

PLANNING & ZONING COMMISSION  
Regular Meeting  
November 3, 2010

The Planning & Zoning Commission held a regular meeting on Wednesday, November 3, 2010. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

James Sinclair	Steve Kalkowski
Kelly Kennedy DelDebbio	Paul Chaplinsky
Zaya Oshana, Jr.	Michael DelSanto, Chair

Alternates: Lisa Conroy  
Ed Costello

Ex-officio members present were as follows, viz:

Mary Savage-Dunham, Town Planner  
Anthony J. Tranquillo, Director of Public Works/Town Engineer  
Mark J. Sciota, Deputy Town Manager/Town Attorney  
John Weichsel, Town Manager

Absent: Francis Kenefick, Commissioner  
Patrick Saucier, Alternate Commissioner

The Chair seated Lisa Conroy for Fran Kenefick this evening. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

The Chair introduced Connor O'Hara, Boy Scout Troop 32. His requirement to earn a badge was to come to a Town Council meeting and/or a Planning and Zoning Commission meeting.

The Minutes are being prepared summary style and the video and audio tapes are available for further detail.

**MICHAEL DELSANTO, Chairman, presiding:**

**4. APPROVAL OF MINUTES**

Regular meeting of October 19, 2010

Mr. Sinclair so moved a motion to approve as submitted. Mr. Chaplinsky seconded. Motion passed 5 to 0 to 2 abstentions. Ms. Conroy & Mr. Kalkowski abstained. Mr. Costello, alternate, also abstained.

## 5. BUSINESS MEETING

**A. Frank and Teresa Ciechanowski**, flood plain filling application, 993 Old Turnpike Rd (FF #224)

Ms. Savage Dunham advised the applicant was not able to attend tonight because of work commitments. We have the revised map in front of you. This is a fairly minor floodplain filling application. It's for 230 cy of fill with a 295 cy mitigation proposed for a garden and driveway within a floodplain.

The Conservation Commission approved this at their October 7<sup>th</sup> meeting and one of the stipulations was we have this revised map. That stipulation has been met and the application is ready for action.

Mr. Chaplinsky made a motion to approve the application. Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

**B. Target**, site plan application for a temporary staging area in parking lot to facilitate storage during interior remodel from March, 2011 to June 2011, 600 Executive Boulevard, (SPR #1461.7)

Stan Backman, the Regional OSR (Owner site representative) for Target. I handle Delaware, New Jersey, New York and New England.

We have applied for a building permit to do an interior remodel to the Target store. To facilitate that we'll require a staging area in the parking lot.

What we have done is present a drawing showing the staging area off to the left-hand side as you are standing at the store looking out into the parking lot. That will facilitate 25 (+/-) 40' x 8' containers.

Traditionally, what we'll do is we'll row those containers facing each other. We'll put a gated fence on either end so we can access from both sides.

I have scaled the area and know how large it needs to be. We've asked for enough space to do that.

We will not have any hazardous materials in those containers. Explained.

It's pretty straightforward.

It will temporarily take away 50 parking spots for a period of 13 weeks. We'll stage in late March. The project finishes in late July. We will be out of there.

Clarification: June 30<sup>th</sup> is the finish date.

The storage area will be reduced as the project progresses. Explained.

Ms. Conroy was concerned about the driveway that goes into the access road that goes to Target and Lowes. My concern is that the trailers aren't so close to the road that cars coming out of there trying to turn right can't see to the left.

Mr. Bachman said the trailers will back right up to the curb. There should be adequate room to see around them.  
Discussion.

Mr. Tranquillo didn't see a problem.

No handicapped parking spaces will be displaced.

The containers are going to be filled with mostly fixtures and some construction material. Because the store is relatively new, it's going to be what we call a right sizing. We're expanding the market area, adding refrigeration. That's the primary goal.

The staging is placed where it is to stay away from fire lanes which go around the building. Thirty feet is required all the way around the building. This does not impact that.

Keep in mind the bulk of this work is going to occur at night. We don't want to impact the guests. This is going to be a live store. We are not closing the store.

Bonding was discussed as required for similar applications before.

Staff has reviewed the application and it's ready for action.

Mr. Sinclair made a motion to approve this application with a \$3,000 bond. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

**C. Knight's Crossing**, release of \$17,000 Erosion and Sedimentation bond pending replacement of original passbook with a bank check in the amount of \$2,500 to cover the excavation of the rear lot adjacent to the wetlands, Hobart Street (S #1167)

Ms. Savage Dunham advised that staff supports this release. This roadway has not been accepted, yet. We currently have a punch list on the roadway, a PI bond and we also have a subdivision bond. They're working on the manhole covers, as discussed at the last meeting, but that is a completely separate matter from E & S.

