

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF JULY 25, 2011

MEMBERS PRESENT: Michael Cardin, Chair
Marilee Beebe, Vice Chair
Sue Errickson, Secretary (arrived 8:00p.m.)
Jack Scavone, Regular (arrived 8:00p.m.)
Dave Barrow, Regular
John Hughes, Alternate

MEMBERS ABSENT: Benjamin Stanford, Alternate

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

1. **Call to Order:** Michael Cardin, Chair called the meeting to order at 7:37p.m.in Council Chambers. He seated John Hughes for Sue Errickson.
2. **Public Comment:** None.
3. **Public Hearing(s):**
 - 3.1 **P&Z App. #812 – Larry Lemek** – Two (2) Lot subdivision request for 2 building lots (1 rear lot). Location: easterly side of Goose Lane, south of Lemek Lane.

Ms Beebe read the public notice into the record. She also read the July 21, 2011 memo from Linda Farmer to Michael Cardin and the July 14, 2011 memo from Jody Schmidt, Sanitarian to Michael Cardin.

Ms. Farmer put the map of the property on the overhead. She said her office worked with the engineer and they made some changes and clarifications as requested. She said there was a concern with Lot 2 because the lot requires five acres not counting the accessway. She said they need to note on the plan for posterity that the accessway is .77 acres.

Ms. Beebe asked if the lot line was reconfigured and if the documents were filed on the land records. Ms. Farmer said there were always two lots, but there was a lot line reconfiguration. She said there is an existing house on the lot. She added that both she and Jody Schmidt looked at the plans and determined they meet the minimum lot requirements. Larry Lemek of 15 North River Road confirmed that the reconfiguration of his aunt's property was noted on the land records.

Stephen Mantlik of 294 Baxter Road said he bought the property in back of the Lemek property. He asked how far up will the second house be located. He noted that the property had been logged and there isn't any buffer left. Mr. Lemek said it would be about 450' off Goose Lane. He said both homes are 450' to 500' off Goose Lane and Mr. Mantlik should

not be able to see them from his home. Mr. Mantlik asked Mr. Lemek what he planned to do on the upper piece of the property. Mr. Lemek said he is clearing it for agriculture—possibly fruit trees.

Mr. Hughes asked if the Commission can specify the building envelope location on the property. Ms. Farmer said they cannot, that as long as the property meets zoning regulations and has a buildable area, then the home would go into that area. Ms. Beebe noted that there is a wetland's crossing about 1,500 feet from the residence. She also asked if the town engineer had found the drainage plan to be acceptable. Ms. Farmer said the town engineer had and that there is a footing drain coming out of Lot 1 that might be an opportunity to create a rain garden to make sure it doesn't discharge toward the road. She said it is still a distance, however and not steep, adding that this is something that can be handled at the time of the building permit.

Marilee Beebe/Dave Barrow motion to close the Public Hearing for P&Z App. #812. Motion was unanimously approved.

4. Action on Public Hearing(s)

- 4.1 **P&Z App. #812 – Larry Lemek** – Two (2) lot subdivision request for 2 building lots (1 rear lot). Location: easterly side of Goose Lane, south of Lemek Lane. Commission to take action on July 25, 2011 Public Hearing item.

Mr. Cardin noted that the Planning Department has requested that the acreage for the accessway to the 5.77 acre rear lot on the plan should be separated out on the plan.

Marilee Beebe/Dave Barrow motion to approve P&Z App. #812 for a two lot subdivision request for two building lots (one rear lot). Motion was unanimously approved.

5. Other Agenda Items (order of items was changed slightly and they are listed below in the order discussed)

- 5.1 **Site Analysis Plan** – Wanat Property on Kozley Road at Sugar Hill Road. Mr. Cardin noted that Commissioners have in their packets a Site Analysis Plan, a copy of the minutes for the last Conservation Commission meeting, and a copy of the deed for Helen Wanat's property from 2005.

