

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
August 20, 2013

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, August 20, 2013. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Stephen Kalkowski	James Macchio
Paul Champagne	Kevin Conroy
James Sinclair	Paul Chaplinsky
	Michael DelSanto, Chair

Alternates: Susan Locks
Ryan Rogers
Jennifer Clock
Randall Gage

Ex-officio members present were as follows, viz:

David Lavallee, Assistant Town Planner/Acting Town Planner
Keith Hayden, Town Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney

A quorum was determined.

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

MICHAEL DELSANTO, Chairman, presiding:

4. Approval of Minutes

A. Regular Meeting of July 16, 2013

Mr. Sinclair so moved the motion for approval which Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

5. PUBLIC HEARINGS

David Lavallee, Acting Town Planner, read the legal notice into the record.

A. Yvette A. and Denis Pepin, 20 lot resubdivision application, 658 Jude Lane (S#1297)

Stephen Giudice, Harry Cole & Son appeared on behalf of the applicants. This property is located on Jude Lane. This was a 3.8 acre parcel of land. It had been previously subdivided off of this lot and they are proposing to subdivide one additional lot for their daughter to build a new home.

It is zoned R-20/25. We have frontage on Jude Lane throughout the parcel and that would be our access. The property is very flat, sandy soils on site. It is partially wooded and we will do some clearing for the house construction.

The house will be serviced by public water and onsite septic system.

We have roof leader infiltration units for ZIRO. We don't really have any major grading with this lot as it is very flat.

The proposed lot meets all the zoning requirements for an R-20/25 property. We have submitted plans and received comments from the planning and engineering department. We did submit revised plans based on those comments. I think we're in pretty good shape.

Any questions, I'll be happy to answer.

The acreage on the new parcel will be a half acre, 22,500 sf. That is consistent with the R-20/25 zone.

Sightlines in the area were discussed (about 250'). Location of the driveway was discussed.

Those speaking in favor of the application:

Yvette Pepin. I'm in favor of the subdivision. 358 Jude Lane. It is a lot for my daughter. It meets with all the regulations, so I think it should be approved.

Those speaking against the application:

None.

The Chair closed the public hearing on this item.

B. Michael and Joanne Rafferty, special permit use application for parent/grandparent apartment, 65 Tunxis Path SPU #528.

Keith Santora. I'm the owner of the contracting firm that is working on the Rafferty's home. I prepared and submitted the application on behalf of the Rafferty's. They invited her mom to come and live in the house. That is what this whole addition is for. That's the sole purpose.

We seem to meet all of the regulations as I read through them. We submitted the application based on our belief that it should be granted.

I'll answer any questions.

Mr. Sinclair asked if the applicant had gone over with staff the four standard notes. Mr. Lavallee said that will be added to the plan when signed. Mr. Lavallee had a question about the door in the back. They have some French doors but there is an alternate access, as well. You can decide if it is really necessary. It's not exactly in line with the regulations but if it is justified you have the right to approve it.

Mr. Santora referred to number 6 of the regulations. For safety purposes an exit may be outside of the dwelling through a side rear wall. We didn't interpret that to mean only one. The reason for the second door is for Mrs. Rafferty's mother's guests. The other access is through the garage through the common area. In the event that the door was disallowed, then guests would have to walk all the way around the addition from the French doors. In the evening hours, especially the wintertime, we would hope the folks wouldn't have to go through that.

Those speaking in favor of the application:

None

Those speaking against the application:

None.

Discussion regarding the door. Mr. Lavallee said he was correct in saying the number isn't really limited, but it's more so if they sell the house with the apartment in it, that it is not convenient for someone to just park separate from the owners and walk in there. I don't think it is convenient in back as it is. He may be justified in keeping it.

The Chair reminded everyone that if the house is sold, the new owners have to come in again and ask for the in-law apartment. So we are protected that way.

The Chair closed the public hearing on this item.

BUSINESS MEETING

A. Yvette A. and Denis Pepin, 20 lot resubdivision application, 658 Jude Lane (S#1297)

Nothing outstanding from planning & zoning. Mr. Sinclair made a motion to approve. Mr. Kalkowski seconded.

Mr. Chaplinsky asked that the commission consider allowing the existing structures that are there to remain. It's in our packet of information. There are some nonconformances with the existing lot having more structures like storage sheds. Mr. Lavallee agreed there were a number of outbuildings, although he was not sure of their use. They are historic.

Mr. Sinclair said this wasn't brought up in the public hearing but wouldn't they need a variance? Attorney Sciota said if they are historic, then the answer is no. You can make a determination saying that doesn't bother you and that will help staff not to make an issue.

Mr. Sinclair said maybe it wouldn't need to be stippled. We could just say we don't have an issue with it. My motion stands.

Motion passed 7 to 0 on a roll call vote.

B. Michael and Joanne Rafferty, special permit use application for parent/grandparent apartment, 65 Tunxis Path SPU #528.

Mr. Kalkowski made a motion to approve and Mr. Chaplinsky seconded.

Mr. Sinclair asked if the four standards notes are stipulated.

Mr. Kalkowski said he would amend the motion to include the four notes. Mr. Chaplinsky amended his second.