Staff is supportive of the E & S bond as that doesn't apply to roadway items in any event.

Discussion.

Mr. Sinclair said he has been to the site and they have done some work but the road has not been accepted.

I also asked last time for a report on what other work needs to be done on that site in general.

The Town Planner explained with regard to the E & S matter, there's just some excavation that has to be done near the wetlands and that's why the retaining of the \$2,500 E & S bond.

Mr. Tranquillo added the work remaining is check list items and he will send that out to the commission tomorrow.

Discussion of the E & S amount of \$2500 being sufficient.

Mr. Chaplinsky made a motion to approve the bond reduction. Mr. Oshana seconded. Motion passed 6 to 1 with Mr. Sinclair opposed.

**D. Rogers Orchards**, request for release of \$1,440 erosion and sedimentation bond, 230 Long Bottom Rd (SPR #1567)

Staff supports this. Mr. Sinclair so moved the motion. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

**E. Royal Acres**, request for 5 year extension, 2118 Meriden-Waterbury Road (SPR #1422)

Staff suggests a table. Mr. Sinclair made a motion to table which Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

**F. Renaissance Commons**, release of \$1,500 public improvement bond (SPR #1441)

Staff supports this. Mr. Sinclair so moved the motion. Mr. Kalkowski seconded. Motion passed 6 to 0 to 1 abstention by Mr. Oshana.

**G. Stop and Shop,** request for release of \$13,000 erosion and sedimentation bond, 505 No Main Street (SPR #1518)

Staff supports this. Mr. Sinclair so moved the motion. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

**H. BJ's,** request for bond in lieu of site plan compliance, amount to be provided at meeting, Spring Street (SPR #1551)

The Town Planner noted the documentation on the bond was laid out for the commissioners for this meeting. They are interested in getting a TCO. The site is substantially complete however there are punch list items outstanding. There is a punch list attached which is dated October 27, 2010 prepared by staff. And, then the material on top of it is actually the numerical calculations for the bond the town feels is an appropriate amount. That would be \$72,500.

This is a bond in lieu of site plan compliance. The applicant needs to post a bond to us to assure the town the site will be completed. After which point, the staff can sign off on the TCO.

My understanding is they'd like to open within a few weeks. They are already stocking the store.

None of these items are such that would affect the opening of the retail store. The gas station is on a slightly slower track. We also have the leverage of the CO on the gas station. Staff is comfortable with the bond and gas station the project will be brought to completion. The CO on the gas station is a separate issue.

Discussion of the items on the checklist.

Mr. Oshana made a motion to approve the bond in lieu of site plan compliance in the amount of \$72,500 with a maximum of 90 days. Mr. Chaplinsky seconded.

Mr. Costello asked about the patch on Spring Street directly in front of the entrance / exit. Have you looked at that? That patch seems to be inconsistent with existing contours of the road. Mr. Tranquillo explained it is a recent excavation for the sanitary sewer there. That's a recent trench that we have to allow to settle for a year and then we'll patch again next year.

Discussion.

Motion carries 7 to 0 on a roll call vote.

**I. Lake Compounce** (water slide), request for release of \$1,500 erosion and sedimentation bond, Mt. Vernon Road (SPR #1494.1)

Staff supports this. Mr. Sinclair so moved the motion. Mr. Oshana seconded. Motion passed unanimously on a voice vote.

**J. \*\*Dean's Stove and Spa**, request for partial release of bond in lieu of site plan compliance, 120 West Main Street, (SPR #1558)

The Town Planner pointed out the commission has a revised bonding requirement. A few meetings ago you approved a bond in lieu of site plan compliance in the amount of \$100,000. We've reinspected the punch list that was dated September 28, 2010. And, based on the inspection, the new bonding requirement is \$33,000. We would request that you reduce that bond to that amount.

Mr. Sinclair made a motion to reduce the bond to \$33,000. Mr. Chaplinsky seconded. Motion passed 6 to 0 to 1 abstention by Mr. Oshana.

The Chair brought up the meeting scheduled for December 21<sup>st</sup> and cancelling it. After discussion, everyone agreed to cancel the meeting. The Town Attorney said he would file a cancellation notice.

## **6. ITEMS TO SCHEDULE FOR PUBLIC HEARING**

A. Zoning text amendment, Section 5-01.2 to "allow for the practice of veterinary medicine and/or animal hospitals and kennels" in an I-1 zone (ZA #557), *November 16*

Schedule for November 16<sup>th</sup>.

B. \*\*Zoning text amendment, Sections 2-01A and 2-19S regarding shed sizes in residential zones (ZA #558), *December 7 or December 21*

Schedule for December 7<sup>th</sup>.

