

TOWN OF VERNON
Planning & Zoning Commission (PZC)
DRAFT Minutes - Meeting Notice
Thursday, January 7, 2010, 7:30 PM
Council Chambers, Third Floor
Memorial Building, Vernon Town Hall
14 Park Place
Rockville/Vernon, CT

10 APR -1 PM 6:20

1. Call to Order & Roll Call

- **Meeting was called to order at 7:35 P.M.**
- **Regular Members Present:** Lester Finkle, Chester Morgan, Francis Kaplan, Keith Lauzon, Walter Mealy. Sarah Iacobello entered the meeting at 7:37 P.M
- **Alternate Members Present:** Charles Bardes. Charles Bardes to sit for Watson Bellows.
- **Staff Present:** Leonard Tundermann, Town Planner, Terry McCarthy, Town Engineer, James Kenny, Police Chief and Craig Perry, Inland Wetlands Agent..
- **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- **None**

2.2 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"

- **Walter Mealy, seconded by Chester Morgan made a Motion to move Item #3.3, Item #4.1, Item #4.2 and Item #5.1.1 prior to Item #3.2. Motion carried unanimously.**

2.3 Acceptance of Minutes

- **None**

4. Old Business

4.1 Plan of Conservation and Development

- **Chester Morgan reviewed current progress of the sub-committee since the December 10, 2009 meeting. (Attachment A)**
- **Special meeting of the sub-committee held on January 6, 2010 to meet with the Open Space Task Force to categorize Open Space.**

4.2 Other zoning regulation changes for consideration:

- a. Low Impact Development (LID)
- b. Garden zone;
- c. Requiring sewers for development within aquifer protection zones;

- **Move to next Agenda.**

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-2010-01] of Elisha Williams for a Special Permit for Massage Therapy at 428 Hartford Turnpike (Assessor's ID: Map #11, Block #140, Lot/Parcel #0004)

- **Leonard Tundermann, Town Planner indicated application would require Public Hearing and Special Permit approval.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Receive and Schedule a Public Hearing on January 21, 2010. Motion carried unanimously.**

3. Public Hearings

3.1 Continued Hearing for Application [PZ-2009-21] of Ray Seraphin for a Special Permit/ Site Plan of Development for a Building Addition for Vehicle Repair and Maintenance at #100 Windsor Avenue. (Assessor's ID: Map #7, Block #30, Lot/Parcel #74A)

- **Leonard Tundermann, Town Planner indicated Hold Harmless Agreement was supplied in packet. (Attachment B)**
- **David Ignatowicz, Water Pollution Control Director reviewed previous action of the WPCA. Requested applicant for dedication to reconstruct/renovate the existing trunk line. Applicant has agreed to the dedication.**
- **Mark Peterson, Gardner & Peterson Associates, Professional Engineer and Ray Seraphin, Owner.**
 - **Indicated plans were revised to 12/30/2009 showing sewer line detail.**
- **Ray Seraphin indicated that he was in agreement with the Hold Harmless Agreement as drafted.**
- **Public Comment**
- **Public Comment was closed at 7:51 P.M.**
- **Staff Comment**
- **Staff indicated that all outstanding issues have been addressed.**
- **Chester Morgan, seconded by Francis Kaplan moved a motion to close the Public Hearing at 7:53 P.M. Motion carried unanimously.**
- **Chester Morgan, seconded by Keith Lauzon moved a Motion to Approve the Application based upon the Draft Motion. Motion carried unanimously.**

3.2 Continued Hearing for Application [PZ-2009-26] of Ticket Network LLC for a Special Permit/Site Plan of Development for a Commercial Recreational Facility at #60 South Frontage Road (Assessor's ID: Map #29, Block #134, Lot/Parcel # 00001)

- **Lester Finkle stated for the Record:**
- **Based on a statement that was made by one of the commissioners at the last meeting, the December 17, 2009 meeting, regarding that commissioner being contacted. Commissioners are not to speak with residents nor amongst ourselves while a Public Hearing is being heard and before it has been voted upon. Asked the residents to understand, attempting to speak to the commissioners while an application is going on puts the commissioner in a very tenuous situation and may cause that commissioner not to participate in the application. The public will be allowed to comment on the application.**
- **Leonard Tundermann, Town Planner indicated that such communication should also include email, phone calls. Any commissioner who has been contacted should state for the record.**
- **Chester Morgan spoke to an article in the newspaper regarding wetlands violations and supplied for the record.**

