

Planning & Zoning Commission (PZC)
Approved Minutes
Thursday October 5, 2017
7:30 PM
Council Chambers, Third Floor
Vernon Town Hall, Memorial Building
14 Park Place
Rockville / Vernon, CT

1. Call to Order & Roll Call

- Meeting was called to order by Chairman Charles Bardes at 7:31pm.
- Regular members present: Charles Bardes (Chairman), Roland Klee, Ronald Scussel, Wes Shorts, Susan Reudgen and Alternate Joseph Miller (sitting for vacant seat).
- Staff present: Marina Rodriguez, Town Planner
- Recording secretary: Cassandra Minor

2. Administrative Actions / Requests

2.1 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #4 "Other Business"

- One application will be received

Susan Reudgen motioned to approve the agenda as presented. West Shorts seconded and the motion passed unanimously.

2.2 Communications received NOT related to Agenda items

- None

2.3 Acceptance of Minutes from September 7, 2017 and September 21, 2017

Wes Shorts motioned to approve the minutes as amended from the September 7, 2017 meeting. Joseph Miller seconded and the motion passed unanimously.

Wes Shorts motioned to approve minutes as amended from the September 21, 2017 meeting. Joseph Miller seconded and the motion passed unanimously.

3. Public Hearing and Action on Application

3.1 Application [PZ-2017-10] of Miela Gruber for a Special Permit for a Home Occupation Major- Type 2 at #103 Union Street (Assessor's ID: Map #23, Block #0092, Lot/Parcel #00010).

- Town Planner Marina Rodriguez read into record the public notice that was published in the Journal Inquirer on September 23, 2017 and September 30, 2017.
- Abutter notices were mailed notification September 26, 2017.
- The following Town and staff comments submitted to record: Wetlands Enforcement Officer: September 13, 2017; Traffic Authority: September 14,

2017; Building Official: September 14, 2017; North Central District Health Department: September 26, 2017; Town Engineer: September 28, 2017; Zoning Enforcement Officer: September 15, 2017; Fire Marshal: September 18, 2017 and Town Planner: September 22, 2017.

- Applicant provided a narrative, survey from 6/11/73 of property and 3 pictures of parking area.
- Applicant Dr Meila Gruber, ND spoke on behalf of the Application.
- John Dillon spoke on behalf of the Application.
- Nutritional counseling with hours of operation from 10am-5pm seeing approximately 7-8 patients with sessions lasting between 30-90 minutes.
- Handicap ramp to be installed and the plans will be reviewed by Design Review and Local Historical Properties Commissions.
- The area in the home that will be used will be less than 750 square feet per requirements
- Signage will not exceed 2 square feet and will receive approval
- Parking area is packed gravel and there will be 1 parking space for the non-resident employee in addition to the 2 parking spaces for the home occupation and this will not impact the required parking for the residents.
- First floor restroom facilities will be used for patients
- Public hearing closed at 7:59pm with no public comments.

Wes Shorts motioned to approve application [PZ-2017-10] for Meila Gruber for a Special Permit for a home based business for a naturopathic physician at #103 Union Street. Joseph Miller seconded and the motion passed unanimously.

Application [PZ-2017-11] of Phil Wilson for a Site Plan of Development and Special Permits for a vehicle dealership at #723 Talcottville Road (Assessor's ID: Map #07, Block #0002A, Lot/Parcel #0002A & Map#07, Block #0002, Lot/Parcel #00002).

- Town Planner Marina Rodriguez read into record the public notice that was published in the Journal Inquirer on September 23, 2017 and September 30, 2017.
- Abutter notices were mailed notification September 26, 2017.
- The following Town and staff comments submitted to record: Traffic Authority: September 14, 2017 (Draft Minutes of September 14, 2017 meeting item #2); Zoning Enforcement Officer: September 15, 2017; Fire Marshal: September 18, 2017; Town Planner: September 22, 2017; Wetlands Enforcement Officer: September 25, 2017; North Central District Health Department; September 26, 2017; Town Engineer: September 28, 2017
- The North Central Conservation District, Inc. - Erosion & Sediment Control Review and Certification for "Scranton Powersports" and Design Review Commission recommendations including signage plans were distributed to commissioners October 5, 2017.
- Eric Peterson, Engineer with Gardner and Peterson Associates, Tolland spoke on behalf of the Application.
- John Seagraves, General Contractor with All-Phase Enterprises, Inc., Stafford, CT spoke on behalf of the Application.
- 13,050 square feet building for vehicle sales and service for Scranton Power Sports who are currently located at 560 Talcottville Road
- Requesting special permits removal of excess of 50 c.y. of earth (section 15), automotive repair shop (section 4.10.4.4), lot coverage over 40% (section

4.10.4.11.6) and outside display area greater than 10% of gross floor area (section 4.10.4.11.9)

- 7 light fixtures to be spread throughout parking and driveway area (revised design as of 10/2 that was distributed to commissioners on 10/5/2017).
- Inside of building to have the following: 2 offices, parts room, service area, conference room and men and women restroom facilities.
- Outside of building to have the following: metal canopies, single slope roof, multiple concrete pads for displays.
- Test driving to be located on parcel behind building.
- Self-standing sign M-60 to be 56.68 sqft.
- Public hearing closed at 8:21pm with no public comments.

Susan Reudgen motioned to approve the Site Plan and Special Permits for [PZC-2017-11] with the understanding that the Applicant will work with the Fire Marshal on the outstanding item of the sprinklers or separation of rooms, the dumpster that was pointed out by the Design Review Commission and if the pile of dirt remains there will be temporary seeding applied. Wes Shorts seconded and the motion passed unanimously.

