

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Commission Special Meeting

MINUTES

November 4, 2021

5:00 P.M. – Hybrid Meeting

MEMBERS PRESENT: Chairman Solley, Ms. Hill, Ms. Radosevich, Mr. Werkhoven

ALTERNATES PRESENT: Ms. Smith, Ms. Andersen

STAFF PRESENT: Ms. White, Ms. Rill, Ms. Haverstock, Attorney Zizka

PUBLIC PRESENT: P. Szymanski, Attorney Sherwood, C. Charles, S. Payne, H. Barnet, M. Purnell, S. Branson, D. Tagley, First Selectman Brinton, R. Rebillard, P. Rogness, Attorney McTaggart, W. Bracken, R. Reich, L. Gendron, S. Yates, M. Solomon, R. Solomon, W. Farrell

Chairman Solley called the meeting to order at 5:03pm.

He then seated himself, Ms. Hill, Ms. Radosevich and Mr. Werkhoven.

He noted that Alternate members Ms. Smith and Ms. Andersen were present, along with newly elected member, Mr. Farrell, who had yet to be sworn in officially.

Chairman Solley stated that this would be a closed work session with no public comment.

Discussion Regarding 101 Wykeham Road, LLC – Land Tech Compliance Report:

Attorney Zizka arrived at 5:06pm.

10min. 20sec.: Attorney Zizka, Washington's Land Use Attorney, stated that 101 Wykeham Road, LLC had received approval in 2018 for a Special Permit, with Conditions, for an Inn. The applicant has asked the Zoning Commission to review the materials submitted to the Land Use Department, and if the conditions that are currently applicable to the project are met to the satisfaction of the Commission, based on a 2013 Settle Agreement, the Special Permit can be issued. The Zoning Commission requested that the materials be reviewed by Landtech Consultants, Inc., and they have provided a report submitted to the Zoning Commission. With questions and concerns raised by neighboring properties of 101 Wykeham Road, the Zoning Commission, along with Attorney Sherwood, requested this work session for clarification purposes.

Chairman Solley stated that there were still several questions for Landtech to review and there would more than likely be another Special Meeting scheduled soon to discuss those questions.

12min. 21sec.:

Attorney Zizka stated that there were sixteen Conditions in the 2012 Settlement Agreement.

There were six conditional conditions in the January 7, 2013, Special Permit Approval.

There were twenty-five Conditions added to the 2018 Special Permit Modifications conditions.

Attorney Zizka added that he had broken down the Conditions into the following:

- Which conditions did not need to be reviewed currently (to be determined once the project is built)
- Which conditions needed to be reviewed but are not contested
- Which conditions needed to be reviewed that are contested

The following documents are of interest for this matter:

- The 2012 Settlement Agreement
- The January 7, 2013 Meeting Minutes
- The August 28, 2018 Meeting Minutes
- The September 2018 Meeting Minutes.

Attorney Sherwood supplied the Commission with the Conditions of Approval and stated that he, with the guidance of Mr. Szymanski, Engineer for 101 Wykeham Road, LLC, and Mr. Yates, Architect for 101 Wykeham Road, LLC, would go through each applicable condition.

2018 Modifications to Special Permit - List of Conditions Discussion (23min. 12sec.):

Attorney Zizka reviewed the list of conditions to the Commission, noting that there were several that were not applicable until the Inn is constructed.

Attorney Zizka noted that number 16 of the conditions received several questions and concerns worth noting. It states:

“16. The finished floor levels for the main inn building shall not exceed those shown on Sheet SD.1, revised to 12/17/12 as was approved in the 1/7/2013 Settlement Agreement.”

Ms. Purnell and Mr. Barnet had raised concerns with this, as the 12/17/12 site plans – SD-1 listed the highest designation at 504', where the latest plans show the 4th level at 508'.

Another concern listed is number 19:

“19. All cottages shall be limited to two floors only per Sheet SD.1, revised to 12/17/12.”

Although one of the floors were removed, the space and the volume were not substantially reduced.

“22. Written approval by the DEEP of the final septic plans shall be submitted to the Commission prior to the issuance of the special permit.”

There is a dispute over whether this happened.

“23. Written approval by Aquarion Water Company of the final plans for the water supply shall be submitted to the Commission prior to the issuance of the special permit and shall include (a)

determination that the water supply is adequate to serve the “inn” and sprinkler systems, and (b) a statement of how many additional wells will be needed and where they will be located. The applicant must also provide the Commission with a signed statement that it agrees to pay for all required system improvements.”

Dispute whether this has been accomplished – possibly not enough pressure for water supply.

36 min 56 sec.:

Attorney Sherwood supplied a copy of what he had submitted on March 5, 2020 to the Land Use Department. This included documents, letters, memos and plans.

He noted that several of the plans had revisions made by either Mr. Yates or Mr. Szymanski in order to satisfy the conditions.

Included in Attorney Sherwood’s hand out were:

4. Architectural Plans

5. Illumination Plans

10. Approved Plans

11. Modification to plans that address Fire Marshall’s concerns

Attorney Zizka asked Ms. White to confirm that the plans that were circulated to Commission members were the same that Attorney Sherwood had submitted. Ms. White confirmed.

The Commission discussed that several of the plans still had space for a kitchen. Mr. Yates and Attorney Sherwood agreed to make this clearer on the plans by adding “kitchen prohibited”. This includes refrigerators, stoves/ovens, dishwashers, microwaves, washer/dryer.

