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TOWN OF VERNON
Planning & Zoning Commission (PZC) 09 SEP -3 PM 5:48
Draft Minutes-Meeting Notice
Thursday, August 20, 2009, 7:30 PM
Council Chambers, Third Floor
Memorial Building, Vernon Town Hall
14 Park Place
Rockville/Vernon, CT

1. Call to Order & Roll Call

- **Meeting called to order at 7:30 P.M.**
- **Regular Members Present:** Lester Finkle, Chester Morgan, Francis Kaplan Watson Bellows, Keith Lauzon, Sarah Iacobello (7:45 P.M.).
- **Alternate Members Present:** None
- **Staff Present:** Terry McCarthy, Town Engineer
- **Recording Secretary:** James Krupienski.

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- **Lester Finkle read into the record the appointment letter of Keith Lauzon.**
- **Letter from the State of Connecticut, Department of Transportation, State Traffic Commission Certificate regarding Tallwind, LLC.**

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

- **Lester Finkle requested Item #3.2 – PZ-2009-11 move prior to Item #3.1 and additional discussion Item #6.1.1 regarding Dania Mart.**
- **Watson Bellows requested additional discussion Items:**
 - **Item #6.1.2 - Status on Lots & More;**
 - **Item #6.1.3 - Discussion on Sidewalk Fund for the Town of Vernon;**
 - **Item #6.1.4 - Discussion of Shaw's Supermarket Expansion;**
 - **Item #6.1.5 – Discussion on Capstone Litigation**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Adopt the Agenda as Amended. Motion carried unanimously.**

2.3 Acceptance of Minutes

- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Approve the Minutes of June 18, 2009. Motion carried unanimously.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Approve the Minutes of July 2, 2009. Motion carried unanimously.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Approve the Minutes of July 16, 2009. Motion carried unanimously.**

3. Public Hearings

3.2 Application [PZ-2009-11] of Lee & Lamont Realty for (1) change of zone from Historic District Neighborhood R-10 to Comprehensive Multi-Family Dwelling, (2) approval of a preliminary site plan of development for 35 dwelling units, and (3) residential development of more than one dwelling unit in an aquifer protection zone at #41 Pleasant Street (Assessor's ID: Map #41, Block #0115, Lot/Parcel # 00028)

- **Terry McCarthy, Town Engineer read a letter dated August 17, 2009 from the applicant requested a postponement for opening of the public hearing until the September 17, 2009 meeting. (Appendix A)**
- **Francis Kaplan, seconded by Chester Morgan moved a Motion to Accept the request of the Applicant and postpone the opening of the Public Hearing until the September 17, 2009 meeting. Motion carried unanimously.**

3.1 Continued Hearing for the Application [PZ-2009-10] of David Tuttle for a Resubdivision at #117 Vernon Ave. (Assessor's ID: Map #39, Block #73, Lot/Parcel #84)

- **David Tuttle, Applicant presented requested changes from the Commission.**
 - **Cross section for driveway pavers was added to proposed plans;**
 - **Minimum frontage in table changed to 99';**
 - **Hay bales added with silt fence for Erosion Controls;**
 - **Drainage note added to allow for drainage away from the dwelling.**
- **Terry McCarthy, Town Engineer indicated that the applicant has complied with the requested changes of the commission.**
- **Public Hearing was closed at 7:45 P.M.**
- **Sarah Iacobello entered at 7:45 P.M.**
- **Terry McCarthy, Town Engineer suggested Performance Bond of \$4,500.00 and Erosion and Sediment Control Bond of \$3,000.00.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Approve the Application. Motion carried. Commissioner Bellows opposed.**

~~3.2 Application [PZ-2009-11] of Lee & Lamont Realty for (1) change of zone from Historic District Neighborhood R-10 to Comprehensive Multi-Family Dwelling, (2) approval of a preliminary site plan of development for 35 dwelling units, and (3) residential development of more than one dwelling unit in an aquifer protection zone at #41 Pleasant Street (Assessor's ID: Map #41, Block #0115, Lot/Parcel # 00028)~~

- **Moved prior to Item #3.1 in amended Agenda.**

3.3 Application [PZ-2009-12] of Marlboro Properties, LLC for a special permit to convert a building from residential use to professional medical office at #94 Union Street (Assessor's ID: Map #23, Block #0101, Lot/Parcel # 00012)

