

**PLANNING AND ZONING COMMISSION
MINUTES OF A REGULAR MEETING & PUBLIC HEARINGS
MAY 21, 2009
BUCK FOREMAN ROOM – 265 MAIN STREET – 2ND FLOOR**

Members Present: Don Bascom (Chairman), Peter Clark, Mike Woronoff, Bruce Tyler (Alternate), Carl Fitzgibbons, Bette Jenak

Members Absent: Peder Samuelson (Alternate)

1. Call Meeting to Order

Peter Clark, Vice Chairman, called the meeting to order at 7:02 p.m.

2. Introduction of Members and Seating of Alternates

Members introduced themselves.

3. Accept Agenda

MOTION by Mr. Fitzgibbons, **SECONDED** by Ms. Jenak to accept the agenda as read.
VOTE UNANIMOUS. MOTION CARRIED.

PUBLIC HEARING & ACTION TAKEN

4. Application #08-21: Text Amendment to ZR Section 9.6.2 to re-number existing 9.6.2.A and 9.6.2.B as 9.6.2.B and 9.6.2.C and add a new Section 9.6.2.A with the following: Home Occupations with zero non-resident employees and no visits from the public, operating in compliance with the standards in Sections 9.6.3.A.1 and 9.6.3.A.4 through 9.6.3.A.8, are allowed by right and do not require a zoning permit. Application of the Planning and Zoning Commission.

- Mr. Bascom spoke about the issues from the last meeting. There was a recommendation that we have a permit or registration process. Mr. Bascom had concerns that there were certain activities that didn't fall into the home occupation category.
- Mr. Bascom wrote a whole new regulation, which he passed out, for discussion. It's a combination of what is in the POCD and also takes information from our existing regulations. He also included references to different sections in our zoning regulations that do deal with some of the questions that we had.
- Mr. Bascom asked Mary Dickerson to meet with Ms. Rhodes and him to discuss home occupations. Ms. Dickerson brought up the point whether an occupation was high intensity or low intensity. This has been included in Mr. Bascom's write up.

- The Commission then discussed high intensity versus low intensity home based businesses, the number of commercial vehicles allowed under low intensity, activity of the business cannot take place on the outside of the dwelling, and combination plates versus commercial plates. Mr. Bascom said that this is just a discussion and any decisions should be put off until the 6/18/09 meeting.
- According to Mr. Bascom's write up, all businesses will have to register with the Planning department. This registration will be free of charge.
- Mr. Bascom explained the difference between low and high intensity use. Ms. Jenak asked how this would be enforced.
- Mr. Clark is in favor of the regulation as it is presently written. He feels business registration should be up to the selectmen. He feels this process is getting too complicated and doesn't feel it should be the responsibility of the Planning department.
- Mr. Woronoff explained why he's in favor of a registration process. He feels that homeowners need to be protected from high intensity uses and agrees with Mr. Bascom's write up.
- Mr. Bascom recommends withdrawing this application, rewriting the regulation, and then going to a public hearing.

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

MOTION by Mr. Clark to approve Planning & Zoning Commission Application #08-21: Text Amendment to ZR Section 9.6.2 to re-number existing 9.6.2.A and 9.6.2.B as 9.6.2.B and 9.6.2.C and add a new Section 9.6.2.A with the following: "Home Occupations with zero non-resident employees and no visits from the public, operating in compliance with the standards in Sections 9.6.3.A.1 and 9.6.3.A.4 through 9.6.3.A.8, are allowed by right and do not require a zoning permit".

Reasons: Chapter Four of the Plan of Conservation & Development specifically recommends support of home-based businesses.

SECONDED by Mr. Woronoff. **ONE VOTE IN FAVOR. FOUR IN OPPOSITION. MOTION DENIED.**

5. Application #08-30: 186 Isinglass Hill Road. Request for a 4-Lot Resubdivision. Application and property of Douglas S. and Susan A. Roberts. Map 121 Lot 39 and Map 129 Lot 10 Zone RR/Forest Neighborhood Overlay Zone.

- Frank Magnotta spoke. He went through the letters from Staff, and has resubmitted the site plans. The survey map needs to be revised and resubmitted. Ms. Rhodes requested a few minor notes be included on the plans.
- There is a sliver of property deeded to the Town to assure the right of way.

