

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**AMENDED MEETING MINUTES
February 19, 2015**

- Meeting:** Planning and Zoning Commission
Regular Meeting – February 19, 2015
7 Fan Hill Road, Town Hall, Council Chambers
- Present:** Chairman Patrick O’Hara
Vice Chairman William Porter
Secretary Karen Martin
Commissioner Brian Quinn
Commissioner Jim Weinberg
Commissioner Cathleen Lindstrom (alternate)
- Absent:** Commissioner Jane Flader (alternate)
Commissioner Pedro Villanueva (alternate)
- Also Present:** Will Agresta, Planning and Zoning Administrator
Scott Schatzlein, Land Use Group Director/Town Engineer
Amy Guerra, Recording Secretary

OPENING of MEETING

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
Chairman O’Hara called the meeting to order at 7:03 p.m. and invited those in attendance to join in the Pledge of Allegiance.

2. **ROLL CALL AND SEATING OF ALTERNATES** (if required)
Commissioners were seated on a roll call.

3. **GENERAL PUBLIC PARTICIPATION** – None

4. **GENERAL APPOINTMENTS** – None

PUBLIC HEARINGS

5. SUBDIVISION/RESUBDIVISION

- **SUB-2014-03, File #1255C** – 36 Timothy Hill Road, nonresidential industrial subdivision, Monroe Land Holdings, LLC (*reconvened from 1/22/2015*)

Kevin Solli of Solli Engineering introduced himself and submitted a letter requesting to leave the public hearing open until 3/5/2015 to address outstanding comments relative to project easements. Mr. Solli briefly reviewed the plans and the revisions that were made to address staff comments.

This property is considered Section 6 of the Pepper Street Business Park, and includes proposed extension of Independence Drive connecting to Timothy Hill Road which provides access to Fan Hill Road.

Mr. Solli said in regard to the wetland crossings they would provide additional rip rap stabilization around the walls. On the topic of street trees the applicant is requesting to provide alternate types of plantings in areas that won't be impacted by future development as opposed to soldier coursed street trees along the road and that the Commission consider that as a part of their deliberation.

Planner Agresta said that he is ok with this because this property is commercial and that any future applicants would have to propose a site plan for landscaping in the future but it is ultimately up to the Commission to decide acceptance or not.

Mr. Solli said that the proposed water line layout was reviewed with Bill Davin, Fire Marshall which he found to be adequate. They are coordinating the same design with Aquarion Water Co. and everyone is on board with what is being proposed.

Mr. Solli invited comments and questions from the Commission.

Commissioner Lindstrom expressed concerns about the lack of trees. Mr. Solli said that the applicant feels that each lot, as it is purchased, should be responsible for their own individual landscaping plan as each lot's landscaping needs will be unique to their property. Furthermore, part of this property is on a hill and as the individual lots get built they may need to change the grade and if there are trees there they may die. For the record, Commissioner Lindstrom said, "the fact that the trees were not planted originally does not necessarily excuse the fact that you are asking for a waiver now."

Commissioner Quinn asked how much forest surrounds the proposed development. Mr. Solli responded that the property to the south is owned by the Town of Monroe and is fully wooded, south of that is owned by Aquarion Water Co. and is fully vegetated and wooded. Property north of this in Newtown is part of the Great Pine Swamp which is regulated and is heavily wooded.

Commissioner Porter asked how many trees the applicant is proposing to plant in their landscape design in lieu of the street trees. Mr. Solli was unsure but guessed upwards of 60 trees and shrubs are proposed but agreed to come back with the number of street trees required and the number of trees the applicant is proposing, the difference in the cost of both excluding what the Inland/Wetlands Commission gave them and would provide the caliper of each tree.

Commissioner Porter stated that the Health District had concerns about the lots ability to be developed from a septic standpoint and asked Mr. Solli if this had been addressed. Mr. Solli said it had and referenced a later letter from the Health District confirming the test pits the applicant had done and deeming the property acceptable for septic systems, although each owner would have to come up with their own plan. Planner Agresta confirmed this by referencing Exhibit 6 from the Health District which states: The areas are subject to further testing, they must be serviced by public water, architectural floor-plans and specific description of the business must be submitted before a septic permit is issued and the soils are suitable and meet public health code.

Secretary Martin asked if they are still asking the Commission to approve the name change of the road. Mr. Solli said yes and explained that there are no current businesses on that road and that the change in the name is so Independence Drive would run from Enterprise Drive to Fan Hill Road. Mr. Solli believes that the Police and Fire Departments are ok with the name change but will get that confirmed and make it part of the file for this application.

