

**PORTLAND PLANNING AND ZONING COMMISSION
REGULAR MEETING
Thursday, June 1, 2023 at 7:00 PM
Buck Foreman Room (2nd Floor)
265 Main Street, Portland, CT.
Public access through Zoom link A at www.portlandct.org**

Regular Meeting Minutes

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

Present: Bob Ellsworth, Chantal Foster, Carolyn Freeman, Robert Taylor

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

Absent: Tom Bransfield, Jennifer Tellone, Victoria Tchetchet,

3. Accept Agenda

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

Public Hearing

4. Application #22-26: Proposed amendment to the Town of Portland Zoning Regulations: Article 4.1.5.1 and 6.1, Add infrastructure to public utility use in each section. Application of the Town of Portland.

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

Dan Bourret recapped saying that previous discussions talked about adding infrastructure to the public utility use in each section of the Zoning Regulations. He added this in. Nothing was changed regarding permitting of each zone. Residential and Business Zones are still by special permit only. Industrial Zones are permitted by approval of site plan or not permitted in the zone (Aquifer Protection Area). This will allow pipelines to be installed for future applications.

There were no public comments.

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

REC'D FOR RECORD 6/7/23 AT 9:00 AM
RECORDED BY *M.V. GJ* TOWN CLERK

RECORDED VOTE

DATE: June 1, 2023

COMMISSION: PLANNING & ZONING COMMISSION

MOTION

TO APPROVE Application #22-26: Proposed amendments to the Town of Portland Zoning Regulations: Article 4 to add infrastructure to utility use; Article 5 to add infrastructure to utility use; Article 6 to add infrastructure to utility use. Application of the Town of Portland Planning and Zoning Commission. With changes and/or clarifications to the proposed text amendment as follows:

Article 4 RESIDENTIAL ZONES

Table 4.1 Permitted Uses Residential Zones

P = permitted by right in the zone SP = permitted only by special permit
 S = permitted subject to approval of a Site Plan N = not permitted in the zone

Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6

Permitted Use	R-10	R-15	R-25	RR
Public Utility Buildings and Infrastructure: No service yard or outside storage of supplies	SP	SP	SP	SP

Article 5 BUSINESS ZONES

Table 5 .1 Permitted Uses Business Zones

P = Permitted by Right in the zone SP = permitted only by Special Permit
 S = permitted subject to approval of a Site Plan N = not permitted in the zone

Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6

Permitted Use	B-1	B-2	B-3
Public Utility Buildings and Infrastructure: no service yard or outside storage of supplies	SP	SP	SP

Article 6 INDUSTRIAL ZONES

Table 6 .1 Permitted Uses Industrial Zones

P = Permitted by Right in the zone SP = permitted only by Special Permit
 S = permitted subject to approval of a Site Plan N = not permitted in the zone

Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6

Permitted Use	I	IP	RI
Public Utility Infrastructure, Substations, storage and maintenance facilities including service yards or outside storage of supplies	S	S	N

Made by: Chantal Foster

Seconded by: Robert Taylor

IN FAVOR

Chantal Foster
Carolyn Freeman (I)
Robert Taylor
Bob Ellsworth

IN OPPOSITION

(I) _____ (I)

IN ABSTENTION

Recorded By: Dawn Guite

m |
t2 |

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t2 |

5. Application #22-27: Portland Cobalt Road (Land-locked parcel accessed through and located northeast of 984 Portland Cobalt Road). Request for Special Permit Renewal of Sand and Gravel Excavation Permit to Excavate and Remove 150,000 Cubic Yards of Earth Material. Application of Herbert E Butler Construction Company and property of Eversource Energy. Map 33 Lot 27. Zone RR

MOTION: Robert Taylor MOVED, seconded by Carolyn Freeman to OPEN the Public Hearing.
VOTE UNANIMOUS. MOTION CARRIED.