Motion passed 7 to 0 on a roll call vote.

C. B. Proposed zoning district change proposed West Street Business Zone, properties identified as: 179-004; 179-003; 179-001; 179-002; 167-024-0005; 167-023-0004; 167-012; 167-011; 167-010; 169-009; 167-008; 167-006; 167-005; 167-004; 167-003; 167-002; 155-021; 155-083; 155-020; 167-001, 125' width of its easterly border; 179-021; 179-020; , 1,300' from West Street; 179-022; 179-024; 179-025; 179-027; 179-026; 179-028; 167-014; 167-015; 167-016; 167-017; 167-018; 167-019; 167-020, 1,300' from West Street; 155-018 (ZC #543)

Mr. Chaplinsky gave an approximate 20-minute slide presentation recapping of the West Street Corridor Analysis.

(Slide Presentation)

He went over the boundaries proposed.

I feel as though we should also make a recommendation to the PZC for future potential ZBA applications that may come as a result of this zone change.

Discussion.

People who live there will still be allowed to live there as long as they want and sell their home as a residential home but it is nonconforming and you would not be allowed to expand the use without going through ZBA. I thought it was important to take the feedback into consideration and also create a statement that gives guidance to the ZBA since this board is kind of an overarching board to the ZBA for the future.

That the West Street planning activity is a long term strategic vision consistent with the scope of the West Street activity it is recommended that the PZC recognize that existing residential homeowners in the West Street Business Zone have rights to continue to live in their homes and make reasonable improvements and reasonable expansions of their existing use to continue to improve their quality of life such as small renovations, pools, additions. And, in the process of this activity by our town laws is that this activity needs to be approved by the ZBA as it is a nonconforming use and this PZC is in general support of such applications that may come forward in the future. Additional new subdivisions and residential homes are not within the scope of this recommendation.

Discussion.

Approving this language and supporting this language as part of the process so that in the future if this board is changed at all that the ZBA has a document to go back to that refers to what the intent of

this commission is to create this new zone and how it handles the affected folks that are currently living within the actual zone.

Discussion.

Mr. Chaplinsky concluded by saying that the proposal here builds upon previous subcommittee work as stated. It does foster economic development while still protecting the quality of life and the design of the corridor and minimizing traffic impacts further along the corridor. It really does do a really good job of taking into consideration collective input from professionals, staff and many residents we've heard from over the last couple of years.

This is the first step. I hope we'll come up with an agreement sometime soon based on the first step and we will then begin the planning process for Priority #2 and 3 and continue to move on.

Connecticut law is that if you have a legal nonconforming use, you can keep that use until you decide to discontinue that use stated Attorney Sciota.

Mr. Kalkowski asked if there was anything we could do more formally around the guidance to the ZBA. Attorney Sciota pointed out they are a separate board and they're an appeals board of your regulations. They look to see if there is somebody that has an issue they need relief from. They take suggestions through your regulations and they can take suggestions through the resolution you are passing based upon how you feel about this. You can't order them to grant variance in this particular area.

Through the staff, to the ZBA, this resolution will be sent. Mr. Kalkowski said he was comfortable as long as a letter is going to go to the ZBA.

Mr. Chaplinsky made a motion to approve with the support of the language about the intent of the commission being sent to the ZBA which Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

D. Wonk Road Partnership, 9 lot subdivision application, Wonx Spring Road, assessor's map 062, Parcel 142 S #1295

(On the Agenda in error.)

E. Wonk Road Partnership, 9 lot subdivision application, Wonx Spring Road, assessor's map 062, Parcel 142 S #1295 request for 65 day extension.

Mr. Sinclair made a motion to approve the request for a 65 day extension. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

F. Baldwin Estates, LLC, subdivision application for 9 lots, property of Joseph F. Albrycht, Jr., 229 Wonx Spring Road S #1296.

Stephen Giudice represented the applicant. Property in question is owned by Joseph Albrycht. Baldwin Estates, LLC is the contractor. It is a 3.27 acre parcel located on Wonx Spring Road and is associated with an existing house that we are proposing to cut out and remove and then have nine building lots and the house.

It is zoned R-12. Frontage on Wonx Spring Road. The topography is very flat, slightly wooded and overgrown. Open areas of grass and some trees. The property is abutted by R-12 residential, as well.

We are proposing a 9-lot residential subdivision. We are proposing to construct 375' road cul de sac to be known as Old Orchard Road. There was a question about the name of the road being too similar to other roads and the application is going to come up with some alternatives.

All lots serviced by public water and public sewer.

The stormwater collection system was described.

Proposed lots range from 12,000 sf to 13,000 sf. All meet with the regulations for an R-12 zone.

ZIRO was described.

Rain gardens and roof leaders were discussed.

We did receive staff comments. We did revise our plans accordingly.

In speaking with the assistant town engineer there are a few minor changes we are going to make: propose a catch basin at this location (indicating, we are going to have sight line easements at this location (indicating) and we'll change the rain gardens to infiltration units.

I'll answer any questions you might have.

Discussion of the three changes outlined.

