

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF AUGUST 22, 2011

MEMBERS PRESENT: Michael Cardin, Chair
Sue Errickson, Secretary
Jack Scavone, Regular
Dave Barrow, Regular
John Hughes, Alternate

MEMBERS ABSENT: Marilee Beebe, Vice Chair
Benjamin Stanford, Alternate

OTHERS PRESENT: Linda Farmer, AICP, Director of Planning & Community Development
Applicant Troy Hazen and his representative, Atty Wendell Avery
Public

1. **Call to Order:** Michael Cardin, Chair, called the meeting to order at 7:30p.m. in Council Chambers. He seated John Hughes for Marilee Beebe.
2. **Public Comment:** None.
3. **Public Hearing(s):** None.
4. **Action on Public Hearing(s):** None.
5. **Other Agenda Items**

- 5.1 **P&Z App. #811 – Troy Hazen** – Site Plan request to establish a storage/warehouse use for landscaping material and a 1,232 sq. ft. hoop house. Location: 39 Kingsbury Avenue.

Attorney Wendell Avery, representing the applicant Troy Hazen was present, as was Mr. Hazen. Attorney Avery said this property is located in the CIZ-A zone and Aquifer Protection Zone on an existing 1.1 acre lot at 39 Kingsbury Avenue. He said Mr. Hazen is proposing to establish a wholesale storage facility with a 28' x 44' (1,232 square foot) hoop structure to store his motorized equipment which will be used on the property. The structure will also house some bagged product. After some consideration the applicant feels a concrete floor inside the hoop house will best protect the aquifer.

Atty Avery said Mr. Hazen is also proposing to install three storage bins to hold topsoil, mulch and crushed stone products. These bins will slope toward the back of the property. They will not contain any salt, pesticides, fertilizers or other contaminants and nothing of this sort will be housed on the property. Other equipment will be stored in the upper area of the property such as plow frames and sander equipment, which Atty Avery said would be no threat to the aquifer. The property slopes to a grassed area and water will be diverted on the back of the property to an infiltration trench. Atty. Avery provided drainage calculations to support the design.

Atty. Avery also said the existing compacted gravel surface will be converted to a grassed area. He also said two large trees at the entrance to the property will need to be removed and they are exploring the idea of grinding the stumps to protect the road as the root system of these trees likely runs under the road. He said the proposed improvements to the property satisfy the setbacks of the site on three of the four sides. The required setback on the rear side of the property, however, is 75' and they are requesting it be reduced to 35'.

Ms. Farmer said the 75' setback requirement is due to the condominiums behind Mr. Hazen's property. She said an additional setback is required when abutting residential development. She said the PZC may reduce the setback if there is adequate buffer proposed or provided. There is an existing evergreen buffer on the condominium property and Mr. Hazen said he is not opposed to planting additional trees if so required.

Attorney Avery discussed various proposed buffers such as mixed evergreens in one area and raised planting beds. He proposed to construct a paved apron at the entryway, followed by a gravel drive and loading area for the equipment. He asked for a waiver of the paved area and they want to use more gravel to allow for increased water infiltration. Atty. Avery added that the traffic on the property would be minimal as this will be wholesale storage for Mr. Hazen's use only. Only his equipment will be coming and going from the property.

Mr. Barrow asked Ms. Farmer what things can and cannot be done in an Aquifer Protection Zone. Ms. Farmer said when it comes to an Aquifer Protection Zone, the main concern is about potential pollutants. She said you can't stockpile pesticides or salts, and motor vehicle uses are not allowed. Mr. Barrow inquired about equipment maintenance on the property such as oil changes. Ms. Farmer said the regulations do not allow for commercial motor vehicle uses but they do not specifically prohibit doing any kind of personal vehicle maintenance. Mr. Hazen said he would expect to have his equipment serviced at the local Caterpillar dealer, and if he does any maintenance, it would be limited to simply greasing. He said he does not have any large equipment. He said he has two pay loaders, one is a 2-1/2 yard loader and the other is a one yard loader. The larger one, he said, is usually kept at whatever job he is doing at the time, while the smaller one would be dedicated at the site.