C. \*\*Zone boundary change, 1657 Meriden-Waterbury Road, from "B" to "I-1", (ZC #535), *December 7 or December 21*

Schedule for December 7<sup>th</sup>.

## 7. ADMINISTRATIVE REPORTS

The Town Planner noted a cease & desist order in the material tonight. I expect you'll see that before you. This site is 409 Canal Street, the Staebler building. You were very involved in helping get the road improvements done as it was a safety priority for the town and the commission. They were a lot of conversations around that matter and that application.

We do still have bonding held on the project. The last time the applicant came to the commission she asked you to release bonding. There was still some uncompleted items left. Explained.

The commission's opinion was there was such a small amount of work that that work should be completed and then the commission would return the bonding. We've really have had no interactions since then.

This is not really about that matter. This is because during some other inspections in town, we became aware there was work done out there that wasn't done in accordance with the approval. The brick paver treatment approved was only supposed to be a certain section. The remainder of the area behind the building was to remain dirt, existing conditions.

The current situation and I will email photos to you; the brick pavers were extended 340' further along the back of the frontage in a linear way than they should have been with the depth from the building to the Rails to Trails.

The bricks are anchored in cement. Where the pavers end, the remainder of the back of the building has been paved with bituminous from the back of the building to the Rails to Trails.

Staff's concern is site improvements like those should come before the PZC so they can inspect them and approve them. And, as part of that process we would do ZIRO. ZIRO is a concern in that area because all of the water from the back of that building now runs on to the Rails to Trails property and we don't want to create icing issues or erosion issues of the state property. We don't have the right to discharge on to state property. Staff wants to take a little closer look at that.

This cease & desist order says you should take the work out or come before this PZC for a site plan modification. We have had no response, yet, from the applicant. I do intent to drive out there and continue to try to reach her. My hope is this will prompt a phone call.

The Town Planner passed around a handout for the commission to read at their own pleasure. She just got this and I am distributing this because on your next Agenda you will have a daycare.

And, briefly, I did have a phone call from the developer of the Target/Lowes Plaza. They're trying to negotiate the final lease for the north plaza, as soon as that is signed, they intend to come back to you and talk about the site and the restaurant, which has changed again. They are going to be making some minor changes to the grading on that north plaza and they want to come during the winter so they can actually build the plaza in the spring. It doesn't make sense to do all the grading work unless the leases are secure. Very exciting to hear that might move forward. She's going to tell you who the tenants are when she comes.

Mr. Chaplinsky brought up Item B, the zoning text amendment. Mary passed along some revisions. I commented with respect to broadening that language. The request wasn't to limit ourselves to sheds unless you feel there is some real danger by opening it up. But the same regulation would apply for most accessory uses on a residential property. It was a minor wording change. I look for your feedback.

Discussion.

Staff will look at that at the next staff meeting.

Attorney Sciota said it was important to get staff input. Accessory buildings are used a lot in the regulations and we want to make sure that when you use accessory buildings that every section is covered.

The Chair noted it is important to be specific as to what an accessory building is.

Discussion.

The Town Attorney advised you can move forward with the wording you have.

Mr. Chaplinsky asked the Town Planner to research alternate wording.

Discussion.

## **8. RECEIPT OF NEW APPLICATIONS**

No new applications received.

### Commissioner's Comments/Questions

Mr. Costello wondered about the Summer Street project site work. I'm wondering about the sidewalk with winter coming. Mr. Tranquillo said the sidewalk is part of the site improvement there. They were forming the sidewalks today and they should be poured in the next day or two. City sidewalks along the frontage.

Discussion.

Mr. Oshana brought up road acceptance. As we are coming into the wintertime, we have a few projects that are going on in town. Do we maintain a list of the roads that are in process that have not been accepted at this point and the status of the roads? Mr. Tranquillo said we do not keep a list, but we could develop one. Mr. Oshana would like that. It will be ready in the next couple of weeks, added Mr. Tranquillo.

Mr. Oshana brought up Greenway Commons. Have they put forth anything as to where they stand in terms of their project? The Town Planner said she hasn't spoken with them lately. Nothing new. She added she knew the contractor was working with the building department to get all the pre demolition reports in place. However, she is not involved in that. She could check and send an email. Mr. Oshana said that would be great if she could do that.

Discussion.

The Chair called upon Connor O'Hara to come up to the microphone. What do you think? Connor responded he learned a lot about what goes on in this town. It's all great stuff! I am going to write a small report on the BJs site plan compliance. The Chair asked for a copy of the report to be shared with the commission. Thanks for coming.

**9. ADJOURNMENT.** Upon motion made, seconded and passed unanimously, the meeting was adjourned at 7:45 pm.