

PLANNING and ZONING COMMISSION
Monroe, Connecticut

MEETING MINUTES
August 18, 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
Commissioner David Townson
Commissioner Leon Ambrosey
Commissioner Cathleen Lindstrom (alternate)
Commissioner Michael O'Reilly (alternate)

Absent: Secretary Jeremy Hayden
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 7:00 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

Kim Thompson, 27 Knollwood Street, also speaking for Scott Emmerson-Pace & Christopher Emmerson-Pace of 19 Knollwood Street, Lisa Pawlak & Dan Fernandez of 26 Knollwood Street, and Patty Keller, also of 20 Knollwood Street, Monroe.

A complaint was made of an illegal business in a residence, the Warren's Estate, Occult Museum, run in the Warren house since 2014. Complaints have been voiced prior with the town, with the Zoning Enforcement Officer and with a town police detective. The heir and Trustee in charge of Lorraine Warren's Trust has been running museum tours as a cash business, advertising online, and encouraging visitors from around the world to enter the street, who then knock on doors, park, trespass, approach them, and inquire where the museum is located.

The Zoning Enforcement Office issued a Citation for the illegal activity in 2014, at which time the business no longer appeared to be operating, but it has now again opened for business, and has operated on the last five Saturdays. Videos of the activities have been taken, all related information has been submitted to the Zoning Enforcement Officer, and Counsel has been retained.

Commissioner O'Hara stated that the Zoning Enforcement Officer issued another Zoning Violation citation on August 12, 2016, that the recording secretary would reflect the names and addresses of all those in supportive attendance at the meeting, and he would communicate with the Town Hall regarding the issue in the hope of expediting the zoning violation to a resolution.

4. GENERAL APPOINTMENTS

None

PUBLIC HEARINGS

5. SPECIAL EXCEPTION PERMITS

SEP-2016-06, File #1576A

232, 234 & 236 Main Street (Assessor Map 18, Lot 42)

Application of 234 Main Street, LLC – Bernard Sippin (applicant/owner) proposing changes in use of existing buildings, associated site and parking related improvements, connection to public water supply, installation of roof-mounted solar panels, lot line revision with abutting 200 Main Street property, site restoration activities and establishment of a Conservation Easement over a portion of the rear of the property. This property consists of approximately 5.22 acres. (*Reconvened from 8/4/2016*).

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

Attorney Paul Sobel of Green & Gross, located in Bridgeport, CT representing the applicant responded to the Town Planner's comments as follows:

- Page 3: Regarding outdoor storage, Dave Bjorklund, Licensed Engineer representing the applicant responded that when the site was developed the zoning regulations did not have a requirement for storage, for percentage of storage, or for screening of storage. The areas for storage have been depicted on the site plan, and are located away from view, behind the oil storage tanks except for a rack that stores tires related to the garage located on the property that sells tires and has been for years. Planner Agresta responded that the plan that is currently proposed for approval is subject to the current regulations and that the existing sheds and outdoor storage in question are not grandfathered as there is a standing SEP Site Plan for the site and these aspects are also not on that plan and thus not presently authorized, and therefore are not included in the current approval for the site.
- Page 3: Property Survey Map lot reconfiguration shall be provided for review as well as an easement for an overhead utility line: Atty. Sobel stated that he provided a draft Quit Claim Deed that states the transfer of property from 200 Main Street to 234 Main Street clearly referencing the area. There is no requirement in the law for a Warranty Deed over a Quit Claim Deed for a fee simple conveyance. Planner Agresta explained these were not in the format used for such matters and that this had been issue for this property in the past.
- The Conservation Easement was deemed not necessary by the Commission but the applicant will need to check with the Inland Wetlands Commission to insure that a lack of easement comports with their approval.
- Page 5: The plan will need to show the detail of the public water supply connection as a condition of approval.

