TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Minutes – *DRAFT*
Thursday, October 15, 2015 7:30pm
Council Chambers, Third Floor
Memorial Building
14 Park Place, Vernon, CT

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VERNON TOWN CLERK
15 OCT 20 AM 10: 38

1. Call to Order & Roll Call

- Meeting was called to order by Chairman Charles Bardes at 7:30 pm.
- **Regular members present:** Wes Shorts, Victor Riscassi, Charles Bardes, Ron Scussel, Roland Klee sitting in for Peter Hobbs, and Chet Morgan sitting in for Hector Reveron.
- **Staff Present:** Shaun Gately, Interim Town Planner and Town Attorney Martin Burke
- **Recording Secretary:** Audrey Lanz

2. Administrative Actions / Requests

2.1 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #5 "Other Business".

- Move agenda item 3.2 before item 3.1

A motion to accept the amended agenda made by Chet Morgan and seconded by Ron Scussel. Motion passed unanimously.

2.2 Communications received NOT related to agenda items.

- None

2.3 Acceptance of Minutes from the 10/1/15 PZC meeting.

A motion to accept the minutes from the 10/1/15 PZC meeting was made by Chet Morgan and seconded by Wes Shorts. Motion passed with one abstention from Ron Scussel.

2.4 8-24 Referral for the purchase of land at #133 Tunnel Road for a prospective Senior Center.

- Shaun Gately, Interim Town Planner, read into record a memo from John Ward Town Administrator.

A motion was made by Wes Shorts and seconded by Ron Scussel to accept the 8-24 Referral. Motion passed unanimously.

3. Public Hearings and Action on Applications

3.1 Continued Hearing for Application (PZ-2015-13) of Krause Realty Trust for a Zone Change from R-27 to Commercial at #34 & 42 Acorn Rd. (Assessor's ID: Map #01, Block #159, Lot/Parcel #0001 & #0002).

- Attorney Leonard Jacobs who is representing the applicant came forward with a letter (exhibit #1) asking the Commission for permission to withdraw the application.
  - The property is within 500' of Manchester and proper notice was not sent to the Town of Manchester or the Regional Planning Association.

A motion was made by Chet Morgan to withdraw Application (PZ-2015-13). After a clarification by Shaun Gately, Interim Town Planner, that the motion would be to accept the withdrawal and not make a withdrawal, Chet Morgan withdrew his motion.

A motion was made by Roland Klee to accept the applicant's withdrawal and was seconded by Victor Riscassi. Motion passed unanimously.

3.2 Continued hearing for Application (PZ-2015-10) of First Hartford Realty Corp. for a Special Permit / Site Plan of Development to construct a Convenience Store / Gasoline Sales for Cumberland Farms at #343 Hartford Tpke. (Assessor's ID: Map #11, Block #0011, Lot/Parcel #0008).

- Town Attorney Martin Burke reviewed and explained the two draft motions.

A motion was made by Charles Bardes to accept Application (PZ-2015-10) with stipulations and was seconded by Wes Shorts.

- A discussion ensued on Item #'s 20, 21 and 22 and the hours that should be set for these items.

A motion was made by Chet Morgan to set the hours between 7am & 9pm for items 20 & 21 and the hours between 9pm & 7am for item #22.

- Matt Ranelli of Shipman & Goodwin, representing the applicant, asked that the hours for item #'s 20 & 21 be changed to between 6am & 10pm and that the applicant would agree to not having music at the pumps instead of having an hour limitation.

Chet Morgan amended his motion to reflect the new hours of 6am & 10pm for item #20, new hours of 6am & 11pm for item #21 and item #22 will have a stipulation of no music to be played at the pumps. Wes Shorts seconded the motion as amended and the motion passed with one abstention from Ron Scussel.

Shaun Gately reviewed the stipulations in the motion with the applicant.
The commission moves to strike stipulation #2 Contribution to the downstream development fund as determined by the Commission to handle storm water runoff, as it will affect downstream property owners. [14.1.6.2] from the motion.

A motion was made by Roland Klee to require a 25' setback / landscape buffer along the property line with exception to the rear line which encroaches on the buffer by 2.5' in which case the rear line buffer will be 22.5'. Chet Morgan seconded the motion and the motion passed.

After the above discussions the motion as set forth by Chairman Charles Bardes went to vote. The vote passed with 3 approvals, 2 oppositions, and 1 abstention from Ron Scussel.