Francis Vacca, P.E., BSC Group, Glastonbury, CT, represented the applicant, requesting a Special Permit Renewal for three years of Sand and Gravel Excavation Permit to Excavate and Remove 150,000 Cubic Yards of Earth Material. 984 Cobalt Road is a land-locked parcel with CL&P owned property behind it. The CL&P pit has been in use since 1998. There are four phases divided for excavation of a certain amount of material at a time so that there was not a giant open pit. Phase I is completed. Phase II was completed and restored in 2016. The active pit located in Phase III is expected to be completed and restored by the end of 2023. The proposed pit is in Phase IV and extends over the boundary of Phase III. All stockpiled top soil was put back, fully restored and revegetated. This will be the process for Phase IV. Trees have been cleared as needed to maintain the pit operation. The permit was originally approved at 488,000 cubic yards in 2003. 140,000 cubic yards was removed and permit was revised for 304,000 cubic yards. From 2003 to 2023 based on the reduction of 304,000 cubic yards, 184,236 cubic yards have been removed from Phases I, II, and III. 119,000 cubic yards remain which can be removed based on the 2003 permit. It is not anticipated that all will be removed. This is based on the amount of time that has been used to remove material over the last three years. Eversource is in the process of redoing all of the utility poles under transmission lines. Because of the CL&P property, they have been using their pit floor as a layout for all pole replacements. Because Eversource is finishing its project, for Phase III there has been the opportunity to move forward as far as possible with restoration.

In 2020 an elaborate landscaping plan was proposed, however, the climate in the area has changed and plantings originally installed have been dying. This required replacement plantings for stabilization. Plantings are more native/natural to the area and function better. The existing topsoil mound will be used to restabilize the entire area and the plantings will be static. There is a holder line to prevent ATV traffic from utilizing the area and trees specifically placed to prevent further erosion.

Jen Matos, Herbert E. Butler Construction, said that ATV tracks have been seen in the area and that boulders have been placed to block the area. ATV traffic has not been as frequent lately. It was mostly during the fall when poles were being replaced and gates were open. "No Trespassing" signs have been posted and a number of gates have been reinstalled.

There was no public comment.

MOTION: Robert Taylor MOVED, seconded by Carolyn Freeman to CLOSE the Public Hearing.
VOTE UNANIMOUS. MOTION CARRIED.

RECORDED VOTE

DATE: June 1, 2023

COMMISSION: PLANNING & ZONING COMMISSION

MOTION

TO APPROVE Application #22-27: Portland Cobalt Road (Land-locked parcel accessed through and located northeast of 984 Portland Cobalt Road). Request for Special Permit Renewal of Sand and Gravel Excavation Permit to Excavate and Remove 150,000 Cubic Yards of Earth Material. Application of Herbert E Butler Construction Company and property of Eversource Energy. Map 33 Lot 27. Zone RR; as shown on a plans entitled "Proposed Sand and Gravel Operation Property of Connecticut Light & Power Portland, CT", dated 4/24/23 and based on testimony presented, and the following instructions that are integral to this approval:

1. That this permit will expire on 06/1/2026.
2. That the applicant submit a landscape architect report as required by the management plan which is specified in the restoration notes.
3. That an updated E&S bond and site restoration bond, in an amount to be determined by the Town Engineer, be submitted prior to endorsement of the plan, if deemed necessary by the Town Engineer.
4. That 3 paper copies of the final revised set of plans and one set of mylars be submitted to the Planning Department for endorsement by an officer of the Commission. The endorsed mylar set shall be filed on the Land Records within 180 days, as per ZR Section 10.5.3.2.a.
5. That all E&S controls be installed by the applicant and inspected by Town Staff prior to the start of activity under this permit and that they are maintained per the plan.
6. That a Zoning Permit be issued prior to the start of activity associated with this approval;
7. That the applicant consistently submit the required bi-monthly reports indicating amount removed from the site, status of E&S controls, and status of restoration. Even when no activity is occurring on site reports must still be submitted.
8. That the limits of clearing be flagged by a licensed land surveyor. Once located, limits shall be delineated by orange fence.
9. That this approval does not allow hauling of any off-site material into the subject property and specifically prohibits on-site burning (except as specified in the management plan), waste disposal and/or burying of tree stumps.
10. That the applicant only excavate at levels at or above proposed final grades shown on the approved plans.

Reasons: This proposal conforms to Sections 4.1, 8, 9.5, 10.4 and 10.5 of the Zoning Regulations.