- There will be some blasting on 2 lots due to some shallow ledge. The blasting should be done from November through February; otherwise, the herpetologist needs to be contacted.
- The Health Department has signed off to relocate a well.
- Wetlands has issued their permit.
- Mr. Magnotta is waiting for the record subdivision map to be resubmitted.
- The conservation easements have been mapped.
- Mr. Magnotta has received Mr. Jacobson's 5/21/09 memo and Ms. Rhodes memo dated 5/21/09.
- Mr. Magnotta briefly discussed the waiver requests, which were discussed in detail at the 4/30/09 PZC meeting.
- A memo from Don Mitchell regarding runoff was discussed. Mr. Magnotta said that the soil in the front is well drained and there shouldn't be much in the way of runoff.
- Mr. Magnotta has received Ms. Rhodes memo dated 5/19/09. Some items need to be added to the plan and are a condition of approval.
- The Conservation Commission accepted the proposed open space on 3/3/09.

MOTION by Mr. Fitzgibbons, **SECONDED** by Mr. Woronoff to close the public.
VOTE UNANIMOUS. MOTION CARRIED.

MOTION by Mr. Clark to approve request for waiver of the following Site Plan requirements for Application #08-30: SR Sections 03.06.03 to allow use of a record subdivision map scale of 1"=60', 03.06.03(5) Street Lines, and 4.01.06 Landscaping; Section 90A.6 of the Regulations for Public Improvements; and ZR Section 3.10.2(H) Landscaping Buffer for Interior Lots. Application and property of Douglas and Susan Roberts, 186 Isinglass Hill Road, 4-Lot re-subdivision, Map 121 Lot 39 and Map 129 Lot 10, Zone RR/Forest Neighborhood Overlay Zone.

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

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

MOTION by Mr. Clark to approve application #08-30: 186 Isinglass Hill Road. Request for a 4-Lot Resubdivision. Application and property of Douglas S. and Susan A. Roberts. Map 121 Lot 39 and Map 129 Lot 10 Zone RR/Forest Neighborhood Overlay Zone, as shown on a record subdivision map prepared by Kevin T. Ewald, dated 01/15/09, and the site development plans entitled "Re-subdivision property of Doug and Sue Roberts, prepared by Frank C. Magnotta, dated 01/09, revised to 05/15/09", based on testimony and subject to the following instructions and modifications:

1. That the Certified Letter of Approval be placed on the site plans and mylar for filing.

2. That this permit will expire in 5 years.
3. That a performance bond, erosion and sedimentation bond, and inspection fee be submitted in an amount to be determined by the Town Engineer prior to the endorsement of the plans for final approval. The bond shall include street trees and monumentation/pin installation for all individual lots as per SR Section 04.10.4, and all buffer plantings.
4. That the mylar be filed on the Land Records within 90 days of the end of the appeal period and that 3 paper copies of the complete set of plans be submitted.
5. That the conservation easement, temporary street tree easement, drainage easements, driveway easements, utility easements, and any required documents regarding discharge rights be submitted to the Town for review and approval by Town Attorney 30 days prior to the 90 day deadline and filed on the land records prior to the filing of the subdivision mylars.
6. That the plan be revised to indicate that the property owner of Lot #2 is responsible for the maintenance of the detention area; and that legal document relative this be submitted for review and approval by the Town Attorney 30 days prior to the 90 day deadline and filed on the land records prior to the filing of the subdivision mylars.
7. That prior to the endorsement of the mylars, a digital file of the record subdivision be submitted to the town in accordance with SR section 03.06.03.14 and Section 05.10.
8. That the conservation easement be marked in the filed by a surveyor in accordance with the Town's standard procedures and inspected by Town staff prior to the issuance of a Zoning Permit and for development of any lot within the subdivision.
9. That E&S controls be installed by the applicant and inspected by Town staff prior to the start of construction.
10. That a preconstruction meeting be held on site with the applicant, contractor and Town staff after the flagging of the limits of clearing and prior to any activity commencing.
11. That the applicant modify the plan to address the comments from the Town Engineer's memo dated 5/21/09.
12. That the applicant modify the plan to address the comments from the Planning Department memos dated 5/19/09 and 5/21/09.

Reasons: That this proposal satisfies Sections 3 and 4 of the Subdivision Regulations.

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

PUBLIC HEARING

4. Application #08-32: 7 Grandview Terrace. Request for Special Permit to expand a non-conforming residential use in a commercial zone for a proposed 14' X 22'

addition. Application and Property of Deborah A and Jonathan W. Clark. Map 21 Lot 27 Zone B2.

MOTION by Mr. Woronoff, **SECONDED** by Mr. Fitzgibbons to open the public. **VOTE UNANIMOUS. MOTION CARRIED.**

- Jonathan Clark spoke. He has a small Cape with an existing porch (6' X 8') and would like to make it bigger, 14' X 22'.
- There is a drainage runoff and a brook on the property.
- He will dig the peers by hand and will not be using any machinery.
- The reason he has come before the Commission is because the addition will be non-conforming.
- Except for Mr. Tyler, the Commission is in favor of approving the application. Mr. Tyler feels the addition could be rebuilt the same size, but doesn't agree with making the property more non-conforming.

