

**TOWN OF VERNON
Planning & Zoning Commission (PZC)
Minutes – Regular Meeting
Thursday, March 3, 2011, 7:00 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place**

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

1. Call to Order & Roll Call

- **Meeting was called to order at 7:03 P.M.**
- **Regular Members Present:** Chester Morgan, Francis Kaplan, Charles Bardes, Victor Riscassi, Stanley Cohen and Daniel Sullivan.
- **Alternate Members Present:** William Roch. William Roch to sit for Walter Mealy.
- **Staff Present:** Leonard Tundermann, Town Planner
- **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 Stanley Cohen moved a Motion to Adopt the Agenda. Motion carried unanimously.**

2.2 Communications received NOT related to Agenda items

- **Planning Commissioners Journal #81, Winter 2011**
- **CTI-Connecticut Transportation Institute Workshop flyer – All About Paving**
- **Approval letter of Ben Carlson for 670-672 Dart Hill Road**

2.3 Acceptance of Minutes

- **None**

3. Public Hearings

3.1 Application [PZ-2011-01] of Catharine Marek (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.

- **Leonard Tundermann, Town Planner read the Legal Notice into the Record:**

*Public Notice
Town of Vernon*

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearings at its regular meeting at 7:00 PM on Thursday, March 3, 2011, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville / Vernon:

Application [PZ-2011-01] of Catharine Marek (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.*

*This PZC application is available for inspection by the public in the office of
the Planning Department, Vernon Town Hall, 14 Park Place, Rockville, CT.*

*Chester Morgan, Chairperson
Planning & Zoning Commission (PZC)*

- **Leonard Jacobs, 56 Deepwood Drive representing the applicant:**
 - **Business Plan will be supplied to the commission for review;**
 - **Reviewed history of the properties former uses;**
 - **Proposing to remove the sale of bulk mulch and removal of storage area along the westerly property fence;**
 - **Proposing to add forty (40) evergreen along the property line N/F of Walter Bill;**
 - **Proposing a restriction that no pallets will be stacked along the Northerly property line. Intending to store pallets near property line of adjacent commercial property no higher than six (6) feet.**
 - **No fertilizers or pesticides to be sold or stored outdoors;**
 - **No additional lighting proposed in the development area;**
 - **Store Hours:**
 - **Monday – Saturday: 9:00 A.M. to 7:00 P.M.**
 - **Sunday: 9:00 A.M. to 5:00 P.M.**
 - **Reviewed, supplied and read into the record the proposed Business Plan. (Attachment);**
 - **No Bobcat will be used on the property;**
 - **Forklift would be utilized for moving of pallets;**
 - **Proposing to relocate storage containers along the North Property line and have reduced to two (2);**
 - **Believes the proposed changes meet the Special Permit requirements;**
- **Stanley Cohen**
- **Bill Valvo, Owner spoke to stored items in the containers.**
- **Francis Kaplan questioned the possibility of limiting hours of delivery to the hours of 9:00 A.M. and 5:00 P.M. and no deliveries on Sunday. Applicant accepted limited delivery hours.**
- **Mr. Valvo indicated the storage containers could be reduced to one (1) unit.**
- **Charles Bardes questioned limitations on stacked materials.**
- **Leonard Tundermann, Town Planner reviewed application comments received from department review.**

- **10 Minute recess at 7:55 P.M.**
- **Meeting reconvened at 8:08 P.M.**

- **Public Testimony (8:08 P.M.)**
- **Leonard Tundermann, Town Planner read Public Testimony received by email, dated February 28, 2011 from Eileen DeVille into the record.**
- **Roseann Bill, 272 Carpenter Road, Coventry reviewed letters supplied, dated October 21, 2010 and March 3, 2011.**
 - **Spoke to proposed meeting with surrounding neighbors by the applicant;**
 - **Concerned with noise issues while moving materials;**

- **Questioned the possible need for a Special Permit for Storage in Aquifer Drift Area.**
- **Concerned with the storage of pallets on-site;**
- **Believes application is not compliant with Special Permit criteria.**

- **Public Testimony was closed at 8:27 P.M.**

- **Rebuttal and Summation**
 - **Spoke to return delivery of notification to surrounding neighbors.**
 - **No rental equipment will be allowed on the property.**
 - **Reviewed the requirements for Special Permit compliance.**

- **Victor Riscassi questioned prior area stores approval for Special Permit to store fertilizers.**