<u>Please see attached motion for stipulations</u>

Chairman Charles Bardes called for a recess at 8:25pm.
Chairman Charles Bardes reconvened the meeting at 8:35pm

3.3 Application (PZ-2015-14) of Konstantinos Antonaras for a special permit for a pawn shop at #243 Hartford Tpke (Assessor's ID: Map #02, Block #0010, Lot/Parcel #00001).

- Chairman Charles Bardes opened the Public Hearing at 8:36pm.
- Shaun Gately, Interim Town Planner, read the Public Notice into record.
- Applicant John C. presented the application.
- A discussion ensued on the Zoning Enforcement Officer's comments on the outside displaying and testing of motorized equipment and the selling of vehicles.
- No Public was present for comment.

Chairman Charles Bardes made a motion to approve the application with the stipulation stated in the Zoning Enforcement officer's comments:

- Merchandise is only allowed to be stored and displayed inside, no outside storage or display allowed.

Ron Scussel seconded the motion and the motion passed 4-2 with Chet Morgan and Wes Shorts opposing the application.

4. Other Business

4.1 Receipt of Application

- None

4.2 Additional business to be considered should be introduced under PZC meeting agenda item "#2.1 Amendment / Adoption of Agenda" at the beginning of the meeting.

- None

5. Adjournment

A motion was made by Ron Scussel and seconded by Wes Shorts to adjourn the meeting. The motion was carried unanimously. Meeting adjourned at 8:53 pm.

Respectfully Submitted,

Audrey Lanz

Audrey Lanz
Recording Secretary

Motion to Approve Application [PZ-2015-10] of First Hartford Realty Corp. for a Special Permit/Site Plan of Development to Construct a Convenience Store/Gasoline Sales for Cumberland Farms at #343 Hartford Turnpike

Site Plan

MOVED, that the Vernon Planning & Zoning Commission (PZC) does hereby APPROVE Application **[PZ-2015-10]** of First Hartford Realty Corp. for a Site Plan of Development to Construct a Convenience Store/Gasoline Sales for Cumberland Farms at #343 Hartford Turnpike.

This approval is granted in accordance with an application dated July 16, 2015, a public hearing opened on August 20, 2015, and closed on October 1, 2015, and in accordance with the following exhibits submitted by the applicant or otherwise received by the Commission:

1. Exhibit 1: Proposed Cumberland Farms site drawings of Existing Conditions and Proposed Conditions.
2. Exhibit 2: Connecticut Traffic Accident Facts 2009
3. Exhibit 3: Petition of Town of Vernon residents against application PZ-2015-10.
4. Exhibit 4: Satellite image of Dobson Rd., Old Dobson Rd., Hartford Turnpike.
5. Exhibit 8: Letter from Ann Letendre, dated September 3, 2015.
6. Traffic Impact and Access Study: Proposed Convenience Store with Gas Pumps, dated February, 2015
7. Storm water Management Memo, dated June 18, 2015
8. Supplemental Information Package: Proposed Convenience Store with Gasoline Sales, dated June, 2015
9. PZC Application Review Submission Cover Letter, dated July 15, 2015
10. PZC Application submitted by First Hartford Realty, received July 16, 2015
11. PZC Application Review Comment from Police Chief James Kenney, dated July 16, 2015
12. PZC Application Review Comment from Inland Wetlands Enforcement Officer Craig Perry, dated July 16, 2015
13. PZC Application Review Comment from Fire Marshall Adam Libros, dated July 20, 2015
14. PZC Application Review Comment from Zoning Enforcement Officer Andy Marchese, dated July 21, 2015
15. PZC Application Review Comment from North Central District Health Department Brian Bielawiec, dated July 22, 2015
16. PZC Application Review Comment from Karl J. Schiessl, dated July 29, 2015
17. Public Notice of PZC meeting for August 20, 2015 sent August 3, 2015
18. PZC Application Review Comment from Town Engineer David A. Smith, dated August 6, 2015
19. Letter from Shaun Gately to Charles Bardes, dated August 6, 2015
20. LID Checklist, dated August 10, 2015
21. Letter from David A. Smith to Shaun Gately, dated August 12, 2015
22. Letter from Leonard Jacobs to Shaun Gately, dated August 13, 2015
23. E-mail from David A. Smith to Shaun Gately, dated August 13, 2015
24. Public Notice of PZC meeting for August 20, 2015 sent August 14, 2015
25. Tentative Meeting Schedule for Special Permit, sent August 14, 2015
26. Letter from Leonard Jacobs to Shaun Gately and Commission Members, dated August 17, 2015

