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

1. Call to Order & Roll Call

- **Meeting was called to order at 7:33 P.M.**
- **Regular Members present:** Lester Finkle, Watson Bellows, Francis Kaplan, Walter Mealy, Chester Morgan (7:34 P.M.) and Sarah Iacobello (7:34 P.M.).
- **Alternate Members present:** Charles Bardes, Stanley Cohen and Victor Riscassi. Stanley Cohen to sit for Keith Lauzon.
- **Staff Present:** Leonard Tundermann, Town Planner, Marina Rodriguez, EDC, Asst. Town Planner and Mayor Jason L. McCoy.
- **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- **Letter of Resignation from Keith Lauzon, dated September 20, 2010 was read into the record.**

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

- **Francis Kaplan, seconded by Stanley Cohen moved a Motion to Adopt the Agenda as Amended on October 7, 2010. Motion carried unanimously.**

2.3 Acceptance of Minutes

- **Chester Morgan, seconded by Walter Mealy moved a Motion to Adopt the Draft Minutes of September 9, 2010. Motion carried unanimously.**

3. Public Hearings

3.1 Continued Hearing for Application (PZ-2010-13) of Ellington Prospect LLC for Zoning Amendment to Section 3.26 Re-use, Adaptive of the Vernon Zoning Regulations to include a new category of buildings.

- **Chester Morgan recused himself from the application.**
- **Sarah Iacobello recused herself based on possible bias on the application. Stated she was not biased to the proposed regulation application.**
- **Charles Bardes to sit for Sarah Iacobello**
- **Victor Riscassi to sit for Chester Morgan.**
- **Leonard Tundermann, Town Planner reviewed a memorandum from Harold Cummings, Town Attorney, Dated September 30, 2010 Re: Application of Ellington Prospect LLC to Amend Vernon Zoning Regulations – Section 3.26: Re-Use, Adaptive". Memorandum was read into the record.**

- **Leonard Jacobs, Applicant – Stated letter was incorrect and does not violate the uniformity rule based on the Town Attorney’s opinion.**
- **Public Hearing was closed @ 7:50 P.M.**
- **Leonard Tundermann, Town Planner reviewed Draft Motions for Approval and Denial.**
 - **Motion to Approve: Add Stip #14 – September 15, 2010 Memorandum from Attorney Bruce Fader to Leonard Tundermann, Town Planner. Add Stip #15 – Response from Town Attorney, Harold Cummings response to Attorney Bruce Fader’s memorandum of September 15, 2010.**
 - **Motion to Deny: Add Stip #14 – September 15, 2010 Memorandum from Attorney Bruce Fader to Leonard Tundermann, Town Planner. Add Stip #15 – Response from Town Attorney, Harold Cummings response to Attorney Bruce Fader’s memorandum of September 15, 2010.**
- **Watson Bellows, seconded by Walter Mealy Moved a Motion to Approve the Proposed Zoning Amendment to Section 3.26: Re-Use, Adaptive.**
 - **Watson Bellows stated the Rockville area needs mechanisms to allow for rehabilitation of blighted structures.**
 - **Walter Mealy stated he was not in agreement with Bullets #4 and #3 of the Motion to Deny.**
- **Motion carried unanimously.**
- **Five (5) minute recess at 8:05 P.M.**
- **Meeting reconvened at 8:15 P.M.**

3.2 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 I-84 Exit 67 Area.

- **Chester Morgan and Sarah Iacobello were seated.**
- **Victor Riscassi and Charles Bardes returned to Alternate status.**
- **Leonard Tundermann, Town Planner read a memorandum from the Conservation Commission into the record, dated October 1, 2010. (Attachment)**
 - **Read letter from William McGurk, of Rockville Bank and Economic Development Commission member. (Attachment)**
- **Mayor Jason L. McCoy spoke to possible development at the proposed site. Proposed change is more stringent than the regulations in place in 2004.**
- **Marina Rodriguez, Asst. Town Planner/EDC reviewed her presentation memorandum dated September 30, 2010. (Attachment)**
 - **Wetlands have been delineated at the site and half (1/2) of the lot available for allowable building area.**
 - **Existing regulations require placement of a proposed structure at the center of the lot, limiting placement on the site.**
- **Mayor Jason L. McCoy stated that proposed change would keep some safeguards to allow for development.**
- **Victor Riscassi questioned the standard set-back for side and rear proposed in the amendment.**
- **Marina Rodriguez, Asst. Town Planner/EDC indicated the standard set-back would be set at 50’ feet, 100’ foot residential set-back would remain.**
 - **Existing set-back to residential would remain;**

