

**PLANNING and ZONING COMMISSION  
Monroe, Connecticut  
MEETING MINUTES  
APRIL 23, 2015**

- Meeting:** Planning and Zoning Commission  
Regular Meeting – April 23, 2015  
7 Fan Hill Road, Town Hall, Council Chambers
- Present:** Chairman Patrick O’Hara  
Secretary Karen Martin  
Commissioner Brian Quinn  
Commissioner Dave Townson  
Commissioner Cathleen Lindstrom (alternate)  
Commissioner Jane Flader (alternate)
- Absent:** Vice Chairman William Porter  
Commissioner Pedro Villanueva (alternate)  
Scott Schatzlein, Land Use Group Director/Town Engineer
- Also Present:** Will Agresta, Planning and Zoning Administrator  
Carol Re Recording Secretary

**OPENING of MEETING**

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**  
Chairman O’Hara called the meeting to order at 7:07 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. Commissioner Lindstrom was seated.
3. **GENERAL PUBLIC PARTICIPATION** – None
4. **GENERAL APPOINTMENTS** – None

**PUBLIC HEARINGS**

5. **SUBDIVISION/RESUBDIVISION**  
  
**SEP-2015-01 File #1551A** – 5 Victoria Drive, site improvements and change of use to permit indoor/outdoor recreation facility, Victoria Drive Associates, LLC.

Secretary Martin read the public notice and Chairman O'Hara read the instructions for the public hearing and noted that Commissioner Quinn had arrived at 7:09 pm. Planner Agresta listed Exhibits 1 through 17 for the record.

Kevin Solli, Licensed Professional Engineer with Solli Engineering introduced himself and Mr. Mark Cristo, a Monroe resident and (applicant/owner) member of 5 Victoria Drive Associates. Mr. Solli presented the proposed site improvements and wetland restoration measures involved as approved by the Inland Wetland Commission. The subject property is located on the south end of the Town of Monroe off of Route 25 just north of Trumbull with a portion of the property located in the Town of Trumbull. Mr. Solli described the location of property with the use of a map on an overhead projector.

Mr. Solli stated some history in regard to the property. In 2003 the property was sold to EP Associates, who had an agricultural nursery business which included activities exempt from a wetlands permit but they obtained an approval from the Planning and Zoning Commission to construct a 13K square foot building and operate as a nursery business. After operating for several years they ended up losing the property and it was foreclosed on, sat dormant for several years, and the current property owner saw an opportunity to re-invest in the Town of Monroe and purchased the property from TD Bank in 2013. They discovered there were a number of wetland and zoning violations on the property.

When the current owners hired Solli Engineering they first addressed problems with the wetlands. They looked up where the old wetland flags were, delineated the wetlands, surveyed the wetlands, identified areas of impact and determined what mitigation and restoration needed to be done. They currently have a wetlands approval for this project. Once they determined what their restoration areas were and knew their new limits they moved onto how they can re-purpose the property.

This project is zoned Industrial 3 and the current application is for indoor/outdoor recreation use. They are proposing to split the building up and use the front portion of the building for a proposed cross fit gym which will be operated by a Monroe resident, Bob Orlando who owns Hybrid Athletics which has a very successful gym currently operating in Stamford, CT. Mr. Orlando is looking to expand his business into Monroe and has a long list of clients that are anxious and waiting for this new facility to open.

In the rear portion of the building they are proposing to relocate The Panther Den which is currently located on the north side of Pepper Street in Monroe, CT. The Panther Den wants to operate in the rear portion of the building and also construct a 200 x 110 foot outdoor practice field training facility which will allow them to utilize the indoor space during the winter months but also have the outdoor space for additional training opportunities.

The project includes the construction of 99 total parking spaces to comply with the parking regulations. They looked at what the cross fit parking demand was because it is a different use from what the parking regulations are. They looked at a couple facilities in the area to determine what the need for parking is based upon class size to determine the actual parking demand. They provided the requisite spaces for the indoor facility.

