

**TOWN OF VERNON
Planning & Zoning Commission (PZC)
Draft Minutes-Regular Meeting
Thursday, January 6, 2011, 7:30 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT**

RECEIVED
VERNON TOWN CLERK
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1. Call to Order & Roll Call
 - ◆ **Meeting was called to order at 7:32 P.M.**
 - ◆ **Regular Members Present:** Chester Morgan, Walter Mealy, Francis Kaplan and Charles Bardes.
 - ◆ **Alternate Members Present:** Victor Riscassi. Victor Riscassi to sit for vacancy.
 - ◆ **Staff Present:** Leonard Tundermann, Town Planner.
 - ◆ **Town Attorney:** Harold Cummings
 - ◆ **Recording Secretary:** James Krupienski
2. Administrative Actions/Requests
 - 2.1. Election of Officers & review of commission procedures
 - ◆ **Chairman**
 - **Francis Kaplan nominated Chester Morgan for Chairperson. Chester Morgan accepted the nomination. No other nominations were made. Nomination for Chairperson was closed. Chester Morgan was elected as Chairperson.**
 - ◆ **Vice-Chairperson**
 - **Francis Kaplan nominated Charles for Vice-Chairperson. Charles Bardes accepted the nomination. No other nominations were made. Nomination for Vice-Chairperson was closed. Charles Bardes was elected as Vice-Chairperson.**
 - ◆ **Secretary**
 - **Walter Mealy nominated Francis Kaplan for Secretary. Francis Kaplan accepted the nomination. No other nominations were made. Nomination for Secretary was closed. Francis Kaplan was elected as Secretary.**
 - 2.2. Amendment/Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"
 - ◆ **Chester Morgan requested a discussion item on change of time for holding of meetings.**
 - ◆ **Chester Morgan, seconded by Francis Kaplan moved a motion to adopt the Agenda as amended through January 6, 2011 as presented.**
 - 2.3. Review by Town Attorney of procedures for evaluation of intervenor petitions submitted under CGS 22a-19
 - ◆ **Harold Cummings, Town Attorney reviewed December 23, 2002 memorandum prepared by Attorney Martin "Bo" Burke and Harold Cummings regarding intervention petitions for Land Use applications relative to environmental issues under the commissions jurisdiction.**

- **Discussion took place regarding provisional acceptance of intervenor petition prior to review by the Legal Counsel review for “compliance to form and complies with the enabling statutes.”**
- **Review of four (4) questions to determine validity of presented information by intervenor.**
- **Discussion took place relative to possible environmental actions the could be reviewed by the commission during a hearing.**
- **Commission has the ability to retain expert(s) to assist the commission to review**

2.4. Communications received NOT related to Agenda items

- ◆ **Listing of existing Commission membership.**
- ◆ **UCONN School of Engineering – Connecticut Technology Transfer newsletter.**
- ◆ **Approval letter for Lawrence DeNorio for Special Permit for Retail Sale of Food at 101 West Street.**
- ◆ **Resignation letter of Sarah Iacobello effective December 14, 2010.**

2.5. Acceptance of Minutes

- ◆ **Francis Kaplan, seconded by Charles Bardes moved a Motion to approve the Draft Minutes of the November 18, 2010 Regular Meeting. Motion carried unanimously.**

2.6. Request for appointment to the CRCOG Regional Planning Commission

- ◆ **Leonard Tundermann, Town Planner reviewed a request from the CRCOG Regional Planning Commission to appoint members. No volunteers were available due to conflict with regularly scheduled meeting of the Planning and Zoning Commission.**

3. Public Hearings

3.1. Continued Hearing for Application [PZ2010-22J of Ben Carlson for a Modification of an Approved Site Plan for 670-672 Dart Hill Road (Assessor’s ID: Map #04, Block #0004, Lot/Parcel #0003A)

- ◆ **Staff has requested the applicant to submit a modification to the previously approved site plan that reflects the actual use of the property.**
 - **Reviewed suggested changes for the applicant to bring the site into compliance.**
 - **Existing Legal Injunction is pending approval of the commission and submission to the court for final disposition. Reason and status of the injunction was discussed.**
- ◆ **Ben Carlson, Applicant: (Comments to bulleted questions submitted during December 2, 2010 Public Hearing.)**
 - **Secondary business on site may work during the weekend.**
 - **Diesel vehicles idle to allow for warm-up during the winter months.**
- ◆ **Rachael Dearborn, Landmark Surveys:**
 - **2008 site plan – was not allowed to install proposed improvements.**
- ◆ **Ben Carlson, Applicant:**

