

PLANNING & ZONING COMMISSION  
TOLLAND, CONNECTICUT  
REGULAR MEETING MINUTES OF AUGUST 9, 2010

MEMBERS PRESENT: Michael Cardin, Chair  
Marilee Beebe, Vice Chair  
Sue Errickson, Secretary  
Jack Scavone, Regular  
John Hughes, Alternate

MEMBERS ABSENT: Dave Barrow, Regular  
Benjamin Stanford, Alternate

OTHERS PRESENT: Linda Farmer, AICP, Director of Planning & Community Development  
Applicants and their representatives

1. Call to Order: Michael Cardin, Chair called the meeting to order at 7:37 p.m. in Council Chambers.
2. Public Comment: None.
3. Public Hearing(s):

3.1 P&Z App. #762 – Tomlen, LLC – Request for a Special Permit/Site Plan revision to change the use from a 66 unit Age Restricted development with single-family detached dwellings to a 66 unit Multi-Family development with 50% of the dwellings duplexes. Location: Belvedere Ridge, 601 Old Post Road.

Mr. Cardin seated John Hughes for Dave Barrow. Ms. Errickson read the legal notice as well as Linda Farmer's August 4, 2010 memo to Michael Cardin. Mr. Cardin noted that they received a few written communications from residents, which will be read into the record later. Ms. Farmer also noted she included a timeline on this development in their packets for reference purposes.

Attorney Michael Romano of Rocky Hill representing the developer, owner and applicant reviewed the history of the development. He corrected an error in his statements when he had come before the Commission on April 26, 2010 saying at that time that they were looking for a zone change, when actually it is a permit change they are requesting. He said Belvedere Ridge is in the Residential Design District and currently has a Special Permit approval under Section 170-39, Subsection F. He provided a brief background on the Fair Housing Act, and the 1985 Housing for Older Persons Act which addressed government housing, elderly housing, and over 55 Housing. He said that the Department of Housing and Urban Development eventually did away with requiring elderly facilities and services for over 55 housing.

Attorney Romano said that Belvedere Ridge was approved in 2003 as 55 and over housing, but that in the seven years since its approval, only two units have been sold. He described similar problems with selling housing in such developments in Ellington and other areas in the northeast, adding that the seven owners in an Ellington 55+ development that was

struggling had to carry the burden of all maintenance costs. Eventually the bank foreclosed on that particular Ellington development and there were no bidders at auction, he said. He suggested that one of the reasons these units have not sold is because there may not be a good market right now for people who want to sell their larger homes in order to down size. With only two sales out of 66 units, Attorney Romano said the over 55 developments may not be meeting the needs and wants of the community. He went on to say that the applicant does not want to change the use, just lift the age restriction. He said he learned at the informal meeting he had with the PZC in April that some of the concerns are traffic, sewer use, and busing of school age children in and out of the development and he would like to address these concerns this evening.

Attorney Romano introduced Jim Bubaris of Bubaris Traffic Associates, who is a traffic engineer and consultant. Mr. Bubaris said his job is to look at a particular situation and evaluate how it will meld with what presently exists. He estimates the amount of traffic that will be generated and the levels of service. Mr. Bubaris did the original traffic study for this development in 2003 and said he has concluded that even if the development moved from a 55+ development to a traditional development, it would be a low generator of traffic.

Mr. Bubaris said that in the 2003 study, they determined traffic volume based on a 66-unit traditional development that was not age restricted, figuring in for school buses as well as added trips for parents driving their children to school and other after-school activities. At the time, there just wasn't much traffic data available on non-traditional developments. Additionally, in this way the figures would be conservative. Attorney Romano noted that the Town hired their own independent consultant firm, Hesketh & Associates to review the Bubaris report. He said Mr. Hesketh found Mr. Bubaris's background conditions in his report were accurately described. Additionally, Mr. Bubaris applied a two percent anticipated growth in traffic per year, even though in recent years there has been a reported drop in traffic.