- Verification regarding DiBlasi Associates confirming that the lateral truss supports were properly installed will be required.
- Pavement restoration detail was demonstrated on the plans.
- Shifting of trees at the earth berm will be required to address landscaping comments.
- The applicant did not wish to add a statement to the drawing identifying locations where the new use outside storage may/may not be located, but the Commission will require same.
- The applicant does not wish to landscape the islands as requested; the Commission accepted this.
- The applicant provided a picture inventory of existing signs with approximate area for the file.

Dave Bjorklund, President of Spath Bjorklund and Associates located in Monroe, representing the applicant, responded to the Town Engineer’s comments as follows:

- Page 2, Number 5: The applicant prefers not to install bollards as requested.
- The entirety of information that the applicant has regarding drainage systems on the site has already been transferred to the site plan.
- No new lighting is proposed.
- Stormwater quality features were discussed and submitted on the plans.
- The bond of \$18,000 is agreed to by the applicant.

Chairman O’Hara inquired if there were any comments from the public regarding this application, and hearing none, and polling the Commission and hearing no objections, closed the public hearing.

6. ZONE BOUNDARY CHANGE

ZCA-2016-03, File #1008D

146 Cutlers Farm Road (Assessor Map 21, Lot 19B)

269 Purdy Hill Road (Assessor Map 21, Lot 18)

287 Purdy Hill Road (Assessor Map 21, Lot 19A)

Petition Application of Beaver Brook, LLC (applicant) for a Zone Boundary Change of three lots with an area of approximately 10.204 acres from Residential and Farming District 1 (RF-1) to Age Restricted Residence (ARR) District. Kenneth Twombly (Owner).

Chairman O’Hara recused himself, with Vice Chairman Porter seated as Chair. The public hearing notice was read and exhibits listed for the record.

Dave Bjorklund, President of Bjorklund Associates, Licensed Professional Engineer, representing the applicants, Mr. Ken Twombly, a professional landscape and nursery owner, and Mr. Kim Danzinger, a professional builder, as Principals in Beaver Brook, LLC as follows:

- The majority of the approximate 10 acre property has been used to grow landscape items such as trees and shrubs and is occupied by a single family home and is currently zoned as RF-1.
- The parties entered into discussions with the Planning and Zoning Commission three years ago to modify the current regulations to create a new adult residential zoning district, as the former regulations were drawn up in the 1970’s, and did not address the demand or the needs of the 55+ aged housing market to allow detached single family homes whereas the current regulations only provide for multi-family dwelling units.
- The Planning and Zoning Commission approved the new regulation in September of 2015 to provide a housing opportunity for those individuals and families wishing to live in a smaller two or three-bedroom detached home on a one to two acre lot, with modern construction but managed by an condominium association.

- The intended development is for fifteen detached two-bedroom houses, not the allowed twenty (2/acre) detached or fifty attached units (5/acre) allowable in the ARR District. But the Commission must evaluate both higher density scenarios as this is a zone change request.
- The adjacent roads are defined as minor arterial roads in the Town's Plan of Conservation and Development, carrying more traffic than minor roads but far less than the main highways through town.
- This property is ideally located for this use being in close proximity to the Senior Center, within ¼ of a mile of the Post Office, convenient to the commercial areas on RT 111 for both Monroe and Trumbull access, and in general close proximity and accessible to services desired by those residents living there.
- The site is served by Gas, Electric, and Public Water utilities.
- The site is very level and will not require extensive site development.
- Extensive soil testing has been completed, and based on the test holes reviewed by the Health Department, the site has the infrastructure to support the proposed fifteen two-bedroom units, a higher density than RF-1.
- The Wetlands are confined to the rear of the Purdy Hill Property with no impact to the Inland Wetlands in the area.
- Mr. Bjorklund provided a letter describing a Traffic Analysis resulting in less traffic generated from age restricted housing than if the site were developed without age restriction of 55 and over. However it was noted that the age restriction was only 55 years of age and could be just as traffic generating as non-age restricted homes. The Traffic Study used non-aged restricted to be conservative.
- The current signage at the intersection of Purdy Hill Road to Cutlers Farm Road is adequate for the existing configuration, with the only addition being that of a stop sign upon leaving the site.
- The 2010 POCD that was adopted calls for more diverse housing options and new housing opportunities for the elderly, which would meet that goal by approving this application; and, being a smaller lot size of ten acres, the increase in density will be minor. Under the current regulations, this property could be developed with 9 four-bedroom houses on one acre lots.
- A proposed subdivision plan was presented illustrating the nine 4-bedroom homes equaling 36 bedrooms, whereas the new age restricted development has only 30 bedrooms; the nine 4-bedroom homes would more than likely yield more school children than the fifteen 2-bedroom homes in an age restricted development.
- There will be no town maintenance required for this development, with private roads and condominium ownership, reducing the demand for public works town services.
- Mr. Bjorklund summarized that the Planning and Zoning Commission worked at length with the applicant to adopt these new regulations, the applicant believes this piece of property is well suited to these regulations with a good location, good soils, good access to infrastructure, minimal wetland impact, and minimal traffic impact to change from a RF-1 to an ARR zone.

