

PORTLAND PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Buck-Foreman Community Center  
Thursday, January 5, 2023 at 7:00 PM

211

Members Present: Robert Ellsworth, Victoria Tchetchet, Chantal Foster, Carolyn Freeman, Robert Taylor, Tom Bransfield

Staff: Dan Bourret, Town Planner  
Dawn Guite, Recording Secretary

REC'D FOR RECORD 1/12/23 AT 9:45 AM.  
RECORDED BY [Signature] TOWN CLERK

1. Call Meeting to Order

Robert Ellsworth called the meeting to order at 7:00 p.m.

2. Introduction of Members and Seating of Alternates

The members introduced themselves.

3. Accept Agenda

**MOTION:** Chantal Foster MOVED, seconded by Rob Taylor to ACCEPT the agenda as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**

Public Hearing

4. Application #22-06: Penfield Hill Road and Stephen Tom Road. Proposed 8 lot resubdivision with wetlands on site. Application and property of Robert W. Olson. Map 61, Lot 14. Zone RR.

Dan Bourret researched the 5-lot subdivision on Penfield Hill Road for comparison. There is a conservation easement and it is the decision of homeowners to clear street trees.

Frank Magnotta, P.E., represented the applicant, Robert W. Olson, who is seeking approval for an 8 lot resubdivision with wetlands on site. After meeting with the Conservation Commission, the owner has agreed to convey to the Middlesex Land Trust. The smaller area in the southwest corner requires access by the Middlesex Land Trust. The larger area to be conveyed to the Middlesex Land Trust is located near Lot #7. It will not be accessible to the public because of the wetland. The Conservation Commission asked for more buffer area so Lot #7 will be changed to 20 ft. (originally 15 ft.). The Middlesex Land Trust has asked for a connection between the two conservation easements. Other easements were accepted by the Conservation Commission. Just under 5 acres will be conveyed to the Middlesex Land Trust. Driveways for Lots #7 and #8 will be gravel, not paved. Inland Wetlands has approved. If paving is requested, Inland Wetlands will have to approve. Watershed flows are toward Lots #7 and #8. Other areas of the subdivision are not affected. A detention basin will control but not eliminate water flow across the road. Total discharge will be maintained and flow will not be any worse than it is. Installation of an enlarged pipe with full capacity utilization at the culvert will serve in maintaining the flow. Lot #3 has bedrock which will require blasting to allow for building foundation. This will require approval from the Fire Marshall.

Public Comment:

There were no public comments.

**MOTION:** Chantal Foster MOVED, seconded by Rob Taylor to CLOSE the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

Motion will include no fertilizers or pesticides applied to lots 1, 4, 5, 6, 7, 8.

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## RECORDED VOTE

DATE: January 5, 2023

COMMISSION: PLANNING & ZONING COMMISSION

### MOTION

To APPROVE Application #22-06: Penfield Hill Road and Stephen Tom Road. Proposed 8 lot resubdivision with wetlands on site. Application and property of Robert W. Olson. Map 61, Lot 14. Zone RR. As shown on plans entitled, Title Sheet "Re-subdivision -- Land of Robert W. Olsen at Stephen Tom Road and Penfield Hill Road"; Sheet 1 entitled "Property Boundary Survey" Dated 6/20/22 and revised to 10/28/22; Sheet 2 entitled "Assessor Parcels: 061-0014 Dated 6/20/22 and revised to 11/4/22"; Sheet 3 entitled "Site Development & Erosion/Sediment Control Dated 6/20/22 and revised to 10/28/22"; Sheet 4 entitled "#Site Development & Erosion/Sediment Control Dated 6/20/22 and revised to 10/28/22"; Sheet 5 entitled "#Site Development & Erosion/Sediment Control Dated 6/20/22 and revised to 10/28/22"; Sheet 6 entitled "Soil Test Pit Data Dated 6/20/21 and revised to 10/28/22"; Sheet 7 entitled "#Percolation Test Results Subsurface Sewage Disposal Designs & Erosion and Sediment Control Narrative Dated 6/20/22 and revised to 10/28/22"; Sheet 8 entitled "Construction Details Dated 6/20/22 and revised to 10/28/22". Prepared by Frank C. Magnotta, PE; and information provided with the application and at the public hearing, and subject to the following instructions and modifications integral to this approval:

1. That the Certified Letter of Approval be placed on the cover sheet of the plan set.
2. That all improvements associated with this subdivision be completed in accordance with the approved plan before January 5, 2028 which is the date that this approval shall expire.
3. The CT DEEP Bureau of Natural Resources Wildlife Division Natural Diversity Data Base June 2021 Map indicates that the proposed subdivision is in an area with identified state and federally listed species. The applicant shall commence no land disturbance activities until the applicant submits proof of submittal and response from CT DEEP and adheres to any recommendations made. The reason for this being the prior recommendation expired in May 9, 2022.
4. That a licensed land surveyor certifies that all lot monumentation and any required conservation easement markers have been installed in accordance with the plan and Town policies. This certification must be received prior to any land disturbance activities occurring on any lot, or the issuance of a zoning permit for development of any lot, whichever comes first.
5. That the transfer of land to the Middlesex Land Trust be completed recorded on the land records prior to the filing of the Mylars.
6. That an erosion and sediment control bond be submitted prior to any land disturbance activities for improvements on each of the individual lots determined by the Town Engineer.
7. That an inspection by Town Staff of the sediment and erosion controls is required prior to any land disturbance activities.
8. That the Mylars 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.
9. That prior to the endorsement of the mylars, a digital file of the record subdivision be submitted to the town.
10. That the plan is subject to a final engineering review and any changes from the Town Engineer must be adhered to.
11. Driveways for lots 7 and 8 will be gravel and not paved per Inland Wetlands Commission approval.
12. Any future paving for lots 7 and 8 will require Inland Wetland Commission approval.
13. As a condition of approval the smaller open space piece on Penfield Hill Road be merged into the abutting Middlesex Land Trust property.
14. That a site improvement performance bond be posted in an amount to be determined by the Town Engineer.

15. That as a condition, fertilizers and pesticides cannot be applied to lots 1, 4, 5, 6, 7, 8.

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

Made by: Victoria Tchetchet

Seconded by: Robert Taylor

IN FAVOR

Victoria Tchetchet

Bob Ellsworth

Carolyn Freeman

Chantal Foster

Rob Taylor

IN OPPOSITION

IN ABSTENTION

Recorded By: Dawn Guite

Application #22-12: 378 Cox Road. Request for an 11-lot subdivision on a property containing wetlands. Application of Tom Briggs. Property of Synnott Properties, LLC. Map 78, Lot 21. Zone RR/Forest Neighborhood Overlay Zone.

**MOTION:** Chantal Foster MOVED, seconded by Carolyn Freeman to OPEN the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

**MOTION:** Chantal Foster MOVED, seconded by Rob Taylor to CLOSE the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

Pat Benjamin, P.E., Bascom & Benjamin, LLC, represented the applicant requesting an 11-lot subdivision on a property containing wetlands. Subdivision is on 24.52 acres and one house exists on the property; no development is planned for this parcel. Came before the commission in 2015 where the project was approved. In November, 2021 came before the commission where project was approved by Inland Wetlands. Time ran out to get easements approved by the Town Attorney and mylars filed. Mr. Benjamin presented a copy of the map survey spliced together. Cox Road is a paved road. There are two wetland areas on the property. One is on the western end where Carr Brook is and the other is on the eastern end. The property is entirely wooded except for the area where the house is. Mr. Benjamin gave lot sizes (acreage) and descriptions of conservation easements. Deep test pitch and perk tests performed were approved by Chatham Health District. Pre and post development runoff analysis have been reviewed twice by the town engineer. There is zero increase and runoff. Stone walls on the property will remain without interruption. 30 trees that are dead or interfere with snow plowing will be removed.