Chairman O'Hara asked if the applicant is asking the Commission to waive sidewalks and why. Mr. Solli said yes and explained that there no current sidewalks on either side of the roads within the Park on either Independence or Timothy Hill; however, they are providing sidewalks at the culvert crossings. Chairman O'Hara asked if the Town Engineer and the Fire Marshal has given them clearance on fire protection to which Mr. Solli said yes.

Chairman O'Hara asked about the bond and where it stands. Town Engineer Schatzlein said he adjusted the bond to reflect their input on the guide rail and underground utilities. He agreed to adjust it once the landscaping gets decided but he will not recommend changing his numbers on the earthwork. There is a big discrepancy in the cost for the applicant as opposed to what the Town can do it for if they have to bid this in the future and referenced Item #13; grading. Town Engineer Schatzlein continued, the difference in cost is about \$500,000 based upon the guidelines for the State of Connecticut.

Chairman O'Hara wanted to know, once the lots are subdivided, what is the intention of the applicant i.e.: clear cut them or leave them alone. Mr. Solli said that the applicant has no interest in doing anything to the lots. They are just interested in selling them and allowing the new owners to decide what can be done on them. Lastly, Chairman O'Hara wanted to know if the applicant would have an interest in the deeds to the lots reflecting that owners come back to staff before they engage in any activity on the land. Mr. Solli agreed to discuss that with the applicant and come back to the Commission with an answer.

Commissioner Lindstrom asked about lot quality and POCD consistency. Mr. Solli said that the property has been zoned industrial and they have designed all the lots to comply with the Zoning Regulations. They got approval from the Inland Wetlands Commission in regard to those areas on the property that they regulate and have plans to add Cape Cod curbing along the roadway to provide protection for any salamanders that may try to cross the road. He restated that each individual lot will have to get approval by the Inland Wetlands Commission and Planning and Zoning Commission once they are purchased and want to be developed. The roadway was designed to provide the best protection for the natural resources in that it crosses the wetlands in the narrowest parts. They did the design with open-bottom culverts and bridge crossings to have no direct impact on the natural resources that exist. In reference to the woods and wooded habitat and its potential to provide a home for some potential species Mr. Solli said, "No rare or endangered species has ever been observed on this property so the mere presence of habitat does not necessarily mean that the species are there."

Planner Agresta responded by saying this is a difficult situation. While there are some positive things about this property that comply with POCD, there is also the concern that even though no rare or endangered species were found in an investigation, we did not have the type of analysis or reports that would be done to find those types of species. There are special concern species and consequently critical habitat related to those species which is the upland/woodlands around the vernal pools, of which there are many in this area. This should have been considered more carefully back when the town created this industrial district and made some provisions for protection as the Park was developed.

Polling the Commission, the public hearing was adjourned to the 3/5/15 meeting.

6. EXCAVATION/FILLING PERMIT

- **FFP-2014-01, File #100E** – 298 Spring Hill Road, grading & installation of retaining walls, Amie and Kevin P. Reid (*adjourned on 12/18/14; scheduled to reconvene on 2/19/15 per applicant's request*)

Mr. Kevin Reid (owner/applicant) discussed his fence plan, landscape reclamation plan and 100 foot perimeter around some wetlands. Mr. Reid submitted 7 copies of his site plan on which he pointed out that wherever they see a wall marked he would be installing a classic split rail fence above each wall. His landscape reclamation plan includes areas of fill which consist of topsoil and seedings, an area by his shed where he excavated will be reclaimed according to the plan and the disturbance outside the 25 foot side yard will be reclaimed as well.

Commissioner Porter asked what happened in regard to agreement on the property line. Mr. Reid explained that Mr. Perini's surveyor determined a property line that reduces Mr. Reid's surveyor's property by approximately 5 to 10 feet. Either way Mr. Reid is working well beyond the 25 foot set back. The area of excavation and filling is approximately 50 or more feet at any given location from the property line established by Mr. Perini's surveyor.

Commissioner Porter voiced concerns about the Commission's inability to read the symbols, letters, etc. on the plans and wondered how the Commission would be able to approve something they cannot read. It was determined that there were marks on the maps that were unnecessary in the approval process thus, Mr. Reid agreed to have his engineer re-do the maps in a more legible way and resubmit them to the Commission.

Secretary Martin asked Mr. Reid to speak to the Health District's comments in regard to a drilled well. Mr. Reid stated that he remediates his well through equipment in his basement and although the Health District recommended he install a drilled well, he has no intention of doing that at this time or with this project as it is not a requirement.