Mr. Bjorklund then responded to Staff Comments:

- In response to the request from the Town Engineer requesting the widths of right-of-way, is covered under subdivision regulations, and the applicant will provide that information when they submit a detailed site plan when they know the actual unit and driveway locations are (at the time of Special Exception). Planner Agresta inquired if there was sufficient right-of-way in order to make any modifications if necessary, and be able to come from the application property; Mr. Bjorklund stated that if modifications were necessary, the right-of-way would be provided from the application property.
- The proposal is to merge three parcels together, and the applicant will prepare a map, review it with the Town Planner.

- Vice Chairman Porter responded that since the applicant was requesting a zone change that would legally allow for two scenarios—detached units not to exceed two per acre (20) or attached units allowing for up to five units per acre for a total of 50 units, the Commission needs to determine whether this zone change is an appropriate use for this particular parcel in terms of infrastructure adequacy and neighborhood character. Mr. Bjorklund responded that if another applicant came forward for this parcel requesting a 50 unit attached development, they would need to come before the Commission requesting a Special Exception Permit; a 50 unit development would move an applicant into a High Capacity DEEP Septic System requiring a year long analysis;
- The Supplemental Report outlines what the traffic impact would be for a 50-unit development in terms of traffic count, and offered a deed restriction as a condition of approval. Vice Chairman Porter indicated that the Commission could not place a deed restriction on a zone change.
- The applicant provided a layout for a conventional 4-bedroom, 9 home plan layout.
- The septic flow for a 15 unit detached development would be 4500 gal/day; anything above 5,000 gal/day/contiguous property or parcel becomes a DEEP system—if you had a 3 unit dwelling attached that ran 6,000 gal/day of wastewater, it would come under the jurisdiction of DEEP.
- The existing house on the site will become part and parcel of the condominium complex and be incorporated into the site plan and will have to be addressed as a non-conformity.
- Commissioner Townson requested a traffic generation comparison explanation from the applicant. Mr. Bjorklund explained that in one case it assumes that the property is developed without a 55+ age restriction, for 15 dwelling units during morning peak: 5 more entering/15 more exiting/total of 20 more; for a 50 unit townhouse condominium 5 more entering/25 more exiting/ total 30 more; the same information is extended for the afternoon peak. The next section provides this information with an age restriction: 1 more entering/2 more exiting/3 more total. The age restriction zoning results in a significant drop in traffic generation.

The Commission requires a traffic comparison study utilizing a nine, 4-bedroom home RF-1 subdivision.

