

**TOWN OF VERNON  
Planning & Zoning Commission (PZC)  
Draft Minutes – Regular Meeting  
Thursday, November 4, 2010, 7:30 PM  
Council Chambers, Third Floor  
Memorial Building  
14 Park Place  
Rockville/Vernon, CT**

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10 NOV 17 AM 8:49

1. Call to Order & Roll Call

- **Meeting was called to order at 7:31 P.M.**
- **Regular Members Present:** Lester Finkle, Chester Morgan, Walter Mealy, Francis Kaplan, Charles Bardes and Sarah Iacobello (7:36 P.M.)
- **Alternate Members Present:** Stanley Cohen and Victor Riscassi. Stanley Cohen to sit for Sarah Iacobello.
- **Staff Present:** Leonard Tundermann, Town Planner and Terry McCarthy, Town Engineer.
- **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- **Connecticut transfer Technology (CCT) Newsletter, Fall 2010.**
- **Planning Commissioners Journal, Fall 2010.**
- **Diversion Permit Approval relative to Phoenix Street Bridge Reconstruction.**

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

- **Walter Mealy, seconded by Francis Kaplan 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 approve the Draft minutes of October 7, 2010. Motion carried unanimously.**
- **Chester Morgan, seconded by Walter Mealy moved a Motion to approve the Draft minutes of October 21, 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 I-84 Exit 67 Area.

- **Sarah Iacobello entered at 7:36 P.M.**
- **Stanley Cohen returned to alternate status.**
- **Marina Rodriguez, Asst. Town Planner/EDC:**
  - **Clarified 2005 court case was based on the process used not if the setbacks were appropriate.**
  - **Spoke to modification of proposed placement of structures on the site during review.**
  - **Special Permit review is required the zone.**

- Change is consistent with the Plan of Conservation & Development (POCD) 2001.
  - Land Use Strategy-Page 121
  - I-84 Corridor – page 123.
- Spoke to differences between the Bray rezoning proposal and the current amendment.
- Environmental Concerns:
  - Zone is in an Aquifer Protection Zone.
  - Lot coverage greater than 50%, additional coverage can not increase off-site runoff.
  - LID practices are suggested for use on the site.
- Leonard Tundermann, Town Planner:
  - Reviewed PDZ Exit 67 Area Tankerhoosen River Wetlands Map from the October 21, 2010 meeting.
  - Impervious cover and LID practices should be focused on during development of the site.
  - Current Watershed is in an impaired state at 20% development.
  - No defined LID regulations in the Zoning Regulations.
  - Sub-surface material may not support LID measures.
- Terry McCarthy, Town Engineer:
  - Spoke to possible incidental spills at the site;
  - Possible impact to the top one (1) foot of material;
  - Site may have limited bacteria and the ability to destroy contaminates.
- Watson Bellows questioned the revue of the impacted property.
- Terry McCarthy indicated that the site was not reviewed for possible impact.
- Charles Bardes questioned the discussion of impact to the site without a pending Site Plan review before the commission.
- Leonard Tundermann, Town Planner indicated that the impact to the surficial materials and impact to the head waters is important to the review of the proposed setback amendment.
- Sarah Iacobello stated that the impact of possible development has direct impact to the proposed amendment change.
  - Need to develop definitive LID regulations prior to the review of a site plan on the site.
- Victor Riscassi requested a Point of Personal Privilege:
  - Spoke to personal accusation relative to predisposition of the application and influence by outside sources.
- Leonard Tundermann, Town Planner requested the Commission to accept written comments from a member of the public who had been unable to attend the previous meeting.
- The Chair indicated that the Public Testimony had been closed.
- Public Hearing was closed at 8:19 P.M.
- Leonard Tundermann, Town Planner reviewed for the commission both the Draft Motion to Approve and the Draft Motion to Deny.
- Chester Morgan, seconded by Francis Kaplan moved a Motion to Approve the Application.
  - Chester Morgan spoke to reasons for supporting the zoning amendment.
- Watson Bellows, Chester Morgan Moved a Motion to Amend the Main Motion as follows to add the below stipulations.

- **Section 1. By April, 2011 the TOV Town Planner will identify and submit to the TOV Planning and Zoning Commission those areas in the TOV where Low Impact Development measures can be used.**
  - **Section 2. By the first PZC meeting in September, 2011 the TOV Town Planner will submit to the TOV Planning and Zoning Commission LID regulations for a public hearing and subsequent adoption. These LID regulations will be applicable to all areas identified in Section 1.**
  - **Motion to Adopt the Friendly Amendment carried unanimously.**
  - **Discussion took place on the Main Motion as Amended.**
    - **Watson Bellows believes the applicant has not supplied information to support the amendment.**
    - **Sarah Iacobello stated that LID regulations need to be in place prior to any development at the site.**
    - **Walter Mealy spoke to using the pre-application process.**
  - **Vote on Motion to Approve as Amended**
    - **Sarah Iacobello Deny**
    - **Francis Kaplan Approve**
    - **Chester Morgan Approve**
    - **Lester Finkle Approve**
    - **Walter Mealy Approve**
    - **Watson Bellow Deny**
    - **Charles Bardes Approve**
  - **Motion carried 5-2**
  - **Recess at 8:58 P.M.**
  - **Meeting reconvened at 9:10 P.M.**
- 3.2 Continued Hearing for Application [PZ-2010-18] 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 #0030, Lot/Parcel #00042.
- **Katie Merrik, Administrative Assistant, Lots & More:**
    - **Reviewed previous history and retail specifics;**
    - **Addressed specific neighborhood concerns;**
    - **Received notification that a Special Permit was required for the Garden Center;**
    - **Presented photos of on-site materials and display layout;**
    - **Curbing at the entrance has been completed;**
  - **Leonard Tundermann, Town Planner indicated that Staff has reviewed the curbing area and pavement markings on the site;**
  - **Chester Morgan spoke to the October 14, 2010 memorandum from Leonard Tundermann, Town Planner to Tina Zajac relative to site issues.**
    - **North Central District Health Department (NCDHD) comments on possible impact to area wells from outdoor stored materials.**
  - **Leonard Tundermann, Town Planner indicated that the applicant had addressed the issue.**
  - **Walter Mealy spoke to existing storage trailers on the site.**
    - **Questioned the use of the forklifts prior to normal business operating hours.**
  - **Watson Bellows questioned memorandum relative to completion of Phase I of the approved Site Plan.**

