



Ms. Savage Dunham read the legal notice into the record.

## 5. Public Hearings

### A. McRealty Dev., LLC, special permit use application for child day care services for more than 13 clients, 2003 West Street (SPU #490.1) public hearing continued from October 2.

Andrew Denorfia, Attorney, represented the applicant. At the last hearing the commission requested some further information from our traffic engineer, Scott Hesketh. He is in the process of getting all that information, including updating the traffic count. We hope to have that information next week for the staff to review before the next meeting, so we will request a table tonight. I believe I need to request a 30-day extension for the public hearing, as well. So requested.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

Mr. Chaplinsky made a motion to approve the 30-day extension on the public hearing. Mr. Rogers seconded. Motion passed unanimously on a voice vote.

The Chair left the public hearing and it is continued to the next meeting.

### B. John Susco, two lot resubdivision application, 357 Captain Lewis Drive S #1293.

Sev Bovino, Planner with Kratzert & Jones representing the applicant. The parcel is owned by Crescent Realty, LLC. It's located at 357 Captain Lewis Drive. It is zoned I-1. It is surrounded by I-1 on the west, east and south. On the north side it is residentially zoned and that's why we have a 35' buffer indicated on the plan with the appropriate notes.

The entire site is wooded. And, we'll preserve as much as we can of the buffer and then plant additional trees, if necessary. The note indicates that.

The original subdivision was for AMI Industries dated May 6, 1988. The subdivision number was 895. The property is 56,521 sf. Under current zoning the minimum lot area can be 20,000 sf with a 100' frontage. So we subdivided this property and we are requesting your approval to subdivide to provide two parcels. One parcel, 21,386 sf

which is Parcel B, to the west. And, the other would be the balance of 35,135 sf, Parcel A, to the east. A corner lot.

The original subdivision is filed in the land records and I have a copy. On that subdivision there is a note indicating that the property has already been addressed for ZIRO. The pond was constructed on the southwest of this entire subdivision. And, anything in excess of 42,253 sf of impervious area will have to be addressed in the future. Currently, the ZIRO is addressed up to that point. The note is on the file of the subdivision and I'll put this in the record (submitted).

We received staff comments and we responded in writing. If you have any questions?

The property is served by sewer and water and all utilities are in place.

Access management to these two parcels was discussed. They have a driveway on the westerly side of the property (indicating). The other driveway will be located at the end of the cul de sac (indicating).

In response to a query by Mr. Gage, Mr. Bovino explained this is splitting one lot into two. The I-1 currently allows lots of 20,000 sf. Before, they had to be 40,000. So we have the area. This is the split of an existing lot. That's why it is a resubdivision.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

The Chair closed the public hearing.

Before beginning the business meeting, I notice some students in the room. Could you please step up to the podium. Why are you here at this meeting tonight?

John Stevens, Jimmy Tureg & Mark Holland are here on behalf of Honors Civics class.

Welcome! Take good notes. Enjoy your time here and study hard advised the Chair.

**6. Business Meeting**

**A. McRealty, Dev. LLC, special permit use application for child day care services for more than 13 clients, 2003 West Street SPU #490.1.**

Mr. Chaplinsky made a motion to table. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

**B. McRealty, Dev., LLC, site plan application for 10,000 square foot day care facility, 2003 West Street SPR #1578.1.**

Mr. Chaplinsky made a motion to table which Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

**C. John Susco, two lot resubdivision application, 357 Captain Lewis Drive S #1293.**

The Town Planner advised staff received revised plans about 3:00 pm today. We did get responses to comments. Mr. Grappone and I did go over these. We had two minor comments to have noted on the plan, otherwise we feel this project could be ready for action.

Our first comment is in regards to ZIRO. Comment #2, the note about the ZIRO statement which the previous subdivision accounted for a total amount of impervious per lot. That total, which is the response to comment 2, needs to be spelled out on the plan.

The previous approval allowed 42,000 approximately of impervious area per lot. Now that lot, with the 42,000 impervious is being divided. So they don't get 42,000 for each lot. It's the 42,000 cumulative. We want a note on the plan and we want it noted that that impervious allowance must be divided and that detention will be required for total impervious area over 42,253 sf. And, that would be cumulative for Parcel A and B.

With that note, the staff will be able to follow the ZIRO accountability through the process. Kind of technical.

The other comment is regarding #12 with the easement for the drainage. We feel that the applicant needs to reserve the rights for utility easements over Parcel A in favor of Parcel B for water and sewer services, as well. I did inform the agent before the meeting.

The reason is that the sewer is lower in Industrial than it is in Captain Lewis and they'll probably have to do some blasting. When they develop, they may decide they want to connect in Captain Lewis. Now is the time to reserve the rights over the parcel before it's transferred.

With those two items, we feel it's ready for action.

Mr. Chaplinsky made a motion to approve with the Town Planner's two stipulations (ZIRO and all easements). Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

**D. John Susco, proposed 1,500 square foot industrial building, 357 Captain Lewis Drive SPR #1626.**

Sev Bovino, represented the applicant. Showed the map. The westerly end is proposed to be developed with a 1500 sf building with parking spaces, loading area, dumpsters. Appropriate landscaping is shown. The lot coverage is 7% and the allowed coverage is 35%. We have space for additional development on this parcel.

