

**PLANNING AND ZONING COMMISSION
MINUTES OF A PUBLIC HEARING & REGULAR MEETING
JANUARY 7, 2010
BUCK FOREMAN ROOM
265 MAIN STREET – 2ND FLOOR**

Members Present: Bette Jenak, Carl Fitzgibbons, Bruce Tyler (Alternate), Mike Woronoff, Peder Samuelson (Alternate)

Members Absent: Don Bascom, Chairman, Peter Clark

Staff: Deanna Rhodes

1. Call Meeting to Order

Bette Jenak called the meeting to order at 7:02 p.m.

2. Introduction of Members and Seating of Alternates

Members introduced themselves. Bruce Tyler was seated for Don Bascom. Peder Samuelson was seated for Peter Clark.

3. Accept Agenda

Add the following to Item #9 – Budget for 2010/2011 and Request for interpretation of the regulations for Tri-Ram.

Mr. Fitzgibbons discussed Item 8 (Election of Officers & approval of By-laws). The Commission determined that they could not hold elections this evening because there were not 4 regular members present to hold elections. They decided that elections should take place at the beginning of the next meeting before any public hearings or applications are heard.

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

PUBLIC HEARING & DECISION

4. **Application #09-15:** 813 Glastonbury Turnpike. Request for Special Permit for a proposed commercial horse stable. Application and property of Richard M. Hosley, Jr., Map 110 Lot 5 Zone R25.

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to open the public hearing for application #09-15. **VOTE UNANIMOUS. MOTION CARRIED.**

- Richard Hosley, the applicant, spoke.

- He showed a power point visual/slide show and handed out some items to the Commission.
- He was granted a variance by the ZBA to house horses in the existing barn. He needs a variance because the barn is within 66 feet of the road and 44 feet from the edge of the barn to the state property line (the right of way for Route 17).
- He's requesting a special permit to house horses in this barn. They are proposing 5 stalls. They would like to have 3 horses of their own and then rent out the other 2 stalls.
- His farm sits on 39 acres and they currently use this property as a Christmas tree farm. They do not charge for the trees, but instead accept donations to various charities.
- The barn measures 30' X 40'. Mr. Hosley purchased this property in 1999.
- Mr. Hosley submitted a sketch of the proposed interior of the barn. There is a small area for their charity day events/Christmas Tree Sales.
- The main entrance was shown on the plans. The barn was built in the 1800's and restored by Mr. Hosley 5 years ago. It is a post and beam structure.
- The existing fence line was shown on the plans.
- They plan on purchasing a manure spreader to fertilize the Christmas trees. They excess manure will be brought to the Town composting area by the applicant.
- The comments in Ms. Rhodes memo dated 12/21/09 were addressed. The lines represent existing fence lines. The parking area will be paved (approximately 60' X 100') and accommodate 15 parking spaces. Additional fencing will be needed. Fire extinguishers and emergency exit signs and lights will be installed. A port-o-let will be installed. Light fixtures will be directed downwards. Some additional waiver items were asked for, however Ms. Rhodes doesn't recommend them. The fire marshall is comfortable with the proposal. Temporary trailers cannot be used for keeping the horses in. They will only feed the horses in the trailers for training purposes. The parking won't be striped, but the handicap spot will be.
- Ms. Rhodes added the following into the record:
 - Geoff Jacobson's memo dated 1/7/10 was read into the record.
 - Ignore Item #8 on the applicant's memo for additional waivers.
 - Fire Marshall's memo – no objections.
 - Building Official's memo dated 12/21/09.
 - Ms. Rhodes memo dated 12/21/09. Question on buffer. There must be a 25-foot buffer. The applicant agreed.
 - Information about the manure spreader.
 - Ms. Rhodes asked about the maximum number of horses. The applicant indicated that there would be no more than 5 or 6 horses. The Commission does not feel that they need to limit the number of horses because of the amount of acreage. The applicant may give riding lessons. The riding ring will be a least 100' from the property line. The manure management area will be more than 150' from the property line.
 - The affidavit for the sign has been up since 12/8/09.

- Mr. Samuelson asked about the fencing between the barn and the parking lot. Mr. Hosley said that there is quite a bit of fencing and signage that needs to be done.

Public Comment:

None.

MOTION by Mr. Tyler **SECONDED** by Mr. Woronoff to close the public hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

MOTION by Mr. Woronoff to approve request for waiver of ZR Section 10.5.2.A. Stamped plan by design professional, and 10.5.2.B Items 3,12,13,15,16,17,24,25,27 for Application #09-15: 813 Glastonbury Turnpike. Special Permit for a commercial horse stable. Application and property of Richard M. Hosley Jr. Map 110 Lot 5 Zone R25.