Commissioner Lindstrom inquired if each of the 15 unit homes would have their own septic system and lots, would they be clustered together, and what the impact would be if the development could not be completed. Mr. Bjorklund explained that this would be one contiguous 10 acre lot with the detached homes spread throughout with specified distances between them, no individual lots, or specific setbacks and no designated free space. Commissioner Lindstrom inquired as to what the impact of these types of developments have on current property values for adjacent properties. Mr. Bjorklund indicated that with the existing Hidden Knolls properties and High Meadows, he has not seen any indication of adverse impact on adjacent properties.

Vice Chairman Porter indicated that the POCD also strives to see more of the Town's properties become compliant with the zoning regulations, and the Commission has been working to not create any further non-compliance or non-conformance. If this application were approved the Commission would be creating three non-conforming properties as they cannot place the condition of combining the properties as part of the approval, and why weren't the lots combined prior to applying for this zone change.

Vice-Chairman Porter opened the meeting for Public Comment:

Mr. Bouchard, 180 Cutlers Farms Road: Inquired about how many homes were planned to be developed, but whose main concern was that once the zone was changed for this site, that another parcel owned by Sippin would be rezoned as well. When he purchased his home 24 years ago on Cutlers Farm Road some time ago, it was due to that road being park like, beautiful with nice homes, a good place for kids, and does not see how condominiums will add to that neighborhood appeal.

Debbie Bouchard, 180 Cutlers Farm Road: Agreed with her husband and voiced concern that the traffic study was completed during a non-school year period when the traffic worsens. In addition, she sees this rezoning of the parcel as “spot zoning” and is concerned it will change the character of her neighborhood and property.

139 Cutlers Farm Road, Sal Moribito stated that he was concerned for his neighbors but was not opposed to the rezoning, but was concerned that the POCD encouraged rezoning after a study had been done, but that no study had been done even though monies have been allotted in the town budget to do just that. In addition, there should be two different condominium zones that allow for greater and lesser densities; there are no guidelines to approve a density, only a zone or district.

Kim Danziger, 5 Stonewall Ridge Road, Newtown, CT: One of the partners on this project, wished to address two items: this application is only for a zone change and not for subdivision approval, that will come at a later stage when the public will have the opportunity to comment; secondly, that we leave the hearing open to allow the applicant the time to file the maps creating one parcel, and not three.

Hearing no further comments, the Vice Chairman adjourned the hearing to September 1, 2016.

The Commission took a five minute recess.

7. SUBDIVISION / RESUBDIVISION

SUB-2016-02, File #1259C

36 Timothy Hill Road – Monroe Tax Assessor Map 114, Lot

6 Application of New England Materials, LLC (owner/applicant) for a five (5) lot industrial non-residential Resubdivision. Portions of the subject property are disturbed but generally the site is underdeveloped and consists of forested woodlands and wetlands and several intermittent woodland (vernal) pools. The Resubdivision proposes five (f) new Industrial Lots and the construction and conveyance of a new public road to the Town of Monroe providing a through connection to Fan Hill Road. The property is approximately 44.14 acres within an Industrial District 2 (I-2). *(Reconvened from 8/04/16)*

Chairman O’Hara summarized the proceedings on the application to date: The applicant presented information, a public hearing was held, the floor was closed to further public input, and left the hearing open to allow the applicant to add any further information to the record.

Casey Birch, representing Solli Engineering stated that the applicant has no further information to provide the Commission.

Polling the Commission for further comment and hearing none, Chairman O’Hara closed the public hearing.

SITE PLAN REVIEW

8. SITE DEVELOPMENT PLAN

SDP-2016-03, File #119

342 Monroe Turnpike – Convert residence to a dentist’s office
(Carried over to 9/15/16)

This application was tabled and adjourned to September 15, 2016.

DELIBERATIONS and DETERMINATIONS

9. ZONE BOUNDARY CHANGE

This application was tabled and adjourned to September 15, 2016.