Ms. Hill stated that she had viewed plans in the Land Use Office that were dated April 13, 2018 – SKZ-109, that had included a Laundry Room. Attorney Sherwood clarified that those plans were the approved plans – and Mr. Yates added notes to the current revised plans that states that “no guest room shall have a washer or dryer”, and would be adding this to the revision to the cottage floor plans.

Attorney Zizka recommended adding “laundry prohibited” and “kitchen prohibited” for consistency and clarification to the plans where relevant.

Parking spaces – the plans specify 100 spaces total, then lists 5 handicap spaces, bringing the total to 105 spaces. Ms. Hill requests that the plan is modified to specify that the 100 spaces shall include handicap parking. *Plan set – OSD-1.

Ballroom – the ballroom is prohibited and will now be two meeting rooms with a divider in the middle. The divider is not permanent. The Commission voiced concern over this, stating that if the divider is removed, it could still be used as a ballroom or event space. The area measures 60’ x 28’ with a height of approximately 10 feet-12 feet. Ms. Andersen questioned the capacity of the room. Mr. Szymanski stated that the Fire Marshall would determine this number. Ms. Radosevich added that if the condition of approval states there shall be no ballroom, that a permanent wall should be constructed. Attorney Sherwood agreed to this.

Emergency Access Way – the conditions state that the access way shall be used for emergency vehicles only and not for pool, pool house or tent access. The revision will be added to OSD-1 and OSD-2. Ms. Andersen questioned the condition regarding whether or not emergency vehicles could travel the access way. Mr. Szymanski explained that this would be contingent on the Fire Marshall's approval – number 21 of the Conditions. Ms. Andersen requested this be added to the plans as well.

Conditions 11, 12 and 13 are issues that will be addressed once the Special Permit is obtained.

Conditions 14 and 15 are use issues.

Condition 16 - The finished floor levels for the main inn building shall not exceed those shown on Sheet SD.1, revised to 12/17/12 and was approved in the 1/7/2013 Settlement Agreement –

Level 0 Basement Floor (underground)– 460 finished floor elevation

Level 1 (underground) – 470 finished floor elevation, comes out at grade

Level 2 (above ground)– 482 finished floor elevation

Level 3 (above ground) – 498.5 finished floor elevation (504 is listed in 2012 plans)

Ms. Hill stated that she agreed with Mr. Barnet's letter – and felt a professional consultation is needed. Attorney Sherwood explained that Site Plans do not usually show any information above-grade, but stated if the Commission felt an architect's opinion is needed, they would oblige.

Chairman Solley questioned why Level 2 is 16' from one floor to the next and why this difference was necessary. Mr. Szymanski explained that this is where the function areas will be located. Mr. Yates explained this is the main area - where the restaurant, meeting rooms and lounge will be.

Attorney Zizka questioned if it would be possible to move the elevation of the highest level to 504 as long as it does not affect the overall design.

Mr. Szymanski explained that he did not believe this was possible.

Ms. Smith, referring to the earlier conversation regarding the ballroom, stated that she felt the area should be separated into 4 areas. Attorney Sherwood stated that the area will not be a ballroom as stated in the Conditions of Approval. The Commission, with the exception of Mr. Werkhoven, agreed to send this issue as well as the elevation issue and questions from Mr. Barnet to an architect for evaluation.

Illumination Plan – submitted in March of 2020. Cannot be seen beyond the property served. Meets requirements of 12.15.1 of the Regulations.

20.) No Kitchen in the Pool House – Mr. Szymanski stated that they would review the plans. Attorney Sherwood stated that they submitted updated and revised plans for review, however Ms. Hill believed an area for a kitchen in the pool house was still visible. Attorney Sherwood stated they could stamp the plans with, "kitchen prohibited".

21.) Fire Marshall – Plans LSD-1 revised 3-04-2020 – email received from Fire Marshall dated June 4, 2019 states – 1.) reposition the two end hydrants on driveway in front of building 2 and 3, the other to be in front of building one – 2.) reshape the grade of driveway to the south corner of main building so

ladder truck can back to the rear of the building – 3.) all surfaces designed to accommodate fire apparatus be able to carry a load of 60,000 pounds.

Ms. Hill requests that the Fire Marshall review concerns brought to the Commission by Ms. Purnell.

22.) Written Approval from the Department of Energy and Environmental Protection of the final septic plan shall be submitted to the Commission prior to issuance of Special Permit.

Mr. Szymanski stated that with the feedback they have received this evening, they will modify the plans and resubmit to DEEP.

23.) Written approval by Aquarion Water Company of the final plans for the water supply shall be submitted to the Commission prior to the issuance of the special permit and shall include (a) determination that the water supply is adequate to serve the “inn” and sprinkler systems, and (b) a statement of how many additional wells will be needed and where they will be located. The applicant must also provide the Commission with a signed statement that it agrees to pay for all required system improvements.

Aquarion Water Company is the water source for this area, but cannot supply the location of the well legally. They have instructed the Zoning Commission to obtain the information from the Health Department. Aquarion has stated that they do not have significant pressure to supply water to the sprinkler system. Ms. Hill would like to see DPH approval prior to approving the Special Permit.

Scheduling Another Work Session – the Commission has agreed to hold another Special Meeting as a work session on November 29, 2021 at 5:00pm.

MOTION: To adjourn the November 4, 2021 Washington Zoning Commission Special Meeting at 7:24pm, by Ms. Radosevich, seconded by Mr. Werkhoven, passed 4-0 vote.

To listen to the recording of tonight’s meeting, click here:

https://1drv.ms/u/s!AhqOocBm3HM3iTqVvbCF_SBydxAy?e=I51m1w

Respectfully Submitted,

Tammy Rill

Land Use Clerk

November 10, 2021

*Minutes are subject to Approval