Commissioner Lindstrom asked about the proposed spruce trees and if they would become a permanent part of the application. Mr. Reid responded by saying that the areas of reclamation are in disturbed areas not in excavation or fill areas and per the regulations he is not required to plant those trees but after this project is complete he intends to plant trees that will be appropriate for this area and provide a nice boarder. Planner Agresta said that he feels the applicant is misinterpreting the code which states that the reclamation plan is for the project, not just for areas of excavation and fill, it's the disturbance associated with that. Mr. Reid did not disagree but at this point, he is not sure what he will do in regard to plantings. For the record, Mr. Reid said that he will do some plantings that are appropriate, applicable and safe because it is the right thing to do.

Chairman O'Hara asked if Mr. Reid would be willing, as a condition of approval, to do the plantings. He can work with staff as to what he will be planting but get it on the drawings. Mr. Reid said he would be willing to do that. Chairman O'Hara also confirmed that Mr. Reid will show an anti-tracking pad on the plans, will have a drawing in the plan that shows no drainage within 50 feet of the septic and is asking for a waiver of the regulation to permit a change of contour in the front of the property.

Town Engineer Schatzlein recommends a bond of \$7,000 to which Mr. Reid agreed.

Chairman O'Hara opened the floor to public comments.

Mr. Boris Perini, 290 Spring Hill Road is concerned about an area, not shown on the map, where there are large boulders up against stumps on a steep incline that he feels is dangerous (Exhibit 21). He also stated that he didn't think Mr. Reid was going to follow through with his proposed plantings and was worried about what the view was going to be from his property. Chairman O'Hara reassured Mr. Perini that Mr. Reid would meet with staff about his proposed landscaping plan to get their approval and would only have to come back to the Commission if they did not agree on something.

Mr. Brian Quinn, 296 Stanley Road, with a business at 525 Fan Hill Road Monroe, Ct. has friends in the area of the applicant's home and was curious what was being built there. Chairman O'Hara responded that it is a fill project to create a flat yard area. The applicant has a retaining wall and is using fill to increase the size of his back yard.

Mr. Reid responded by saying the boulders in question are there because of a cease and desist order and he intends to make them part of the stone wall above which will be a split rail fence. The two stumps that are by the boulders are remnants of two rotted Tulip trees Mr. Reid had removed and the original stone wall on the property seems in tact but upon inspection if it seems compromised Mr. Reid will fix it

Mr. Reid stated that his proposed plan for landscaping is to plant Blue Spruce, large robust trees that are going to fill in as a tree screen but will speak to Mr. Perini and Planner Agresta to finalize the plan.

Poling the Commission hearing no objections, Chairman O'Hara closed the public hearing.

7. ZONE CHANGE

- **ZCA-2014-06, File #1002D** – 458 Purdy Hill Road, Zone Change from RF-2 to RF-1, Morawski (*reconvened from 12/4/14*)

Attorney Rizzio, representing Jennifer Morawski who is requesting to change the zone on a property located on the corner Purdy Hill Road and the Wolfe Park entrance driveway. After researching, they discovered the road is not public but is the driveway to the town park and where the owner thought they had 150 feet of frontage, they don't. The client is required to do a number of changes to the maps submitted by staff but has not done so. The client is running out of time so under the circumstances Mr. Rizzio formally indicates his client's withdrawal of the application and will provide a letter indicating as such on the next business day.

Commissioner Weinberg left early, Commissioner Lindstrom was seated.

8. SPECIAL EXCEPTION PERMIT

- **SEP-2014-13, File #1549A** – 462, 464, 466 & 470 Main Street, construct commercial building for retail and office use, JV462, JV464, JV466 and JV470 Main Street, LLC.

Secretary Martin read the public notice and Chairman O'Hara read the instructions for the public hearing. Planner Agresta listed Exhibits 1-31.

Attorney Rizzio began by saying he would be happy to give an overview of the project but there are still unfinished items to be addressed. Chairman O'Hara said that the Commission received a 75 page traffic report today and concurred that they will not finish this application today with a goal of completing by 3/19/15.

Mr. Rizzio said that this property consists of 4 separate lots all zoned B-1 which they propose to make one 2.26 acre lot. Their intent is to build a 13,540 square foot retail building which has already been recommended by ARB. The building will have split-

faced stone front, 69 parking spaces, parking in front and back and access around the building for deliveries and fire access. The property is located across from Clock Tower on Main Street and the adjoining owner is in favor of this project and will present easements with regard to selective clearing. They will be obtaining State traffic approval and will have a single curb cut entrance off Route 25 with the exit having adequate sight lines. The building will house only dry retail on the ground level and the second story will remain unfinished. They have satisfied all of the B-1 zoning standards as the property is 2.26 acres, the frontage is 260 feet and the side yards are 27 feet. In the area of coverage they have 13% and the floor area has 13,540 square feet. They meet the height requirement for a two story building as their height is 26 feet. They are required to have 69 parking spaces and they have exactly that and have all the interior landscaping that is required.