- **Public Hearing was closed at 8:40 P.M.**

- **Five (5) minutes recess at 8:40 P.M.**
- **Meeting reconvened at 8:50 P.M.**

- **William Roch questioned the enforceability of the Business Plan**
- **Charles Bardes, seconded by Victor Riscassi moved a Motion to Approve the Application with the stipulations:**
 - **Bulk Storage bins and Bulk material shall be removed from the plan and from the premises.**
 - **No more than one (1) metal storage container shall remain on the premises.**
 - **Forty (40) arborvitae, not less than seven (7) feet in height shall be planted within the landscape buffer.**
 - **There shall be no deliveries after 5:00 P.M. on any day.**
 - **There shall be no deliveries on Sunday.**
 - **All elements of the Business Operation Plan, except as modified herein, shall be noted on the plans and shall be followed.**
 - **Empty pallets shall not be stacked to a height exceeding six (6) feet.**
 - **Loaded pallets may be placed along the Northern landscape buffer at a height not to exceed six (6) feet within the area formerly shown for the three (3) metal storage containers.**
 - **No rental equipment will be permitted on the property.**

- **Chester Morgan, seconded by Francis Kaplan moved a friendly amendment to cite the Application complies with Section 17.3. Amendment was accepted.**

- **Roll Call Vote:**
 - **Charles Bardes - Yes**
 - **Francis Kaplan - Yes**
 - **Victor Riscassi - Yes**
 - **Stanley Cohen - Yes**
 - **Daniel Sullivan - Yes**
 - **Chester Morgan - Yes**
 - **William Roch - Yes**

- **Motion carried unanimously**

4.1 Plan of Conservation and Development

- **First Draft has been sent to the printer;**
- **Mayor has setup a meeting with the POCD subcommittee;**
- **Special Meeting is scheduled for presentation to the Planning and Zoning Commission on March 24, 2011.**

4.2 Bylaws

- **Discussion took place relative to suggested changes to the working Draft of the Commission By-Laws. Written comments were supplied by Commissioner Morgan.**

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 Charles Bardes moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 9:30 P.M.**

**James Krupienski
Recording Secretary**

Attachment to PZ-2011-01

BUSINESS OPERATIONS PLAN

Lots and More of Vernon, LLC ("Lots and More") hereby submits the following Business Operations Plan ("Plan") to the Town of Vernon (the "Town") in accordance with its Special Permit Application with accompanying Site Plan ("Site Plan"). This Plan specifically relates and is limited to the outdoor display area ("Outdoor Display Area") as shown on the Site Plan.

1. Merchandise – the following merchandise that is sold to customers from the Outdoor Display Area includes:
 - a. Perennial and Annual plants, including trees and shrubs;
 - b. Plant Containers/Pots, and the like;
 - c. Mulch and Peat Moss, and the like (bagged only);
 - d. Rocks, Stones, and the like (bagged only);
 - e. Pavers, Paver Edgers, Wall Blocks, Cobblestones, and the like; and
 - f. Related similar items.
2. Deliveries – All deliveries to the Outdoor Display Area shall be made only during hours Lots and More is open, specifically the hours of 9:00 a.m. – 7:00 p.m. Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday. Loading and unloading of deliveries to the Outdoor Display Area shall only take place during the aforementioned working business hours. Trucks will be forbidden from idling during the loading and unloading, in accordance with applicable law. All efforts to minimize noise of trucks and other machinery shall be undertaken.
3. Lighting – There is no lighting illuminating the Outdoor Display Area.
4. Storage of Fertilizers/Chemicals – Any and all pesticides, insecticides, fertilizers and the like shall be stored inside the building of Lots and More at all times.
5. Storage of Pallets – Excess pallets will be stored along the southerly property line and will not be stacked over six feet high and will be monitored and removed from the Outdoor Display Area as soon as reasonably practicable.

6. Rubbish Maintenance – Lots and More will keep its site neat and clean. The dumpster is encased and litter is picked up on a continuous basis. Lots and More can not be responsible for trash from neighboring businesses.
7. Emergency Vehicle Access – Lots and More will keep this area neat and unobstructed.
8. Landscaping – Lots and More shall install forty (40) arborvitae trees or the like of at least seven (7) feet in height along the westerly property line (currently shared with Mrs. Bill). Lots and More shall also install two trees of a minimum of fifteen (15) feet in height along the northerly property line situated as such to provide the most visual buffer taking into consideration the existing buffers along the property line such as trees a garage, and a large shed.
9. Outdoor Display Area Maintenance – Except for activities such as sweeping or neatly piling the materials, no work will be performed except during the aforementioned business hours.