The Panther Den, as well as parking for the outdoor field. Mr. Solli noted that one field requires 20 parking spaces based on code.

In addition, the application also includes the construction of a 300 square foot building expansion. When their architect looked at the modifications for the interior space they wanted to re-position some bathrooms and provide the appropriate number of bathrooms per code for each facility which they would be able to do with this small expansion. That was a change from their initial application and they have not gone in front of the Architectural Review Board (ARB) yet as they cancelled their hearings for this month. Thus, they recognize that this hearing will have to be left open until they can go before the ARB next month and get their referral comments to present to the Commission. Mr. Solli continued that from a traffic stand point this site is included in the Office of State Traffic Administration Certificate for the overall properties on Victoria Drive. They looked at the trip generation from the facility as a nursery and compared to the trip generation anticipated for the proposed uses and found there is actually a reduction in traffic. This will not have an adverse effect from a traffic standpoint.

Mr. Solli recapped, with the assistance of various maps on the overhead projector. They are maintaining the same access onto Victoria Drive, the building, other than the small expansion, is staying the same, they are cleaning up the west side of the property by removing the pavement providing a gravel access to an overhead door. They are providing a compliant loading space with an overhead door on the east side of the building, a sidewalk across the front parking area in front of the building, and have located a dumpster pad with an enclosure opposite the loading space. Overall, the parking lot provides over 10% of the interior landscaping requirement. They are maintaining the grades across the front of the property and everything is designed to drain to vegetative swales for water quality. They are adding a water basin located on the south side of the proposed field with drainage proposed within the field itself so that all the water will get to the water quality basin before it gets to the wetland areas. Their grading plan, from a wetland restoration standpoint is considerable. What they designed and provided is a large expansion of the wetlands where they are going to excavate the areas out and restore with wetland plants and wetland seed mixes. They are affecting another area by providing a turtle pond as well as removing some pathways connecting to other properties to restore those areas to the wetland elevation. The rear portion of the property was initially believed to be all wetland but did show some dry soil samples however it is being left and a performance bond is provided to address that within the next 5 years. The reason for leaving this portion out from the wetland restoration area for now is because there is an ongoing encroachment and trespass from an adjoining property which may be a potential civil issue.

The floodplain and floodway are on the property and with the proposed grading and restoration it will be a considerable improvement from a flood caring capacity where they have a net export of 5,600 cubic yards from the site and they are expanding the flood plain holding capacity by 4,860 cubic yards from what was there before. All the work is proposed outside the floodway according to regulations and they will procure the required floodplain permit once the project is ready to go to construction.

From a soil control standpoint the site is designed according to the 2002 Soil Control Manual. They will provide silt fence around the wetlands, stockpile areas, sedimentation basins taking the soil restoration measures to ensure the natural resources are protected.

From a landscaping standpoint they are providing very extensive landscaping. There is a really nice stone wall along the front of the property and they want to supplement that with some plantings at the entrance, some plantings behind it along with providing some additional shade trees and ground cover plants. They have some comments from staff that they need to address regarding additional plantings but they feel it will be a great improvement from what is there.

From a lighting standpoint they are requesting to maintain all of the existing building lighting and are proposing two additional light poles to make sure there is adequate light coverage for all the parking areas.

On the architectural plans and the elevations, as was stated before, they need to meet with the ARB. They will be adding some building signage to these plans. They will be proposing a Hybrid Athletics sign above the front door and a Panther Den sign in the rear area of the building (pointed to on a map). Chairman O'Hara requested that Mr. Solli show a picture of the signs that are being proposed to which he was told that the Architect is still working on them but they will submit them to both the Commission and ARB. The signs will be on the wall of the building and will help differentiate between the businesses. Chairman O'Hara asked what the additional 300 feet will be used for and Mr. Solli answered, "just bathrooms" there will be two bathrooms for Hybrid Athletics and down a hallway, two bathrooms for the Panther Den. Commissioner Lindstrom asked, "Are there no existing bathrooms there now?" Mr. Solli replied by confirming there are three bathrooms there now but from an assembly standpoint you are required to provide two bathrooms for each business, one for women and one for men and creating separation between the cross fit users and the Panther Den users.

