

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF FEBRUARY 22, 2010

MEMBERS PRESENT: Michael Cardin, Chair
Marilee Beebe-Kostrun, Vice Chair (arrived 7:35p.m.)
Sue Errickson, Secretary
Jack Scavone, Regular
John Hughes, Alternate (arrived 8:10p.m.)
Benjamin Stanford, Alternate (arrived 7:42p.m.)

MEMBERS ABSENT: David Barrow, Regular

OTHERS PRESENT: Linda Farmer, Director of Planning and Community Development

1. **Call to Order.** Michael Cardin, Chair called the meeting to order at 7:30p.m. in Council Chambers.
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. #796 – Dean Soucy** – 3 lot resubdivision request to create 2 new building lots. Location: westerly side of Old Cathole Road across from Vaalcom Road. Commission to set Public Hearing date.

Errickson/Scavone motion to set Public Hearing date for March 8. Ms. Errickson, Mr. Scavone, and Mr. Cardin all voted to approve—a unanimous vote.

The order of some items was rearranged to allow more time for other Commission members to arrive.

5.2 Discuss potential video guidelines. The Commission reviewed proposed guidelines for video recording of Planning and Zoning Commission meetings that were put together by Steve Lowrey on February 3, 2010. Ms. Farmer said she has talked with the town attorney in the past about video guidelines and she said there are two things that a Commission should not want and they are lighting setups and lighting placements that disrupt the meetings. These guidelines address those issues. Ms. Errickson asked if they would need to have the town attorney weigh in on the guidelines. Ms. Farmer said she would think not as they are simply policies or procedures. Mr. Cardin asked if they had a contentious issue before them that brought out the press, could the policy be overridden by a vote of the commission. Ms. Farmer said she suspects they could suspend the policy

if there were reasonable alternatives, but was not certain. She said they could always add a sixth item that says the policy could be modified with four concurring votes of the Commission. Ms. Errickson suggested the policy be put on the counter before a hearing so that the press would be aware in advance. Scavone/Errickson motion to adopt the policy as written on February 3, 2010. Motion was unanimously approved.

5.3 Discussion on goals. Ms. Farmer explained that their temporary secretary, Joan Vertefeuille took the Implementation Chapter from the Plan of Conservation and Development and reduced it to include only items that required the attention of the PZC.

Mr. Stanford arrived, and Mr. Cardin seated him for Dave Barrow.

Mr. Cardin said he would like the Commission to pick out three or four goals that they could focus on in the next six months, front burner items that they could accomplish by September. He suggested two of these should be the Create a Town Center item with the two priorities listed under it. Ms. Farmer said she would suggest the #1 priority item under Address Housing Needs, which is “Determine the location for additional income- and age-restricted senior units and seek funding.” She said the reason for this is because they now have a negotiated contract to purchase the Tompkins property for such housing and they are moving quickly to file for the HUD grant. This development would be for forty units and they have RFQs out for architects.

Mr. Cardin said the second priority under Create a Town Center is confusing because it refers to the South Green. Because the Implementation Chapter was printed before the South Green was renamed as the Tolland Village Area, it was clarified that they are one and the same.

Ms. Beebe-Kostrun suggested the “Overall Route 195 Corridor” under the Promote Development Patterns that Create a Sense of Place heading should be one of their front burner items.

Mr. Scavone said dividing the three Neighborhood Commercial Zones into three distinct flavors will be very important. Ms. Farmer said when they develop guidelines for the Tolland Village Area, it will make it easier to address the Neighborhood Commercial Zones.

Ms. Farmer said she would like to discuss the #1 priority in the Protect Natural Resources section. She said the DEP has a grant program for the Farmington River Valley and Steve Trinkhaus has teamed with Glen Chalder to develop regulations for this area. She said they are coming up with some good tiers for developing LID regulations and that in six months to a year, there should be a model that they can incorporate into Tolland’s regulations. While this would likely fall beyond the six-month focus for now, Ms. Farmer said it should not be put too far back in their minds.

Ms. Beebe-Kostrun asked if they need to address the sewer issue under the “Limit Sewer Expansions” heading as part of the housing discussion. Ms. Farmer agreed this is a good

one to keep in mind and that they will be discussing this at the WPCA meeting tomorrow night. She said in the absence of a Town Engineer, she is now the staff liaison for the WPCA.

The Commission agreed that the four items they will focus on in the next six months will be the two items under “Create a Town Center,” the Priority 1 item under “Overall Route 195 Corridor,” and the Priority 1 item under “Address Housing Needs.”

5.4 Discuss potential Zoning Regulation revisions:

- Restaurants: Ms. Farmer said she put a request out to the Planners’ listserv to see what other towns do, and she received some information from Stonington and Ridgefield. Retail Food/Serving Establishments were described as places where the foods purchased are primarily consumed off-premises and where seating inside is generally limited to 8 to 10 seats. It is an as-of-right use and in other towns has been left to the Planner or PZC to determine if a site plan is needed.

Ms. Beebe-Kostrun asked where the proposed definition came from. Ms. Farmer said it mostly came from Ridgefield. She said the definition change under Section 170-5 would require a Public Hearing and they would need to have 30 days in which to notify CRCOG.

The Commission discussed the proposed definition and made some changes so that it now reads: *Retail Food/Serving Establishment – A business that, primarily or incidentally, sells both packaged and prepared foods and beverages primarily for consumption off the premises, but which may have seating for on-site consumption for up to ten (10) patrons. The definition shall also include food service providers (caterers) who prepare and deliver and/or serve food off premises and products obviously meant for immediate consumption. Examples might include ice cream parlors, bakeries, and coffee shops. Outside seating shall be allowed provided the number of outside seats does not exceed the maximum number of inside seats allowed. This use may be a primary use, such as doughnut shops, bakeries or ice cream parlors or it may be an accessory use in convenience or grocery stores. This definition does not supersede any portion of the Building Code or the Public Health Code and seating allowances may be reduced by the requirements of those codes.*

Errickson/Beebe-Kostrun motion to set a Public Hearing for potential zoning regulation revisions for restaurants for April 12, 2010, using the revised wording for a Retail Food/Serving Establishment. Motion was unanimously approved.

- Multi-Family in Village Center Zone. Ms. Farmer said they have a signed purchase agreement for the Tompkins property, but she still has to get one more variance and will be going before the Zoning Board of Appeals for this on Thursday. Multi-Family developments are not presently allowed in this zone. She said Melissa, their intern, is helping to do regulations that should be in their next packet.

Mr. Cardin asked if they will need regulations with the Smart Code process for developers. Ms. Farmer said they would want to have such things as road networks, and this area will eventually be incorporated into the Tolland Village Area. Mr. Cardin asked if the non-profit that will be leasing the property from the Town will be submitting the application for the building and if the PZC will have input. Ms. Farmer said the non-profit would be submitting the application and would have to follow zoning regulations, so the PZC would be involved in the process.

Mr. Cardin asked if the Commission could get some Smart Code links to read on residential regulations so they could be better informed before the workshop in March. Ms. Farmer said she has a call in to Dave Sousa. She said one difficulty is that you don't find Smart Code residential use as a standalone, rather it is part of mixed use development. She said she will get some information into their packets for the March 8 meeting.

Mr. Hughes said he feels they need to get going on regulations for the Tolland Village Area since the Tompkins property will be coming on-line. He said his concern is that they still don't have the community behind the concept enough. Ms. Errickson said this is why they are having CRCOG do a presentation and that should help.

6. **Approval of Minutes** - Approve minutes of February 8, 2010 Meeting Minutes. Errickson/Scavone motion to approve the February 8, 2010 meeting minutes. Motion was unanimously approved.

It was noted later in the meeting that the spelling of the name of the workshop leader (Page 7, Item 11) should be corrected to read "Randall Arendt."

7. **Activities and Updates**

- 7.1 Tolland Village Area – Discuss potential multi-family development. Ms. Farmer said she has met twice with Mike Taylor and his engineer and he wants to move forward. She said Mr. Taylor feels the residential development on the upper part is the logical first step. They are working on the layout and ultimately the regulations will have a 20 percent affordable housing set aside, to which Mr. Taylor is agreeable. However, they first need to address infrastructure constraints.

Ms. Farmer said trying to find the accurate sewer allotment is not an easy task as it is difficult to get good real numbers. Right now they only have ballpark figures. Ms. Beebe-Kostrun asked if they can procure engineering services to assist them. Ms. Farmer said they do have Kurt Mailman from Fuss & O'Neill for assistance and they also have retained another engineering firm for emergency engineering services until a new Town Engineer is hired. She said the current WPCA has mostly fairly new members so this is new for them also. Ms. Beebe-Kostrun asked if they could use some of the DECD grant for affordable housing to help solve the sewer issue. Ms. Farmer said they could.

Beebe-Kostrun/Errickson motion to request the consultant, David Sousa, to provide the Commission with a deliverable on water supply and sewer capacities by March 15 so they will have it in time for their March 22 meeting. Motion was unanimously approved.

Ms. Farmer noted that the application date for the Town Engineer position closed today and they have received several applications.

Ms. Farmer said she also talked with the consulting engineer about the concept plan and if they have enough parking in the plan to eliminate the parking lot. This is another December to February deliverable.

Mr. Hughes asked if the town will be responsible for roads and cuts off Route 195 for the development on the Mike Taylor property. He asked if the State will need to be involved. Ms. Farmer said the State will be involved, but these requirements will be all on the developer to do.

Mr. Cardin asked in the interest of some members of the audience, that they skip ahead in the Agenda to Item 8.2, under Town Staff Comments.

8.2 Update – Pages Property – Gehring Road: Mr. Cardin said he met with Steve Lowrey and the property owners. He said he told the Pages that the Commission had directed Mr. Lowrey to write a letter to the DEP about their property. He said he made them aware that the Commission is running out of patience with them. After some discussion, the Pages agreed they will clean up one side of the driveway at this site by March 1 and the other side by March 15. Mr. Cardin also noted that the DEP has responded and that they will be sending an inspector to the property.

Ms. Farmer said their next option if these benchmarks are not met is to begin fining the property owners and then sending this to their attorney for legal action. She said their goal is compliance, and hopes the property owners will do so without needing to take those next steps.

Barbara Danforth of Mile Hill Road said she is not happy with the situation because she is not yet seeing any progress at the site. She asked what would be done about the dumping in the back. Mr. Cardin said the DEP would be addressing this. Mrs. Danforth said this activity is not acceptable in a residential area and she will have to do more herself. She said she will call the DEP tomorrow. She also reminded the PZC that there are two properties owned by the Pages that need to be cleaned up.

7.2 Route 30 & 74 NC Zone – Discuss potential multi-family development. Ms. Farmer said there is property in this zone owned by Richard Lee and he is looking at the possibility of putting in multi-family housing on the site. It is about nine or ten acres. Ms. Farmer said she met with him a few weeks ago and has still to do some more research on this before she brings it back before the PZC. She is looking into whether there is the potential for walkability. She asked that the PZC be prepared to discuss this in another month.

8.1 Discuss Staff Report – Ms. Farmer passed out a February 22, 2010 memo that went to several boards and commissions that spells out the realities of a reduced staff and the demands placed on them. The memo asks for assistance by prioritizing requested staff support, and assures everyone they will do their best to provide assistance in a timely fashion.

9. Announcements

9.1 Town Council – Continued Public Hearing on Route 195 Corridor Study Committee Recommendation for the Tolland Green to March 9, 2010 at 7:30 in the Council Chambers.

9.2 Tolland Sustainable Community’s Forum – March 15, 2010, 7:30p.m. at Crandall Lodge. Discuss distribution and setup. Ms. Farmer provided a list of abutters and interested parties in the Tolland Village Area. The plan is to show this is a global, national, regional, state and local initiative.

9.3 The Inland Wetlands & Watercourses Commission will hold a meeting on March 18, 2010 at the Lodge at Crandall park at 7:30p.m. to discuss the Tankerhoosen Watershed Management Goals. They have been working closely with Tolland landowners within the watershed to identify and prioritize drainage structures that are in need of improvement and to seek funding to support modifications.

9.4 Planning & Zoning Commission Workshop – Monday, March 22, 2010 at 7:30p.m. concerning Signage.

10. **Reading of Correspondence:** None.

11. Communications and Petitions from Commission Members: Mr Cardin said he attended the business meeting of the Town Council and Fire Department. He said the concept of business visits was brought up again and he would like the PZC members to see the schedule. He suggested that PZC members could participate in these business visits either with Ms. Farmer or in her place. He asked Ms. Farmer to direct Cindy Murdock to write a letter from the Commission to Steve Werbner requesting permission to do so.

As Vice Chair of the 195 Study Committee, Ms. Beebe-Kostrun strongly encouraged members to bring any questions they have about this issue to her. She said there is still a lot of misinformation flying about and there is a vast quantity of information available to help people get up to speed. She said almost \$250K has been spent on this and it is discouraging when people who have not been attending the past meetings come to meetings and bring up old issues that have long ago been discussed and resolved.

Ms. Errickson provided a CRCOG report. She said Hiram Peck, Planner for the Town of Simsbury had a six-day charette for one section of their town with multiple consultants. She said residents came to two public hearings. They agreed that they did not want big box development, wanted mixed-use development, and wanted to keep a small-town feel. Their

anchor is bringing in a new library. It's a 40-year plan. There was tremendous turnout for the first Saturday morning. The charette showed streets going through businesses. They brought in stakeholders and it was well-received. The visuals were very good, using computer-generated graphics. The first thing the consultants did was remove the power lines. Then they added lighting and street trees. The consultant is Urban Advantage Consultants.

Ms. Errickson also touched on the fact that Avon is having problems with PODs, staying in condominium sites as auxiliary storage and while they do not have this problem as of yet in Tolland, it is something to be aware of.

Mr. Cardin said he met with the property owner of Crosson. They are looking at signage in back and they may be seeing a future application.

12. **Public Participation**: Ken Hankinson of 54 Johnson Road said he has recently visited the Stoppelworth/Campbell property and found ATV tracks going onto the property cleared by Joe Willis. They are coming in from Route 30. He said there are two trailers at the top of the hill that are completely vandalized that he does not think the property owner is aware of. His concern is that this area will become an ATV/dirtbike track if something isn't done. Mr. Hankinson suggested contacting the property owner to make her aware. Ms. Farmer said she will bring this up to the Conservation Commission.

13. **Adjournment**: Erickson/Scavone motion to adjourn the meeting and pay the clerk at 9:22p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk