert stated that this was irrelevant.

#### Motion

To continue the Public Hearing for The Gunnery, Inc/22 South Street/Special Permit: Section 4.4.10/Install Athletic Fields to Monday, June 25, 2012 in the Land Use Meeting Room at Bryan Memorial Town Hall at 7:30 pm,  
by Mr. Reich, seconded by Mr. Wyant, passed by 4-0 vote.

### **REGULAR MEETING**

Mr. Fitzherbert called the Regular Meeting to order at 11:10 pm.

Seated: Mr. Fitzherbert, Mr. Reich, Mr. Abella, Mr. Solley, Mr. Dutton, Alt.

#### **Consideration of the Minutes**

The minutes of the April 23, 2012 Zoning Commission Meeting were considered.

#### Motion:

to approve the Zoning Commission Regular Meeting Minutes of April 23, 2012, as submitted,  
by Mr. Solley, seconded by Mr. Abella, passed by 5-0 vote.

The minutes of the May 8, 2012 Special Zoning Commission Meeting were considered.

#### Motion:

to approve the Zoning Commission Special Meeting Minutes of May 8, 2012, as submitted,  
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

### **Pending Application(s)**

Seated: Mr. Fitzherbert, Mr. Werkhoven, Mr. Reich, Mr. Abella, Mr. Dutton, Alt.

Rumsey Hall School/201 Romford Road/Special Permit: Section 4.4.10/Demolition, Reconstruction, Enlargement of Dining Hall – Student Center – Faculty Housing, Reconfiguration of Parking, and Section 12.8.2/Temporary Kitchen Facilities

Mr. Dutton expressed his concern and the proposed construction's proximity to the river. Ms. Hill stated that the IWC has approved this application. Mr. Ajello stated that the proposed management plan allows the storage of storm water and the flow is metered back into the river. He stated that currently there is no treatment for the storm water and it now surface water that runs off the gravel drive into the river bank. Mr. Dutton asked about safety on site after demolition and if there will be measures taken to make sure debris is not blowing off the site and into the river. Mr. Ajello stated that both the staff at the school and the construction company are very responsible and are sure to want to keep the campus grounds clean. The Commissioners briefly discussed possible delays

during construction.

Ms. Hill stated that she feels the Commissioners should consider conditions of approval regarding the approval of the septic system, the location of the generator, outdoor lighting, and approval of the temporary kitchen. There was a brief discussion of performance bonding. The Commission referred to Ms. Hill's Administrative Report dated 5-21-12 regarding the conditions of approval. Mr. Fitzherbert read the Special Permit Standards and the Commissioners discussed whether the applicant has met all the standards.

Mr. Abella asked if fire approval is needed. Ms. Hill stated that before the building permit is issued the fire marshal goes over the construction plans with the Building Department.

Motion:

to approve the Special Permit Application for Rumsey Hall School at 201 Romford Road, for Section 4.4.10/Demolition, Reconstruction, Enlargement of Dining Hall–Student Center–Faculty Housing, Reconfiguration of Parking, and Section 12.8.2/Temporary Kitchen Facilities with the following conditions:

1. The approval of the Special Permit shall not become effective, and no building or construction may begin, until the septic system has received all required state and local approvals and copies of the approval notices have been provided to the Commission.
2. The temporary kitchen facilities must receive final approval from the Washington Health Department and a copy of the approval notice shall be provided to the Commission before those facilities may be operational.
3. The emergency generator is relocated in compliance with Section 12.14.3 of the Washington Zoning Regulations and a copy of the revised site plan provided to the Commission.
4. All outdoor lighting associated with the parking lot and Dining Hall-Student Center-Faculty Housing building comply with Section 12.15 of the Zoning Regulations and that all plans for the required Dark-Sky Friendly lighting shall be reviewed and approved by the ZEO prior to installation,

by Mr. Reich, seconded by Mr. Abella, passed by 4-0 vote.

Seated: Mr. Fitzherbert, Mr. Reich, Mr. Abella, Mr. Solley, Mr. Wyant, Alt.

Community Table Restaurant, LLC./223 Litchfield Turnpike/Special Permit: Section 10.4.1.a/Greenhouse Addition to Existing Building and Additional Parking Spaces:

Mr. Fitzherbert stated that this proposed plan is a significant increase in parking spaces from 17 to a possible 32. The Commissioners looked at the drawing titled Landscape Plan, prepared for The Community Grill, sheet L-1, revision date 5-18-12, by Dirk Sabin. Mr. Solley stated that the Commission could consider accept the additional parking spaces off Wilbur Road as presented with some additional landscaping and buffering not including the State R.O.W. The Commission discussed sight lines. Mr. Wyant stated that the Commission could consider putting a fence up to block the view of the cars from Route 202, as suggested by one of the neighbors. The Commission discussed the height of the proposed the plantings for screening and buffering the Wilbur Road parking. Mr. Fitzherbert stated that the Zoning Commission was asked to help with the parking issue and feels that buffering and plantings could be in the IWC's purview. The Commissioners agreed that they asked the owner of the restaurant to get the parking off the road and provide more parking for patrons. Mr. Ajello stated that we might not know how successful or unsuccessful this

plan may be until another season goes by. Mr. Solley stated that he feels the Commission should consider a written agreement with the neighbor regarding shared parking. The Commissioners feel that there should be enough parking to rarely use the neighboring property. Ms. Hill stated that in the Woodville Business District buildings and paved surfaces are supposed to be 50 feet away from the property line and the new spaces are within the 50 setback but the Zoning Commission can grant the new spaces as long as there is adequate buffering from the properties in the residential district. The Commission considered setback requirement and discussed the buffering of the two parking spaces to the neighboring property and concluded that the buffering was adequate.

The Commission referred to Ms. Hill's administrative report dated May 21, 2012 and discussed the Special Permit requirements. They discussed the sight lines and traffic safety and concluded that this proposed plan is safer and an improvement from what exists.

Motion:

to approve the Special Permit Application for Community Table Restaurant, LLC at 223 Litchfield Turnpike for Section 10.4.1.a, Additional Parking Spaces  
by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

### **New Application(s)**

Coleman/112 Walker Brook Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

The Commission set the Public Hearing date for this application.

Motion:

to schedule a Public Hearing on June 25, 2012 at 7:30 pm at Bryan Memorial Town Hall to consider the application for Coleman/112 Walker Brook Road/Special Permit: Section(s) 3.11.3/Detached Accessory Apartment,  
by Mr. Solley, seconded by Mr. Wyant, passed by 5-0 vote.

### **Other Business**

There was no other business to discuss.

### **Privilege of the Floor**

There were no further comments from the public.

### **Zoning Enforcement**

The Commissioners considered the Zoning Enforcement Report dated May 21, 2012.

Mr. Fitzherbert asked if the Commissioners wanted to consider scheduling a special meeting. The Commissioners agreed that they should meet at their regular scheduled meeting on June 25, 2012 at Bryan Memorial Town Hall at 7:30 pm.



**Adjournment**

Motion: to adjourn at 12:15 pm. by Mr. Solley, seconded by Mr. Abella.  
Mr. Fitzherbert adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:  
Shelley White, Land Use Clerk,