- Leonard Tundermann, Town Planner indicated that required work had been completed.
  - Watson Bellows questioned comments from the Fire Marshal dated 9/16/2010.
  - Leonard Tundermann, Town Planner indicated that the Fire Marshal had no additional comments during the last Staff review meeting.
  - Stanley Cohen questioned the loading/unloading of trailers on the site. Applicant indicated all work is completed during the normal business hours.
  - Charles Bardes questioned that storage of pool chemicals. Applicant indicated that it was stored in the building.
  - Francis Kaplan questioned the use of forklifts during night hours.
  - Sarah Iacobello
  - 
  - Public Testimony (9:38 P.M.)
    - Rosanne Bill, 272 Carpenter Road, Coventry representing Blanche Bill, 4 Burke Road;
      - Spoke to incompatibility with the surrounding neighborhood, excessive noise during, before and after business hours and health concerns.
  - Lester Finkle requested a copy of Ms. Bill's letter be supplied to the applicant to allow for a response to the raised issues.
  - Chester Morgan questioned the lack of a Public Hearing regarding the application.
  - Leonard Tundermann, Town Planner indicated that a Public Hearing was held for the zone change and not on the site plan review.
  - Sarah Iacobello requested discussion points in the letter and supplied photos.
  - Chester Morgan, seconded by Chester Morgan moved a Motion to Continue the Application to November 18, 2010. Motion carried unanimously.
- 3.3 Continued Hearing for 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)
- Eric Peterson, Gardener & Peterson Associates, Tolland, CT:
    - Requesting to resubdivide to create three (3) conforming conventional lots;
    - Single family homes proposed on the sites;
    - Presented suggested lot line changes to allow for roadway frontage;
    - Has received approvals from the North Central District Health Department (NCDHD), Traffic Authority and the Inland Wetlands Commission.
    - Requesting sidewalk waiver due to existing sidewalks in the area;
    - Supplied proposed 15% and 20% Open Space Dedication but has requested no Open Space Dedication be requested.
  - Walter Mealy, seconded by Francis Kaplan moved a Motion to Continue the Application to the November 18, 2010 meeting. Motion carried unanimously.
- 3.4 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)
- Leonard Tundermann, Town Planner read the Legal Notice into the Record.
  - Eric Peterson, Gardener & Peterson Associates, Tolland, CT:
    - Property is located in the PRD Zone. No uses are permitted;

- Requested approval to build one (1) Two Family dwelling on the parcel;
- Located in the Aquifer Protection Zone, no wetlands on the site or within 100’;
- Zoning Board of Appeals has granted variances for
  - Reduction in front yard setback;
  - Reduction in rear yard setback;
  - Parking within ten (10)’ feet of a boundary;
  - Construction of a two (2) family house on an existing non-conforming lot of record;
- Hookups to sanitary sewer and water;
- Chester Morgan, seconded by Francis Kaplan moved a Motion to Continue to the November 18, 2010 meeting.

3.5 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)

- Legal Notice was read under Item 3.4 above.
- Francis Kaplan, seconded by Walter Mealy moved a Motion to Continue to the November 18, 2010 meeting. Motion carried unanimously.

#### 4. Old Business

##### 4.1 Plan of Conservation and Development

- Telephone survey will begin on November 8, 2010;
  - 40 total questions;
  - Have met with the Reminder News regarding the survey;
  - Interview scheduled with Suzanne Carlson, Journal Inquirer regarding the survey;
  - Special Meeting is set for December 16, 2010 to review the results of the survey;
  - Sub-committee will be meeting to determine the format of the POCD report.

##### 4.2 Bylaws

- Under review by the Town Attorney should have comments back for the November 18, 2010 meeting.

#### 5. New Business.

##### 5.1 Receipt of Applications:

5.1.1 Application [PZ-2010-22] 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)

- Leonard Tundermann, Town Planner reviewed history of enforcement action
- Sue Perry, 26 Emma Lane requested a Public Hearing relative to the Site Plan modification.
- Walter Mealy, seconded by Chester Morgan moved a Motion to Receive and Schedule a Public Hearing on December 2, 2010. Motion carried unanimously.

5.1.2 Application [PZ-2010-23] of Lawrence DeNorio for a Special Permit for Retail Sale of Food at 101 West Street (Assessor’s ID: Map #22, Block #0048, Lot/Parcel #00001)

- Leonard Tundermann, Town Planner indicated that a Special Permit is requested.
- Chester Morgan, seconded by Walter Mealy moved a Motion to Receive and Schedule a Public Hearing on December 2, 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.

- **Lester Finkle read a Letter of Resignation, effective December 31, 2010 into the Record.**

7. Adjournment.

- **Chester Morgan, seconded by Stanley Cohen moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 10:23 P.M.**

James Krupienski  
Recording Secretary