

**TOWN OF VERNON
Planning & Zoning Commission (PZC)
Minutes – Regular Meeting
Thursday, February 17, 2011, 7:00 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT**

RECEIVED
VERNON TOWN CLENK
11 MAY -5 PM 1:15

1. Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:02 P.M.**
- ◆ **Regular Members Present:** Chester Morgan, Walter Mealy, Francis Kaplan, Charles Bardes, Victor Riscassi and Daniel Sullivan.
- ◆ **Alternate Members Present:** William Roch. William Roch to sit for Stanley Cohen.
- ◆ **Staff Present:** Leonard Tundermann, Town Planner, Terry McCarthy, Town Engineer
- ◆ **Town Counsel:** Harold Cummings, Town Attorney
- ◆ **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

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

- ◆ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Adopt the Agenda. Motion carried unanimously.**

2.2 Communications received NOT related to Agenda items

- ◆ **Connecticut Town & City Newsletter, Vol. 37, Number 6, January 2011**
- ◆ **Planning Commissioners Journal Number 81, Winter 2011**

2.3 Acceptance of Minutes

- ◆ **None**

3. Public Hearings

3.1 Continued Hearing for Application [PZ-2010-24] of Capstone Builders, Inc. for a 16 Lot Single-Family, Residential Resubdivision on Grier Road (northwesterly side of Bolton Branch Road and easterly side of Cubles Road – Assessor's ID: Map #52, Block #140, Lot/Parcel #42)

- ◆ **Leonard Tundermann, Town Planner reviewed exhibits supplied:**
 - **Water Analysis for 50 Cubles Drive from Aquatek Labs, dated June 18, 1992.**
 - **Water Analysis for 50 Cubles Drive from Fallon Water Analysis Inc., dated September 19, 2007.**
 - **Flyer "Where's The Water Going" relative to development in the Bolton Lakes area.**
 - **Memorandum from Mark & Susan St. Germain of 25 Grier Road – Re: Application (PZ-2010-24) of Capstone Builders, Laurel Woodds Subdivision, dated February 11, 2011. Memorandum was read into the record.**
 - **Email from Betty King, Board of Education to Leonard Tundermann regarding policy of buses entering cul-de-sacs.**

- **Application Review Memorandum of Leonard Tundermann, Town Planner, dated February 11, 2011.**
 - **Suggested installation of sidewalks for safety of children in the subdivision;**
 - **Indicated Conservation Easement would be located to the rear of Lot #9;**
 - **Street Trees are required for the subdivision but existing on-site trees may be utilized as well.**
- **Applicant's Rebuttal of Comments from Todd Penney, Town Engineer. Wetlands Agent, Town of Coventry, dated February 10, 2011. Reviewed questions raised and commented in regard to each question.**
- **Memorandum from Edie Chernack, 50 Cubles Drive dated February 17, 2011 with attached maps showing Open Space options proposed in the application.**
- ◆ **Attorney Dorian Famiglietti reference two (2) reports relative to wells and reduction to surface water runoff impact:**
 - **Delta Environmental & LBG independent Town reviewer based on impact to surrounding wells.**
- ◆ **Charles Bardes questioned the maintenance of the proposed detention pond and responsibility for it.**
- ◆ **Eric Peterson indicated that the basin should be mowed once a year, remove trash and sediment. Maintenance of drainage system and detention basin would be the responsibility of the Town of Vernon.**
- ◆ **Requested Intervenor for rebuttal of comments or reports presented. No one was present.**
- ◆ **Public Input: (7:42 P.M.)**
 - **Dr. Fred Spaulding, 37-39 Grier Road**
 - **Original DEVCO proposal was never considered appropriate for development.**
 - **Requested denial of the application;**
 - **Should have a full updated report on the land.**
 - **Lori Ives, 49 Grier Road**
 - **Questioned if the Board had reviewed the previous application denial and the ability of the Board to review the current application based on the 2007 denial and pending litigation.**
 - **Fay Risley, 29 Anchorage Road**
 - **Read statement of Cal Scallion, 28 Anchorage Road – Suggested denial of the application based on the inability of the town to afford to properly maintain the proposed detention basin.**
 - **Edie Chernack, 50 Cubles Drive**
 - **Spoke to supplied memorandum dated February 17, 2011 and supplied for the record relative to proposed Open Space dedications.**
- ◆ **Public Testimony was closed**
- ◆ **Staff Input:**
- ◆ **Terry McCarthy, Town Engineer:**
 - **Has reviewed the proposed layout of roadways (1,500 and 1,800 foot) and the cul-de-sac;**
 - **Has been designed based on existing standards;**
 - **In agreement with the rebuttal comments of the applicant.**
- ◆ **Chairman called for rebuttal by the Intervenor. No one was present:**
- ◆ **Applicants Rebuttal and Summation:**
 - **Attorney Dorian Famiglietti, Greg Pinto, Capstone Builders**