Mr. Scavone noted that Mr. Hazen would be doing some snowplowing and he asked if he would be buying sand and salt for this purpose. Mr. Hazen said he would, but he would be buying this from American Materials and would not be stockpiling any of it on the site. He said this is not where his primary business is located and in the winter, not a lot of material is kept here.

Ms. Errickson asked if there is any concern about prevailing winds blowing the binned material toward the Senior Moments property. Atty Avery said the bins are sloped and tucked into the bank so it would not be likely. Ms. Farmer added that the existing and proposed buffer trees would also help to protect the neighboring properties.

Mr. Scavone asked Mr. Hazen how many times a day he expected to be coming in and out of the property, loading and unloading. Mr. Hazen said on busy days as many as five to ten times, but then he might not come to the property for several days at a time. He would expect to arrive at the property around 7:00am but would start up equipment later out of respect for his neighbors. He said a lot of his work is seasonal with mulch deliveries and he would expect the spring time to be the busiest time of year. He said right now he tends to load up the night before so he can come in and just drive out. Ms. Farmer added that they do

have a noise ordinance that would require a start-up time no earlier than 7:00a.m. Mr. Scavone asked if there have been any issues with neighbors. Ms. Farmer said she has not heard anything.

Ms. Farmer said they may want to take a look at additional street trees. Mr. Hazen said he included a landscape plan with pin oaks. Ms. Farmer pointed to the swale on the northwest part of the property. Mr. Hazen said from the gravel drive over, it will be all grass.

Ms. Farmer noted on the plan that the entrance area shows crushed gravel, but that the entrance area should be at least a 12' to 14' paved apron. Mr. Hazen said he would like to do a brick paver entrance. Ms. Farmer said this would be fine, but suggested he coordinate it with Public Works. She said he has been talking about a 30' entrance drive but it should be no more than 24'. Mr. Hazen proposed 4" of crushed stone after the entryway. Ms. Farmer asked what the material would be at the equipment storage area and Mr. Hazen said he would put down at least 4" of stone here also.

Mr. Cardin asked if the hoop house would have a collection drain for oil and gas. Atty Avery said it would not, but that it would have a sloped floor and a curb.

Mr. Scavone said his only concern is for the residential neighbors behind him because the backup devices on equipment early in the morning might disturb them. He recommended that if they were going to decrease the 75' buffer to 35', then they should increase the plantings in the buffer area. Ms. Farmer said there is a fairly hefty evergreen buffer separating his property from the condos and most of the buffer on Mr. Hazen's property is deciduous.

Ms. Errickson read the July 25 memo to the PZC on stormwater management calculations from James J. Lucek, P.E., Civil Solutions, LLC.

Ms. Farmer noted that the applicant is proposing a 1,250 sq. ft. infiltration trench and that the town engineer has reviewed it and felt it was adequately sized.

Mr. Cardin noted Economic Development Chair George Mantak's letter of March 18, 2011 to him. He also read Richard Municello's June 3, 2011 memo to Ms. Farmer.

Mr. Barrow said his chief concern is that this is an aquifer protection area and that it is very important that vehicle maintenance on the property adequately contains any diesel spilling or spills from refueling, as water is a very important resource. He said he believes this is a great use for the property but stressed the importance of being very careful with maintenance to avoid any spills. Mr. Hazen said he felt the concrete floor will be particularly helpful because it is easier to see a spill quickly and throw on some Speedy Dry before a problem develops. Mr. Barrow suggested that a 2" curb around the floor edge will work as a drip pan to collect any spills.

Ms. Farmer clarified the items that should be a condition of any approval:

- Grass needs to be planted where compacted gravel is shown on the plan
- The apron needs to be either paved or constructed of pavers.
- A 24' wide driveway is maximum.
- The hoop house floor will be concrete with a curb or lip, and will be subject to approval by the building official.
- The gravel drive will have a 4" gravel depth.