- Aggregate incremental set-back is proposed to be removed
- Discussion took place relative to possible changes to existing residential set-backs.
- **Staff Comment:**
 - Leonard Tundermann, Town Planner reviewed Staff Application review memorandum, dated October 5, 2010.
 - Environmental Considerations were reviewed based on surrounding watersheds;
 - Tankerhoosen River Watershed Management Plan was referenced;
 - LID techniques could minimize potential impact from development at the site.
- Discussion took place relative to impervious coverage of surrounding watersheds.
- Sarah Iacobello stated that the lack of LID regulations would limit the enforceability by the commission by limiting them to stipulations.
- Leonard Tundermann, Town Planner indicated that the Town Staff would inform applicants during the application process the necessary use of LID techniques due to the environmental sensitivity of the site.
- Sarah Iacobello would like to have LID regulations in place to protect the site.
- Marina Rodriguez, Asst. Town Planner/EDC indicated that Section 4.25.1.3.16.5.1.3 references the use of LID practices for development.

- Recess at 9:32 P.M.
- Meeting reconvened at 9:53 P.M.

- **Public Testimony:**
 - Mary Kelly, 23 Harriet Street:
 - 3 reasons given for proposed change to the regulation:
 1. To create consistency with the Plan of Conservation and Development;
 2. The set-back are not reasonable or justified on the site;
 3. Embrace development at the site.
 - Sale of land is not a controlling factor in Zoning review.
 - Owner of the property appealed the regulations change to the Courts and Appealed the decision to the Appellate Court and the regulations were upheld by the Court and were supported by evidence in the record
 - Site has been in litigation thru 2009 which could have limited the possibility of development at the site.
 - Does not believe the current regulations should be revised.
 - Attorney Marjorie Shansky, representing the Rockville Citizen's For Responsible Development and Smart Growth for Vernon. (Attachments)
 - Proposed change must be consistent with the Comprehensive Plan.
 - Lack of LID regulations allows the commission to suggest use but does not require a developer to use LID techniques.
 - Existing Tier 1 Vernal Pool is located on the site and requires protection.
 - Supplied letter dated October 7, 2010 relative to the proposed amendment.
 - Suggested utilizing Preliminary Review Regulations.
- Chester Morgan, seconded by Francis Kaplan moved a Motion to Continue the Application to October 21, 2010. Motion carried unanimously.

4. Old Business

4.1 Plan of Conservation and Development

- **Watson Bellows:**

- **Met with PERT & Planimetrics**
- **Developed 40 questions for the phone survey;**
- **Survey to take place on November 8, 2010;**
- **4,000 Random names will be drawn for the survey and complete once 400 responses have been received;**
- **Questions will be private until completion of the survey.**
- **Discussion has taken place regarding identifying Open Space on map exhibits.**

4.2 Bylaws

- **Presently being reviewed by the Town Attorney. Should have response back for the October 21, 2010.**

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-2010-20] of DHD, LLC for a Site Plan of Development and a Special Permit to create a 2 family dwelling at 19 Bellevue Avenue (Assessor's ID: Map #22, Block #0038, Lot/Parcel #00037)

- **Requires Special Permit and Public Hearing.**
- **Francis Kaplan, seconded by Walter Mealy moved a Motion to Receive and Schedule a Public Hearing on November 4, 2010. Motion carried unanimously.**

5.1.2 Application [PZ-2010-21] of DHD, LLC for a Site Plan of Development and a Special Permit to create a 2 family dwelling south of #19 Bellevue Avenue (Assessor's ID: Map #22, Block #0038, Lot/Parcel #00037A)

- **Requires Special Permit and Public Hearing.**
- **Stanley Cohen, seconded by Francis Kaplan moved a Motion to Receive and Schedule a Public Hearing on November 4, 2010. 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.

7. Adjournment.

- **Francis Kaplan, seconded by Sarah Iacobello moved a motion to Adjourn. Motion carried unanimously.**
- **Meeting Adjourned at 10:27 P.M.**

James Krupienski
Recording Secretary