- **Terry McCarthy, Town Engineer read the Legal Notice into the record.**
- **Rachel Dearborn, Landmark Surveys, LLC, Ellington, CT representing the applicant;**
 - **Existing parcel at Union Street & Oak Street;**
 - **Converting to Doctors office;**
 - **Meet Zoning requirements;**

- **Parking requirements have been met based on Zoning Regulations;**
- **Dumpster surrounded by stockade fence;**
- **Drainage to be tied into an existing catch basin at the roadway;**
-
- **Watson Bellows questioned the amount of workers in the building and parking issues.**
- **Rachel Dearborn indicated that the applicant expects to use the proposed parking for the offices.**
- **Constantinos Constantinos, owner indicated that he expects one employee in addition to himself for staffing of the office.**
- **Chester Morgan questioned the movement of an existing chain link fence. Applicant indicated that the adjacent owner has agreed to trim lawn on opposite side of fence.**
- **Watson Bellows questioned if the iron fence would remain on site. Applicant indicated that they would either re-paint or have it removed.**
- **Terry McCarthy, Town Engineer indicated that the applicant had agreed to extend drainage to an existing catch basin at roadway from an overflow pipe.**
- **Sarah Iacobello questioned the type of sign proposed for the site and approval of Design Review Commission. Applicant indicated that they had no comment on the sign.**
- **Public Comment – None**
- **Public Testimony closed at 8:07 P.M.**
- **Rebuttal & Summation**
 - **Applicant requested action on the application to assist with a financing timetable.**
- **Public Hearing closed at 8:08 P.M.**
- **Watson Bellows, seconded by Chester Morgan moved a motion to Approve the Application. Motion carried unanimously.**

- **Five minute recess at 8:11 P.M.**
- **Meeting reconvened at 8:21 P.M.**

4. Old Business

4.1 Plan of Conservation and Development

- **Watson Bellows requested Executive Session prior to the September 3, 2009 Regular meeting for discussion on the contract with Planimetrics.**
 - **Reviewed the presentation to the Town Council on July 21, 2009. (Appendix B)**
- **Chester Morgan stated that Greenwich had posted their process for updating of their POCD as a Step by Step process.**
- **Lester Finkle stated that Chester Morgan would be replacing Ralph Zahner on the POCD sub-committee.**
- **Francis Kaplan would like to limit the decision process by the other Commissions.**

- **Sarah Iacobello suggested utilizing the town commissions to move the plan process forward.**

4.2 Other zoning regulation changes for consideration:

- a. Low Impact Development (LID)
- b. Garden zone;
- c. Requiring sewers for development within aquifer protection zones;

- **Continue on Agenda as future discussion item.**

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-2009-15] of 561 Talcottville Associates, LLC for a Modification of an approved Site Plan of Development at #561 Talcottville Rd. (Assessor's ID: Map #8, Block #2, Lot/Parcel #16E)

- **Terry McCarthy, Town Engineer suggested Public Meeting for a Site Modification to change driveway from two to one curb-cut. Suggested schedule for September 3, 2009 meeting.**
- **Watson Bellows, seconded by Chester Morgan moved a Motion to Accept and Schedule a Public Meeting for September 3, 2009. Motion carried unanimously.**

5.1.2 Application [PZ-2009-16] of CT Twisters for a Special Permit for Recreational/Fitness Activities at #5 Gerber Boulevard (Assessor's ID: Map #04, Block #40, Lot/Parcel #8A1)

- **Terry McCarthy, Town Engineer recommended receipt and scheduling of Public Hearing on September 3, 2009.**
- **Sarah Iacobello, seconded by Francis Kaplan moved a Motion to Receive and Schedule a Public Hearing on September 3, 2009. 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.