Regarding the utility easement, we have no objections to that but at the time of construction we are going to review the profile of this road and see what depths to which the ledge was found and make a determination.

All proposed lighting will be full cut off fixtures. Recessed lenses. The proposed building is 1500 sf. Street trees are proposed to be planted according to the regulations.

And, the ZIRO, the impervious area on this lot is 7,000 sf and that includes the building. We are providing some storage here for the building. We will prorate those numbers as we go along.

Any damage to the curb or roadway, we have a note that it will be rebuilt to town standards. Normal thing we do but it is on the plan.

I understand the staff has not had a chance to fully review the plan. If you have any questions?

Mr. Conroy asked how the storage water detention would be handled on this particular parcel. Mr. Bovino said he stated before that the ZIRO was provided for the entire subdivision years ago. Explained a large detention area was provided in the southwest corner of the subdivision years ago and that counts for that. But we are providing additional storage underground at the northeast corner under advice from staff. They want to see some groundwater recharge. Roof area, clean water, into the ground for that.

The Town Planner recommended a table.

Mr. Kalkowski made a motion to table which was seconded by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

**E. Adoption of 2013 meeting schedule**

The Chair noted there are a couple of dates we need to work out. I think we should table and take it up at our next meeting. The Town Planner said it would be carried forward on each Agenda until you are ready. We do need to adopt it and post it by the December meeting.

Mr. Chaplinsky made a motion to table. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

**7. Items to schedule for public hearing:**

**A. Proposed revision to Section 3-01.3 of the zoning regulation (ZA #568) November 7, 2012**

The Chair advised that could be scheduled for that date. We have the one that was continued tonight regarding the day care.

The Town Planner also advised she has a couple of other regulation revisions which we can talk about and you can decide as to scheduling.

The first one has two parts and it's regarding the temporary signage and these are just initial drafts (passed around). It was referred out tonight following the direction from the continuous improvement subcommittee with regard to temporary A-frame signs and wire signs.

For the most part they follow the direction of the subcommittee. I'll do an administrative report and email it to you to clarify what is different and why and you can decide if you want to change it.

She very quickly went over the two types of signs this pertains to and discussion followed amongst the commissioners.

- Wire signs we are suggesting should be put into the permitted signs, not requiring a permit, all zones. You may want to clarify that if it's for a service, you can put one in your yard while the work's being done or if it's for a special community event, here are the parameters.

Mr. Kalkowski said for the nonprofits they could be spread around town but they should be on private property with the permission of the property owners to display those.

Discussion.

- A-frame signs are called temporary because they are not permanently affixed. The intent is that they would be in the primarily pedestrian areas. We have two that have written boundaries and I'll get the maps of those and give them to you: Renaissance Zone and the Plantsville Center. These are pedestrian areas with a lot of outside dining where you will see the A-frames pop up. It is a good idea to identify these as areas or on a map with a zone that is known by people because, for an example, Plantsville Center has some area zoned industrial that have businesses they may want to have a sign out. One sign per business. Must be taken in at night. Must be displayed perpendicular to the sidewalk. There must not be less than a 4' unobstructed walkway at all times. Fines for noncompliance may be levied per town ordinance.

The Town Planner commented about the CB zone where there is outside dining, we get a lot of complaints from people in wheelchairs about their difficulty navigating the area. The business may not be able to keep that 4' walkway, but we have to have it as it is ADA compliance. Maybe they could have a chalkboard on their outside dining fence or on their wall.

Discussion.

There is a conversation going on as to whether or not there would be fines. I don't know what section that would be, so I put in the last sentence as a catch-all. Attorney Sciota advised it has been sent to the chairman of the ordinance committee to review with her committee.

Another suggestion is that it would be good to allow these A-frame signs for six 14-day periods per year between April and December. There is no way we'll be able to enforce that. My suggestion is think about saying if you are in one of these areas and you comply with these design standards, you can have it as long as you're responsible. We want those to have a permit so there is some accountability --- annual permit can be required.

Discussion.

Mr. Kalkowski noted it was also sent that upon application, the applicant can identify what those 14 day periods were throughout April 1<sup>st</sup> to December 31<sup>st</sup> timeframe. At the end of the day that is how we will enforce that.

Discussion.

Attorney Sciota suggested we think about this as we do outside dining. We talk about a time frame. Explanation.

Mr. Kalkowski agreed with that. The time frame could be April 1<sup>st</sup> thru December 31<sup>st</sup>.

The Town Planner said she would add "G" annual permit required. Everyone agreed.

Enforcement of permits for the signs was discussed at length.

Mr. Gage suggested something to the affect that the sign is not affixed or attached to anything.

Mr. Conroy wanted a provision for snow removal.

The Town Planner asked: Do you want to specify particularly that these should not be illuminated? I think it's understood, but never assume anything.

Discussion.