Mr. Bubaris said traffic consultants use information from the Institute of Traffic Engineers which provides numbers on what developments of a certain use and size will typically generate. Mr. Bubaris said he treated the development as if all of the units were single family units, using the higher detached single family data for trip calculations. Attorney Romano asked Mr. Bubaris to explain how he addressed the impact of added traffic on accidents. Mr. Bubaris said all town police departments or resident State Police must provide the Department of Transportation with accident data. The information provided is usually about 2 years behind current times, so he was able to get the 36 month period from 2006 through 2008. He said he looks to see if there is a pattern in any of the accidents and what might be potential causes. Mr. Bubaris said he could find no pattern and does not feel the additional traffic that would be generated if the age-restriction were lifted would increase the rate of accidents in that area.

Mr. Bubaris said that Mr. Hesketh field verified the sight lines from the entryway to Belvedere Ridge and found the sight lines were good to the west or left of the development. He recommended clearing the vegetation to the east of the development to improve sight lines. Mr. Bubaris also noted that Mr. Hesketh, in his report, stated that Mr. Bubaris' report was prepared in accordance with accepted practices. Mr. Bubaris said that his study found that the lifting of the age restriction would likely create a slight increase in wait times at peak hours at the Old Post Road approach to Route 30, but would still remain at a Service Level F. The wait on average at peak would increase from 86 seconds to 138 seconds.

Ms. Errickson asked if better data has become available on trip generations for 55+ developments in the seven years since this development was approved. She asked, if so, if Mr. Bubaris has compared the data with non-age-restricted data to see if there is a big difference. Mr. Bubaris said data shows that age-restricted developments produce about 2/3 the amount of trip generations than are produced by traditional developments. He said an age-restricted development would generate about one trip every 1-1/2 minutes at peak, while a non-age-restricted development would generate about one trip every minute at peak. Attorney Romano said it is important to remember that the approval in 2003 was based on trip generations produced by a traditional development, and therefore a higher level of trips.

Ms. Beebe said that the Bubaris report indicates traffic has decreased in recent years, and asked if he could point to a cause. Mr. Bubaris said he is seeing that everywhere and would attribute it to the recession. Ms. Farmer noted that Old Post Road previously had two schools on it, but two to three years ago the Parker School closed. She asked if the closing of the school was factored into traffic studies. Mr. Bubaris said his traffic counts were done while school was still in session. Mr. Cardin asked if the DOT data is ever verified. Mr. Bubaris said he doesn't know, but municipal police or resident troopers are required to provide the information to the DOT on an annual basis. He said he did not see the accident experience on Old Post Road as significant.

Traffic consultant Scott Hesketh of Hesketh & Associates said his research agreed with the accident data Mr. Bubaris showed in his report and that he agrees with the methodologies and conclusions presented in the Bubaris report. Mr. Hesketh said that any accident that results in an injury or reaches a certain dollar figure in damages must be reported to the DOT. He said he has not found a statistically relevant number of accidents occurring on this section of the road. He said he verified that Mr. Bubaris used the most recent ConnDOT records in his report, and said the decrease in traffic numbers is likely caused by the recession due to lost jobs and a population that is moving away. Mr. Hesketh said Mr. Bubaris was conservative in his calculations, noting that it went unsaid that this is an already approved development and so it would be generating traffic if it was built out.

Ms. Beebe asked if the 2 percent increase in traffic is typical if we were not experiencing a recession. Mr. Hesketh said the 2 percent figure is a generally accepted practice in figuring a growth rate.

Attorney Romano noted that the infrastructure for this development has been built, but the permit change would require that 50 percent of the buildings be joined together. Mark Peterson of Gardner and Peterson showed their new proposal vs. the plan originally approved. He said there are no proposed changes to be made to the road pattern, sewer, or water infrastructure. He said 50 percent of the units would be duplexes, and they would join some buildings to comply with regulations. They also added an open-field play area with a gazebo.