Mr. Kevin Solli, of Solli Engineering showed the Commission the location of the property on a map and referred to the three closest intersections which they used as part of their traffic study. They decided the most optimal uses for the site based on trip generation using the weekday pm and the Saturday mid-day peak period for the area. The study was based upon 13,540 square feet of retail and 2,500 square feet of office space (no longer proposed) and looked at the trip generation of what is current at that location and what they are proposing to do there. Under its current use the weekday pm is 44 and Saturday peak hour is 53 which would be slightly higher at 66 if it were all retail. If this location were to house a fast food restaurant with a drive thru it were generate upward of 131 during the week and 236 on Saturdays. Hence, the proposed dry retail use for the property is good because it produces a low trip generation.

Their study determined and has been confirmed by the CTDOT that in stop sign controlled intersections the left turning movements would experience a considerable level of difficulty. They did an accident analysis and found there were not any trends that would cause concern particularly since there were recent improvements done to that area. Mr. Solli said they are proposing a left turn lane to enter the facility and are working with the neighbor north of them to ensure a clear sight line to exit the facility.

They comply with truck turn regulations to handle deliveries and fire trucks. This facility will only be serviced by small box trucks but will have the ability to handle a large tractor trailer even though it is not required to be designed that way.

Mr. Rizzio finished by saying that this is an L shaped building that can hold up to 7 stores which will be very attractive when traveling on Route 25.

Chairman O'Hara asked if they could speak about the proposed second floor office space. Mr. Rizzio said the original plan called for 3,000 square feet, a bathroom and 2 staircases upstairs but they scaled it back to 250 square feet and no bathroom because they could not provide enough parking spaces to accommodate that space.

Chairman O'Hara expressed concerns that the plan would expand on the second floor greater than 250 square feet and asked Mr. Rizzio to bring new plans showing the 250 square feet proposed the next time they meet. Mr. Rizzio agreed to do that.

Commissioner Lindstrom has concerns about the traffic in and out of this property and feels this would take an already heavily trafficked area and make it worse. Mr. Rizzio responded that they cannot get a light for this intersection but they are making roadway improvements and they are taking the optimal user for a commercial property in this area that won't change the level of service. Commissioner Lindstrom said her concern is that people will find getting in and out of the center such a hassle that we will end up with a bunch of empty stores to which Mr. Rizzio said he feels that use will be successful and people will find a way to get there and the stores will thrive.

Commissioner Lindstrom asked that if this was strictly used for office space how would that effect the trip generations. Mr. Solli explained that retail stores and offices have different peak times and that the traffic would reflect that in relation to the times people are coming and going no matter what is housed in the building.

Commissioner Quinn said that because this is designed within our POCD he thinks it is a good idea but is it safe? Mr. Solli said they recommended having independent turn lanes to exit the site with adequate sight distance to the north and the south which they have accomplished, with the help of their neighbors and thus it will be deemed safe.

Commissioner Porter voiced concerns about site lighting and wanted to know if they intend to use ones that are dark sky compliant. Mr. Solli responded by saying they were going to make revisions on the proposed lighting to comply with the regulations and the Commission will have that report at the next hearing.

Commissioner Martin asked if they could speak to the Health District comments, in particular #2. Mr. Jay Keillor said they have a plan proposed to the Health District for 1,500 gallons per day and as of now they have approved the site for 800 gallons per day but it remains under review. There was a new code adopted in January 2015 and it will be reviewed against that code with new technical standards.

Planner Agresta pointed out that the applicant has done some work since the original comments were made and could he speak to that work in regard to the septic. Mr. Keillor said they went before the ZBA because the septic is considered a structure and is subject to the 30 foot buffer requirement and obtained an area variance for the septic location. The soils are much better in the area where the septic is located and they are working with the neighbor to control the ground water.

Planner Agresta said the variance went from 30 feet to 10 feet and the conditions are that the applicant would have to plant two rows of evergreens to satisfy the conditions.

Commissioner Lindstrom asked if there would be sidewalks installed to which Mr. Keillor responded yes.

Chairman O'Hara asked for someone to elaborate on what dry retail is. Mr. Rizzio said that dry retail is a business where there is no food preparation or anything that would require any significant water usage.