Dana Steele, an engineer with J. R. Russo & Associates of East Windsor, representing the applicant explained that the property as of eleven years ago is a 30+ acre parcel with frontage on both Sugar Hill and Kozley Roads. He said three building lots were cut out that predate regulations. A house remains on the 30-acre piece. He said most of the frontage on Sugar Hill Road and bisecting the property from east to west was gifted to the town. The remaining 15 acres with a pond, house and corner lot are one parcel connected by a narrow strip of land. He said this was likely done to avoid the need for a subdivision application at that time.

Mr. Steele said they are looking at subdividing the remaining 15 acres. He said the corner piece is a minimum 2-acre lot when you count in the narrow strip of land. This subdivision

would be five lots—four new lots plus the existing house on the one lot. Mr. Steele said about fifty percent of the land was given to the town as Open Space previously and that they met with the Conservation Commission to see if they wanted any part of the property protected as Open Space. He said the Conservation Commission expressed an interest in preserving the pond area and they discussed creating a conservation easement in that area.

At this time, Jack Scavone and Sue Errickson arrived at the meeting (8:00p.m.)

Mr. Steele said they are here today on an informal basis to ask the Commission if they might be flexible on the Open Space requirement. Ms. Farmer said the 5 lot subdivision triggers a Site Analysis Plan. She said the lot on the corner is just shy of 2 acres—about 1.98 acres and the PZC cannot vary that. She said the only way to waive the lot size is to have over 20 percent of Open Space, which would then allow the lots to be a little smaller. There was a brief discussion as to whether with the narrow strip of land if the lot under discussion met the 2 acre minimum requirement, and Mr. Steele said he will verify the figures.

Ms. Farmer said the Conservation Commission looked at the characteristics of the property and several members walked the site including Rich Merritt, who is in the audience this evening. There is a pond and then a steep berm that is close to the dwelling which might preclude access, but which might be appropriate for creating a conservation easement. She said doing so would approach three acres which would meet that 20 percent requirement.

Mr. Cardin asked if the Commission would be treading new territory with Open Space on a lot with an existing house. Ms. Beebe said the engineer's map shows delineation lines for where a conservation easement might be located for preservation of the land and that it would not be to create a public access area.

Ms. Farmer said if the Commission thought the conservation easement in the back area of the property could satisfy the Open Space requirement, then they could approve this. They could provide a small leeway on the 1.98 acre piece by taking into account the 13 acres previously given. Both Mr. Hughes and Ms. Beebe said they were inclined to agree that the Commission could be flexible. Mr. Steele said they would need to figure out how the spring house could continue to be operated and maintained with the conservation easement in place, but expects that could be worked out.

Ms. Beebe asked the applicant if there is any activity going on at the pond. Tony Razzano of 38 Kozley Road said they are just keeping it clean and up to date. Mr. Razzano referred to the pond as one listed in Conservation Commission member Dick Symond's book on ponds and dams. Ms. Beebe asked if the Conservation Commission had expressed any opinion about the spring house. Mr. Merritt said they believed it would be included in the easement and to allow the maintenance to continue.

Mr. Steele said they will be bringing in a formal application to be evaluated at a later date. Ms. Beebe said she is generally supportive of his comments this evening and the evaluation of the Conservation Commission.

5.2 **Conceptual Plan – Multi-family Development** – Gottier property – Route 195 and Anthony Road. Ms. Beebe recused herself from this discussion. Mr. Cardin kept John Hughes seated in Ms. Beebe’s absence.

Ken Peterson of Gardner & Peterson was in attendance, accompanied by the applicants Art and Judy Gottier. He said based on their last discussion, they made some changes to the concept plan. He started with a discussion on the multi-family portion. In this portion, they are requesting a zone change so that a portion of the Neighborhood Commercial Zone would be zoned for multi-family development. He said he talked with staff and they determined it would be appropriate to make this modification.

