

**PLANNING AND ZONING COMMISSION
MINUTES OF A PUBLIC HEARING & REGULAR MEETING
MARCH 4, 2010
PORTLAND PUBLIC LIBRARY
20 FREESTONE AVENUE**

Members Present: Bette Jenak, Carl Fitzgibbons, Bruce Tyler, Mike Woronoff,

Members Absent: Alan Kenney, Peder Samuelson (Alternate)

Staff: Deanna Rhodes

1. Call Meeting to Order

Bette Jenak, 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

Item #4 has been postponed until the 3/18 meeting at the applicant's request.

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

PUBLIC HEARING(S) & POTENTIAL ACTION

4. **Application #09-20: Middle Haddam Road** (entrance is located east of street address #74.) Request for Special Permit to excavate and remove 76,983 cubic yards of sand and gravel. Application of Harmon Property Development. Property of Harmon Property Development LLC, Map 15 Lot 38; Central Connecticut Sand & Gravel LLC, Map 15 Lot 53, Jobs III Association Inc., Map 24 Lot 11 Zone RR.

- Ms. Rhodes said that the applicant has requested that the meeting be postponed until 3/18.

5. **Application #09-22:** Request to amend Zoning Regulation Section 6.1 (Table 6.1 – Permitted Uses Industrial Zones) for the use category “Garages and auto body shops” as follows: rename as “Garages, auto body shops, and related uses and allow “Garages, auto body shops, and related uses” by Special Permit in the Planned Industrial (IP) Zone. Application of Benjamin Srb.

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

- Mike Woronoff said for the record that he owns property in the IP zone. He doesn't have any plans on using the proposed use.
- Ben Srb, the applicant, spoke.
- He is proposing a text amendment for Section 6.1. He said that B1, B2 and the I zones currently have a category called "garages and auto body shops". He would like this category included in the IP zone. He explained that there would probably not be many new applications for auto body shops.
- Mr. Srb said that everything on his property would take place inside the building and mentioned potential uses.
- Mr. Srb then discussed certain sections in the POCD and why the use should be allowed. He discussed Section 4.2 (work with existing businesses); Section 4.5 (support existing businesses); Section 4.16 (IP zone, create mixed-use zone for the IP district and Table of Contents – appropriate uses for the IP zone); Section 7.2 (mixed-use land should contain light industrial and commercial); Section 7.5 (encourage commercial and light industrial uses); Section 8.3 (annual update program, make regulations more user friendly); Section 8.4 (revisions to IP zone district).
- Mr. Tyler talked about Section 9.10.1, which defines motor vehicle garages. Mr. Srb is referring to businesses like car detailing, car alarms, etc. Mr. Tyler suggested some related uses: car wash (Mr. Srb said the IP zone does not have city water or sewer); oil changes, full service businesses, gasoline/mini mart, auto painting, auto parts sales, tire sales and windshield replacement.

Public Comment:

- Ms. Rhodes passed out a memo from Susan Bransfield, which asked that the application be denied until the study for the IP zone is actually done. Mr. Srb feels that this study will never be done. He stated that he has built the majority of the buildings in the IP zone in the past 20 years and feels that Ms. Bransfield is being anti-business.
- Eric Handle, 98 Gospel Lane, spoke in opposition to the application. He asked about the number of units on the property. Mr. Srb said there are 3 parcels, which contain a total of 12 units. Mr. Handle is concerned about the wetlands on this site because of all the recent construction and the number of units.
- Ms. Rhodes explained how zoning regulations should be made for the impact on agriculture, consideration for protection of historic factors, and should be made for consideration for protection of existing and potential public surface and ground drinking water supplies. It doesn't talk about how zoning regulations relate to wetlands impact as a text amendment or in creating a zone. However, individual applications would look at wetlands impact.