Chairman O'Hara asked if anyone looked into what it would take to cut away the stone elevation in front of the neighbor's property and access his property. Mr. Rizzio said they have had a discussion but he has not allowed access to them because for the applicant to get to the light essentially condemns his portion of the property from being developed.

Chairman O'Hara asked the applicant to agree that they would not propose a drive thru on this property without having a signal light. Mr. Rizzio said that if the CTDOT expands the road to 4 lanes where they would be able to handle a drive thru and thus he does not want to restrict the property for future development. The proposal contains half of the coverage allowed and they feel they are presenting a modest application.

Commissioner Lindstrom asked why don't they propose a right turn only exit. Mr. Solli explained that the CTDOT doesn't encourage limiting what direction a person can travel. In addition, there will be some people who will go left out of the right turn only exit which then creates an unsafe condition and then involves the Monroe Police Department to have to enforce this rule.

Chairman O'Hara has concerns about the narrow island at the entrance and what landscaping can survive on that island so he asked the applicant to return to the next hearing with a plan for that area, in addition to a specific plan for the evergreen trees by the septic.

Chairman O'Hara opened the floor to public comments.

Mr. Lee Hossler, 272 Stanley Road said he has lived in the area for 45 years and he likes this plan because the building is beautiful, it will create jobs and income to perhaps defer taxes in Monroe.

Mr. Brian Quinn, 296 Stanley Road talked about moving the intersection light at the Clock Tower which to him makes sense if the town ever wants to expand the road this would be beneficial for them as well. He is supportive of the project and feels it will be an improvement.

Chairman O'Hara asked if they have a signage plan. Mr. Rizzio said they would bring it to the March 19, 2015 hearing.

Polling the commission hearing no objections, Chairman O'Hara adjourned the hearing to 3/19/15.

Post hearing, Chairman O'Hara asked the commission if they wanted to get a 3rd party traffic study done for this property. The Commissioners were split on this but ultimately decided no but decided that with some future applications this would be helpful.

SITE PLAN REVIEW

9. **SITE DEVELOPMENT PLAN** - None

DELIBERATIONS and DETERMINATIONS

10. **PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS**

SEP-2014-02, File# 1537A, 431 MONROE TURNPIKE – Time Extension

OWNER Four Thirty One Turnpike LLC
APPLICANT Four Thirty One Turnpike LLC
MOTION: PORTER - To approve a 90 day extension to meet conditions of approval.
0SECOND: QUINN
Discussion: None
VOTE: 5-0-0 Approve
Ayes O’Hara, Porter, Quinn, Martin, Lindstrom
Nays None
Abstain None

11. **BOND RELEASES OR REDUCTIONS** – None

12. **MEETING MINUTES MOTION TO APPROVE MINUTES FOR 11/20/14**

MOTION: PORTER - To approve the meeting minutes as presented.
SECOND: LINDSTROM
Discussion: Commissioner Quinn noted that he was not present during the meeting however, he listened to the tape.
VOTE: 5-0-0 Approve
Ayes O’Hara, Porter, Quinn, Martin, Lindstrom
Nays None
Abstain Flader

13. **APPLICATION DELIBERATIONS/DETERMINATIONS**

EFP-2014-01, File# 100 – 298 Spring Hill Road

Commissioner Porter said, based upon all the conditions that were discussed tonight, Mr. Reid can work out the remaining items with staff and the commission can approve his application. Chairman O’Hara restated Mr. Reid will work with Planner Agresta on the landscaping, there is a call for a bond of \$7,000, the applicant will settle issues with the ZEO in regard to the shed, clean up the plans and show the anti-tracking pad on the plans and no one appears to be opposed to granting a waiver in the front of the property. The consensus of the Commission was to direct staff to prepare a draft approval for consideration at a subsequent meeting.

OTHER BUSINESS

14. REGULATIONS REVIEW/AMENDMENT WORK SESSION

Commission subcommittee is scheduled to meet on 2/24/14.

15. CORRESPONDENCE/OTHER RECEIVED

A letter was received from CT Siting Council notifying them of modifications being made to an existing facility at 230 Guinea Road and 474-480 Main Street.

Another letter in regard to an amendment to zoning regulations in Newtown (M-1 Zone- Permit Facility for Tire Recycling) was received.

16. COMMISSIONER'S REPORTS

- Chairman's Report - None
- Commissioner's Reports – None
- Land Use Staff Reports – None

17. MEETING ADJOURNMENT

With no objections, Chairman O'Hara adjourned the meeting at 10:08 pm.

Respectfully submitted,
Carol Re, Recording Secretary