27. E-mail chain between Shaun Gately and James L. Kenny, dated August 17, 2015
28. Public Notice of PZC meeting for September 3, 2015, sent August 24, 2015
29. Town of Vernon Residents' Objection Signature Sheet, dated August 31, 2015
30. Letter from Leonard Jacobs to Shaun Gately and Commission Members, dated September 2, 2015
31. Letter from Leonard Jacobs to Shaun Gately and Commission Members, dated September 3, 2015
32. E-mail chain between Leonard Jacobs (and legal assistant Stelina Miclette) and Shaun Gately, dated September 3, 2015
33. Letter from Leonard Jacobs to Shaun Gately, dated September 4, 2015
34. Public Notice of PZC hearing on September 17, 2015, to be published on September 7 & 12, 2015
35. Public Notice of PZC actions for September 3, 2015 meeting, to be published on September 7, 2015
36. Public Hearing Speaker Signup Sheet for September 17, 2015

This approval is granted because the PZC finds that the application, as presented by the applicant and as amended by the stipulations of this approval, complies with the applicable sections of the Vernon Zoning Regulations. More specifically, the PZC finds that:

1. The Site Plan meets the requirements set forth by Section 14.1.2:

    a. The applicant must submit copies of the legal description of the property on which the development will take place. [14.1.2.1]
    b. The applicant must submit copies of the site plan prepared and signed by the appropriate design professionals licensed to practice in the State of Connecticut and created pursuant to the scale and size requirements of 14.1.2.2. [14.1.2.2]
    c. The site plan shall include at a minimum:
        1. Name of development. [14.1.2.2.1]
        2. Abutters, to include names and referenced deed volume and page. [14.1.2.2.2]
        3. North arrow, scale and bar scale, date, and signatures and certification of the appropriate design professionals. [14.1.2.2.3]
        4. The location of general features, based on the best available information, within 100 feet of the subject property, shall be depicted on the plan [14.1.2.2.4]
        5. Boundary survey of the site with angles or bearings and distances. [14.1.2.2.5]
        6. Zoning classification of the property. [14.1.2.2.6]
        7. Area of the parcel, in both acres and square feet. [14.1.2.2.7]
        8. Existing and proposed buildings and structures within the site including dimensions, distances from building corners to property lines, finish floor elevations, and number of stories. [14.1.2.2.8]
        9. Existing and proposed roads, driveways, loading and parking areas, curbs and curb cuts. [14.1.2.2.9]
        10. Existing and proposed walkways and sidewalks. [14.1.2.2.10]
        11. Where appropriate, existing contours and proposed contours at no more than 2 foot intervals and spot grades to the tenth of a foot. [14.1.2.2.11]

12. Where appropriate, existing and proposed drainage with invert and top of frame elevations; wherever feasible, drainage design for roof area, parking lots and driveways shall employ low impact development (LID) techniques for storm water management in accordance with the Town LID Manual. [14.1.2.2.12]
13. Location of field delineated inland wetlands as delineated by a certified soils scientist. [14.1.2.2.13]
14. Where applicable, 100 year base flood elevation as published by FEMA, in their latest flood insurance study and State of Connecticut Stream Channel Encroachment Lines. [14.1.2.2.14]
15. Adequate provisions for potable water supply and sewage disposal; where applicable, existing and proposed sanitary sewer facilities with elevations. [14.1.2.2.15]
16. Method of ingress and egress. [14.1.2.2.16]
17. Method of refuse storage and disposal. [14.1.2.2.17]
18. General landscaping plan, including a list indicating size and count of all trees and shrubs to be planted. [14.1.2.2.18]
19. Location of existing healthy trees larger than 18" in diameter at breast height shall be located by field survey, either singly or as groups and shall be incorporated into the site design to the maximum extent possible. Whenever possible existing trees shall be saved by "welling" or "mounding". All trees larger than 8" in diameter within the public right-of-way shall be depicted on the plan. Groups of trees may be located by a "tree line". Stands of significant (10 or more trees) of similarly species shall be located by field survey and preserved and incorporated into the site plan whenever possible, except that a site plan prepared for selective clearing within a wooded area shall show those trees or clusters of trees to be removed. Trees within areas not proposed to be disturbed need not be individually located and may be designated as "treed area not to be disturbed." [14.1.2.2.19]
20. Soil erosion and sedimentation control measures designed in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as may be amended. [14.1.2.2.20]
21. Location and description of existing and proposed easements and/or rights-of-way. [14.1.2.2.21]
22. Adequate storage facilities for outside maintenance equipment, including storage of recreational equipment in the PRD and MHP districts. [14.1.2.2.22]
23. Location of fire hydrants and/or fire alarms boxes, as required. [14.1.2.2.23]
24. Elevations and floor plans for proposed structures. [14.1.2.2.24]
25. Numbering plan for unit identification. [14.1.2.2.25]
26. Location plan showing property in relation to area in Town of Vernon, including zoning districts and type of development in the immediate area. [14.1.2.2.26]
27. Location of all recreation areas and facilities. [14.1.2.2.27]
28. The soil classification(s) as given by the USDA Natural Resource Conservation Service (NRCS). [14.1.2.2.28]
29. A statement or analysis indicating the traffic impact of the proposed development. [14.1.2.2.29]