They did an analysis of the existing septic system and reviewed the proposals with the Health District and they agreed with our analysis is accurate and that the septic system can be maintained in its current location. There is a reserve area on the property but that is going to be maintained.

Mr. Solli finished his summary of the property and invited any questions.

Commissioner Flader had concerns that the outdoor field is significantly smaller than most fields. Mr. Solli explained that it is a training facility so the operation is that they would have approximately 3 to 4 training sessions per night with approximately 20 children attending to play soccer and lacrosse for training purposes only therefore the space is small and constrained. Commissioner Quinn, having asked this question already, stated that the only training they concentrate on is offensive zone and defensive zone so the middle section of this field is compressed. Right now at the Panther Den they work on an offensive strategy and then a defensive strategy so they don't need the length of the field to work on agility training. Mr. Solli then added that this is not a field in the traditional sense where you have competitions and spectators, this is a training facility focused on skills and for their purposes they feel the size is adequate.

To follow up on Commissioner Flader's question Planner Agresta feels the larger concern is the minimal separation from the two ends of the parking lot with kids running around and balls rolling around. Mr. Solli said he may have failed to mention that the field is surrounded by a fence and they expanded that back area. The user, through their use, can determine how much space they need between the fence and the limit of the play and that will be a natural progression. If there is no room to play because there are people there then they will have to make adjustments.

Commissioner Lindstrom asked if the septic system, which was originally used by 3 to 5 people, would be adequate because it would be getting a lot more use. Mr. Solli replied yes and said that initially, the septic was designed for 28 employees. He said this type of facility is unique from a health code standpoint so they collected water usage from other cross fit facilities but there is no data on this at the Panther Den so they looked at health codes in surrounding states. They determined the septic generation based on a rate provided in New Hampshire. They determined that their anticipated design is approximately 400 gallons per day and the existing septic at the facility is 420 gallons per day. They have reviewed this with Mr. Rich Jackson of the Health District.

Commissioner Townson referenced Appendix E of the application in regard to the septic size and asked if the cross fit gym the applicant collected data from was comparable in size to the one proposed and also had concerns about the variability in the usage depending of the month of the year. Mr. Solli stated the health code has a factor of safety so that they take the average and then use the 1 ½ multiplier to figure that out. He also pointed out that septic systems designed within the last 10 years were designed to be conservative and the property has very good septic soils.

Commissioner Lindstrom was hoping that when the final site plan is presented that the building would be made more appealing. It was noted that this has to go in front of the ARB first and then can be addressed with the Commission.

Commissioner Lindstrom has concerns about traffic flow as she feels there will be many cars coming to the facility at the same time and many cars leaving the facility at the same time as well. Mr. Solli said that one of the benefits of this business is that it is on Victoria Drive which is a well improved street with access to Route 25 at a signal. For this property they looked at what the existing facility is approved to generate and compared that to what is proposed then with data provided by the transportation engineers they are able to determine what those anticipated trips are going to be. In comparison, Mr. Solli said, "If a nursery wanted to move in here they would generate more traffic then the proposed users." Planner Agresta asked if the comparison was being made to a retail nursery or a wholesale nursery. Mr. Solli thought it was a retail nursery but would have to check to make sure. Lastly, he reassured the Commission that this plan would require approval by the DOT.

Planner Agresta asked about class times and whether or not they would overlap leaving not enough parking spaces. Mr. Solli answered saying they looked at parking generation for cross fit gyms which was 1.3 spaces per participant. They have provided ample parking for the gym plus an additional 20 spaces for the field which are required under the regulations.