**MOTION:** Chantal Foster MOVED, seconded by Carolyn Freeman to CLOSE the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

RECORDED VOTEDATE: January 5, 2023COMMISSION: PLANNING & ZONING COMMISSIONMOTION

To APPROVE Application #22-12: 378 Cox Road. Map 78, Lot 21. Request for an 11 lot subdivision on a property containing wetlands. Application of Tom Briggs. Property of Synnott Properties, LLC. Zone RR/Forest Neighborhood Overlay Zone. As shown on plans entitled, "Property of Synnott Properties, LLC Sheet Index, Sheet 1"; "Map of Survey Showing Property of Synnott Properties, LLC As-Subdivided #378 Cox Road Portland, Connecticut Sheet 2, Dated July 28, 2021"; "Map of Survey Showing Property of Synnott Properties, LLC As-Subdivided #378 Cox Road Portland, Connecticut Sheet 3, Dated July 28, 2021"; "#378 Cox Road Portland, Conn. Property of Synnott Properties, LLC Site Development Plan, Sheet 4 of 8, Dated July 2021 Revised to 9/9/2021"; "#378 Cox Road Portland, Conn. Property of Synnott Properties, LLC Site Development Plan, Sheet 5 of 8, Dated July 2021 Revised to 9/9/2021"; "#378 Cox Road Portland, Conn. Property of Synnott Properties, LLC Notes & Soil Testing Sheet, Sheet 6 of 8, Dated July 2021 Revised to 9/9/2021"; "#378 Cox Road Portland, Conn. Property of Synnott Properties, LLC Detail Sheet, Sheet 7 of 8, Dated July 2021"; "#378 Cox Road Portland, Conn. Property of Synnott Properties, LLC Erosion & Sedimentation Control Notes, Sheet 8 of 8, Dated July 2021" Prepared by Bascom & Benjamin, LLC Surveying and Engineering Consultants; and information provided with the application and at the public hearing, and subject to the following instructions and modifications integral to this approval:

16. That the Certified Letter of Approval be placed on the cover sheet of the plan set.
17. That all improvements associated with this subdivision be completed in accordance with the approved plan before January 5, 2028 which is the date that this approval shall expire.
18. That the applicant shall commence no land disturbance activities until the applicant submits an independent archaeological assessment as directed by the State Archeologist and receives approval to commence land disturbance activity from Dr. Sarah Sportman.
19. The CT DEEP Bureau of Natural Resources Wildlife Division Natural Diversity Data Base June 2021 Map indicates that the proposed subdivision is in an area with identified state and federally listed species. The applicant shall commence no land disturbance activities until the applicant submits proof of submittal and response from CT DEEP.
20. That a licensed land surveyor certify that all lot monumentation and any required conservation easement markers have been installed in accordance with the plan and Town policies. This certification must be received prior to any land disturbance activities occurring on any lot, or the issuance of a zoning permit for development of any lot, whichever comes first.
21. That any documents associated with the conservation easement area be submitted to the Town for review and approval and recorded on the land records prior to the filing of the Mylars.
22. That an erosion and sediment control bond be submitted prior to any land disturbance activities for improvements on each of the individual lots.
23. That an inspection by Town Staff of the sediment and erosion controls is required prior to any land disturbance activities.
24. That the Mylars 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.
25. That prior to the endorsement of the mylars, a digital file of the record subdivision be submitted to the town
26. That the plan is subject to a final engineering review and any changes from the Town Engineer must be adhered to.
27. As a CONDITION OF APPROVAL the plunge pool must be added to the plan for Lot #9.



Application #22-15: 1401 Main Street. Proposed 2 lot re-subdivision. Application and property of Cote Range LLC. Map 68, Lot 1. Zone R-25.

