

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
July 7, 2016**

Meeting: Planning and Zoning Commission
Regular Meeting – 7:00 p.m.
7 Fan Hill Road, Monroe, Connecticut

Meetings are Video and Audio Recorded

Present: Chairman Patrick O'Hara
Vice Chairman William Porter
Secretary Jeremy Hayden
Commissioner David Townson
Commissioner Leon Ambrosey
Commissioner Cathleen Lindstrom (alternate)
Commissioner Michael O'Reilly (alternate)

Absent: Commissioner Paul Lisi (alternate)
Scott Schatzlein, P.E. *Land Use Group Director, Town Engineer*

Also Present: William Agresta, *Planning and Zoning Administrator*
Rebecca Wood, *Recording Secretary*

OPENING of MEETING

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman O'Hara called the meeting to order at 7:04 p.m., and invited those in attendance to join in the Pledge of Allegiance.

2. ROLL CALL & SEATING OF ALTERNATES (if required)

Commissioners were seated on a roll call.

3. GENERAL PUBLIC PARTICIPATION PERIOD

None

4. GENERAL APPOINTMENTS

None

PUBLIC HEARINGS

5. SUBDIVISION & REUBDIVISION

SUB-2016-01, File #1258CA

716 Wheeler Road (Assessor Map 117, Lot 14)
Application of Gary Howden (applicant/owner) for a two (2) lot residential Resubdivision. The property consists of approximately 5.1 acres located within a Residential and Farming District 2 (RF-2).

The public hearing was reconvened from its adjournment on June 16, 2016, including acknowledgement of revised comments from the Health Department and Town Engineer regarding drainage issues.

John Mack, Licensed Professional Engineer, representing the applicant, presented the changes made to the plans:

- The bottom of the roof galleries were raised above high ground water elevation and a revised retention report was submitted;
- Two benchmarks were added to the plans;
- A parking space was added at the base of the new driveway due to its grade;
- Sight line distances were added;

Chairman O'Hara discussed the Town Engineer's review in his absence noting that two additional monuments at the south end of the Wheeler Road conveyance should be added; street trees are not proposed to which the applicant noted the existing trees to remain; and the final plans should include contours and referencing of the proposed swale along the driveway. It was also noted that the Health Department had no objections to the revised drainage improvements.

The Commission thought that if the stone walls are on the property line that no monuments would be needed in those locations, but if the stone walls are not on the property line then monuments would be required to delineate the property line.

Polling the Commission and hearing no objections, the Chairman closed the public hearing.

6. ZONE BOUNDARY CHANGE

ZCA-2016-01, File #1006D 754 Main Street (Assessor Map 93, Lot 51)

Petition Application of Stone Farm LLC (applicant) for a Zone Boundary Change of approximately 22.59 acres presently classified Residential and Farming District 1 (RF-1) to Industrial District 1 (I-102). Seven Fifty Four Main Street LLC (Owner).

The opening of the public hearing has been postponed to the 7/21/2016 meeting at the request of the applicant.

7. ZONING REGULATION TEXT AMENDMENTS

RAA-2016-04, File #979E Add Gasoline Stations Use – Limited Office Retail (LOR) District

Proposed Zoning Text Amendment to 5.1.4 to add "Gasoline Stations" as a permitted principal use, subject to a Special Exception Permit in a Limited Office Retail (LOR) District. The text amendment also includes a revision to 8.2.3 that proposes a 350 foot setback for related fuel pumps, canopies over fuel pumps and fuel storage tanks from a Residential District, as well as prohibition of canopies within a front yard setback. Petitioner: Solli Engineering, LLC.

The public hearing notice was read and exhibits listed for the record.

Kevin Solli, Licensed Professional Engineer, Solli Engineering, LLC, summarized the proposed zoning text changes to the Zoning Regulations for the Limited Office Retail (LOR) District, noting that the LOR District is a transition zone located along Route 111, near the southern town line with Trumbull.

Mr. Solli noted that there would be limited areas in the LOR District that would be eligible to incorporate a gasoline station based on the proposed 350 foot setback to residential areas. Planner Agresta noted that limiting the use to very few applicable properties in the LOR District could be viewed as too restrictive from a zoning or challenge perspective; that an economic assessment comparing property acreage, uses, and gross assessments in terms of tax revenue based on land vs. improvement, gas stations have some of the lowest tax assessments in comparison to other LOR uses; that gas stations do not draw customers into the area to expand other uses; that a gas station is not typically a gateway use from a use or aesthetic standpoint; and that removing canopies from the front setback should be expanded to other areas of the town.

Commissioner O'Reilly expressed concerns that the POCD directed the Planning and Zoning Commission to view applications that were gateways into Monroe on the main corridor with discretion. This use is not a desirable gateway use as it stands and inquired if there was a way to improve a property to enhance its gateway appeal. Mr. Solli responded that while the applicant's property is not a gateway property in and of itself, it provides an opportunity to use this as a catalyst for a gateway to be developed, as a supportive element by providing some additional flexibility in the LOR District in site development from the past practice, and provided Commissioner O'Reilly with a visual presentation with proposed conceptual plans for the entire property owned by the applicant in the LOR District.