Commissioner Lindstrom wanted to know where this building is in relation to the Rails to Trails crossing. Mr. Solli showed on a map where the Rails to Trails crossing is stating it runs north to south at one point crossing over Victoria Drive. It is marked by decorative pavers and adequate signage to delineate the crossing. Chairman O'Hara asked for an approximate distance from the building to the crossing and Mr. Solli told him it was about 100 feet.

Commissioner Lindstrom questioned why the owners want to keep the existing light fixtures when it was requested that they replace them with new ones that are shielded dark-sky compliant ones. Mr. Solli stated that there was a lot of clean up to be done to this property and the costs associated with the wetland restoration among other items were considerable. Ultimately it would be more cost effective for the owners to maintain the existing lights as opposed to incurring more cost to replace them.

Commissioner Lindstrom then asked if there would be any plan in the future to create an additional full size field in the future and Mr. Solli said no that the site would not be large enough to do that. Commissioner Lindstrom also asked if there was a sidewalk from Route 25 to this building and Mr. Solli replied there was but it would be located on the other side of Victoria Drive as part of a separate project. Finally, Commissioner Lindstrom asked if the fence around the field would be locked. Mr. Solli was unsure if it would be locked but did not feel there would be a problem as the property is a good distance from any neighborhoods.

Commissioner Quinn asked if Mr. Solli had any maps that showed topography. Mr. Solli referred to one on the overhead and said that it was mainly flat. He said from a restoration standpoint they are going to go right up to where the wetlands were and scrape all that material out down to the ground water elevation. That will lower the grades and then slope back up to the edge. As part of their investigation they did test pits, installed stand pipes and determined the ground water elevation and when they designed their restoration they wanted to make sure that they were going to survive as wetland plans. Commissioner Quinn wanted to know if the owners were asked to go to this extent to remediate. Mr. Solli said that the applicant owner knew this was something that had to be addressed and he wanted to do it the right way. Planner Agresta concurred that when remediation is done on a property that is usually done at a greater ratio to compensate for a factor that is unsuccessful.

Secretary Martin asked that in regard to Town Engineer Schatzlein's list of items to be addressed that Mr. Solli answer them in writing and submit to the Commission for review rather than go over each one. Secretary Martin had concerns about lighting in the handicapped parking areas and asked if there was any way to shield the current lighting that is there. Mr. Solli said that they may be able to adjust the existing fixtures but did not feel they could be shielded and confirmed that they were not dark-sky compliant. Planner Agresta suggested that if they could not shield all the lights, that maybe they could look into doing something with just the lights in the front of the building. Secretary Martin reconfirmed that the applicant owners would get back to the Commission with more details about the signage. Mr. Solli said they would and reminded the Commission that it was only building signage, no ground signage.

There was a brief discussion between Secretary Martin, Planner Agresta, Chairman O'Hara and Mr. Solli about access to Rails to Trails from the proposed property. Mr. Solli said that one of the conditions of the 2 Victoria Drive Subdivision was that they had to put a fence up where the property adjoins to Rails to Trails. They discussed whether or not there should be a gate there for access and they had concerns about people parking on the proposed property to use Rails to Trails as opposed to the sports facility. Commissioner O'Hara asked if this would be an offsite improvement and Mr. Solli confirmed it would be, however Planner Agresta did point out that the property owners do have an easement on the driveway so they would have rights to make improvements in that area.

Commissioner Townson asked for an explanation of pathways that the users of the field would use to access the bathrooms in the building. Mr. Solli showed on a map that there would be a sidewalk from the Panther Den front door to the edge of the parking field. He continued by saying that people will need to be aware of their surroundings while walking through the parking lot as they would in any other parking lot. Commissioner Townson asked for confirmation that the field would not be used at night to which Mr. Solli said it would not.

Commissioner Townson asked if they knew what their hours of operation would be. Mr. Solli was not sure but guessed that the cross fit gym may run from 6:00am to 8:00pm, 10:00pm being the latest. Secretary Martin asked if they would be putting a, "Rest Room", sign on the outside of the building and Mr. Solli said they were not because the people using the rest rooms will be clients and know where the bathrooms are located.

