

**PLANNING AND ZONING COMMISSION
MINUTES OF A PUBLIC HEARING & REGULAR MEETING
AUGUST 20, 2009
PORTLAND PUBLIC LIBRARY
MARY FLOOD ROOM – 20 FREESTONE AVENUE**

Members Present: Don Bascom, Chairman, Peter Clark, Bruce Tyler (Alternate),
Peder Samuelson (Alternate), Bette Jenak

Members Absent: Carl Fitzgibbons, Mike Woronoff

Staff: Deanna Rhodes

1. Call Meeting to Order

Don Bascom, Chairman, called the meeting to order at 7:01 p.m.

2. Introduction of Members and Seating of Alternates

Bruce Tyler was seated for Carl Fitzgibbons. Peder Samuelson was seated for Mike Woronoff. Members introduced themselves.

3. Accept Agenda

- Items 5 and 6 were moved up before Item 4. They will be continued to 9/17/09.

MOTION by Mr. Tyler, **SECONDED** by Mr. Clark to accept the agenda as amended.
VOTE UNANIMOUS. MOTION CARRIED.

REGULAR MEETING

5. Application #08-29: 198 (previously known as 200) Main Street. Site Plan Review for Off-premise Parking for 188 Main Street (Portland Restaurant). Application of Attorney Mark A. Balaban. Property of Lastrina Properties LLC. Map 19 Lot 42 Zone B3/TCVD Overlay Zone. Continued from July 23, 2009.

MOTION by Mr. Clark, **SECONDED** by Mr. Tyler to continue the hearing until 9/17/09. **VOTE UNANIMOUS. MOTION CARRIED.**

6. Discuss and Consider Expiring the July 1, 2004 PZC Approval for a Custom Cabinet Shop – Application #03-24, 198 (previously known as 200) Main Street, as allowed by CT General Statute Title 8, Chapter 124, Section 8-3(i). Property of Lastrina Properties LLC. Map 19 Lot 42 Zone B3/TCVD Overlay Zone.

MOTION by Mr. Tyler, **SECONDED** by Mr. Clark to continue the hearing until 9/17/09. **VOTE UNANIMOUS. MOTION CARRIED.**

PUBLIC HEARING AND POTENTIAL DECISION

4. Application #09-01: 311 Brownstone Avenue. Request for Special Permit for quarry operation to remove 12,000 cubic yards of brownstone, rubble and soil. Application of Twin Oaks Enterprises Inc. Property of Lambert and Pamela Geato. Map 28 Lot 54 Zone B3.
- Mike Meehan, President of Twin Oaks Enterprises, spoke.
 - They are requesting a renewal of their permit to remove brownstone, rubble and soil from the property located on 311 Brownstone Avenue.
 - Mr. Meehan said that this is pretty much the same request where they are requesting some waivers and exceptions. The A-2 survey is surrounded either by Town property or his landlord's property. The slope requirements will be nearly vertical ledge when they are done. They want to be able to screen rubble for topsoil so they can use this in their excavation activities. They are also requesting permission to maintain their office trailer and tool containers.
 - Mr. Meehan went over the amount that has been quarried so far. The area is 50 feet in depth on one end and 15 feet on the other and about 100 feet long. This is the primary ledge. They are also trying to develop a secondary ledge.
 - They intend to cut down 10 or 15 feet vertically on the eastern end of the property.
 - Mr. Bascom asked about reclaiming. Mr. Meehan explained what reclaiming is. They would screen the rubble and put the topsoil down.
 - The reports have not been received by the Town on a consistent basis. Ms. Rhodes said that she just received the reports for 2007, 2008 and 2009 tonight. Mr. Meehan will provide these more frequently in the future.
 - E&S controls are in place.
 - Ms. Rhodes said there are no problems with the waiver requests. She read Mr. Jacobson's 8/13/09 into the record.

MOTION by Mr. Tyler, **SECONDED** by Mr. Clark to close the public. **VOTE UNANIMOUS. MOTION CARRIED.**

MOTION by Mr. Tyler to approve request for waiver⁴ of ZR Sections 10.5.2 Class A-2 Survey and Section 9.5.3.C Items 2, 4, 6, 7 for Application #09-01: 311 Brownstone Avenue. Request for Special Permit for quarry operation to remove 12,000 cubic yards of brownstone, rubble and soil. Application of Twin Oaks Enterprises Inc. Property of Lambert and Pamela Geato. Map 28 Lot 54 Zone B3.

Reasons: The information in these sections is not necessary for the review of this application.

SECONDED by Mr. Clark. **VOTE UNANIMOUS. MOTION CARRIED.**

MOTION by Ms. Jenak to approve application #09-01: 311 Brownstone Avenue. Request for Special Permit for quarry operation to remove 12,000 cubic yards of brownstone, rubble and soil. Application of Twin Oaks Enterprises Inc. Property of Lambert and Pamela Geato. Map 28 Lot 54 Zone B3, as shown on plans entitled The Brownstone Quarry Operation prepared by Zuros Consulting Engineers dated 10-7-96 revised to 7-10-09, based on testimony and subject to the following instructions and conditions:

1. That this approval will expire in 2 years.
2. That a zoning permit be issued prior to the start of activity.
3. That the Certified Letter of Approval be placed on the site plan and the mylar be filed on the land records within 180 days, per ZR Section 10.5.2.F.2.a and that 2 paper copies of the complete set of plans be submitted. These requirements must be met prior to the issuance of a zoning permit.
4. That an E&S bond, to be determined by the Town Engineer, be submitted prior to the issuance of a zoning permit.
5. That E&S controls be installed by the applicant and inspected by Town Staff prior to the issuance of a zoning permit.

Reasons: The proposal conforms to Section 8, 10.4, 10.5 of the Zoning Regulations.

SECONDED by Mr. Tyler. **VOTE UNANIMOUS. MOTION CARRIED.**

Mr. Bascom requested that Ms. Rhodes provide the Commission copies of waivers ahead of time. Mr. Rhodes said there are letters from the applicants included in the packets that are mailed to the Commission members prior to the meetings.

7. Discuss potential for future zoning regulations text amendments that would include requirements for preservation of cultural and historical resources.
 - Ms. Rhodes needs to know from the Commission which direction they would like to proceed. She did some research and talked with other Planners about historic preservation.

- Historic preservation regulations are usually tied into historic districts. Portland doesn't have a historic district. Most historic preservation and cultural items are also tied into subdivision regulations. Are we trying to get people to reuse buildings (adaptive reuse)? She needs to know the direction to go in.
- Other towns use the national register or historic districts. How are we going to make the determination? Ms. Rhodes spoke to Jean D'Aquila about this. She said that it could be done through site plan criteria. The application could go to a special permit.
- Mr. Bascom asked how they get these properties registered with the national historic register. Ms. Rhodes said that the property owner must apply in order to register. The owner could still take down the building(s) on the register. Mr. Tyler feels we should be headed towards adaptive reuse whenever we can. Ms. Rhodes said that the site plan use could be tied to the POCD and the historic resources map. The Historic Society was involved in developing this map with the Town Planner.
- Mr. Bascom feels that the Historic Society should be part of this conversation. He feels that this should be referenced in our regulations.
- Ms. Rhodes will get in touch with the President of the Historic Society and invite them to attend one of the PZC meetings in October to discuss this issue. Mr. Tyler feels that we could start with the Village Overlay Zone.
- Mr. Bascom said that our zoning regulations could be tweaked a little to emphasize adaptive reuse.