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

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

MOTION by Mr. Tyler to approve application #09-15: 813 Glastonbury Turnpike. Special Permit for a commercial horse stable. Application and property of Richard M. Hosley Jr. Map 110 Lot 5 Zone R25, as shown on partial site plan submitted, based on testimony and subject to the following instructions and conditions that are integral to the approval:

1. That this approval will expire in 5 years.
2. That the applicant revise the plan to address items 1, 3, 6, 7, 8 of the Planning Department memo dated 12/21/09, and the handicapped parking requirements noted in the Building Official (Lincoln White) email dated 12/21/09.
3. That the fire control measures recommended by the Fire Marshall be installed as recommended.
4. That any temporary trailers necessary for this use comply with all applicable zoning regulations and be located on the revised plan.
5. That the outdoor corral area, riding rings, proposed fencing and manure pile shall be shown on the revised plan.
6. That the applicant adhere to the Building Officials determination regarding necessity for striping the handicapped parking space.
7. That the Certified Letter of Approval be placed on the revised 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.
8. That a Zoning Permit be issued prior to the start of activity.

9. That any proposed port-o-let be approved by the Chatham Health District Director of Health.

Reasons: The proposal conforms to Section 4.1, 8, 10.4, 10.5 of the Zoning Regulations.

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

REGULAR MEETING

5. **Application #09-14:** 59 High Street. Site Plan review for a proposed 2-family dwelling. Application of Richard McGinley. Property of McGinley Builders LLC. Map 30, Lot 9-4, Zone R15.
 - Rick McGinley spoke.
 - He's requesting a special permit to construct a 2-family house on Hall Hill Road & High Street.
 - Mr. McGinley feels he addressed the Planning Department's comments.
 - Mr. Fitzgibbons has concerns about the residents who live in this house and parking on Hall Hill Road. He asked Mr. McGinley to ask the residents not to park on the road.
 - The square footage of the house is approximately 2,800 square feet. Each unit is 1,400 square feet. They will share the driveway entrance.
 - Deanna's comments:
 - Comment #2 – OK
 - Comment #4 – No handicap parking required.
 - Comment #5 – OK. Except details for E&S controls and need the height of the fencing on the plan.
 - Comment #7 – Space above the family rooms in both of the dwellings can not be converted into a bedroom because the height is too low. It can only be used for storage.
 - Ms. Rhodes clarified that this is not a special permit request. It is a site plan request.

MOTION by Mr. Woronoff to approve application #09-14: 59 High Street. Site Plan Review for a 2-family dwelling. Application of Richard McGinley. Property of McGinley Builders LLC, as shown on plan dated 11/14/09, revised to 1/4/2010, prepared by North Star Surveying & Engineering LLC, based on testimony and subject to the following instructions that are integral to this approval:

1. That this approval will expire in 5 years.
2. That the Certified Letter of Approval be placed on the final plans.

3. That the site plan be revised to include the 2002 Ct. Guidelines for Erosion & Sediment Control details for the silt fencing and anti-tracking pad, and that the stockade fence detail include the height of the fencing.
4. That 2 paper copies of the final plan be submitted to the Planning Department and that the mylar(s) be filed on the Land Records within 180 days, as per ZR Section 10.5.2.F.2.a.
5. That E&S controls be installed by the applicant and inspected by the Town Staff prior to any land disturbance activities.
6. That an E&S bond in an amount to be determined by the Town Engineer be submitted prior to construction, as per ZR section 11.2.1.
7. That all site improvements be completed according to the approved plan prior to the issuance of a Certificate of Zoning Compliance and Certificate of Occupancy, or a performance bond will be required in accordance with ZR Section 11.2.2.
8. That a Zoning Permit be issued for this use.

Reasons: The proposal conforms to Sections 4.2.4.8 and 10.5 of the Zoning Regulations.

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

6. **Application #09-16:** 91 Main Street. Site Plan review to locate a storage shed at Promold Plastics. Application and property of Lori Real Estate LLC. Map 19, Lot 79, Zone I.

- Rick Puglielli, President of Promold, spoke.
- Mr. Puglielli submitted a waiver.
- He will store lawn and garden tools in the storage shed.
- There is no external or internal lighting proposed.
- Ms. Rhodes corrected comment #5 in her memo dated 12/21/09. The ZR section that has been satisfied is 10.5.2.F.1.
- Fire Marshall's comment needs to be addressed.
- Fire Chief's only comment is that the building is already on site.
- Building Official's comment: Wind load tie downs are required.

MOTION by Mr. Tyler to approve request for waiver of ZR Section 10.5.2.A, stamped site plan drawn by a design professional and 10.5.2.B Items #3, 7 through 19, 21 and 27 for Application #09-16: 91 Main Street. Site Plan Review for an existing storage shed at Promold Plastics. Application and property of Lori Real Estate LLC. Map 19 Lot 79 Zone I.

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

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

MOTION by Ms. Jenak to approve Application #09-16: 91 Main Street, Site Plan Review for an existing storage shed at Promold Plastics. Application and property of Lori Real Estate LLC. Map 19 Lot 79 Zone I, as shown on plan submitted, based on testimony and subject to the following instructions that are integral to this approval:

1. That this approval will expire in 5 years.
2. That the Certified Letter of Approval be placed on the final plans.
3. That 2 paper copies of the final plan be submitted to the Planning Department and that the mylar(s) be filed on the Land Records within 180 days, as per ZR Section 10.5.2.F.2.a.
4. That the applicant revised the plan to address Items #2 and #3 of the Planning Department memo dated 12/21/09.
5. That a list of the contents of the shed be provided to the Fire Marshall prior to applying for a Zoning Permit.
6. That a Zoning Permit be issued for this use.