- Lester Finkle requested the applicant expand upon the terms “weekend” and “event” for the record.
- Attorney Famiglietti reviewed PA-490 classification relative to the ability to develop the land. Assessor has confirmed the classification would remain intact.
 - Discussed taxable items based upon proposed development upon request of commissioner Bellows.
- Leonard Tundermann, Town Planner indicated that numerous requests have been made to request independent review of proposed development.
- Jim Bubaris, Bubaris Traffic Associates, presented digital display of proposed traffic patterns for the development. Would be major traffic generator and require review by the State Traffic Commission. Proposing 2070 spectators to the venue.
 - Suggested six (6) Police Officers to be stationed at various roadway intersections for traffic safety.
- James Kenny, Police Chief indicated that the Traffic Authority had received the identical presentation for review.
 - Concerned with additional staffing for officers at the proposed venue.
 - Concerned with traffic coming from Hartford Turnpike (Route 30).
 - Does not see issue with traffic leaving the site.
- Walter Mealy questioned the impact to the Highway and impact for safety in the area.
- Attorney Famiglietti stated the impact would be based on maximum capacity approved by the State Traffic Commission.
- Walter Mealy questioned the possible impact from UCONN Students to the venue site.
- Mr. Bubaris felt that most would arrive from Bolton Road.
- Chester Morgan questioned the possibility of limiting left turns at Hartford Turnpike (Route 30) and West Street.
- James Kenny, Police Chief suggested not increasing roadway traffic to Dart Road without improvements to the roadway.
- Chester Morgan indicated that he was concerned with possible queuing at the highway off-ramp locations.
- Attorney Famiglietti reviewed State regulations of Highway egress/
- Jim Bubaris
- Discussion took place regarding impact of queuing from off-ramp onto the highway.
- Sarah Iacobello questioned the impact to egress from the Public Safety Building on West Street.
- James Kenny, Police Chief indicated that signage is in place to prevent blocking of the driveway.
- Chester Morgan questioned the ability to determine adequate staffing of police officers during the venue.
- James Kenny, Police Chief stated that as a stipulation of approval the applicant supply information regarding type of concert to take place. Has spoken to Tolland and South Windsor Police Departments for possible Mutual Aid during emergencies.
- Attorney Famiglietti spoke to the cost of Officer staffing for the applicant.

- James Kenny stated that the applicant would be billed at a private duty rate.
- Sarah Iacobello questioned safety at off-site parking for the venue.
- Attorney Famiglietti indicated that there were three (3) areas proposed for parking. Would not be able to police parking around the venue area.
- Five (5) minute recess at 9:41 P.M.
- Meeting reconvened at 9:54 P.M.
- Leonard Tundermann, Town Planner spoke to correspondence and how to address. To: Planning Department, Town Hall, 14 Park Place, Vernon, CT 06066. Possibility of moving the hearing to a larger venue to accommodate additional public.
- Terry McCarthy, Town Engineer questioned parking at 135 Bolton Road and 137 Bolton Road and possibility of parking not being available at the site due to 24 hour operation.
- Attorney Famiglietti indicated that 135-137 Bolton Road has a skeleton crew that works overnight with staffing of 4-7 individuals. Has proposed to reserve seven (7) spaces for the employees.
 - Event staff will have reserved parking
 - Will supply revised Security Report at next meeting. Anticipate hiring of twenty-four (24) private Security Staff. And an anticipated twenty-eight (28) grounds staff.
 - Estimating 771 remaining spaces resulting in 1927 venue attendees.
- Terry McCarthy, Town Engineer questioned if traffic was reviewed for peak vacation volume.
- Jim Bubaris indicated there based on review traffic review would be appropriate through September. May require review if extended to October.
- Donald Vaccaro, CEO TicketNetwork spoke to parking queuing in entry road for collection of parking passes.
- Donald Vaccaro presented slideshow of TicketNetwork history. (Appendix C)
- Chester Morgan, seconded by Francis Kaplan moved a Motion to Continue Application PZ-2009-26 to January 21, 2010. Motion carried unanimously.

3.3 Application [PZ-2009-23] of Gary Patel for a Special Permit/Site Plan of Development to construct a hotel (Springhill Suites Hotel) at #53 Hartford Turnpike (Assessor's ID: Map #01, Block #153, Lot/Parcel #53)

- Francis Kaplan, seconded by Walter Mealy moved a Motion to reschedule the Public Hearing opening until February 4, 2010. Motion carried unanimously.

4. Old Business

4.1 Plan of Conservation and Development

- Moved prior to Section 3 – Public Hearings.

4.2 Other zoning regulation changes for consideration:

- a. Low Impact Development (LID)
- b. Garden zone;
- c. Requiring sewers for development within aquifer protection zones;

- Moved prior to Section 3 – Public Hearings.

5. New Business.

5.2 Receipt of Applications:

5.1.1 Application [PZ-2010-01] of Elisha Williams for a Special Permit for Massage Therapy at 428 Hartford Turnpike (Assessor's ID: Map #11, Block #140, Lot/Parcel #0004)

- **Moved prior to Section 3 – Public Hearings.**

6. Other Business

6.1 Additional business to be considered should be introduced under PZC meeting agenda item “#2.2 Amendment / Adoption of Agenda” at the beginning of the meeting.

7. Adjournment.

- **Sarah Iacobello, seconded by Keith Lauzon moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 10:30 P.M.**

James Krupienski
Recording Secretary

Attachment A



Vernon POCD Update

Thursday, January 7, 2010 10:16 AM

From: "Heidi Samokar" <H.Samokar@planimetrics.net>
To: "CHESTER MORGAN" <chet1@snet.net>

Hi Chet,

Per your request, here is an update on POCD Progress.

Since our meeting with the Commission in December to review Booklets 2 and 3, we have been:

- Preparing for the January 14 Public Workshop, including creating publicity materials and materials for the workshop
- Working with Aaron to draft maps for the upcoming Conservation Booklet, including visiting the State historic office and talking to the Vernon Historical Society to collect information on historic resources in Vernon.
- Researching Conservation Issues
- Meeting with various stakeholders / entities, including the Vernon Housing Authority and the Rockville Downtown Association

Please let me know if you need anything else from me in order to provide your update at tonight's meeting.

*Heidi Samokar, AICP
Planimetrics, LLC
31 Ensign Drive
Avon, CT 06001
860-677-5267
h.samokar@planimetrics.net*

Attachment B

INDEMNITY AND HOLD HARMLESS AGREEMENT

WHEREAS, RAY-MAR, L.L.C. is a limited liability company and RAY SERAPHIN FORD, INC. is a corporation, both entities organized and existing under the laws of the State of Connecticut, with their principal places of business at 100 Windsor Avenue, Town of Vernon, County of Tolland and State of Connecticut (hereinafter collectively referred to as "Owners") are the owner/tenant of real estate located at 100 Windsor Avenue, Town of Vernon, County of Tolland and State of Connecticut, as more particularly described on Schedule A attached hereto and made a part hereof; and

WHEREAS, the Town of Vernon, a municipal corporation, having its geographic limits within the County of Tolland and State of Connecticut, acting herein by its Planning and Zoning Commission, duly authorized (hereafter "Town") is willing to grant to said Owners approval for construction of an addition to a building which is located over an existing public sewer line (hereafter "Sewer") as described in Schedule A attached hereto; and

WHEREAS, the Town is concerned that said construction and future business activities of the Owners within their expanded building may impair the physical condition of the Sewer, including but not limited to, failure of the Sewer, physical damages to the sewer line and/or consequential damages to sewer users who are connected to said Sewer line and/or consequential damages from any environmental harms which would require mediation (pursuant to state or federal statute, due to the construction, placement and use of said building, whether within the original structure or in the contemplated addition); and

WHEREAS, the Town had previously requested the Owners execute a Hold Harmless Agreement and Release which agreement is dated January 4, 2005, and recorded at Volume 1699, Page 316 of the Vernon Land Records; and

WHEREAS, the Town, as part condition for its grant of a permit or approval for the construction of the requested addition, desires to renew, expand and extend the provisions of the Hold Harmless Agreement and Release previously entered into;

NOW, THEREFORE, in consideration of the Town's grant of a permit for the construction of an addition to the Owners' building at 100 Windsor Avenue, within or in close proximity to said easement area,

NOW, THEREFORE, IT IS AGREED:

1. The Owners, RAY-MAR, L.L.C. and RAY SERAPHIN FORD, INC., jointly and severally, for themselves, their successors and assigns, now and forever, do hereby stipulate and agree that they shall indemnify and hold the Town of Vernon, or any agency, subdivision or employees thereof, harmless from and against all claims, damages, and losses and expenses, including attorney's fees, which may arise now, or in the future, as a result of the approval by the Town of the construction of said building and addition thereto, including any claims or actions arising from the construction and/or design of said project as set forth in the modified site plan of development and special permit application by the Owners for activities in an aquifer protection zone on their premises known as 100 Windsor Avenue, as approved by the