Chairman O'Hara asked if the fact that this property overlaps into Trumbull will have any affect on the processing of this application, do they have any involvement with this or has this been taken care of. Mr. Solli said they have given Trumbull notice as required of what is going to happen and they have not gotten back to them, they do not have an approval here. Chairman O'Hara asked if he thought that was a problem and he felt it was not because there was no proposed work being done on that portion of the property. It was discussed that the former owner operates a facility on the abutting property and he is currently trespassing approximately 5 feet over the property line however, the trespasses have nothing to do with this application being processed.

Chairman O'Hara asked Mr. Solli to address the western boundary property access. The previous property owner paved from the front of the building all the way to the property line. They will be removing the blacktop, filling in with top soil, and planting grass. There was a note on the landscape plan which addressed this but they still have comments to work through from a restorative standpoint. Chairman O'Hara asked if they were going to address beefing up the landscape around the dumpster and present those plans at a later date and Mr. Solli said they would. In addition, there was a comment about marking the loading area so people would not park there and Mr. Solli said they could.

Chairman O'Hara asked if this location would be an improvement from a standpoint of access and traffic. To which Mr. Solli responded yes and added that it would be safer as well. Chairman O'Hara asked that there be no outstanding issues for this application the next time they meet.

Mr. Solli requested that an approval letter allow for the front portion of the building to be occupied while the site work is completed. It is already an approved building and an approved parking lot. Chairman O'Hara clarified that they would be looking for something to perhaps happen after a pre-construction meeting and Mr. Solli responded, yes. Chairman O'Hara requested that in the next two weeks Mr. Solli arrange with staff somehow to facilitate his request and that whatever their needs are they need to be within that letter. Planner Agresta said this may be doable but the key is it can't be a prolonged temporary situation.

Chairman O'Hara wanted to know what the height of the fences would be around the outdoor field and the wetlands and are there regulations regarding that or did they use their own standards. Mr. Solli responded saying it was a combination of both to determine the height of the fences and they would be 6 feet high but would be just around the field. They are not proposing fencing around the water quality basin because the depth is minimal.

Chairman O'Hara said the current parking lot looks deteriorated and asked if they intend to resurface it and Mr. Solli answered yes, they will repave it.

Chairman O'Hara asked if this property would improve the flood carrying capacity and floodplain for the entire area including Swiss Army and 2 Victoria Drive. Mr. Solli said it would and would benefit other potential projects coming into the area. Chairman O'Hara suggested that they bring the proposed landscaping the next time they meet with the Commission. He also asked if the applicant would be willing to accept dark-sky lighting as a condition of approval. Mr. Solli said they would for the site lighting but as far as the existing lights on the building they would like to keep them the same and they are not dark-sky compliant.

Chairman O'Hara wanted to make sure that because they will be doing some earth work that it would not trigger the need for any further permits. Mr. Solli said he did not think so because it is part of a Special Exception Permit application it did not need a separate Excavation Filling Permit.

Commissioner Quinn asked one question of Mr. Cristo. He wanted to know if the idea behind this outdoor field was to lessen the overall burden of town park fields and do you derive the larger part of your business from local lacrosse and soccer players that utilize the Panther Den. Mr. Cristo thought that was the case and that they intend to have the field be accessible to them. In addition, Commissioner Quinn wanted to know if they would have any specific restrictions at this facility. Mr. Cristo answered that even if it was sprinkling out they could still use this field. Mr. Solli supported that by saying that this field was designed to drain, making it usable even if it rains.

Chairman O'Hara opened the hearing to public comment, which there was none.

Mr. Solli had no final comment.

Polling the Commission hearing no objections, Chairman O'Hara adjourned the public hearing to its May 21, 2015 meeting.