- Mr. Fitzgibbons asked if Mr. Handle has noticed any problems with the ponds since all the construction on Mr. Srb's property? Mr. Handle has seen a tremendous amount of harm to the ponds that could have been avoided. He also has a problem with the high school project and what that has done to the ponds.
- Mr. Woronoff said that there are auto related uses in most of the zones. We need to consider if this is appropriate for this zone.
- Mr. Srb said there is no net loss of wetlands on this property. He said that he would be responsible for any oil leaks and feels that these issues should come up at a wetlands meeting and not a PZC meeting. He feels we should look at the big picture and not just his property. He also feels that each and every use should be on a special permit basis. Mr. Srb feels there's a real need for this use in the IP zone.
- Mr. Handle commented that there are zoning regulations in place already. They have been thought about and discussed. There's a reason why we do not want auto use in this zone. He feels we should keep it this way.
- Ms. Rhodes read the following into the record:
 - Susan Bransfield's letter dated 3/4/10 was read into the record.
 - Midstate Regional Planning – no referral necessary.
 - Town Clerk referral was done in the correct timeframe.
 - Fire Marshall's comments dated 2/15/10 was read into the record.
 - Building Official's comments are forthcoming.
 - No referral from the Town Attorney because Ms. Rhodes did not get approval for authorization to send it for review.
 - Proposal from Mr. Srb.
- Ms. Rhodes clarified her memo dated 2/22/10:
 - Car washing establishments are not allowed in the I or IP zones. They are allowed in the Commercial Zone or by special permit in B1 or B2.
 - Motor Vehicle sales would not be allowed in the IP zone (it has its own use). Anything we allow in the IP zone must appear on the Industrial Zone Table. The same terminology must be used in each zone. We need to be consistent.
 - Mr. Woronoff feels that we are not talking about issues that have to do with Zoning. We've been talking about wetlands, city water/sewer, uses in the B2. We need to consider that this is an appropriate use for the zone.
 - Ms. Rhodes went through the comments in her memo.
- Mr. Tyler had 2 comments (one technical and one philosophical). Technical – because the use is allowed in one zone, does not mean it's prohibited in another zone. In this particular situation, you can write regulations for a particular zone, or you can include them by reference. Philosophical – Mr. Srb's proposal is the market creates the plan (Mr. Srb would go out and find businesses, they come in and that's the plan). He feels that this is not a good plan. The second way of doing it is the plan creates the market. You have a plan and know the kinds things you want there, and then you go find and put

them there. There was much discussion about this philosophy among the Commission members.

- The Commission discussed the money for the study. Ms. Rhodes suggested that this is a good time to ask for the money with the new budget coming. The Commission then discussed how and why the POCD was developed.
- Mr. Srb commented again that he feels this study will never be done.
- Ms. Rhodes said for the record that she is offended on how she was treated tonight by some members of the Board and the applicant. She has been accused by the applicant that she has some motivation on this application. Her job for the Commission is to give a Planning and Zoning perspective on every application. She takes offense that she was attacked as if she's representing Ms. Bransfield's interest. Ms. Bransfield gave Ms. Rhodes a letter just like any other citizen.
- Ms. Jenak would like to discuss Ms. Bransfield's memo with her (specifically the money for the study). She feels that we should continue the public hearing until we get clarification about the study and how she will assist the Commission in obtaining the money.

MOTION by Mr. Tyler, **SECONDED** by Ms. Jenak to continue the public hearing until 3/18/10. **VOTE UNANIMOUS. MOTION CARRIED.**

6. Staff Report:

- POCD – Status of Action Items – Mr. Tyler said only 16% of the Action Items (with strings around the finger) and 17% of the ones with arrows are done. We are four years into the plan. Ms. Rhodes said this is because the quarterly POCD meetings have stopped. The subcommittees weren't working. It was suggested to take what the PZC is responsible for and work on it. A suggestion was to have a meeting every other month. She will schedule the first meeting for the 2nd meeting in April to discuss Chapter 4 priorities.
- Professional Home Office and Home Occupations – The Commission wants no home offices in the Commercial Zone. Ms. Rhodes will set a public hearing for the first meeting in April
- TCVD Reviews – Concrete pieces were removed on the former Country Market building. There was some art deco concrete underneath and the applicant may want to use this for the façade instead of what was originally presented on the plan. TCVD will need to review this.
- Incentive Housing Zone Study Update – The kickoff meeting was held last week. They looked at some properties including the Brownstone Intermediate School. They are getting GIS information to do their calculations on where incentive houses should be. It will be about a month before they get back to the Town.
- Public Notice Registry – No one new.
- Enforcement/Administrative Update – Ms. Rhodes said enforcements are moving along. Ms. Rhodes is getting responses to letters that she sent.

- Bond Reductions/Extension Requests: A letter requesting a 90-day extension was read into the record.

MOTION by Mr. Woronoff to approve request for a 90-day extension to file required documents and mylars for Application #09-01: 311 Brownstone Avenue, Map 28 Lot 54 Zone B3, Quarry Operation. Request of G.M. Meehan, Portland Brownstone Quarries, Twin Oaks Enterprises, Inc.

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

- Other – Traffic Study – The State did their initial review. Their comments were to get rid of the curve to the right from Route 17 onto Route 66 and have 2 right hand turns onto Route 66.

7. Approval of Minutes – February 18, 2010

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

8. Adjourn

MOTION by Mr. Tyler, SECONDED by Mr. Fitzgibbons to adjourn the meeting at 8:53 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

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