- Vehicle was registered but did not have a visible plate and has been corrected.
- Boat was removed from the site.
- Additional vehicles due to recently acquired business.
- Dumpsters are allowed to return to the site if they remain on the vehicle only.
- Parking has been depicted on the modified site plan.
- ◆ **Rachael Dearborn, Land Mark Surveys:**
 - Shows existing trees on the site and depicts new trees to be installed.
 - Alpine Tree was purchased and is now part of the original business.
 - Mafia blocks were modified to outline stored items on site.
- ◆ **Ten (10) minute recess at 8:35 P.M.**
- ◆ **Meeting reconvened at 8:47 P.M.**
- ◆ **Rachael Dearborn, Landmark Surveys:**
 - Single change to site by relocation and defining size and height.
- ◆ **Charles Bardes questioned completion of proposed fencing. Applicant indicated it should be completed by the end of May.**
- ◆ **Public Hearing was closed at 8:53 P.M.**
- ◆ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Approve.**
 - Discussion
 - **Leonard Tundermann, Town Planner requested stipulation that all work be completed by Memorial Day. Accepted by motioners.**
 - **Chester Morgan added stipulation for hours of operation:**
 - **Monday – Friday 7:00 a.m. to 5:00 p.m., Saturday 9:00 a.m. to 5:00 p.m.**
 - **No Sunday hours excluding emergency snow removal.**
 - **Vehicles may be park after the end of business hours.**
 - **No site work after 5:00 p.m.**
 - **Leonard Tundermann, Town Planner reviewed reason for incomplete site plan.**
- ◆ **Roll Call vote:**
 - **Charles Bardes – Yes**
 - **Walter Mealy – Yes**
 - **Francis Kaplan – Yes**
 - **Chester Morgan – No**
 - **Victor Riscassi – Yes**
 - **Motion carried 4-1, Chester Morgan opposed**

3.2. Application [PZ-2010-25J of Samuel Belsito for a Zone Change from Special Economic Development Zone to Commercial at #295 Talcottville Road (Assessor's ID: Map #10, Block #0004, Lot/Parcel #0008C)

- ◆ **Leonard Tundermann, Town Planner read the Legal Notice into the record.**
- ◆ **Samuel Belsito, Tolland, CT**
 - **Requesting Zone change to Talcottville property.**
 - **Surrounding properties have been changed to Commercial.**
 - **Proposed Zone Change would allow for future development at the site.**
 - **Walter Mealy questioned the required manufacturing and retail space allowed in the existing Special Economic Development (SED) Zone.**
 - **Leonard Tundermann, Town Planner stated that the Special Economic Development (SED) Zone was designed to prevent additional retail development. Former zoning information provided to the commission was incorrect.**
 - **Francis Kaplan**
- ◆ **Staff Input:**
 - **Proposed change is consistent with the Plan of Conservation and Development (POCD).**
- ◆ **Public Comment: (9:19 P.M.)**
 - **None**
- ◆ **Rebuttal & Summation – None**
- ◆ **Public Hearing was closed at 9:20 P.M.**
- ◆ **Walter Mealy, seconded by Victor Riscassi moved a Motion to Approve the following motion:**

MOTION

***PZ-2010-25
Zone Change
295 Talcottville Road***

MOVED, that the Vernon Planning & Zoning Commission does hereby ***APPROVE*** Application [PZ-2010-25] of Samuel Belsito for a Zone Change from Special Economic Development Zone to Commercial Zone for property at 295 Talcottville Road (Assessor's ID: Map #10, Block #0004, Lot/Parcel # 0008C).

This approval is granted in accordance with an application dated November 1, 2010; testimony received at a Public Hearing commenced on January 6, 2011 and closed on that date; and in accordance with the following documentation submitted by the applicant, or otherwise received at the public hearing:

1. *Memorandum to the Planning and Zoning Commission from Leonard K. Tundermann, Town Planner, dated January 6, 2011;*
2. *Memorandum from then Town Planner George H. Russell to then Town Clerk Henry Butler dated September 15, 1982, providing explanation for and proposed regulations establishing the Special Development Zone - Economic Development;*
3. *GIS plot prepared by the Planning Department showing zoning for #295 Talcottville Road and vicinity.*

This approval is granted because the PZC finds that the proposed zone change is not in conflict with the Plan of Conservation and Development and will allow for additional commercial development of the property.