The Commission hereby approves the Site Plan subject to the following conditions, modifications, restrictions and safeguards outlined in Section 14.1.6.1 through 14.1.7:

1. Sidewalk requirement as determined by Commission. [14.1.6.1]
2. Maintenance bonds and performance bonds to guarantee compliance. [14.1.6.3]
3. Planting plans. [14.1.6.4]
4. Rights-of-way for drainage and sanitary sewers in the form of easements to be granted to the Town of Vernon. [14.1.6.5]
5. Landscaped buffer strips, to be constructed in accordance with the provisions of Section 9, Landscaped Buffer Strips. [14.1.6.6]
6. Fencing as required by the Commission. [14.1.6.7]
7. Hold harmless agreements for storm drainage and storm water runoff as required by the regulations. [14.1.6.8]
8. Lighting plans to be approved by the Commission. [14.1.6.9]
9. Sanitary sewers and drainage systems. [14.1.6.10]
10. All stipulations to be shown on the maps to be filed with the Commission. [14.1.6.11]
11. Grading, seeding, and landscaping. [14.1.6.12]
12. The plan shall become null and void unless construction is commenced within one (1) year of approval, unless an extension is granted by the Commission. [14.1.6.13]
13. All roads to be conveyed to the Town of Vernon shall be built to Town specifications. [14.1.6.14]
14. Location of dumpsters and screening. [14.1.6.15]
15. An erosion and sedimentation control plan subject to Section 18 of these zoning regulations is required. [14.1.7]
16. The applicant will modify the property line on Old Dobson Rd. per the Town Engineer's suggestion. Transferring land to the Town.
17. The applicant will create two turning lanes on Old Dobson Rd. (a dedicated Left turn only and a dedicated Right turn only).
18. The applicant will replace the existing white vinyl fence with a new 6' white vinyl fence along the abutting property line.
19. The Dumpster pick up hours shall be between 6am and 10pm.
20. The Fuel Delivery hours shall be between 6am and 11pm.
21. Music at the pumps shall not be allowed.
22. The revised sign needs to be shown on the plans.
23. The applicant must conform with the NCHD.
24. A landscape buffer strip shall be required in accordance section 9. A buffer of 25' shall be maintained except for the area in which the building as shown on the site plan infringes upon. This reduction is in accordance with section 9.2.3 it as allowed in section

The Site Plan is further approved because the PZC finds that the Design Review Board unanimously approved the architectural details and site improvements with the stipulation that parking in front of the dumpster and delivery zone should not be permitted.

The Site does not contain inland wetlands or the upland review area of a wetland.

This approval is further granted because the Traffic Authority approved the Site Plans with the following stipulations:

1. Right turn entrance/exit on to Hartford Turnpike be a raised median.
2. Exit onto Old Dobson Road have a "no outlet" signage for left turn.
3. No parking signs to be installed on Hartford Turnpike to property line.
4. No parking signage on the east side of Dobson Road from Hartford Turnpike to property line.

5. No parking signs due to concerns large vehicles would park on Hartford Turnpike to use the store.

The retail sale of food and non-alcoholic beverages is a permitted under 4.9.2.1.

This Site Plan shall be effective the later of October,15 2015, or UPON THE RECORDING OF THIS APPROVAL LETTER AND CERTIFICATE OF SITE PLAN WITH THE TOWN CLERK. A signed copy of this letter should also be returned to the Town Planner's office within fifteen (15) days of the effective date.