Mr. Hughes asked if there would be sidewalks in this development. Mr. Peterson there were no sidewalks proposed in either the original or this new proposal, noting sidewalks are not in town anywhere else in such developments. Ms. Beebe asked if any pathways have been proposed or retained. Mr. Peterson said there was a pathway originally planned that would have come off Ogden Court, but it was undesirable from a privacy standpoint, so it was not included in the new submission. Ms. Farmer noted that the area for the pathway would have

been in the common area. Mr. Peterson said the proposal calls for 22 three-bedroom units and 44 two-bedroom units. However, it will be market driven, so while the 22 figure is the maximum, it could very well be fewer three bedroom units. He said he made a presentation to the WPCA and they granted a lift of the age-restriction, keeping the same 9000 gpd allowed usage. Mr. Peterson said he will be going back to the WPCA with a presentation. He said 33 of the 66 units must be attached so 17 buildings will be attached units.

Attorney Romano passed out a survey of occupancy numbers of other area multi-family developments showing how many children live in each development. Mr. Peterson said he called the First Student bus company and asked how they handle picking up children who live in such developments. He said they will not enter the site for any age children, so pickup would need to be at the intersection of Belvedere Ridge and Old Post Road. He said Ivy Woods and the Stone Pond development have a similar entrance situation. Attorney Romano distributed copies of a Drop Off Plan which shows a proposed 5' widening of the pavement at the entryway to allow for student drop off and pickup. It would require that some landscaping be removed and replanted.

Ms. Beebe asked expressed concerns that this could become a party parking area for teens. She suggested creating a queue area for kids waiting for the bus to keep them out of the line of traffic. She also asked Mr. Peterson to think about other traffic calming measures that could be created within the development to protect students walking to the bus stop. Mr. Peterson said they are beyond the stage where they can sharpen turns to discourage speeding, but said they could add a stop sign at one section of the road. He will give it further thought.

Ms. Farmer noted that there is a 2:1 slope near some units, such as Unit 20 and asked how they might be vegetated. Mr. Peterson said he would recommend a no-mow seed. Ms. Beebe said the original WPCA approval required the age-restriction and she asked why they required it at that time. Ms. Farmer said it was understood that this development could not go forward without sewers but the area was not in the sewer service area. Sewering was generally considered for commercial development only, and there was a feeling that multi-family developments were more a commercial form of development. Additionally, the age-restricted development would not have an impact on the school system. Ms. Beebe asked if there has been a change in the regulations with respect to age-restricted developments since it was first approved. Ms. Farmer said they may have modified or clarified the first paragraph in Subsection F relative to the Fair Housing Act, but otherwise nothing has changed.

Ms. Errickson asked if they are proposing any changes to the storm water retention basin. She expressed concern that these structures can be attractive to ATV users and young children, describing one at the end of Birch Hill. Mr. Peterson said there is a grass area with a stone filter and berm, and there will be ponding after big rains, but it is a much smaller basin than the one at the end of Birch Hill.

Thomas Grittell of 78 Highcrest Road in Wethersfield, developer of the property, said their intent is to keep the same units and combine them where they can. He said it will be market driven and they are fairly easy to join two units together. Mr. Grittell said they don't want to change the overall character of the development, and they are offering 14 to 15 styles to choose from. He said they expect to be able to give everyone basements and most of them

two-car garages. Each unit will have a separate driveway, although in some configurations some of them will abut.

Ms. Beebe asked if they will be able to manage the storm water with today's regulations. Mr. Peterson said they would and that they expect to make only minor changes. They are not changing impervious surfaces. They will need to put some flat top structures down.

Attorney Romano said neither of the two present owners expressed opposition to eliminating the age restriction, and they are present here tonight and can speak for themselves on that issue. He added that Belvedere Ridge is part of Tolland's community. Unfortunately, it has not been successful as an active adult community, but they can help increase its viability by removing the age restriction.