Commissioner Lindstrom inquired what the total number of filling stations/pumps would be with a development; her concern of setting a precedent for the future combining of properties in order to achieve desired gas station development, and a concern regarding its unsuitability as a gateway use, one of the reasons gas stations were not originally included in this zone. Mr. Solli responded that the total number of gas pumps that could be accommodated would be between six and eight, that a desired assemblage of properties in the future would require an approval from the complete discretion of this Commission as well as a zone change and Special Exception Permit.

Commissioner Hayden expressed concerns for the merits of economic considerations as opposed to health and safety matters. Planner Agresta noted that economic factors are important and relevant to help determine consistency with the POCD and overall development of the town.

Commissioner Townson inquired what the advantage of including a gas station in the LOR District would be from a POCD standpoint and also thought economic factors were relevant. Mr. Solli responded that the chapters in the POCD focus on increasing the tax base; encouraging idle sites to become developed, and the LOR District intent was created to encourage development in limited office environments, but historically, economic market demand factors, costly site constraints, and limited infrastructure, such as the lack of sewer systems, have resulted in a less than successful result with LOR zoning.

Chairman O'Hara questioned the following:

- Whether pylons that hold up a gas station canopy would fall under standards for façade materials. Both Planner Agresta and Mr. Solli agreed that the pylons would be viewed as a support structure for the roof and would thus be subject to the same scrutiny as other site buildings.
- Gasoline and motor fuels will be dispensed "solely" by a gas station, but the interest of this Special Exception Permit is to modify that to include a convenience store. The word solely should be stricken.
- Based on Planner Agresta's comments, change canopy wording to read, "Canopy structures over fuel pump dispensers shall not be located in front yard setbacks" and change the code to apply elsewhere. Discussion ensued that such a change would be substantive and should be handled by the Commission by a separate action.

Chairman O'Hara opened up the floor for public comment.

Mr. Ed Controlla, expressed that he believed the discussion regarding this property was similar to the application for a district change for 205 Monroe Turnpike, and secondly, that this property should not be viewed as a gas station being the fundamental gateway draw into Monroe, but rather as one component of a larger plan.

Mr. Solli thanked the Commission and requested that the application be approved.

Polling the Commission and hearing no objections, the Chairman closed the public hearing.

8. SPECIAL EXCEPTION PERMITS

SEP-2015-15-A1, File #1566A

500 Pepper Street, Monroe Tax Assessor Map 94, Lot 15 Permit Approval Amendment Modification application from Duane Carrubba – Maybrook Properties, LLC (owner/applicant) seeking changes to recently approved SEP-2015-15 consisting of reductions in the building footprint, gross floor area, and total amount of impervious surfaces; substituting an underground stormwater detention system with a surface stormwater detention system; and related changes to parking, loading and landscaping improvements. The property consists of approximately 7.16 acres located within an industrial District 2 (I-2).

Kevin Solli, Licensed Professional Engineer, Solli Engineering, LLC, summarized the application to date and that costs associated with approved plan far exceeded the applicant's budget, resulting in a redesign of the building reducing its footprint and overall gross floor area, as well as:

- A reduction in the amount and type of drainage needed for the site which previously included underground retention facilities in the front and of the property; these are proposed to be replaced by above-ground stormwater retention;
- Reduction of overall impervious surface from approximately 2.5 acres to under 2.1 acres of impervious surface;
- Similar soil and sediment control measures as in the initial application;
- Utilities have been maintained except for moving the transformer adjacent to the building;
- The landscape plan incorporates considerably more wetland plantings and addresses the majority of the Town Planner's Comments. No permanent irrigation is being considered at this time;
- Colored building plans have been provided to detail the internal building use distribution;
- A roof sketch was provided for consideration, and Commissioner Porter indicated that all mechanicals needed to be screened from view, either from the roof, or some other method;
- Proposed building design and color (grey/white) including smooth and split face blocks, with the size of the block to be added to the final plan submission;
- The window design has changed with smaller windows on the lower level;
- The location of the loading dock was changed from the side to the rear to further screen that activity; and
- The number of parking spaces required is 96 with 100 spaces provided.

The Town Engineer's letter to the Commission states that the applicant has been able to address the majority of his comments, and he had no further comments that would impede this application moving forward to deliberations.

Commissioner Porter inquired if the panels between the windows were flat or textured. Mr. Solli and Mr. Ceretta for Carrubba explained that they were slightly textured metal panels. The Commission inquired if the top floor extended over the bottom floor of the building, and the Town Planner expressed concerns that the window size and placement between floors was imbalanced compared to prior renderings by the architect.