There is no size reference in here, added the Planner. She will go back and put the maximum size in and she'll look for what she missed and will email it out to all of you.

This has been referred out. If you would like, the public hearing on this could open on November 20<sup>th</sup>. You may need to continue to December 4<sup>th</sup>, but you can start the conversation.

The Chair thanked Rob Librandi for coming to the meeting. He is our zoning enforcement officer and he'll be shadowing some meetings to learn the meeting process. Welcome and thank you for coming.

On the wire frame signs, Mr. Conroy commented we have had issues in the past with commercial entities putting up the wire frame signs that are non-service oriented. How is that addressed? Are they prohibited?

The Town Planner explained we have permissive regulations, so if it's not spelled out that you can have it, you cannot.  
Discussion.

Political signs were discussed as being allowed added Attorney Sciota.

The Valente Karate signs were discussed as not being permitted under this section. Therefore, they are not allowed.

The Town Planner advised she had a copy of some proposed revisions for the West Street Subcommittee. They had prepared a report and had some recommendations. I did provide this to the commission and I brought it again tonight. One of the priority items was to look at the West Street Business or Business Overlay Zone redo and how do they go about guiding future development in the West Street Business area without stripping away what the underlying regulations permit. I passed around to you the map which shows the existing business overlay district which is kind of in red with the dots and then you'll see the larger hatch marked area is the proposed business overlay district. That was what the new area coincides with and the map of the West Street Business Zone. What was being called the West Street Business Zone is kind of like a revised business overlay district. We have the business overlay zone on our map. We have business overlay zone regulations. Explained.

Instead of creating a whole new district called West Street Business, we already have the business overlay zone that folded the West Street Business parameters into the business overlay zone.

The map shows you where and it matches the map in the West Street report.

The Town Planner discussed the initial start to the regulations. She quickly ran through some of the proposed revisions and explained the point of the revision.

- Minimum lot area suggested is two acres.

- Parcels used for commercial purposes shall have a minimum lot width of 200 feet and a minimum lot depth of 500 feet as measured from any front yard point.

If the proposed driveway is adjacent to a neighboring parcel and a shared access easement is proposed for the development, up to a 50 foot reduction in lot width is possible.

- Item G was discussed. All applications must include cross easements to adjacent parcels to enable interconnection of parking areas to the rear of the developed premises.

- That plays into C which is parking shall be in the rear or on the side of the building.

Mr. Conroy suggested increasing the required frontage. A lot of these are residential homes, we have to be careful not to leave these parcels isolated.

Discussion.

I-1 on West Queen Street was discussed in response to a query by Mr. Gage.

The Town Planner explained the overlay zone provides supplemental permitted uses. It doesn't take anything away from the underlying zone. It gives options.

Discussion.

The Town Planner explained she would caution against rezoning a property that has industrial on it to business.

Discussion.

When you change the zoning from industrial to business, then you'll have to pass the legal muster of you are taking my property rights. This approach says, if you want to develop it for what it is zoned, you can. But here are some other things that you could do. You are adding other opportunities and not taking away someone's rights.

Discussion.

If there are parcels you don't want industrial one, we could look to change them but there are some there I think it will be difficult to business on.

Mr. Conroy noted it is a mix and it will be a mix for a very long time. I was hoping at the end of this we wouldn't just be branding this another business zone for a bunch of reasons.

Discussion.

Form Based Code was discussed by Mr. Conroy.

Businesses that might want to be excluded were enumerated.

The Town Planner suggested perhaps a special permit should be required for a drive thru by a business. Maybe you want to do that here but not throughout town. Here we don't want a pad site with a drive thru.

Discussion.

Mr. Chaplinsky said he didn't want to take what's on Queen Street today and move it to West Street. We want to attract a different type of business here. Part of the recommendation is we would not make this a business zone and that is why we were talking about creating a zone called: West Street Business Zone. That way we would restrict the types of businesses that are there. And, incorporate into the regulations some of these other requirements so we have a distinct West Street Business Zone specifically to this area. We were looking at making this a West Street Business Zone and not an industrial zone underneath it. Not the whole area, but certain parts of it. The core part. Why should we or why shouldn't we do that? I'd like to talk about that at a meeting.

Mr. Conroy again brought up the benefits of Form Based Code. You can encourage smaller businesses but they are grouped together as part of a larger development. It helps reduce the curb cuts, lessens the likelihood of us having a mid-block entries and egresses. It allows us to shape some of the industrial. You can have a code for a commercial style and office style building or an industrial type building.

Discussion.

The Town Planner noted the last page with the special permit uses and the purpose of that section is to get to the heart of what the subcommittee said is they were supportive of an Evergreen Walk or Blueback Square type of development but they weren't looking for a Super Store. That's why it says: retail development consisting of numerous business and entities occupying separate and distinct leased areas with no individually leased area to exceed 25,000 sf.

Discussion.

**8. Administrative Reports**

- **West Street Subcommittee**

See discussion above.

**9. Receipt of New Applications**

None to report.

**10. Adjournment** - Mr. Rogers made a motion to adjourn. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:11 o'clock, p.m.)