Mr. Peterson said the property is about 40 acres with 10-1/2 acres as wetlands. They are proposing 88 units (reduced from 99) with 191 bedrooms. Fifteen of the units are proposed to be 3-bedroom units, and 73 units as 2-bedroom, which calculates to 2.16 units per acre. Mr. Peterson compared this density to Bridlewood in Vernon, which Mr. Scavone had referred to at the last meeting, which has 74 units and 7.4 units per acre. In comparison, this development would have a much lower density.

Mr. Peterson said the design plan of the units is to have a lower level walkout on those on the southerly side of the property where it can be accommodated. Referring to Open Space, he said the regulations call for 2.02 acres of Open Space/Recreation and they would be providing 2.46 acres. He pointed that area out as the green hashed area on the plan. He said they would also be providing for a play area of about 1.6 to 1.8 acres which would amount to a total of 14+ acres of Open Space.

The lot coverage for buildings and pavement would total 5.8 acres, which is about 14 percent of the site. Therefore about 86 percent or 35 acres of the property is green space. Mr. Peterson also said the regulations call for 2.5 spaces per unit and they would be providing 3 spaces per unit. Another six parking spaces would be placed near Anthony Road for a bus drop off area. They also provide for community gardens, a gazebo and walking paths in the plan.

Mr. Peterson said they could dead end the road in the northerly portion of the site. He said he cannot see the unit owners there needing a connection. Ms. Errickson asked if there would be room in this area for a plow to turn around. Mr. Peterson said there is. He said a gravel drive or pavers could accommodate emergency vehicles, and they would leave it to the Commission’s discretion on how to deal with that area.

Mr. Peterson said they have also eliminated a maintenance building and access to it in the new plan. He said because these will be condominiums, the residents will hire their own maintenance company with their own equipment.

Mr. Peterson said his firm has discussed with both Mr. Cardin and town staff the commercial area. He proposed that Hillview would extend to a cul-de-sac and it was shifted north to provide a greater area for commercial development. Some building pad locations were also shifted to be closer to the street with parking behind the buildings. He said there could be a different configuration and another commercial site on the eastern portion of the property. Mr. Peterson said they have close to 13 acres of Gottier-owned land and 1-1/2 to 2

acres of NERAC land that could be developed. Additionally, there are about 4 acres behind the lots fronting on Anthony Road that are not accessible from Hillview because of the wetlands. He said about 7-1/2 acres of wetlands in the commercial area will not be disturbed.

Mr. Cardin asked why the proposed zone line was moved back. Ms. Farmer said it is basically the configuration of the land telling them to do that. Mr. Peterson said by doing so, it also allowed them to change the arrangement of units and to have a greater separation of buildings.

John Hughes asked if they gave any consideration to creating trails that would take people over near Birch Grove School. Mr. Peterson said they added a stone dust path through the Open Space area that meanders around and could access the Technology Park. Ms. Farmer agreed that they would want to have walkable connectivity to commercial properties. Mr. Cardin said where one stops at the northerly point, if they had a cooperative neighbor that would grant an access easement, they could get across to the Cross Farms Recreation Area. He said it is an option worth exploring.

Ms. Farmer said she met with the Town Engineer and they reviewed the plan for the bigger picture. She said they have an existing accessway—Crest Road—which provides the primary access point. She said there are a lot of roads in the development with some units located surrounded by roads and there might be a desire to take people from the new Technology Zone through. She added that there is a proposal for a sewer area to come in from Route 195.

Mr. Cardin asked if they were envisioning sewer access on Crest/Hillview. Ms. Farmer said that is what is shown on the plan as they could get a gravity sewer in that location. Ms. Farmer noted that because they are proposing building over 50 dwelling units, a traffic study will need to be done. She said once they get input from this for multi-family and an associated Technology Zone, they may need to consider whether to encourage a through-road and make Crest/Hillview a town road.

Mr. Peterson said they have some concerns with the access drive being made a public road with a 50 foot Right of Way. He said the front setbacks would then be non-conforming. He said they also don't have ten acres south of the road, which would be required, and while they could request a variance, he suspects it might be denied because it would be a self-created hardship. He added that encouraging people to go through the project might not be desirable for the condominium residents. Mr. Peterson said there should be no additional expense if the access road is not a town road. He said they could grant easements for a sewer main.