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

MOTION by Mr. Woronoff to approve waiver of Zoning Regulations Section 10.5.2.a site plan preparation by a design professional; 10.5.2B.3, 10.5.2.B.6 through 10.5.2.B.10, 10.5.2.12 through 10.5.2.B.25 and 10.5.2.B.27 for Application #08-32: 7 Grandview Terrace. Special Permit to expand a non-conforming residential use in a commercial zone for a proposed 14' X 22' addition. Application and property of Deborah A. and Jonathan W. Clark, Map 21 Lot 27, Zone B2.

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

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

MOTION by Mr. Woronoff to Approve Application #08-32: 7 Grandview. Special Permit to expand a non-conforming residential use in a commercial zone for a proposed 14' X 22' addition. Application and property of Deborah A. and Jonathan W. Clark, Map 21 Lot 27, Zone B2, based on testimony, building elevation sketches, and revised plan prepared by the applicant entitled "Special Permit Request for Expansion of a Non-Conforming Residential Use in B-2 zone for 14' X 22' Addition to Dwelling, Scale 1"=40', dated 05/18/09", and subject to the following instructions and conditions:

1. That this permit will expire in 5 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 final plans.

4. That 2 paper copies of the final site plan be submitted and a mylar of the site plan be filed on the land records within 180 days of the effective date of approval, as per ZR Section 10.5.2.F.2.a.
5. That a zoning permit be issued for this proposal after the mylar has been filed.
6. That the response to the applicant from the CT DEP Natural Diversity Database be submitted to the Town prior to initiating any land disturbance activities that may be required for proposed addition.
7. That an E&S bond, to be determined by the Town Engineer, be submitted prior to the filing of the mylar.
8. 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 3.12.2, 8, 10.4, 10.5 of the Zoning Regulations.

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

REGULAR MEETING

7. Discuss Calling ML&P Bond
 - Nothing new to report.
8. Staff Report:
 - TCFD Reviews – There are 2 reviews. TD North Bank (sign) and Dr. Mormille (new awnings & door painting).
 - Public Notice Registry – No one new.
 - Enforcement/Administrative Update – Copies of enforcements were distributed to the Commission members. Mr. Anderson has found someone to take the trailer.
 - Bond Reductions/Extension Requests –

MOTION by Mr. Clark to approve request for 90-day extension to file required documents and mylars for Application #08-07: 109 Stewart Hill Road, 7-Lot Subdivision, Map 53 Lot 1 Zone RR. Application and property of Bruce & Janet Morrison and Brian & Suzanne Schultz.

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

MOTION by Mr. Fitzgibbons to approve request for 90-day extension to file required documents and mylars for Application #08-01: Oakwood Soccer Facility at 54 Cornwall Street. Map 76 Lot 13 Zone RI.

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

MOTION by Mr. Woronoff to approve request for 90-day extension to file mylars for Application #08-11: 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.**

- Other – There is a special meeting scheduled for 5/26/09 at 5:00PM for a site walk at 69 Marlborough Street (Route 66). One special note: The Commission can ask to see things but cannot discuss anything among themselves. The public will be there but cannot speak, and the Commission members cannot talk to the public. There is a program by the CT Association of Municipal Attorneys; however, there is no money in the budget. Commission members must pay if they're interested in attending.
9. Approval of Minutes: April 30, 2009, May 4, 2009, May 7, 2009

April 30, 2009 – No changes.

MOTION by Mr. Clark, SECONDED by Mr. Woronoff to approve the minutes as read. **THREE VOTE IN FAVOR. 2 ABSTENTIONS. MOTION CARRIED.**

May 4, 2009 – No changes.

MOTION by Mr. Clark, SECONDED by Mr. Fitzgibbons to approve the minutes as read. **THREE VOTE IN FAVOR. 2 ABSTENTIONS. MOTION CARRIED.**

May 7, 2009 –

Page 61 – Last bullet from the bottom, third sentence should read: “Mr. Matthews said that 2 of the houses can’t remain because of the center of the development...”

MOTION by Mr. Fitzgibbons, SECONDED by Mr. Clark to approve the minutes as amended. **VOTE UNANIMOUS. MOTION CARRIED.**

10. Adjourn

MOTION by Mr. Fitzgibbons, **SECONDED** by Mr. Clark to adjourn the meeting at 8:25 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

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