Planning and Zoning Commission of the Town in its approval letter dated

2. This Agreement shall inure to the benefit of the said Town or any agency, subdivision or employee thereof and said Owners, their successors and assigns, shall jointly and severally indemnify and hold the Town, its successors and assigns forever, harmless from and against all claims, damages, and losses and expenses, including attorney's fees, which may be brought by any third party against the Town by reason of any claim or action for damage or other injury resulting from the approval by the Town of said Owners' project, including any claims or actions arising from the construction and/or design of said project as set forth in said Plans.
3. Without limiting the generality of the foregoing, the Owners, their respective successors and assigns, jointly and severally, further agree to hold the Town harmless from any damages or losses that may occur to the physical condition of the Sewer or its operations, including but not limited to, failure of the sewer system, physical damages to the sewer line and/or consequential damages to sewer users who are connected to said sewer line and/or consequential damages from any environmental harm requiring mediation pursuant to state or federal statutes due to the construction, placement and use of said building and the addition here to by Owners, specifically including any reasonable attorney's fees and other costs incurred by the Town with respect to any such damage to the Sewer.
4. In the event that the Town Water Pollution Control Authority (WPCA) at any time in the future repairs, rehabilitates, improves, or strengthens the 28" brick trunk sewer line, presently existing beneath the Owners' property, then the Owners shall be jointly and severally responsible for their pro rata share of the total cost for such work, said share to be a percentage of the total cost for such work, calculated by dividing the linear feet under the Owners' building (70') by the total linear feet of the project. In no event shall Owners' responsibility for contribution to the cost of repairs, etc., pursuant to this paragraph, etc., exceed the sum of \$10,000.
5. In the event that the Sewer needs to be relocated, at any time in the future, as a result of damage to the line caused by Owner, its agents, servants, employees, etc., then, in that event, the Owners hereby grant the right to the Town to relocate said Sewer within any other portion of their property and the Owners hereby waive any right or claim to any fee or compensation for the grant of said additional easement areas over their property, and further waive any right or claim to any compensation for any disruption or interruption of their business activities by reason of any such relocation of the Sewer.
6. The Owners further agree that prior to authorizing the commencement of any construction activities on the property, whatsoever, now, or in the future, they and/or any contractor performing such construction work shall be required to provide proof of adequate insurance through a general liability policy in the face amount of not less than \$1,000,000 with additional umbrella policy or policies totaling an additional \$3,000,000 with the Town named as an additional insured on said policy.
7. This Agreement shall be recorded on the land records of the Town and shall be deemed a covenant running with the land.

Dated at Vernon, Connecticut, this ___ day of January, 2010.

Signed, sealed and delivered in the presence of:

RAY-MAR, LLC

TIMOTHY J. JOHNSTON

Raymond J. Seraphin
Its duly authorized member

RAY SERAPHIN FORD, INC.

TIMOTHY J. JOHNSTON

Raymond J. Seraphin
Its President

TOWN OF VERNON

John D. Ward, Town Administrator
For Town of Vernon Municipality

HAROLD R. CUMMINGS

STATE OF CONNECTICUT

ss: Vernon

January , 2010

COUNTY OF TOLLAND

Personally appeared, Raymond J. Seraphin, President of RAY-MAR, LLC, signer of the foregoing instrument, and acknowledged the same to be his free act and deed as President of RAY-MAR, LLC, before me.

Timothy J. Johnston
Commission of the Superior Court

STATE OF CONNECTICUT

ss: Vernon

January , 2010

COUNTY OF TOLLAND

Personally appeared, Raymond J. Seraphin, President of RAY SERAPHIN FORD, INC., signer of the foregoing instrument, and acknowledged the same to be his free act and deed as President of RAY SERAPHIN FORD, INC., before me.

Timothy J. Johnston
Commission of the Superior Court

STATE OF CONNECTICUT

ss: Vernon

January , 2010

COUNTY OF TOLLAND

Personally appeared, John D. Ward, Town Administrator for the TOWN OF VERNON MUNICIPALITY, duly authorized, signer of the foregoing instrument, and acknowledged the same to be his free act and deed as Town Administrator for the TOWN OF VERNON, before me.

Harold R. Cummings
Commission of the Superior Court

Appendix C