Mr. Cardin said they need to note on the record that this type of multi-use development would be built in stages. He said the Commission has been strong about offering trade offs for setbacks and road designs. He said he feels it is important to try to get a full scale traffic engineering viewpoint on this, and he doesn't want anyone to come before the Commission with a Site Plan and then have 30 to 40 neighbors looking for a traffic study. He noted that when he was serving in the State House, he lobbied hard for a traffic light at Anthony Road and Route 195 as he feels it is greatly needed. Ms. Farmer asked Mr. Peterson if he expected

a STC would need to be done. Mr. Peterson said he is not sure if it will be required, but they will be doing a traffic study for the entire commercial and multi-family area.

Mr. Cardin said he expects the applicant will need to take into account not only a traffic study but also some reconfiguring of the commercial side. He suggested they review what the PZC has done for the Tolland Village Area pushing development closer to the road and not making everything free-standing buildings. He added that he believes the biggest selling point of the TVA is the doing away of side boundary lines. He said there are incentives for maximizing development that could be made here as a model for the Tolland Village Area.

Mr. Scavone said he supports the idea for the road through the development being a private road. He said it will make the development more of a community and a destination point rather than a cut-through. He said he suspects they will need a traffic light to control traffic queuing. He added that he would encourage the property owners to connect the two roads in between rather than a cul-de-sac if they are planning on a hi-tech area. He said it would be better to have two access points and a loop instead of a cul-de-sac. Mr. Peterson said there are some grading constraints and existing configurations that would make that difficult, but he will look into the suggestion. Ms. Farmer said once the options are sorted out for the through-road, she said they may want to revisit the road layout as it appears they may have more road than they need in the multi-family portion. Mr. Peterson said he will look at this also.

Mr. Cardin asked Mr. Peterson if the community garden space would have full plantings. Mr. Peterson said this aspect has not been worked out yet. Mr. Cardin also asked if they might consider offering any workforce housing units. Mr. Peterson said that is not in the plan and that with 2 and 3 bedroom condominiums, they might not be as attractive for young professionals as one or two bedroom apartment units.

John Hughes asked if this development would include an essential meeting place or social spot for the 88 homes. Mr. Peterson said he will look into the possibility of providing something like this.

Ms. Farmer noted that Kevin Bouley of NERAC was in the audience and that they have been looking at the possibility for a Technology Zone for some time. She asked him if he sees what is left in the configuration as workable for the Technology Zone vision. Mr. Bouley said he does and that he could envision compressed sideyard setbacks with a community of technology companies on the commercial side. He said the presentation he has seen tonight is a reasonable representation of how the site could be developed with a segregated neighborhood from the commercial development.

Mr. Bouley added that there are distinct advantages to an interior roadway. He said he is highly supportive of this plan, but suspects some engineering work will be required. Mr. Scavone said the change from the first version presented and this second version this evening is very encouraging.

The Commission took a quick recess at 9:13p.m. and resumed the meeting at 9:16p.m.

- 5.3 **8-24 Referral – 116 Cider Mill Road** – Mr. Cardin noted that Recreation Director Tom Ainsworth has stated on the record his recommendations for the property. Ms. Farmer explained that the building on the property was rented for many years but the last tenants left about five to seven years ago and the town has since used the building on the property for storage. She said an idea has been put forward to rehab the building for affordable housing by the Tolland non-profit organization. She said the Town Council will be having a preliminary discussion about this tomorrow evening on what their options are and whether or not they should sell the property for that use. Mr. Scavone said Mr. Ainsworth is in favor of keeping the property but razing the building.

Ms. Beebe said she was of the understanding the building required extensive renovations. Ms. Farmer said it does. She said the boy scouts have expressed an interest in rehabbing the building but it would take a great deal of fundraising. Ms. Errickson said Mr. Ainsworth, in his letter, provided several pros and cons about what to do with the property and building and he proposed to remove the house and use the property for passive recreation for now.