Special Permit

MOVED, that the Vernon Planning & Zoning Commission (PZC) does hereby APPROVE Application **[PZ-2015-10]** of First Hartford Realty Corp. for the following Special Permits of Development to Construct a Convenience Store/Gasoline Sales for Cumberland Farms at #343 Hartford Turnpike:

1. Special Permit [4.9.4.5] to sell other items similar to the permitted ones
2. Special Permit [4.9.4.15.2] for a structure within 200 feet of a residential structure
3. Special Permit [4.9.4.15.3] for loading spaces within 100 feet of a residential structure
4. Special Permit [4.9.4.15.6] for lot coverage exceeding 60%
5. Special Permit [4.9.4.19] for the sale of gasoline or diesel fuel
6. Special Permit [15.1] to remove more than 50 cubic yards of soil

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34. Public Notice of PZC hearing on September 17, 2015, to be published on September 7 & 12, 2015
35. Public Notice of PZC actions for September 3, 2015 meeting, to be published on September 7, 2015
36. Public Hearing Speaker Signup Sheet for September 17, 2015

This approval is granted because the PZC finds that the application for Special Permits, as presented by the applicant and as amended by the stipulations of this approval, complies with the applicable sections of the Vernon Zoning Regulations. More specifically, the PZC finds that:

1. The requirements of Section 17.3.1 are met in that the issuance of the above Special Permits:
    a. Do not create a hazardous condition relative to public health or safety;
    b. Are compatible with neighboring uses;
    c. Do not create a nuisance;
    d. Do not hinder the future sound development of the community; and
    e. Conform to all the applicable sections of this ordinance

Under 17.3.2, the Commission hereby approves the Special Permits subject to the reasonable conditions, restrictions and safeguards as outlined in 14.1.6, which concern the layout, distribution and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting, and a time frame within which site improvements must be completed. The following conditions shall be satisfied, if possible, prior to the issuance of a building permit:

1. Sidewalk requirement as determined by Commission. [14.1.6.1]
2. Contribution to the downstream development fund as determined by the Commission to handle storm water runoff, as it will affect downstream property owners. [14.1.6.2]
3. Maintenance bonds and performance bonds to guarantee compliance. [14.1.6.3]
4. Planting plans. [14.1.6.4]
5. Rights-of-way for drainage and sanitary sewers in the form of easements to be granted to the Town of Vernon. [14.1.6.5]
6. Landscaped buffer strips, to be constructed in accordance with the provisions of Section 9, Landscaped Buffer Strips. [14.1.6.6]
7. Fencing as required by the Commission. [14.1.6.7]
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9. Lighting plans to be approved by the Commission. [14.1.6.9]
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11. All stipulations to be shown on the maps to be filed with the Commission. [14.1.6.11]
12. Grading, seeding, and landscaping. [14.1.6.12]
13. The plan shall become null and void unless construction is commenced within one (1) year of approval, unless an extension is granted by the Commission. [14.1.6.13]
14. All roads to be conveyed to the Town of Vernon shall be built to Town specifications. [14.1.6.14]
15. Location of dumpsters and screening. [14.1.6.15]

The Special Permits are further approved because the PZC finds that the Design Review Board unanimously approved the architectural details and site improvements with the stipulation that parking in front of the dumpster and delivery zone should not be permitted.

The site does not contain inland wetlands or the upland review area of a wetland.

This approval is further granted because the Traffic Authority approved the Site Plan with the following stipulations:

1. Right turn entrance/exit on to Hartford Turnpike be a raised median.
2. Exit onto Old Dobson Road have a "no outlet" signage for left turn.
3. No parking signs to be installed on Hartford Turnpike to property line.
4. No parking signage on the east side of Dobson Road from Hartford Turnpike to property line.
5. No parking signs due to concerns large vehicles would park on Hartford Turnpike to use the store.

The retail sale of food and non-alcoholic beverages is a permitted under 4.9.2.1.

This approval for the above Special Permits shall be effective the later of October 15 2015, or UPON THE RECORDING OF THIS APPROVAL LETTER AND CERTIFICATE OF SPECIAL PERMIT WITH THE TOWN CLERK. A signed copy of this letter should also be returned to the Town Planner's office within fifteen (15) days of the effective date.