Mr. Cardin added a couple of additional items:

- The tracking pad needs to be moved further onto the property prior to the pavers once they are installed.
- Additionally, on the landscape plan, after the road trees are removed, the applicant will replace them one for one at the street or elsewhere on the property.

Sue Errickson/Jack Scavone motion to allow a rear setback at 39 Kingsbury Avenue to be reduced from 75' to 35' subject to 9-4I in the Zoning Regulations. Motion was unanimously approved.

Sue Errickson/John Hughes motion to grant a waiver so that the driveway parking area does not need to be paved, because the applicant will be installing 4" of gravel and pavers, per 17-4A of the Zoning Regulations. Motion was unanimously approved.

Sue Errickson/Jack Scavone motion to approve a site plan request for P&Z App. #811 to include the list of seven bulleted items listed above. Motion was unanimously approved.

- 5.2 **P&Z App. #814 – Arthur and Judy Gottier** – Request for a Zone Change to change 2.35 acres from Neighborhood Commercial (NC) to Residential Design District (RDD). Location: rear of Rte. 195 and Anthony Road. Commission to set a Public Hearing date.

Jack Scavone/Sue Errickson motion to set the Public Hearing date for P&Z App. #814 to September 26, 2011. Motion was unanimously approved.

- 5.3 **Open Space – Carriage Crossing Subdivision** – Discuss and refer to Town Council the offer to donate a 30.5 acre parcel along discontinued Cook Road owned by Crystal Peat & Humus Co., Inc. Town holds Public Access Conservation Easement.

Sue Errickson/John Hughes motion to recommend a favorable 8-24 referral to the Town Council. Motion was unanimously approved.

- 5.4 **Technology Zone** – discuss components of a Technology Zone along Route 195, currently in the Neighborhood Commercial Zone.

Ms. Farmer provided copies of the Draft Article VII – Tech and Office Zone from three or four years ago, which the Commission briefly reviewed. The basic idea for this zone was to limit curb cuts on Rte 195, encourage offices and retail goods and services that serve those office uses, and provide access management. The recommended maximum gross floor area for the retail uses was 2,500 square feet. The draft also encourages walking and biking pathways.

Ms. Farmer said the Economic Development Commission met last week and finalized their stakeholder economic development action plan. They looked at motor vehicle repair and gas stations in this area and how to permit but not increase these uses. The existing businesses are grandfathered. She said they might want to look at separating distances between gas stations in the regulations for this area. The Technology/Office zone would consider allowing mixed uses and such businesses as bed and breakfasts.

Ms. Farmer said this document needs more refining and she can have it ready for the meeting in September. She said she will try to get it to Commissioners next week with some modifications such as flexibility with shared parking. Mr. Cardin said this would be good as they could then discuss it at the first meeting in September as well. Mr. Barrow suggested they have a meeting with stakeholders/property owners on this. Ms. Farmer said she will have a working draft that will be ready for the EDC's September 7 meeting.

Ms. Farmer asked if the Commission would add an additional item to the agenda.

Dave Barrow/John Hughes motion to add P&Z App. #813, the Estate of Helen Wanat, a two lot subdivision to create one new building lot to the agenda. Motion was unanimously approved.

5.5 P&Z App. #813 – Estate of Helen Wanat – Ms. Farmer received a subdivision application from Helen Wanat's heirs for a two-lot subdivision to create one new building lot. They would like to make Lot 4-4 a separate lot. She said they would need to set a public hearing date for this.

Sue Errickson/John Hughes motion to set a Public Hearing date for P&Z App. #813 for September 26, 2011. Motion was unanimously approved.

6. **Approval of Minutes** – Approve minutes of July 25, 2011 Regular Meeting. Sue Errickson/Jack Hughes motion to approve the minutes of the July 25, 2011 Regular Meeting. Motion was unanimously approved.

7. **Activities and Updates**

7.1 Update on Page Property – Gehring & Cedar Swamp Roads – Ms. Farmer reported that a dumpster is now on the property.

8. **Town Staff Comments**

8.1 Legal opinions – Ms. Farmer said she got a legal opinion on the Helen Wanat property. The PZC cannot grant any leeway in allowing a lot slightly smaller than the minimum lot size to be allowed as a lot, and they cannot use previously donated land as required subdivision Open Space.

8.2 STP – Urban Grant – Ms. Farmer said that she and Town Engineer Jennifer Usher are writing a \$2.5 million transportation grant for improvements on the Green. This is for a \$2.8 million project and it will be going to the Town Council tomorrow evening. The grant is due September 19, 2011 and will address various improvements on the Green.

8.3 Sign Enforcement – The Commission discussed some signs that need to be addressed such as the "Tick Be Gone" sign on Route 74 and the carnival signs that are still up from May.

8.4 WPCA – Joint discussion with PZC – Ms. Farmer said the WPCA would like to discuss a couple of items such as the Gottier proposal as it is not part of the Sewer Service Area. They also want to discuss the Technology Zone and the TVA. There was a consensus to ask them to join in a discussion in the first part of the September 26, 2011 meeting.

8.5 94 Tolland Green – Ms. Farmer said this refers to a drainage repair that was the subject of some litigation. She said the town is presently initiating some repairs.

8.6 Economic Development Action Plan – Ms. Farmer said she will provide Commissioners with a copy when she gets the latest draft from the EDC.

9. **Announcements – Upcoming Meetings** – Ms. Farmer said the Electric Blue has requested to be allowed to have an electric barbecue in their parking lot and sell hot dogs and hamburgers. Ms. Farmer said she has told them they could not on several occasions, but now that their property is not part of the Gateway Design District but rather the Tolland Village Area, there is not the same prohibition. There was consensus that this would be considered a Special Permit use. Additionally, the Commission agreed this may not be an appropriate use as they have limited parking as it is and this type of use was not included in the vision of any part of the workshops for the TVA.

Ms. Farmer also discussed 174 Merrow Road, which is the Crossen building. She said she has been working with Bill Avery, who would like to open a kitchen and bath showroom with hours roughly of Monday through Saturday from 10:00am to 5:00pm. She said Ray Crossen has said he had this same type of business on the property before, but Ms. Farmer said the previous use had not been a retail goods and services use, which this would be. She confirmed with Mr. Avery that Mr. Crossen did not say he kept retail hours with his previous business and that this would need to go before the PZC to review under the retail goods and services umbrella, which would include further retail goods and services uses.

There was consensus that Mr. Avery would need to come before the Commission for a Special Permit/Site Plan review. Ms. Farmer added that one concern was that if such a business were allowed, potential customers would also enter the gravel area from Fieldstone Commons, which would be good but there is a substantial lip they would drive over between the gravel and paved parking areas. This would need to be addressed. Mr. Barrow asked whose responsibility it would be to come before the PZC—Mr. Avery, Mr. Crosson, or Mr. Arute. Ms. Farmer said generally it would be the new business owner.

10. **Reading of Correspondence:** Ms. Farmer referenced a communication from Connecticut Water Company where they are looking for a diversion permit. She said UConn is looking for additional water and the Connecticut Water Company has run dry lines under I-84.
11. **Communications and Petitions from Commission Members:** Ms. Errickson noted that there were car counters out recently on Route 74 near the Green.

12. **Public Participation**: None.

13. **Executive Session**: The Commission entered into Executive Session at 9:05p.m. and came out of Executive Session at 9:10p.m.

14. **Adjournment**: Sue Errickson/Jack Scavone motion to adjourn the meeting and pay the clerk at 9:11p.m.

Respectfully submitted,

Annie Gentile
Clerk