6.1.1 Discussion regarding Dania Mart

- **Chester Morgan received comments from Town Attorney Harold Cummings that would allow for monetary fines for each day a zoning violation continues.**
- **Lester Finkle indicated that the Zoning Enforcement Officer was unable to attend but would send violations beginning August 24, 2009.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to direct Abraham Ford, Zoning Enforcement Officer to issue a Citation for Failure to Comply with the Zoning Regulations, beginning Monday, August 24, 2009, on a daily basis until the violation has been corrected. Motion carried unanimously.**

6.1.2 Discussion on the Status of Lots & More

- **Watson Bellows reviewed previous history. No action has been completed recently. Requested the site be cleaned.**
- **Terry McCarthy, Town Engineer indicated the Cross-Easement has been recorded but not action is currently taking place on the property.**

6.1.3 Discussion on Creation of a Sidewalk Fund for the Town of Vernon

- **Watson Bellows requested at total for existing funds in the Town of Vernon Sidewalk Fund for the next meeting.**
- **Terry McCarthy, Town Engineer indicated that the fund is still in place but funds are no longer received for contribution to the fund.**

6.1.4 Discussion on Expansion at Shaw's Supermarket

- **Watson Bellows requested Staff review the approved plans regarding sidewalk placement in the area.**

6.1.5 Discussion on Capstone Litigation

- **Watson Bellows had received notification from Attorney Susan Boyan indicating no Environmental Review for Bolton Lakes would take place until the pending litigation is resolved. Intervener had requested a Environmental Review during the Public Hearing process.**
- **Lester Finkle indicated that Mediation may not be needed any longer.**

7. Adjournment.

- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 9:04 P.M.**

James Krupienski
Recording Secretary

Appendix A

JACOBS, WALKER, RICE & BARRY, LLC

ATTORNEYS AT LAW

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MANCHESTER, CONNECTICUT

06045-0480

RONALD JACOBS
LEONARD JACOBS
MICHAEL J. RICE
DAVID M. BARRY, JR.

August 17, 2009

MICHAEL J. BONANNO*
*ALSO ADMITTED IN MASSACHUSETTS

JEAN T. WALKER
OF COUNSEL

Town of Vernon
Planning and Zoning Commission
Attn: Leonard Tundermann, Town Planner
14 Park Place
Vernon CT 06066

Re: Lee & Lamont Realty
Application – 41 Pleasant Street, Vernon CT

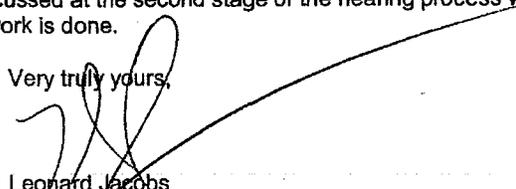
Dear Mr. Tunderman:

The purpose of this letter is to request the Planning and Zoning Commission not open the public hearing on August 20th.

To make sure there are no issues with respect to the statutory time limit to open the public hearing, on behalf of the applicant, we are consenting to a delay in the opening of the public hearing to September 17, 2009, which is the date of the second meeting in September.

The applicant also withdraws its request for a special permit with respect to the aquifer protection zone. We agree with the Town Planner that this special permit would be more appropriately discussed at the second stage of the hearing process when all of the detailed engineering work is done.

Very truly yours,



Leonard Jacobs

LJ:sm

Appendix B

TOWN OF VERNON PLAN OF CONSERVATION & DEVELOPMENT STATUS

AUGUST 20, 2009

1. PZC met with Town Council on July 16th
 - a. PZC announced that Planimetrics was selected as the vendor to update the Town of Vernon (TOV) Plan of Conservation & Development (POCD)
 - b. Informed them of selection process and why Planimetrics was selected
 - c. One question was asked by Councilman Winkler as to why the PZC used a Request for Qualifications Process (RFQ) instead of a Request for Price.
 - d. Stated that contract should be completed by the end of September.
 - e. Project begins in October
2. Meeting with Planimetrics on August 13, 2009
 - a. Len Tundermann, Lester Finkle, Chet Morgan, Ralph Zahner, Walter Mealy and Chip Bellows met with Heidi Samokar of Planimetrics in an executive session to begin the contract negotiation process.
 - b. We reviewed Planimetrics plan and pricing; it was an education for the PZC members to determine what we would get for each step in the plan.
 - c. I will share the proposed plan amount, details etc when we are in an executive session at our next meeting.
3. Next Steps
 - a. Review initial plan and price with the PZC
 - b. Work with PZC sub-committee to determine where we would like to reduce prices
 - c. Negotiate with Planimetrics
 - d. Complete negotiations by September, sign contract and begin project in October
 - e. Discuss at future meetings the project organization; reporting and PZC member involvement.