

Town Clerk

**TOWN OF VERNON  
Planning & Zoning Commission (PZC)  
Draft Minutes - Meeting Notice  
Thursday, October 21, 2010, 7:30 PM  
Council Chambers, Third Floor  
Memorial Building  
14 Park Place  
Rockville/Vernon, CT**

RECEIVED  
VERNON TOWN CLERK  
10 OCT 26 AM 10:02

1. Call to Order & Roll Call

- **Meeting was called to order at 7:321 P.M.**
- **Regular Members Present:** Lester Finkle, Chester Morgan, Francis Kaplan, Walter Mealy, Watson Bellows, Charles Bardes and Sarah Iacobello (7:39 P.M.)
- **Alternate Members Present:** Stanley Cohen. Stanley Cohen to sit for Sarah Iacobello.
- **Staff Present:** Leonard Tundermann. Town Planner, Marina Rodriguez, EDC/Assistant Town Planner.
- **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1. Communications received NOT related to Agenda items

- **Lester Finkle read the Letter of Appointment to move Charles Bardes from Alternate to Regular Member.**

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

- **Francis Kaplan, seconded by Charles Bardes moved a Motion to Adopt the Agenda. Motion carried unanimously.**

2.3 Acceptance of Minutes

- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Adopt the Draft Minutes of September 16, 2010. Motion carried unanimously.**

3. Public Hearings

3.1. Continued Hearing for Application [PZ-2010-17] of Marina Rodriguez, Vernon CED Coordinator, for an Amendment to the Zoning Regulations, Section 4.25.2, PDZ 1-84 Exit 67 Area.

- **Leonard Tundermann, Town Planner read the letter of William J. McGurk, Rockville Bank, dated 10/21/2010 supporting the proposed zoning amendment. (Attachment)**
- **Sarah Iacobello entered the meeting at 7:39 P.M.**
- **Stanley Cohen returned to Alternate member.**
- **Continued Public Testimony:**
  - **Ellen L. Marmer, 276 Merline Road:**
    - **Concerned with lack of information available in the Planning Department;**
    - **Current regulations allow for development at the site;**
    - **Concerned with the Mayor directing the Board in amending regulations based on Charter and State Statutes;**
  - **Ryan Goad, 57 Glenstone Drive, representing the Conservation Commission:**

- Spoke to incorrect Watershed area data in the October 1, 2010 and supplied and read amendment into the record. (Attachment)
- Watson Bellows questioned possible use of LID techniques at the subject property.
- Ryan Goad indicated that LID techniques could be used and should be suggested for any development.
- Anne Letendre, 29 Gottier Drive, speaking individually:
  - Listed commissions she has served;
  - Reviewed previous history of applications presented to Town commissions;
  - Environmental Assessment conducted in 1984;
  - ERT review conducted in 1987;
  - Proposed re-zoning of Bray property was denied;
  - Four (4) studies were completed over a four (4) year period which are now utilized for developing Watershed Management Plans;
  - Vernon Land Use Regulation Workshop: LID regulation in the Tankerhoosen River Watershed, presented by Fuss & O'Neill booklet was supplied to the commission;
  - 20% impervious coverage currently exists in the watershed area;
  - LID Regulations should be designed and implemented;
  - Site should be reviewed for the applicability of LID techniques for development at the site;
  - Supplied/referenced four (4) handouts:
    - Copy of presentation dated October 7, 2010;
    - The Tankerhoosen Watershed Reports on file in the office of the Town Planner;
    - Copy of the Fuss & O'Neill powerpoint presentation dated June 2008 and titled "LID Regulation in the Tankerhoosen Watershed."
    - 2003 Presentation packet to the PZC relative to the Bray parcel, dated January 2003.
- Edie Chernack, 58 Cubles Drive:
  - Opposed to the proposed change and possible bias by commissioners. (Read statement into the record.)
- Janine Galineau, 28 Anchorage Road:
  - Opposed to the proposed zoning change;
  - Suggested the commission utilize experts for informed testimony in reviewing the proposed change.
- Marie Herbst, 245 Brandy Hill Road, speaking individually:
  - Requested the commission review information that is available for the current regulations in place.
- Leonard Jacobs, 56 Deepwood Drive, Representing Lee & Lamont Realty:
  - Opposed to the existing regulations in place;
  - Believes the current regulation does not have any special standing based on court appeals.
  - Property should be zoned to allow for development to its fullest extent proper for the property;
  - Court has upheld that the commission did not act arbitrarily.
  - Stated an application does not need to be pending to determine appropriateness of a zoning change;
  - The town commission has the ability to control how the site is developed;

