

**TOWN OF VERNON
Planning & Zoning Commission (PZC)
Minutes - Special Meeting Minutes
Thursday, January 13, 2011, 7:30 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT**

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

1. Call to Order & Roll Call

- ◆ Meeting was called to order at 7:31 P.M.
- ◆ Regular Members Present: Chester Morgan, Walter Mealy, Francis Kaplan, Charles Bardes
- ◆ Alternate Members Present: Victor Riscassi. Victor Riscassi to sit for vacancy.
- ◆ Staff Present: Leonard Tundermann, Town Planner, David Gooch, Civil Engineer
- ◆ Town Counsel: Harold Cummings, Town Attorney
- ◆ Recording Secretary: James Krupienski

2. Public Hearings

2.1. Application [PZ-2010-24] of Capstone Builders, Inc. for a 16 Lot Single-Family, Residential Resubdivision at 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 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 Special meeting at 7:30 PM on Thursday, January 13, 2011, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville / Vernon:

Application [PZ-2010-24] of Capstone Builders, Inc. for a 16 Lot Single-Family, Residential Resubdivision at #110 Grier Road (Northwesterly site of Bolton Branch Road) and (East Side of Cubles Road (Assessor's ID: Map #52, Block #140, Lot/Parcel #42)

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.

*Lester Finkle, Chairperson
Planning & Zoning Commission (PZC)*

- ◆ Attorney Dorian Famiglietti, representing the Applicant Capstone Builders Inc.:
 - Greg Pinto, Capstone Builders
 - Eric Peterson, Gardner & Peterson Associates
 - Mark & Susan St. Germain – Property Owners
 - Reviewed previous application history.
- ◆ Eric Peterson, Gardner & Peterson Associates Inc:
 - Proposed parcel of 60 +/- acres entirely within the Town of Vernon;

- **Wooded parcel within a wooded wetland;**
- **No flood plain no slopes in excess of 20% and no aquifer soils on the parcel;**
- **Proposing a Sixteen (16) lot subdivision;**
- **Lot design is consistent with current Zoning Regulations;**
- **North Central District Health Department has review for compliance with health requirements and has determined that the lots can support septic system and wells on the sites;**
- **Reviewed by Traffic Authority and Conservation Commission;**
- **Designed to comply with Connecticut Stormwater Management guidelines;**
- **Detention Basin would be located on Lot #9;**
- **Bolton Lakes Regional Water Pollution Control Authority (BLRWPCA) has reviewed the application a will require the subdivision to connect to the proposed sewer system once installed**
- ◆ **Victor Riscassi was concerned with the lack of details relative to proposed sewer tie-ins on proposed plans.**
- ◆ **Greg Pinto, Capstone Builders spoke to the sewer avoidance policy relative to the Bolton Lakes Regional Water Pollution Control Authority (BLRWPCA).**
- ◆ **Eric Peterson has determined that 2.4% reduction in groundwater infiltration would occur and should have negligible impact to the watershed.**
 - **6.6.4.1 - Subdivision Regulations does not allow for a roadway cul-de-sac in excess of 1,500 feet or 20 lots unless it meets 6.6.7;**
 - **6.6.7.1 – Subdivision Regulations required to show a difficulty in connecting to an existing area roadway; Must conform with the Master Plan of Development.**
- ◆ **Attorney Dorian Famiglietti spoke to the attempt to connect to surrounding private roadways in the area. (Memorandum dated June 14, 2007)**
 - **Supplied letter from James Kenny, Chief of Police, dated January 13, 2011 relative to proposed length of roadway and cul-de-sac.**
- ◆ **Eric Peterson requested wavier of sidewalks for the proposed subdivision.**
- ◆ **Attorney Dorian Famiglietti indicated the prior commission vote approved waiver of sidewalks;**
 - **Fire Chief has reviewed cul-de-sac designs.**
- ◆ **Option #1 Roadway Design Proposal**
 - **Fee Simple Dedication**
 - **Conservation Easement – would not have Public Access on Lots #1 & #3 or rear of Lot #9.**
 - **Access to the retention basin through Lot #9.**
- ◆ **Option #2 Roadway Design Proposal**
 - **Conservation Easement to the rear of the proposed subdivision on the property of the St. Germain's.**
 - **Mark St. Germain spoke to preservation of the property through conservation easement.**
- ◆ **Open Space Plan A**
 - **Fee Dedication – Two (2) Conservation Easements on Lots # 3 & 9 – 15.6% dedication.**
- ◆ **Open Space Plan B**
 - **Large Conservation Easement**
 - **Fee Simple dedication of two (2) rod road**
 - **Proposed 23.9% open space dedication.**