The Public Hearing was opened to public comment. Karen Sladyk of 594 Old Post Road said Old Post Road is well traveled and neighbors in their cars speed down the road regularly at 45, 55 and sometimes 60mph. She said she wished the applicant or a representative had talked to the neighbors beforehand, but no one did. She provided details about the serious accident that had happened on Old Post Road and expressed a desire for traffic calming measures on the road. Ms. Erickson noted that they cannot ask a developer to make off-site improvements to Old Post Road, and she recommended talking to the resident State Trooper about speeding issues. Ms. Sladyk said she has talked to town officials about trimming the trees in the ROW at the entryway to Belvedere Ridge.

Robin Hoburg of 593 Old Post Road said she has lived on the street for 18 years. She encouraged PZC members to visit and look at the area. She said Old Post Road from Mountain Spring Road down is very steep and she knows of four serious accidents that have happened in this section over the years. She questioned where the traffic count was done in the traffic study as she said she would expect it should be done on the westerly rather than easterly side. She said they do need a more adequate sight line in this area. Ms. Beebe noted that the town cannot touch anything on their property outside of the ROW.

Ms. Hoburg said the bus drop off area proposed will abut her property and will be near their garden and orchard as well as about 25' from her front door. She said if this goes forward, she would want an 8' fence installed for 100'. She said where the Belvedere Ridge property meets hers, there is a grade that will impact her property. She encouraged the PZC to walk the property as she said the added jersey barrier and pine trees that were installed have created a safety hazard as they have cut out room on the side of the road for pedestrians. Ms. Beebe said these items are intended as traffic calming measures as with less room, drivers will tend to slow down. Ms. Hoburg also asked that the PZC not consider in their deliberations the sheet the developer passed out showing a selection of area developments and the number of children in each development, as this selection was not scientifically based. She also encouraged the PZC to look at the retention basins, particularly the one near the playground, and consider its impact on curious children.

Ms. Hoburg also said a two-minute wait is a lot of time with a stack of cars trying to get onto Route 30. She recommended they look into adding a traffic light here, particularly with regard to the expansions of CNC and the day care and the traffic flow from the X-tra Mart.

Lynn Caley of 593 Old Post Road said they should look more closely at why the units in Belvedere Ridge are not selling. She said they are mostly multi-level and not attractive to an

older demographic. She noted that other age-restricted developments in town are selling. She said the property is not well maintained, and she has seen flooding in the road there. She did say that the landscaping looks nicer lately, but questioned how well the units might sell anyway without the age restriction if there is a quality issue involved. She said she is also concerned about idling cars near her property and noted that area residents already use the Belvedere Ridge entryway to park when they have extra company over.

Bill Grabowicz of 619 Old Post Road said the breakdown of 22 and 44 units of the 66 should be more clearly stated. He said he was pleased to hear that the vegetation will be mowed as it has gotten very high. He said he feels the realtor sign should also be removed and a telephone pole should be relocated to improve the sight line. He said the crook in Old Post Road near Wonderview should also be addressed as a separate issue from this application. Mr. Grabowicz suggested PZC members should check out the accident report from about 2 or 3 weeks ago with the fire marshall. He said he opposes dropping the age restriction as more traffic will be added to Old Post Road, especially as with this economy more adult children are continuing to live at home. He said he agreed with earlier suggestions that a light should be added at the intersection of Old Post Road and Route 30. He added that he sympathizes with the developer but feels that poor judgment was the culprit from day one and the development was not designed well from the start. He also noted that the Village at Crystal Springs sells well, and that Belvedere Ridge is not advertising on a 55+ web site he checked out.