- Believes the super-buffers do not allow for the development of the site to its fullest;
- POCD, 2001 directly references the property and the current regulation are in conflict to the suggested type of development in the area;
- 
- Chester Morgan questioned the ability of the courts to determine the appropriateness of the prior zone change.
- Leonard Jacobs indicated that the court only decides if the commission acted appropriately based upon the record.
- Steve Lamont, 466 Gehring Road, Tolland, CT:
  - Reviewed workshops and Public Hearings held for implementing the 2005 Zoning change;
  - Stated setbacks act as a restriction in use of land that could be appropriately developed;
- Watson Bellows questioned the previous marketing of the property for development.
- Mr. Lamont indicated that the Town referenced inquires were in addition to private inquires received. Three (3) contracts were drafted but none were finalized for the property.
- Deb Wilson, 6 Liberty Street:
  - Read letter of Glenn Montigny, 44 Reservoir Road into the record;
    - RCCRD was created to represent local home owners;
    - Existing regulations were adopted to maintain open space and protect adjacent neighborhoods.
- Public testimony was closed at 9:29 P.M.
- Marina Rodriguez, EDC/Assistant Town Planner supplied an extension to the commission until the November 4, 2010 meeting.
- Chester Morgan, seconded by Walter Mealy moved a Motion to Continue the application to the November 4, 2010 meeting. Motion carried unanimously.
- Recess at 9:30 P.M.
- Meeting reconvened at 9:42 P.M.

3.2. Application [PZ-2010-18J of Tina Zajac/Lots and More for a Special Permit for outside display of retail products occupying an area greater than ten (10) percent of gross floor area of the business at #48 Windsor Avenue (Assessor's ID: Map #22, Block #003 0, Lot/Parcel #00042.

- Leonard Tundermann, Town Planner read the Legal Notice into the Record.
- Tina Zajac, Applicant representing Lots & More:
  - Believed prior approvals had been granted;
  - Requesting Special Permit for outdoor display. Map displayed for reference June 28, 2009;
- Walter Mealy spoke to Zoning complaint and lack of Special Permit based on Staff Application review
- Chester Morgan spoke to existing violations and ability to correct.
- Tina Zajac indicated that they had not reviewed the Staff memorandum dated October 14, 2010.
- Five (5) minute recess was granted at 9:55 P.M. to allow for applicant review.

- Meeting reconvened at 9:58 P.M.
- Discussion took place relative to prior application approvals.
- Watson Bellows requested clarification of referenced outdoor display area.
- Tina Zajac indicated it was located in the rear of the property.
- Francis Kaplan, seconded by Walter Mealy moved a Motion to Continue the application to the November 4, 2010 meeting. Motion carried unanimously.

3.3. Application [PZ-2010-19] of Joel Stavens for a three lot (3) Resubdivision at #306, 310 & 320 Lake Street (Assessor's ID: Map #14, Block #143, Lot/Parcel # 39C, & 38C)

- Leonard Tundermann, Town Planner read the Legal Notice into the Record.
- Applicant/Representatives were not available for the meeting and requested continuance to the November 4, 2010 meeting.
- Chester Morgan, seconded by Watson Bellows moved a Motion to Continue the Application to the November 4, 2010. Motion carried unanimously.

4. Old Business

4.1. Plan of Conservation and Development

- Watson Bellows reviewed POCD information:
  - Phone Survey questions have been completed.
  - Survey to begin on November 8, 2010 and continue for approximately ten (10) days.
  - Interviewed with the Reminder News. Will meet with Journal Inquirer next week.
  - Sub-committee will meet to determine final presentation model for the POCD.

4.2. Bylaws

- Town Attorney Harold Cummings was still in the process of review and should have comments back to the commission by the November 4, 2010 meeting.

5. New Business.

5.1. Receipt of Applications:

- None

5.2. Environmental Review Team (ERT) request for evaluation of portion of land of Mark and Susan St. Germain, Bolton Branch Road

- Leonard Tundermann Town Planner indicated ERT was raised during the application and mediation process.
  - Letter of Conditions, dated October 12, 2010 was received for possible ERT at the subject site.
  - Suggested acceptance of the ERT request.
- Charles Bardes questioned if the limited conditions were satisfactory.
- Leonard Tundermann, Town Planner stated that they were appropriate and would be under the review of the PZC.
- Watson Bellows stated if the original application was in mediation the ERT Team would not review the subject site and asked for clarification if the litigation would impact the requested study.
- Leonard Tundermann, Town Planner indicated that the requested ERT could be completed for a new application.

- **The commission would like to determine if the ERT Team would conduct a study at the site based on previous application litigation pending.**
- **Sarah Iacobello spoke to previous memorandum from the ERT Team regarding reviews.**
- **Leonard Tundermann, Town Planner indicated that he would contact and determine if the ERT Team would conduct a study based on current pending litigation on the previous application.**

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.

- **Francis Kaplan, seconded by Sarah Iacobello moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 10:17 P.M.**

James E. Krupienski  
Recording Secretary