- **Proposed basin is 230' by 85';**
- **Complies with the DEP Stormwater Quality Manual;**
- **Open Space – Greg Pinto spoke to suggested relocation of the detention basin and possible relocation of proposed Open Space. Does not believe the subdivision creates the need for Open Space dedication.**
- **Attorney Dorian Famiglietti reviewed Open Space requirements and current POCD goals and suggested areas for preservation.**
- ◆ **Harold Cummings, Town Attorney reviewed and read into the record a Legal Opinion, dated February 1, 2007 relative to the proposed Open Space regulations amendments.**

- ◆ **10 minutes recess at 8:25 P.M.**
- ◆ **Meeting reconvened at 8:34 P.M.**

- ◆ **Greg Pinto spoke to the Natural Diversity Data Base review which may be required after the Stormwater application has been supplied to the State if required after review.**
- ◆ **Discussion took place regarding proposed roadway designs and Draft sidewalk plan.**
- ◆ **Attorney Dorian Famiglietti spoke to special circumstances to meet need for a cul-de-sac in excess of 1,500 feet. Requires review by the Chief of Police, Fire Chief and DPW Director.**
 - **Street lights would be installed at Bolton Branch Road, and at the cul-de-sac.**
 - **Wetland Permit Opinion was supplied for the record.**
 - **Emergency responders will respond for Vernon or adjacent town for safety. Proposed roadway can not connect to existing private roads.**
 - **§22a-19 Petition:**
 - **Commission needs to determine if the proposal is reasonably likely to cause unreasonable pollution, impairment or destruction of the natural resources. Expert testimony is required by the intervenor.**
- ◆ **Victor Riscassi questioned the timetable for connection to the BLRWPCA to meet the timetable for the IWC Permit.**
- ◆ **Greg Pinto indicated that Phase 3 is proposed to begin in the Spring of 2011.**

- ◆ **Public Hearing was closed at 8:59 P.M.**

- ◆ **Harold Cummings, Town Attorney indicated the commission needs to Intervenor Petition standing.**
- ◆ **Charles Bardes, seconded by Daniel Sullivan moved a Motion to Determine that the Intervenor Petition dated January 13, 2011 raised allegations of environmental nature within the commission's jurisdiction. Motion carried unanimously.**
- ◆ **Charles Bardes, seconded by Walter Mealy moved a Motion that the Intervenor failed to offer sufficient expert testimony in support of the Intervenor Petition. Motion carried unanimously.**
- ◆ **The Intervenor Petition was determined to be insufficient.**
- ◆ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Approve the Application as presented.**
 - **Walter Mealy requested the commission require sidewalks in the approval.**
 - **Chester Morgan added an amendment to change #15 to install a stone wall instead of fencing.**
 - **Chester Morgan spoke to the memorandum of Leonard Tundermann, Town Planner, page #7.**

- ◆ **Walter Mealy, seconded by Francis Kaplan moved a motion to amend to Item # 10 adding additional dedication of 2.3 acres added to Lot #9. Motion carried unanimously.**

- ◆ **Roll Call Vote:**

- **All members seated for the application have reviewed or been present for the application.**

- **Charles Bardes - Yes**
- **Walter Mealy - Yes**
- **Francis Kaplan - Yes**
- **Victor Riscassi - Yes**
- **Daniel Sullivan - Yes**
- **Chester Morgan - Yes**
- **William Roch - Yes**

- ◆ **Motion carried unanimously.**

- ◆ **5 minute recess at 9:27 P.M.**

- ◆ **Meeting reconvened at 9:34 P.M.**

4. Old Business

4.1 Plan of Conservation and Development

- ◆ **Draft should be presented to the full commission within the next few months.**

4.2 Bylaws

- ◆ **Review continued to the March 3, 2011 meeting.**

5. New Business.

5.1 Receipt of Applications:

- ◆ **None**

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 Chester Morgan moved a motion to Adjourn. Motion carried unanimously.**

- ◆ **Meeting adjourned at 9:38 P.M.**

James Krupinski
Recording Secretary