Albert Jacobucci of 641 Old Post Road said there were concerns in 2003 about increased traffic on Old Post Road and those concerns are still there. He said in addition to added traffic, speeding is a big issue. He said the increased wait time at Old Post Road and Route 30 can really tie up traffic and the DOT accident information does not take into account near misses. He said he rides his bike to Hartford to work each day and going down Old Post Road is one of the most dangerous areas that he has to deal with in his ride.

William Bristol of 22 Wonderview Drive referred to the increase from one car per 1-1/2 minutes to one car per minute data and asked Mr. Bubaris what this translates to in percentage figures. Mr. Bubaris said he would need to calculate this out. Mr. Bristol also asked if this increased stacking will block the entrances to the day care. Ms. Farmer noted that when Cuddles and Kisses Day Care was approved, it was understood that no matter where the driveway was placed, it would end up in the stacking area. She said they did end up putting the driveway as far back as possible to minimize the situation.

Christine Lacas of 136 Wonderview Drive said her property abuts the Belvedere Ridge development. She submitted a letter that would be read later into the record, but touched on what she wrote saying the back of her property includes a stream that is part of the headwaters of the Tankerhoosen River. There is also a storm water retention structure on her property and her concern is that the structure and stream will be attractive to children. She said when she and her husband bought their property in 2007, they were told the abutting property was age restricted, so they were relieved that children would not be in the vicinity of the stream and structure. She said she is opposed to the change.

Cathy Bagioni of 50 Woodside Drive said there is a lot of misinformation in the community about Belvedere Ridge. She said they chose a 2-bedroom dwelling with a master bedroom on the first floor. It is about 1,400 sq. feet with easy access. She said it has many features that will allow them to live there and age in place.

Ralph Bagioni of 50 Woodside Drive said that while children are presently restricted from living in Belvedere Ridge, there are still plenty of children that live on Old Post Road. He said the curve on the road is not particularly dangerous and while he hears some people saying it is very dangerous, they still walk their pets on it every day. He said if they have concerns about safety, they should address those issues with the town's emergency services. He said they should not let one bad accident hold up an entire development.

Robin Hoburg said that while she does sympathize with the two homeowners in Belvedere Ridge, they did buy their properties under an age-restricted agreement. She said she still has not heard of a compelling reason why the restriction should be lifted, and suggested the developer look into changing their layouts and/or marketing strategies.

Bill Grabowicz said he does not know how many children will be added to the development if the age restriction is lifted, but disagrees that it would be as low as has been suggested by the applicant. He also said he believes a stop sign should be added at the intersection with Wonderview. Mr. Cardin said it should be noted for the record that the PZC does not control where stop signs are or are not added in town.

Mr. Bubaris completed his calculations and said that west of the drive, there would be an estimated 32 percent trip increase and east of the drive, it is estimated at an 11 percent increase. He said this is based on the development being there vs. it not being there at all. As for queuing, he said the analysis reflects that in the peak morning hour, the queue would change from 3 cars to 5, and in the peak evening hour, the queue would go from 6 to 8 vehicles.

Attorney Romano said he has heard complaints this evening about expected traffic increases on Old Post Road, but he would not expect it to be significant as 3 bedroom units are typically what families look for and these units would likely become more attractive to other couples who are not necessarily over 55 years of age, to divorced individuals, and to others without children. He said this development is not intended to attract families with young children and there are no amenities like jungle gyms that would market specifically to them.

Ms. Errickson read four letters from residents opposing the lifting of the age-restriction—an August 9, 2010 letter from Neale Belgrade and James Whitney of 607 Old Post Road, a letter from George Bobey of 16 Wonderview Drive that was addressed to Linda Farmer, Director of Planning and Community Development, an August 9, 2010 letter from Paul and Christine Lakas of 36 Wonderview Drive, and an August 9, 2010 letter from Karen Sladyk of 594 Old Post Road.