- ◆ **Attorney Dorian Famiglietti indicated that the Conservation Commission and the Open Space Task Force felt ownership would be better for the Town.**
- ◆ **Chester Morgan questioned the process of Fee Simple Dedication or Easement dedication.**
- ◆ **Greg Pinto spoke to suspected vernal pools located on lots #1 & #2.**
- ◆ **Attorney Dorian Famiglietti reviewed:**
 - **Capital Region Council of Governments letter dated January 4, 2011**
 - **Memorandum of Chief Kenny dated January 5, 2011**
 - **Memorandum of Fire Chief Bob Kelley dated June 14, 2007**
 - **Letter of Chief Kenny regarding Police Services dated June 13, 2007**
 - **WinCOG letter regarding impacts to the wetlands and Cedar Swamp.**
- ◆ **Staff Input:**
 - **Leonard Tundermann, Town Planner**
 - **Indicated Certified notification to the Bolton & Coventry Town Clerks**
 - **Reviewed North Central District Health Department (NCDHD)**
 - **Application was referred to WinCOG and CRCOG**
 - **Erosion & Sediment Control Plan has been certified by the North Central Conservation District.**
 - **Sewer tie-in will be required if the subdivision is approved.**
 - **Conservation Commission has requested additional time to review proposed plans.**
 - **Inland Wetlands Officer, Craig Perry has determined that review is not necessary due to prior Judicial Action.**
- ◆ **David Gooch, Civil Engineer:**
 - **Conforms to the Regulation of the Town of Vernon**
 - **Reviewed Drainage and concurs with prior plan review.**
- ◆ **Ten (10) minutes recess at 9:01 P.M.**
- ◆ **Meeting reconvened at 9:12 P.M.**
- ◆ **Chester Morgan questioned if anyone was interested in intervenor status for the application.**
- ◆ **Intervenor Petition was supplied by Attorney Derek V. Oatis on behalf of Janine Gelineau.**
- ◆ **Five (5) minute recess at 9:14 P.M.**
- ◆ **Meeting reconvened at 9:17 P.M.**
- ◆ **Harold Cummings, Town Attorney indicated that he has reviewed the Intervenor Petition and it meets the formal requirements for intervention of the application. Suggested commission vote to accept the Intervenor petition of Janine Gelineau.**
- ◆ **Walter Mealy, seconded by Francis Kaplan moved a Motion to Accept the Intervention petition as presented. Motion carried unanimously.**
- ◆ **Harold Cummings, Town Attorney indicated that the Intervenor needs to focus on environmental issues under the commissions review. Wetlands review would be outside of the commissions review.**
- ◆ **Harold Cummings, Town Attorney outlined applicability of the supplied and accepted petition:**
 - **Section 1, Bullet A – Not under the jurisdiction of the commission.**

- **Section 1, Bullet A, i. – Not under the jurisdiction of the commission.**
- **Section 1, Bullet A, ii – Not under the jurisdiction of the commission.**
- **Section 1, Bullet A, iii– could show reasonable probability – commission should hear.**
- **Section 1, Bullet B – Not relevant to process**
- **Section 1, Bullet C – Relevant to the application.**
- **Section 1, Bullet D – Could allow for with expert testimony.**
- **Section 1, Bullet E – Could allow for with expert testimony.**
- **Section 1, Bullet F – Could allow for with expert testimony.**
- **Section 1, Bullet G – Could have Wetlands Impact.**
- **Section 1, Bullet H – Relevant to the Application.**
- **Section 1, Bullet I – Not relevant to the application.**
- ◆ **Attorney Derek Oatis, Counsel for the Intervenor:**
 - **Would like the ability to review proposed plans.**
 - **Spoke to prior Wetlands Approval by the Court and failure to review the proposed current plans.**
- ◆ **Chairman Morgan ruled that discussion relative to a Wetlands Approval was not within the Commissions statutory review nor the requirements of §22a-19 and was ruled out of order.**
- ◆ **Francis Kaplan indicated Scribner’s error on page 2 of the Intervenor Petition of the incorrect date of September 13, 2011 instead of January 13, 2011.**
- ◆ **Public Comment:**
 - **Fay Risley, Anchorage Road**
 - **Opposed to development and concerned with the proposed detention basin;**
 - **Suggested installation of a 6’ to 8’ fence around the basin for protection;**
 - **No emergency exit from the proposed basin;**
 - **Concerned with possible pollutants entering the proposed detention basin;**
- ◆ **Public Testimony closed at 9:53 P.M.**
- ◆ **Francis Kaplan, seconded by Charles Bardes moved a Motion to continue the Application to the January 20, 2011 meeting at 7:30 P.M. Motion carried unanimously.**

3. **Adjournment.**

- ◆ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting Adjourned at 9:55 P.M.**

James Krupienski
Recording Secretary