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

G. Anthony Kalivretaris, site plan modification application to reopen curb cut, 1315 Meriden Waterbury Road SPR #1646.

Sev Bovino, planner with Kratzert Jones, represented the applicant. This property is located at the southeast quadrant of the intersection of Old Turnpike and Route 322. It is a restaurant and the request is to reopen an old curb cut at that location on the east side next to Sam the Clam's restaurant.

The state is aware of this and they approved the plans in support of the reopening of this curb cut. It will be right in, only.

Traffic circulation pattern now was discussed and with the reopening the curb cut.

Mr. Conroy noted it is right turn only in with no turns from the Meriden Waterbury Curb Cut. Are you going to shape the curb cut so it only allows right turns in, only. Mr. Bovino said it could be shaped. He was just trying to reopen what he has there. You can stipulate I will revisit the plan to make sure the curb cut is shaped that way.

Discussion.

Mr. Hayden, town engineer, noted they have reviewed the plan and they are comfortable with it.

The stipulation then would be that the curb be revised to the satisfaction of the engineering department noted Mr. Conroy with a motion to approve. Mr. Chaplinsky seconded.

Discussion as to why the curb cut needs to be reopened now. Mr. Bovino noted economic issues and he feels this will help to increase his business.

Mr. Champagne noted it takes the pressure of the light at a bad intersection and some pressure of the westbound traffic.

Motion passed 7 to 0 on a roll call vote.

H. Request for approval under Section 8-25 for the sale of 49 Beecher Street (MR #479)

The Town Attorney outlined the application. The town council is requesting an 8-24 for the sale of 49 Beecher Street for \$220,000. The contingency is the developer wants to use it for elderly housing. They need to come back to you for text changes. This is simply an 8-24 that states that this property being sold in no way defeats any plans of this commission.

Mr. Sinclair made a motion to send back a favorable 8-24. Second by Mr. Kalkowski. Motion passed 7 to 0 on a roll call vote.

I. Walmart, request for the storage of 8 temporary trailers until Feb. 1, 2014, 235 Queen Street SPR #1210.11.

Representative from Walmart advised this is a request for holiday merchandise coming into our store. We are requesting permission for temporary trailers to be parked at the back of our store to be removed by February 1st. We have Christmas in our store.

The bond put on this is \$3,000.

Mr. Sinclair made a motion to approve the application with the stipulation of a \$3,000 bond and they have to remove the trailers by February 1st, 2014. Mr. Chaplinsky seconded.

Motion passed 7 to 0 on a roll call vote.

J. OM, LLC, request for release of \$2,300 site improvement bond, 11 Marion Avenue SPR #1618.

Mr. Lavallee confirmed this is ready for action. Mr. Sinclair so moved the motion which Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

K. Yarde Metals, request for release of \$8,000 subdivision bond, 45 Newell Street S #1267.

Mr. Lavallee confirmed this is ready for action. Mr. Sinclair so moved the motion. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

L. Central Connecticut Contractors, LLC, request for release of \$2,800 E & S bond, Phase 2, Industrial Drive S #1262.

Mr. Lavallee advised the item is ready for action. Mr. Sinclair so moved the motion and Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

7. ITEMS TO SCHEDULE FOR PUBLIC HEARING

- **Lancaster Land, LP**, proposed zoning text amendment, new section 3-08.22 of the HOD Regulations ZA #575, September 3

The Chair confirmed this would be scheduled on September 3rd.

8. ADMINISTRATIVE REPORTS

Mr. Lavallee advised he did an administrative approval for 100 Executive Boulevard some parking lot restriping and entrances. It is going well.

And, 127 Industrial Drive, they reduced the size of a site plan building and reduced their parking area.

9. RECEIPT OF NEW APPLICATIONS

A proposed package store at 1700 West Street.

A Bread for Life application coming in for 296 Main Street.

A 4,980 sf office building at the corner of West and West Queen.

Zoning Amendment as mentioned.

Mr. Chaplinsky advised that with the revision of the map since the last meeting, staff will begin to work on the text amendment change for the lot that's on the west side of West Street. The original text amendment specified a 400' lot and to confirm to the new map, we will revise that to a 300' lot depth.

Mr. Sinclair had one little item. The Mullins property, what is going on with that? Are they still doing work that adversely affects

his property? He said we're still issuing COs. The Town Attorney noted it is not in his office. Mr. Lavallee said planning has looked at it multiple times. They're not quite at 75% yet which is the trigger to have all the site improvements done. They are still getting COs. They had an asbuilt done and they are still showing that there are some deficiencies in the slope. Once they reach the 75% our regulations say we hold the COs until everything is complete.

Discussion.

The two property owners are in litigation and the town has no involvement in that.

The Chair congratulated the commission and the West Street Subcommittee for their work. Tonight was pretty big. There are misconceptions out there that the PZC isn't doing much for West Street and we've just disproved that misconception this evening. This has been going on since the 80's. There is finally some action up there with things going on. We are working on it diligently.

Mr. Lavallee is one person wearing three hats: keep up the great job.

10. ADJOURNMENT

Mr. Sinclair made a motion to adjourn. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

(Whereupon the meeting was adjourned at 8:04 o'clock, p.m.)