Marilee Beebe/John Hughes motion to continue the Public Hearing to September 13, 2010. Ms. Beebe said she would like the continuation to allow Gardner and Peterson to look further into traffic calming measures in the development and to address possible pathways that would make the development more attractive and saleable. She would also like to have the request from Robin Hoburg for a fence installation where their properties abut looked at further as well as performance bond requirements. Ms. Hoburg asked if they need to look into if the 5' bus drop off/pick up area would meet zoning regulations regarding buffers. Mr. Scavone said he would also like to see some more statistically valid information on the number of children residing in area multi-family developments. Mr. Peterson said he recalls Bob Stewart might have done an analysis on this, and Ms. Farmer said she would look in the

Lee & Lamont file for it. Mr. Hughes expressed concern that this proposal does not seem to address the walkable neighborhoods aspect that was a big part of the updated Plan of Conservation and Development. He said he would want to see how that could be better addressed. Ms. Beebe said she would like to look at the original plan.

A vote was taken on the motion and it was unanimously approved.

A brief recess was taken at 10:00p.m. and the meeting resumed at 10:03p.m.

#### **4. Action on Public Hearing(s)**

4.1 **P&Z App. #762 – Tomlen, LLC** – Request for a Special Permit/Site Plan revision to change the use from a 66 unit Age Restricted development with single-family detached dwellings to a 66 unit Multi-Family development with 50% of the dwellings duplexes. Location: Belvedere Ridge, 601 Old Post Road. Commission to take action on August 9, 2010 Public Hearing item. The Public Hearing was continued to September 13, 2010.

#### **5. Other Agenda Items**

5.1 **P&Z App. #803 – Town of Tolland** – Special permit request to convert a Frontage Lot into a Rear Lot. Location: 172 Cook Road. Commission to set Public Hearing. Sue Erickson/John Hughes motion to set the Public Hearing date for September 13, 2010. Motion was unanimously approved.

6. **Approval of Minutes** – Approve minutes of July 26, 2010 Regular Meeting. Sue Erickson/Jack Scavone motion to approve the minutes of the July 26, 2010 meeting. Ms. Erickson, Mr. Scavone and Mr. Hughes voted to approve. Ms. Beebe and Mr. Cardin abstained. Motion passed.

#### **7. Activities & Updates**

- Tolland Village Area: Meeting with Steve O'Neill, Traffic Engineer. Ms. Farmer said she and Heidi Samokar of Planimetrics met with Steve O'Neill and he provided them with some useful ideas to use in the Tolland Village Area, which Ms. Samokar will expound upon in the upcoming September 23 meeting. She recommended inviting Mr. O'Neill to a future public meeting.

#### **8. Town Staff Comments:**

- Ms. Farmer said the Town Council has setting up a meeting with the PZC for implementation of the POCD on their agenda.
- Ms. Farmer noted that the berm discussed in the previous meeting that Steve Williams had put up and has since taken down was composed of gypsum and was intended as an environmentally friendly action. Mr. Williams provided her with a printout on recycling gypsum into the soil. This had not been conveyed in that meeting.
- Ms. Farmer noted that the Building Official has accepted another position and has given the town his two-week notice.
- Ms. Farmer has a request from the Connecticut Siting Council for an exemption modification of the tower on Reed Road. They would like to add a 12' by 24' equipment shed.

- Ms. Farmer referred to the Deer Run subdivision which was approved in court, effective August 29, 2005. She said Nordic Builders wants to ask for an extension to put in public improvements and suggested they add this to their August 23, 2010 agenda.

**9. Announcements – Upcoming Meetings**

9.1 August 23, 2010 – Tolland Village Area workshop with Planimetrics on revised Concept Plan. This workshop will be at 7:30p.m.

**10. Reading of Correspondence:** Ms. Errickson read an August 2 letter from Barbara Danforth regarding the status of cleanup on the Page property.

**11. Communications and Petitions from Commission Members:** None.

**12. Public Participation:** None.

**13. Adjournment:** Sue Errickson/John Hughes motion to adjourn the meeting and pay the clerk at 10:15p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile  
Clerk