**MOTION:** Chantal Foster MOVED, seconded by Carolyn Freeman to OPEN the Public Hearing. **VOTE UNANIMOUS. MOTION CARRIED.**

Pat Benjamin, P.E., Bascom & Benjamin, LLC, represented the applicants, Chris and Donna Cody, requesting to subdivide one lot on the property at 1401 Main Street. The property has a flood plain zone and a restricted industrial zone. There is on-site septic and city water. Soil testing passed and Chatham Health has approved the parcel. The flood plain in zone 25 requires that the finished floor of the house has to be at least a foot to a foot and a half higher and is shown on the site plan as 26.5. This is the same as developing along the shore so that the lower floor cannot have any habitable space; it would be a garage. Comments from the town engineer state that the driveway have a six inch high elevation approximately 10 feet off the road so that water doesn't drain straight down. The Conservation Commission has yet to weigh in on this project.

Public Comment:

Dave Murphy, 40 Carousel Drive, asked if the project is for a single family home not a business.

Mr. Benjamin said that it is in a residential zone so it would have to fall into whatever uses are allowed in an R25 zone.

Mr. Murphy heard rumor that the property will be a place to hit golf balls. He asked where the entrance to the property is in relation to Carousel Drive. A use other than residential could create traffic issues.

Mr. Benjamin said that any other use would require coming before the PZC with an application.

Public Hearing will remain open pending comments from the Conservation Commission.



RECORDED VOTE

DATE: January 5, 2023

COMMISSION: PLANNING & ZONING COMMISSION

MOTION

TO CONTINUE Application #22-15: 1401 Main Street. Proposed 2 lot re-subdivision. Application and property of Cote Range LLC. Map 68, Lot 1. Zone R-25.

Made by: Chantal Foster

Seconded by: Robert Taylor

IN FAVOR

IN OPPOSITION

Chantal Foster

Robert Taylor

IN ABSTENTION

Recorded By: Dawn Guite

Regular Meeting

## 5. Receive in Application(s):

Application #22-16: 662 Portland Cobalt Road. Proposed food truck hosted by Core & Restore Yoga/Spa. Application of Roseanna Singer and property of 662 PCMI LLC. Map 22, Lot 2. Zone B-2. *Application to be presented in February, 2023.*

## 6. Old Business:

- Update to Zoning Regulations – Cannabis

There was a discussion about locational requirements of 4 miles. Retail/direct sale to consumers will be noted in the regulations. Victoria Tchetchet noted, for the record, that there should be no special permit for cultivation in a IP Zone and a B2 Zone. Dan Bourret will finalize the regulations and present during public hearing at the meeting on February 2<sup>nd</sup>.

- Online material repository and training

Online material repository and training requires 4 hours (4 one hour sessions) of Zoom training including 1 hour on affordable housing.

- Potential solar regulation changes for Sustainable CT

There was nothing to report.

- Electric Vehicle Charging Stations

It was noted that there are articles available regarding primary and accessory use of EVCS.

- Riverfront Overlay Zone

There is \$500K of conditional funding available for clean-up and to continue remediation. Discussion will continue to decide what is appropriate for various uses.

## 7. Staff Report:

- Correspondence

There was no correspondence.

- Brainerd Place Update

Dan Bourret said that the foundation for the first apartment building is in the works. Approval for some of the building plans from the ICC, International Code Council, should be coming in the next few weeks. Several pine trees came down during the storm and appropriate replacements are being discussed.

8. Public Comment: The Commission will hear brief comments at this time from anyone wishing to speak. Comments may not be made regarding any pending application.

There were no public comments.

9. Approval of Minutes: 12/15/2022

Carolyn Freeman indicated that the 12 arborvitaes and other mixture of native plants to be planted in front of approved structure at 54 Riverview Street was left out of the minutes for 12/15/22 meeting.

**MOTION To Approve As Amended:** Chantal Foster MOVED, seconded by Carolyn Freeman to APPROVE Minutes for 12/15/2022 as AMENDED. **VOTE UNANIMOUS. MOTION CARRIED.**

11. Adjourn

**MOTION:** Chantal Foster MOVED, seconded by Carolyn Freeman to ADJOURN the meeting at 8:45 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted:

*Dawn Guite*

Dawn Guite, Recording Secretary