8. Staff Report:

- TCVD – Discuss RFQ for Consultant Services & Reviews – Ms. Rhodes provided a sample RFQ draft to the Commission. The director of finance as well as Susan Bransfield feel it's time to go out again to see what we get for consultants. The BSC Group doesn't have staffing in their Glastonbury office. They may not bid on this. Mr. Tyler would like to take out the reference under Section C and Section E in regards to Current Work & Future Load. Ms. Rhodes will eliminate this in both sections.
- IHZ RFQ Update – This RFQ is due on 8/31/09. There was some interest at first, but it has slowed down. Instead of having the 9/3 meeting at night, Ms. Rhodes would like a couple of day meetings to discuss this through a subcommittee (Peter, Bruce and Don). Ms. Rhodes will cancel the 9/3 meeting.
- Public Notice Registry – There are 4 people on the registry.
- Enforcement/Administrative Update – Ms. Rhodes provided the Commission with a spreadsheet. She verified that these were all active. Would like some direction from the Commission on which ones should take priority. The Commission would like to start with the items in the "Final" column and the ones under Cease and Desist. Ms. Rhodes will only attend one PZC meeting per month, because she will also attend the monthly ZBA meetings.

- Bond Reductions/Extension Requests – A letter dated 8/20/09 was read into the record by Ms. Rhodes and a memo from Douglas and Susan Roberts was read into the record. Both letters are requesting 90-day extensions.

MOTION by Ms. Jenak to approve request for 90 day extension to file required documents and mylars for Application #08-11, Portland-Cobalt Road: Special Permit for Modification for Phasing of Improvements for Mini-Warehouse project and Alteration of Roof Style for Buildings #3 & #4. Application and property of Global-Portland, LLC. Map 6 Lot 50 Zone B2.

SECONDED by Mr. Clark. **VOTE UNANIMOUS. MOTION CARRIED.**

MOTION by Mr. Tyler to approve 90-day extension to file required documents and mylars for Application #08-30. 186 Isinglass Hill Road, 4-Lot Resubdivision. Application and property of Douglas and Susan Roberts. Map 121 Lot 39 and Map 129 Lot 10 Zone RR/Forest Neighborhood Overlay Zone.

SECONDED by Mr. Clark. **VOTE UNANIMOUS. MOTION CARRIED.**

- Other – Ms. Rhodes passed out an OLR Research Report. She’s had a few requests regarding opening up restaurants that serve alcohol and how close they can be to each other. Many towns have gotten rid of separation distances. Middletown has done away with all separation distances except 1,500 feet between package stores. Our regulations are very restrictive (500 feet from another establishment and 300 feet from churches, schools, daycares, etc.). The Commission would like to get rid of the separation distances except with package stores. Mr. Bascom asked about a response on the Propane letter that was forwarded to Ms. Bransfield. Ms. Rhodes asked Mr. Tyler to send another copy of the letter to her so she can check on the status. Home Occupations will be discussed at the 9/17/09 PZC meeting. Separation distances will be included on one of the October agendas.

9. Approval of Minutes – July 23, 2009 & July 30, 2009

July 23, 2009:

- Page 83, last bullet, last sentence should read: “Mr. Bascom would like to see an elimination of a curb cut...”
- Page 84, the Motion just above Item 5 should read: “**MOTION** by Mr. Tyler, SECONDED by Mr. Samuelson to continue the discussion...”

MOTION by Mr. Tyler, SECONDED by Mr. Clark to approve the minutes as amended. **THREE VOTE IN FAVOR. TWO ABSTENTIONS. MOTION CARRIED.**

July 30, 2009:

MOTION by Mr. Tyler, **SECONDED** by Mr. Samuelson to approve the minutes as read. **VOTE UNANIMOUS. MOTION CARRIED.**

Ms. Rhodes informed the Commission that 9 wells would be going in soon around the town well.

10. Adjourn

MOTION by Mr. Clark, **SECONDED** by Mr. Tyler to adjourn the meeting at 8:05 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

TC, FS, BOS, PZC, Clerk, Planning, ZEO, Book, Library, CC Chair