Application [PZ-2017-13] Todd Gottier for a Zone Change from R-22 to RC (Residential Commercial) at #105 West Street (Assessor's ID: Map #22, Block #45, Lot/Parcel #13).

- Town Planner Marina Rodriguez read into record the public notice that was published in the Journal Inquirer on September 23, 2017 and September 30, 2017.
- Abutter notices were mailed notification September 26, 2017.
- The following Town and staff comments submitted to record: Town Planner: September 25, 2017; Traffic Authority: September 25, 2017; Town Engineer: September 28, 2017; Fire Marshal: September 28, 2017; Zoning Enforcement Officer: October 2, 2017.
- Russel Heintz of Tarbell Heintz and Associates, East Hartford, CT spoke on behalf of the Application.
- Todd Gottier of Gottier Plumbing & Heating, Inc., Vernon, CT was in attendance.
- Change Parcel 105 West Street Residential Commercial
- Combine Parcel 105 West Street and Parcel 107 West Street to Residential Commercial to construct an addition to existing building.
- Public hearing closed at 8:30pm with no public comments.

Ronald Scussel motioned to approve Application [PZ-2017-13] for Todd Gottier for a Zone Change from R-22 to Residential Commercial at 105 West Street (Assessor's ID: Map #22, Block #0045, Lot/Parcel #13) with an amendment of motion by Susan Reudgen to add that the lot is currently non-conforming this would make the lot conforming and also be in compliance with the Plan of Conservation and Development. Joseph Miller seconded the motion and it passed unanimously.

Application [PZ-2017-14] of Olenders for a Zone Change from R-22 to Industrial at 114 Loveland Hill Road (Assessor's ID: Map #07, Block #026, Lot/Parcel #0006A).

- Town Planner Marina Rodriguez read into record the public notice that was published in the Journal Inquirer on September 23, 2017 and September 30, 2017.
- Abutter notices were mailed notification September 26, 2017.

- The following Town and staff comments submitted to record: Town Planner: September 25, 2017; Traffic Authority: No Comment; Building Official: September 25, 2017; Wetlands Enforcement Officer: September 25, 2017; Fire Marshal: September 28, 2017; Town Engineer: September 28, 2017; Zoning Enforcement Officer: October 2, 2017
- David Barry of Jacobs, Walker, Rice & Barry, Manchester, CT spoke on behalf of the Application.
- Eric Peterson, Engineer with Gardner and Peterson Associates, Tolland CT spoke on behalf of the Application.
- Change split zone to all industrial.
- Needed for additional parking for Olenders repair and leasing business.
- Public hearing closed at 8:42pm with no comments from the public.

Susan Reudgen made a motion to approve Application [PZ-2017-14] to change from Zone R-22 to Industrial at 114 Loveland Hill Road Assessor's ID: Map #07, Block #26, Lot/Parcel #0006A because the proposed Zone Change will not be in conflict of the Town of Vernon's Plan of Conservation and Development and it will then make the parcel whole and consistent. Wes Shorts seconded and the motion passed unanimously.

Public Hearing to Opt Out of Public Act 17-155 regarding "Temporary Health Care Structures".

- Town Planner Marina Rodriguez read the public notice into record that was published in the Journal Inquirer on September 23, 2017 and September 30, 2017.
- Public hearing does not require abutter letters to be sent.
- The following Town and staff comments submitted to record: Town Planner: September 22, 2017; North Central District Health Department: September 28, 2017; Town Engineer: September 28, 2017; Traffic Authority: September 25, 2017; Wetlands Enforcement Officer: September 15, 2017; Zoning Enforcement Officer: September 19, 2017; Fire Marshal: September 18, 2017; Building Official: September 18, 2017.
- Discussion ensued.
- Public hearing closed at 9:01pm with no comments from the public.

Ronald Scussel motioned that the commission recommends that the Town exercise the right to opt out of Public Act 17-155 regarding "Temporary Health Care Structures" due to the fact that Vernon's regulations for single-family and residential zones already provide flexibility to accommodate the care of persons with impairments in separate living quarters and additionally the enforcement of that Public Act would be an undo administrative burden on the Town and potentially violate HIPPA laws. Susan Reudgen seconded and the motion passed unanimously.

4. Other Business / Discussion

4.1 Receipt of Application.

- Application [PZ-2017-16] of Kevin Hull for a Special Permit for a Home Based Business at #26 Jeff Road (Assessor's ID: Map #130, Block #165, Lot/Parcel: #66A12).

The Public Hearing will be scheduled on November 2, 2017.

4.2. Residential Noise Complaint.

Town Planner Marina Rodriguez researched this issue per the request of the commission and the results have determined that the zoning regulations are not the appropriate way to regulate noise

- The police department researched complaints regarding ATV disturbance and didn't have a record of a call for the specific location and it is recommended that if someone has a noise complaint to call the police so that there is a record of a disturbance
- The Office of Legislative Research conducted a report/study regarding similar complaints and cites a case regarding the Town of Berlin where the court rejected the argument that their zoning statutes authorized it to set maximum noise levels in their zoning regulations and found that municipalities must adopt a DEEP approved noise ordinance in order to do so.
- There are 59 towns currently that have adopted that ordinance and it entails purchasing and maintaining equipment that measures decibels and is enforced by the police department

4.3 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

Wes Shorts motioned to adjourn the meeting at 9:17pm. Susan Reudgen seconded and the motion passed unanimously.

Respectfully Submitted,



Cassandra Minor
Recording Secretary