Reasons: The proposal conforms to Section 6.1, 8 and Section 10.5 of the Zoning Regulations.

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

7. Application #09-18: Meshomasic Trail. Resubdivision modification to eliminate required streetlight. Application of Peter Gardner. Property of Chatham Ridge Associates LLC. Road is part of original parcel known as Map 53, Lots 6 & 7, Zone RR.
 - Peter Garner, the developer, spoke.
 - They started the process to get the road accepted a few months ago. The last thing to do is the streetlight. He was contacted by the homeowners association. They requested to eliminate the streetlight. John Prince, a resident, talked about the elimination of the streetlight.
 - Ms. Jenak was concerned about safety if the streetlight was eliminated.
 - Ms. Rhodes added the following into the record:
 - Rick Kelsey's memo dated 12/22/09
 - Ms. Rhodes' memo dated 12/21/09
 - Fire Marshall – no objections to removal of streetlight.

MOTION by Mr. Woronoff to approve Application #09-18: Meshomasic Trail. Modification to resubdivision to eliminate required streetlight. Application of Peter Gardner. Property of Chatham Ridge Associates LLC. (road is part of original parcel known as Map 53 Lots 6 & 7) Zone RR, with the following instructions that are integral to this approval:

1. That the Certified Letter of Approval be placed on sheet 9 or 16, and the plan be revised to add the word “eliminate” above “proposed street light” and that the required PZC Signature Block for endorsement be added.
2. That 2 paper copies and a mylar of the approved revised plan be submitted to the Town for endorsement by the PZC chairman.
3. That the mylar be filed on the land records within 90 days of the end of the appeal period.

Reasons: That the need for a street light is not necessary due to the density and limited traffic in the area.

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

8. Election of Officers

- Not enough permanent members to hold elections. Ms. Rhodes will add this as item #4 to the next agenda. The Commission also requested that a review of the bylaws be placed on the next meeting agenda. This item will be on the agenda after all applications.

9. Staff Report:

- Budget for 2010/2011 – Ms. Rhodes needs to have the budget in by 1/15. There is no anticipated increase. The budget for last year was: Court Transcription = \$1,000; Planning Consultant = \$0; Conference/Meetings/Dues for the Commission = \$300; Midstate Regional Planning Agency = \$6,294; Connecticut River Assembly = \$500. Mr. Fitzgibbons asked about legal money. Ms. Rhodes said that this is not in the PZC budget. Mr. Fitzgibbons asked Ms. Rhodes to check on the list serve on how other towns handle this. Ms. Rhodes discussed the zoning enforcement officer position. If the Commission wants this added back into the budget, they will need to lobby for this position. They decided not to ask for this position in 2010/2011.
- Newsletter – Mr. Woronoff discussed the “Leftover Land & Subdivision Approval” article with the Commission.
- TCVD Consultant Update – Perkins and Will – only 2 out of 4 references responded. It was decided to move onto CR3 – The references came in fine. By Monday, 1/11, Ms. Rhodes should receive a draft fee proposal of how much reviews will be for the Village District.
- Public Notice Registry – No one new.

- Enforcement/Administrative Update – Hess Station on Main Street – Windshield repair is being done with no approvals for this. Mr. Groeper’s property – toilets (violation of junk ordinance). There is a lean for legal fees on Mr. Groeper’s property.
- Bond Reductions/Extension Requests: Chatham Ridge Associates – A memo was submitted from Geoff Jacobson dated 12/3/09.

MOTION by Mr. Tyler to approve a reduction of the \$740,000 Performance Bond to \$74,000 as a Maintenance Bond for Phases I and II Chatham Ridge Subdivision, Meshomasic Trail, per the Town Engineer’s Memo dated 12/3/09.

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

- IHZ Consultant Update – Ms. Rhodes said that the State has decided to temporarily freeze all the monies. She should be finding out within the next couple of days whether or not they will be releasing this money.
- Request by Tri-Ram. They’re across from Brownstone Quarries. One of their large vertical cylinder storage containers (it contains 15,000 gallons, which holds #2 fuel oil) needs to be replaced. They want to put in a 10,000 gallon horizontal tank, which is 20 feet tall horizontally. Our regulations state no new storage tanks. This is a non-conforming structure. Would the Commission allow them to replace a smaller tank in the same location horizontally? The Commission decided that this business should come before them as a site plan modification.
- Mr. Fitzgibbons would like to change the meeting place back to the library. Some of the other members agreed. Ms. Rhodes will look into changing the meeting place back to the library.

10. Approval of Minutes – December 3, 2009

Mr. Fitzgibbons said that at the start of the 12/3 meeting he made a point of order regarding Mr. Samuelson’s turn to be seated during a regular member’s absence. This comment wasn’t included in the minutes.

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

11. Adjourn

MOTION by Mr. Woronoff, **SECONDED** by Mr. Tyler to adjourn the meeting at 8:45 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

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