This approval is effective the later of January 31, 2011, and the filing of a certificate of the zone change or map in the office of the Vernon Town Clerk.

◆ **Motion carried unanimously.**

4. Old Business

4.1. Plan of Conservation and Development

◆ **Phone Survey has been completed.**

◆ **Subcommittee to meet with Heidi Samokar to discuss moving forward.**

4.2. Bylaws

◆ **In final draft form should be presented to the commission for review at the January 20, 2011 meeting.**

5. New Business.

5.1. Receipt of Applications:

5.1.1. Application [PZ-2010-26] of Samuel Krutt ~~for a Special Permit~~ for a Manufacturing Business for Hobby Supplies out of Garage at 110 Hublard Drive (Assessor's ID: Map #13, Block #0 165, Lot/Parcel #00044)

- ◆ **Leonard Tundermann, Town Planner indicated that the application did not require a Special Permit and the commission could act upon it this evening if it wished to.**
- ◆ **Charles Bardes, seconded by Victor Riscassi moved a Motion to Accept the Application. Motion carried unanimously.**
- ◆ **Samuel Krutt, Applicant/Owner"**
 - Proposing to move his business from East Hartford to Vernon.
 - Two (2) employees on the site with adequate parking.
- ◆ **Leonard Tundermann, Town Planner indicated that the business would be classified as a Type 1 Home Based Business – 3.29.2 – 3.29.2.12 inclusive and complies with the Zoning regulations.**

- ◆ **Public Comment (9:35 P.M.)**
 - None
- ◆ **Public Hearing was closed at 9:36 P.M.**
- ◆ **Walter Mealy, seconded by Francis Kaplan moved a Motion to Approve the Application. Motion carried unanimously.**

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.

6.2. Discussion of change of meeting start time.

- ◆ **Charles Bardes, seconded by Francis Kaplan moved a Motion to change the start time of the commission meeting to begin at 7:00 P.M. starting on February 17, 2011. Motion carried unanimously.**

7. Adjournment.

- ◆ Charles Bardes, seconded by Francis Kaplan moved a Motion to Adjourn. Motion carried unanimously.
- ◆ Meeting adjourned at 9:41 P.M.

James Krupienski
Recording Secretary

Attachment

Before I talk about the new site plan the PZC might like to ask Timber Ridge management a few questions.

- Business plan states they are closed on Sunday except for snow removal. Why are people working on Sunday?
- I walk to the park to the sounds and odors of equipment and trucks that are left idling unattended in the parking lot. Performance Standards - Section 13.3 of the zoning regulations states "the use shall emit no offensive odors perceptible at any property line of the lot on which the use is located..."
- Approval of a special permit for Ben Carlson back in 2008 was based upon him meeting certain conditions, one of which was to submit a new site plan as modified by the conditions requested by the PZC in the letter dated 5/21/08 to Mr. Carlson's attorney. This site plan was due on 8/28/08 and has never been filed. Why not? They are in violation of the conditions the PZC set and should not have even been operating their business for the last 2 ½ years.
- Unregistered and junk vehicles have been brought on site and left for weeks. Why? (1-3)
- Despite the PZC ordering the removal of a boat from the property another one appeared. Why?(4)
- Routinely trucks are driven over the lawn areas. Why? (5-7)
- There are significantly more trucks and equipment than are shown in the original business plan. Why can't a complete list of trucks and equipment be provided?
- Despite stating "No dumpsters with trash will be brought on site" they are. Why? The only approved dumpster was to be a permanent dumpster placed behind the building on the west side. Throughout the past several years numerous dumpsters have been brought on site and placed wherever they feel like including in the parking lot in the front of the building. (8-12)
- The plan presented and approved in 2008 shows parking spaces perpendicular to the building and stop at the existing walkway. Since this is the way Timber Ridge wanted it why do they park at an angle and start at the street and go to the back of the building? The approved spaces at the rear of the building were intended for overnight parking of the trucks which again is what Timber Ridge wanted. So why are they parked anywhere from the street to the existing gravel area? Since Timber Ridge Management won't enforce the approved parking then who will? (13-18)
- The approved site plan shows an existing tree line on the side and back of the property. Why was this all cut down? An illegal berm was constructed out of woodchips in place of the tree line. Some of it was removed when the town forced him to clean it up, but some still remains