Made by: Carolyn Freeman

Seconded by: Robert Taylor

IN FAVOR

IN OPPOSITION

Chantal Foster
Carolyn Freeman

Robert Taylor
Bob Ellsworth

IN ABSTENTION

Recorded By: Dawn Guite

Application #22-28: 127 Main Street. Proposed map change to extend Village District Boundary over 1 Quarry Lane and portion of 127 Main Street. Application of the Town of Portland. Map 19, Lot 75 and Map 19, Lot 31. Zone I.

MOTION: Robert Taylor MOVED, seconded by Carolyn Freeman to OPEN the Public Hearing.
VOTE UNANIMOUS. MOTION CARRIED.

Dan Bourret said that the main process is to extend the Village District down Main Street to protect some of the areas left out in the past that are within view of Main Street. He explained from the map and the current TCVD boundary that existing buildings are not currently affected. A single family residence at 1 Quarry Lane is exempt from the requirements. The same applies for 127 Main Street. This structure is not covered within the Village District. A list of TCVD ownership within 500 feet was provided and noted on the map as "block 29". Included in "block 29" is Concentric Brewing allowed by special permit. Discussion will continue as the Village District Boundary will be included in future agendas.

MOTION: Carolyn Freeman MOVED, seconded by Robert Taylor to CLOSE the Public Hearing.
VOTE UNANIMOUS. MOTION CARRIED.

RECORDED VOTE

DATE: June 1, 2023
COMMISSION: PLANNING & ZONING COMMISSION

MOTION

To Approve Application #22-28: 127 Main Street and 1 Quarry Lane. Proposed map change to extend Village District Boundary over 1 Quarry Lane and portion of 127 Main Street. Application of the Town of Portland. Map 19, Lot 75 and Map 19, Lot 31. Zone I.

1. That the applicant meet the submission requirements for a zone change as specified in ZR Section 10.3.E.1, as well as provide a mylar and 3 additional paper copies of both the final revised zone change map and property survey.
2. That the metes and bounds description as required in ZR Section 10.3.A.2 be submitted prior to the filing of the mylar.
3. That the revised mylars and paper copies of the maps be prepared and submitted to the Town for endorsement in a timely manner as to be filed on the land records in the Town Clerk's Office on the effective date of the zone change.

Reasons: The Commission reviewed the criteria in ZR Section 10.3.D and has determined that the expansion of the village district is consistent with the goals of the Plan of Conservation and Development and is a logical extension of the zone.

Effective Date: That the effective date of the zone change will be when the mylar of the change is filed.

Made by: Robert Taylor _____

Seconded by: Carolyn Freeman _____

IN FAVOR

IN OPPOSITION

Chantal Foster _____
 Robert Taylor _____
 Carolyn Freeman _____
 Bob Ellsworth _____

IN ABSTENTION

Recorded By: Dawn Guite _____

Regular Meeting

There are no receipt of applications for this meeting. It was suggested that the commission break in July as only one meeting is regularly scheduled. Aquifer, also planned, can be rescheduled.

7. Old Business: Q Q

- Electric Vehicle Charging Stations

There was nothing to report.

- Riverfront Overlay Zone

Discussion continued with more recommendations to maximize the riverfront. Sample regulations can specify opportunities and uses at the Riverfront Overlay Zone. Dan Bourret is researching where land is shared by the Overlay and Industrial Zones.

8. Staff Report:

- Correspondence

There was no correspondence.

Dan Bourret said that the public portal for land use is progressing. He received a good recommendation from East Hampton's Town Planner for digitization software. 84 boxes of materials for digitization are available. One box will be processed and given to Dan as a sample to approve. An RFP for GIS online approval will be submitted.

- Brainerd Place Update

The EDC wants an update from the developer. Foundation and concrete flooring are moving full speed for Starbucks and commercial buildings.

9. 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 was no public comment.

10. Approval of Minutes: 5/18/2023

MOTION: Robert Taylor MOVED, seconded by Chantal Foster to APPROVE Minutes for 5/18/2023 as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**

11. Adjourn

MOTION: Chantal Foster MOVED, seconded by Robert Taylor to ADJOURN the meeting at 7:58 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted:

Dawn Guite

Dawn Guite, Recording Secretary