Chairman O'Hara inquired whether slip-form concrete could be used for curbing other than asphalt. Mr. Solli expressed that slip form concrete was not widely used in this geographic area due to its failure with repeated freeze/thaws, that concrete would be used on the driveway aprons, with asphalt used on the remainder of impervious surfaces.

Commissioner Lindstrom expressed that architecturally there was a large empty expanse between the upper and lower windows, and Commissioner Ambrosey expressed that the former building rendering looks less uniform than the current rendering.

Commissioner Porter inquired what the stormwater runoff was between the previous plan and the new design, if collected water was treated, and where non-septic floor drain discharge would go. Mr. Solli expressed that the rate of runoff is reduced from the previously approved plan to the new design, the roof runoff is collected through roof leaders and directly discharged to the stormwater basin, all water discharged into basins is treated to allow for controlled flow into the wetlands, discharge from non-septic floor drains is piped to a 2,000 gallon holding tank as part of the original approval.

Chairman O'Hara requested that Mr. Solli note that the flagpole for the property not be used for advertising, only for national flags.

Commissioner Hayden inquired if the new design had been approved through the Inland Wetlands Commission. Mr. Solli indicated that the applicant expects approval for the amendment on July 27, 2016. In response to comments made by Inland Wetlands regarding Vinca Minor, Chairman O'Hara noted that Vinca Minor is not an invasive species in Connecticut. He also noted that White Oak produces many acorns loved by deer; Emerald Green Arbor Vitae is sought after by deer, whereas Green Giant is not; Astilbe is more of a partial sun and less of a full shade plant; and Hosta is also sought after by deer and a shade loving plant.

Mr. Solli thanked the Commission and responded that Carrubba, a producer of flavored oils, etc. has found one of its products to be a very effective deer repellent.

Chairman O'Hara indicated that the hearing would need to remain open pending receipt of Inland Wetlands. The applicant requested that the hearing remain on the agenda for the July 21 meeting should they have revisions to the plans to discuss, if not the matter would be adjourned to the August 4th meeting. There was discussion of staff preparing a draft approval in advance and the desire to expedite construction by permitting site work to occur in advance of a Building Permit.

Commissioner Porter stated that if this were even possible, it would be at the applicant's risk and still subject to the appeal process. Planner Agresta indicated that preparing a draft approval with the hearing still open would be premature and that site work prior to a building permit was a big departure from present processing and that is a discussion that is larger than just this application and the input of all the land use departments should be obtained prior to make such a change to better understand the process and staffing involved after the Commission approval is granted. Chairman O'Hara suggested that Mr. Solli speak with land use staff to determine if there was a means to achieve his goal.

Hearing no objections, Chairman O'Hara adjourned the public hearing to the next meeting.

SITE PLAN REVIEW

9. SITE DEVELOPMENT PLAN

None

DELIBERATIONS and DETERMINATIONS

10. PERMIT AMENDMENTS / MODIFICATIONS

None

11. EXTENSIONS

None

12. Bond Releases or Reductions

None

13. MEETING MINUTES

June 2, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for June 2, 2016 as amended.

SECOND: Hayden

VOTE: 5-0-0 – Approved

Ayes O'Hara, Porter, Hayden, Townson, Ambrosey

Nays None

Abstain None

June 16, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for June 2, 2016 as amended.

SECOND: Hayden

VOTE: 4-0-1 – Approved

Ayes O'Hara, Porter, Hayden, Townson

Nays None

Abstain Ambrosey

14. APPLICATION DELIBERATIONS/DETERMINATIONS

SEP-2016-05, File #1574A– 178 Main Street (Map 19, Lot 2)

OWNER: Soundview Capital Partners LLC – John Lilly

APPLICANT: Soundview Capital Partners LLC

MOTION: Porter – To approve application SEP-2016-05 as set forth in Draft Approval Resolution dated July 7, 2016, as amended, granting Special Exception Permit.

SECOND: Hayden

VOTE: 4-0-1 – Approved

Ayes O’Hara, Porter, Hayden, Townson

Nays None

Abstain Ambrosey

SUB-2016-01, File #1258C – 716 Wheeler Road (Map 117, Lot 14)

The consensus was for staff to draft an approval including as conditions the items as discussed during the public hearing, and acknowledgment that to retain the historic nature of the property and barn structure the lot area configuration is less than conventional but still conforming to dimensional standards; monuments need not disturb stone walls if along the property line; and the existing trees along the street are to remain.

OTHER BUSINESS

15. REGULATIONS REVIEW / AMENDMENT WORKSESSION

None

16. CORRESPONDENCE / OTHER RECEIVED

None

17. COMMISSION REPORTS

Chairman’s Report

None

Commissioner’s Report

None

Land Use Staff Report

None

18. MEETING ADJOURNMENT

Polling the Commission and hearing no objections, Chairman O’Hara adjourned the meeting at 9:41 pm.

Respectfully Submitted,
Rebecca Wood, *Recording Secretary*