## **SITE PLAN REVIEW**

6. **SITE DEVELOPMENT PLAN** – None

## **DELIBERATIONS and DETERMINATIONS**

7. **PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS**

**ZCA-2014-07, File #1003D – 2 Victoria Drive & 10 and 36 Main Street – Time Extension**

**OWNER** Kimball Land Holdings, LLC, Kimball Development, LLC, 10 Main Street, LLC  
**APPLICANT** Kimball Land Holdings, LLC, Kimball Development, LLC, 10 Main Street, LLC  
**MOTION:** Quinn – To grant a 60 day extension to meet conditions of approval.  
**SECOND:** Martin  
**DISCUSSION:** None  
**VOTE:** 5-0-0 – Approve  
    **Ayes** O’Hara, Quinn, Lindstrom, Martin, Townson  
    **Nays** None  
    **Abstain** None

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

9. **MEETING MINUTES** – None

10. **APPLICATION DELIBERATIONS/DETERMINATIONS**

**SUB-2014-03, File #1255C – 36 Timothy Hill Road**

Postponed until May 21, 2015

**SEP-2014-13, File #1549A – 462,464,466 & 470 Main Street**

**OWNER** JV462 Main Street LLC, 464 Main Street LLC, 466 Main Street LLC and 470 Main Street, LLC  
**APPLICANT** JV462 Main Street LLC  
**MOTION:** Quinn – To approve Special Exception Permit SEP-2014-13 as set forth in the draft approval dated April 23, 2015.  
**SECOND:** Lindstrom

**DISCUSSION:** Commissioner Lindstrom wanted to be clear that the second floor of this building will remain uninhabitable with this approval. Planner Agresta confirmed that it would and if they ever wanted to change that they would have to come back for amendment approval. In addition Chairman O’Hara stated that after an extensive amount of work on this application they finally got a project which takes a difficult, uninhabited site, puts a building on it, despite traffic issues. The project has given extensive consideration to architecture and landscape which the Commission is appreciative of as well as sidewalk, signage, and lighting. The applicant has done a lot of work relative addressing sight lines, drainage, septic and wetlands to make it a good site for a business. They are doing dark-sky compliant lights, appropriate number of parking spaces and are going along with our POCD by doing economic development with added tax generation. Planner Agresta stated that the four parcels will be merged into a single lot before the signing of the plans and they have two zoning variances to support the project, one of which still needs to be recorded before the final plans can be signed.

**VOTE:** **5-0-0 – Approve**  
**Ayes** O’Hara, Martin, Quinn, Lindstrom, Townson  
**Nays** None  
**Abstain** None

**SDP-2015-01, File #113 – 75 Main Street**

**OWNER** J & J Enterprises, LLC  
**APPLICANT** John Petrie c/o Enterprise Rent A Car - ELRAC, LLC  
**MOTION:** Quinn – To approve SDP-2015-01 as drafted in the approval letter.  
**SECOND:** Lindstrom

**DISCUSSION:** Commissioner Lindstrom wanted to make sure this facility would not be able to sell cars as well as rent them. Chairman O’Hara reassured her that they not be able to sell cars as it would be a zoning violation if they did.

**VOTE:** **5-0-0 – Approve**  
**Ayes** O’Hara, Martin, Quinn, Lindstrom, Townson  
**Nays** None  
**Abstain** None

**OTHER BUSINESS**

11. **REGULATIONS REVIEW/AMENDMENT WORK SESSION** - None

12. **CORRESPONDENCE/OTHER RECEIVED**

Chairman O’Hara stated there was one letter regarding 30 Cobblers Hill Court for a new cell tower and another letter for 500 Moose Hill Road which is an existing cell tower that will be modified

**13. COMMISSIONER'S REPORTS**

- Chairman's Report – The lawsuit regarding the zone change that the commission denied for 528 Monroe Turnpike was sustained in the Commission's favor.
- Commissioner's Reports – None
- Land Use Staff Reports – None

**14. MEETING AJOURNMENT**

With no objections, Chairman O'Hara adjourned the meeting at 8:42 pm.

Respectfully submitted,  
Carol Re, Recording Secretary