10. SPECIAL EXCEPTION PERMITS

SEP-2015-15-A1, File #1566A– 500 Pepper Street (Assessor Map 94, Lot 15)

OWNER: Maybrook Properties, LLC (c/o Duane Carrubba, Manager)

APPLICANT: Carrubba Inc.

MOTION: Porter – To approve Permit Amendment Modification Application SEP-2105-15-A1 as set forth in the Draft Approval Resolution dated August 18, 2016, thereby modifying and superseding the previous and original approval SEP-2015-15 dated September 3, 2015.

SECOND: Townson

VOTE: 4-0-1 – Approved

Ayes O’Hara, Porter, Townson, Ambrosey

Nays None

Absent Hayden

11. PERMIT AMENDMENTS / MODIFICATIONS

None

12. EXTENSIONS

SUB-2015-02, File #1257C – 64 Cambridge Drive

OWNER New England Materials LLC

APPLICANT New England Materials LLC

MOTION Porter – To grant a 90 day extension to meet Conditions of Approval.

SECOND Townson

VOTE: 5-0-0 – Approved

Ayes O’Hara, Porter, Townson, Ambrosey, Lindstrom

Nays None

Abstain None

SUB (07-4), File #1242C – 82 Cottage Street/42 Sandbar Road

OWNER Cottage Street LLC

APPLICANT Cottage Street LLC

MOTION Porter – To grant a one (1) year extension pursuant to CGS §8-25 and Monroe Land Subdivision Regulations §111-202C(1).

SECOND Townson

VOTE: 5-0-0 – Approved

Ayes O’Hara, Porter, Townson, Ambrosey, Lindstrom

Nays None

Abstain None

13. Bond Releases or Reductions

SEP-2014-11, File #1547A – 51 Shelton Road (Route 110)

OWNER M and I Real Estate LLC, Cheryl Iannucci Member
APPLICANT Tiny Treasures Child Day Care
MOTION Porter – To approve final release of any and all remaining held bond.
SECOND Townson
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Townson, Ambrosey, Lindstrom
Nays None
Abstain None

14. MEETING MINUTES

July 21, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for July 21, 2016 as drafted.
SECOND: Townson
VOTE: 4-0-1 – Approved
Ayes O’Hara, Porter, Townson, Lindstrom
Nays None
Abstain Ambrosey

15. APPLICATION DELIBERATIONS/DETERMINATIONS

SEP-2016-06, File #1576A– 232, 234 & 236 Main Street (Assessor Map 18, Lot 42)

The consensus of the Commission was for staff to prepare a Draft Approval for the Commission’s consideration incorporating the discussion of the earlier public hearing.

SUB-2016-02, File #1259C – 36 Timothy Hill Road (Assessor Map 114, Lot 6)

This application was tabled and adjourned to September 15, 2016.

OTHER BUSINESS

16. REGULATIONS REVIEW / AMENDMENT WORKSESSION

Free-Standing Business Signs

The Commission discussed minimum lettering sizing still with no clear consensus but determined to go to public hearing with 4 inches as a start.

Façade / Wall Signs

The Commission agreed to evaluate an individual sign being 1 square foot per each linear foot per establishment façade, with no single sign exceeding 60 square feet and report at the next meeting.

17. CORRESPONDENCE / OTHER RECEIVED

Vice Chairman Porter requested that the Town Planner send out a reminder notice regarding the Tree Canopy Program from The Conservation Commission on September 13, 2016 from 6:30 pm – 7:30 pm requiring pre-registration.

The Commission asked Chairman O'Hara to speak with the Zoning Enforcement Officer as well as the First Selectman and Police Department regarding the zoning violation occurring on Knollwood Street addressed this evening.

18. COMMISSION REPORTS

Chairman's Report

None

Commissioner's Report

None

Land Use Staff Report

None

19. MEETING ADJOURNMENT

Polling the Commission and hearing no objections, Chairman O'Hara adjourned the meeting at 10:10 pm.

Respectfully Submitted,
Rebecca Wood, *Recording Secretary*