The Commission discussed whether there was any consensus on what should be done with the building and property. Dave Barrow recommended the property be kept due to the connectivity of the trails and its adjacent location to the park. Mr. Hughes concurred.

Jack Scavone/Dave Barrow motion to recommend retaining the property at 116 Cider Mill Road due to the connectivity of trails and the property's location adjacent to town parks. Motion was unanimously approved.

- 5.4 **Open Space – Carriage Crossing Subdivision** – Discuss offer to donate 30.5 acre parcel owned by Crystal Peat & Humus Co., Inc. Town holds Public Access Conservation Easement.

Ms. Farmer said the town tried to negotiate getting the property when the subdivision was created but was unsuccessful. She said with the recent discontinuation of Cook Road, the property owners are now willing to donate the land for \$1. She said the Conservation Commission plans to walk the property and once a time has been set up, she will let PZC members know so they can join the walk if they like.

- 5.5 **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. Applicant is requesting and granting an extension of the 65 day statutory review period.

Mr. Cardin noted that Mr. Hazen and his attorney came before the Commission on January 24, 2011 and at that time had no qualms with meeting an April 15 deadline for a Site Plan. He said we only recently received a Site Plan, but it is incomplete. Ms. Farmer said the 65 day extension will be up in two days and staff is still waiting on information from them. She said they just got the plans last week. There are no drainage calculations, nor a stormwater report.

The Commission discussed their options. Mr. Cardin said there has been some frustration expressed by neighbors who see an operation of use in a non-conforming way, such as stockpiling of materials and construction vehicles entering and exiting the property on a regular basis. The other uses in the area are following the law.

Sue Errickson/Jack Scavone motion to deny the application and the request for an extension of the 65 day statutory review period without prejudice due to an incomplete application. Motion was unanimously approved.

The Commission also discussed the current non-conforming use of the property. Ms. Farmer said a Cease and Desist order was sent to the property owner early this year. The other option the Commission has is to issue a \$150 fine and citation for an unauthorized use of the property. After a brief discussion, there was a consensus from the Commission to authorize Ms. Farmer to send a letter and \$150 fine. The property owner will have ten days to provide them with the information requested or to stop using the property illegally.

6. **Approval of Minutes** – Approve minutes of the June 27, 2011 Regular Meeting. Sue Errickson/Jack Scavone motion to approve the June 27, 2011 Regular Meeting minutes. Motion was unanimously approved.

7. **Activities & Updates**

7.1 Update on Page Property – Gehring & Cedar Swamp Roads – The Commission reviewed Zoning Enforcement Officer Steve Lowry’s letter to the Pages.

8. **Town Staff Comments**

8.1 FY 11/12 PZC Budget – Ms. Farmer said they have encumbered about \$3,000 for professional services and that they should keep in mind they have it available.

8.2 Clothing Boxes – Ms. Farmer said they may need to think about establishing some guidelines on the locations of clothing boxes. She said the PZC can regulate them. The Commission came to the consensus to have Ms. Farmer open discussions with business owners about desirable locations for clothing boxes on their properties.

8.3 Landscape bonds –

- Star Hill Family Athletic Center – Ms. Farmer said the landscaping on this property is not very healthy and they are holding a \$10,000 landscape bond. She will be working with them on doing some replanting.
- Fieldstone Commons – Ms. Farmer said a lot of the street trees in the original plan have died and were removed and they want to have them replaced this fall. They are holding a \$15,000 landscape bond on this property and will work with the property owner to replant.

9. **Announcements** – Upcoming Meetings – None.
10. **Reading of Correspondence** – None.
11. **Communications and Petitions from Commission Members** – Ms. Beebe noted that the proposal from Troy Hazen’s attorney was to put in a liner under a gravel floor in a storage building and this is no small task. She said she was surprised he would commit his client to this. Ms. Farmer said they have included it on the plan.
12. **Public Participation**: None.
13. **Adjournment**: John Hughes/Jack Scavone motion to adjourn the meeting and pay the clerk at 9:50p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk