

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF JUNE 13, 2011

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

MEMBERS ABSENT: Benjamin Stanford, Alternate

OTHERS PRESENT: Linda Farmer, Director of Planning & Community Development
Heidi Samokar, Planimetrics, LLC
Rick Conti, Attorney
Public

1. **Call to Order:** Michael Cardin, Chair called the meeting to order at 7:35p.m. in Council Chambers. He noted that the Commission will be taking the Public Hearing and Action on the Public Hearing for Open Space out of sequence so that those from the public who are here for that application alone will not have to stay the entire evening.
2. **Public Comment:** None
3. **Public Hearing(s):**
 - 3.1 **Open Space** – Request for designation as Public Act 490 Open Space. Ms. Errickson read the legal notice. She also read the June 9, 2011 memo from Linda Farmer to Michael Cardin regarding PA490 Open Space into the record. Ms. Farmer noted that within the last year, the PZC has changed the designation for PA490 Open Space so that parcels of 10 acres or more that are vacant are eligible for the designation. She said one parcel of the nine applications being considered this evening falls into that category.

There were no questions or comments from commissioners or from the public.

Sue Errickson/Jack Scavone motion to close the Public Hearing. Motion was unanimously approved.

4. **Action on Public Hearing(s):**
 - 4.1 **Open Space** – Request for designation as Public Act 490 Open Space. Commission to take action on June 13, 2011 Public Hearing item.

Ms. Farmer said that all of the applications are in compliance with regulations for Open Space 490 designation, with two exceptions. The first exception is the property at 70 Plains Road, as it does not meet the minimum lot size. The second exception is regarding the property at 15 Stonehedge Drive, as the applicant is working on completing the purchase of the property. She said if the property at 15 Stonehedge Drive is approved for Public Act 490 Open Space, it would need to be made contingent on the purchase of the property being successfully completed.

Sue Errickson/Jack Scavone motion to designate the following parcels as Public Act 490 Open Space, with the designation of the parcel at 15 Stonehedge Drive contingent upon the successful purchase of the property by the applicant:

- 94 Bonair Hill Road – Matthew & Amy Elliott – Total parcel is 13.39 acres. Eligible open space = 11.0 acres.
- 212 Buff Cap Road – Michael Grogan & Megan Leone – Total parcel is 20.36 acres. Eligible open space = 15.36 acres.
- 215 Cassidy Hill Road – Kenneth Bahler & Carole L. Gerber – Total parcel is undeveloped. Eligible open space = 74.80 acres.
- 112 Kozley Road – Herbert J. DiMeola – Total parcel is 18.13 acres. Eligible open space = 14.38 acres. Parcels need to be merged.
- 41 Ladd Road – Kenneth J. & Sharon A. Dalla Corte – Total parcel is 19.2 acres. Eligible open space = 15.7 acres.
- 245 Metcalf Road – Michael V. & Donna M. Gandza – Total parcel is undeveloped. Eligible open space = 10.5 acres.
- 280 Mile Hill Road – Ahren & Brandi Niles – Total parcel is 14.0 acres. Eligible open space = 12.0 acres.
- 15 Stonehedge Drive – David & Laura Roy – Total parcel is 13.95 acres. Applicants will be acquiring 11.266 acres and merging parcels prior to filing with the assessor. Eligible open space will be 11.95 acres.

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

The Commission discussed the final application for property at 70 Plains Road. The total parcel is 14.34 acres, and the applicants, Michael and Lisa Marandino are requesting the PA 490 Open Space designation for 8.84 acres, which is not large enough per the regulations. The property does abut town-owned Open Space. However, there is no public open space use on the property and as a rear lot the property cannot be subdivided.

After some consideration, the Commission agreed to reopen the Public Hearing so they can discuss this further with the applicant, Michael Marandino, who attended the Public Hearing.

Marilee Beebe/Jack Scavone motion to reopen the Public Hearing to discuss 70 Plains Road. Motion was unanimously approved.

Ms. Beebe said her concern is that the acreage is not eligible under their current regulations and by granting an exception, would that set a precedent to allow every rear lot no matter what size to possibly be designated PA490 Open Space. She asked under what mechanism the Commission could approve the request.

Ms. Farmer said the purpose of the regulation is to create a tax incentive to residents to not develop their land. She said the regulations allow the Commission to consider smaller parcels if there is an existing Open Space use on the land. Presently there is no use.

Michael Marandino of 70 Plains Road said he feels it is unfair that rear lots have to be five acres in size. He said his driveway is counted as a ½ acre and he is heavily taxed on land he cannot develop. He added that someone in town hall said he could probably get the extra land designated with the PA490 Open Space designation because it abuts 99 acres of Open Space. Ms. Beebe said he might want to consider granting an easement along his property to

the Open Space, which would then make the land comply with the spirit of the regulations. Mr. Cardin asked Mr. Marandino if he would allow a jut into his property from the established easement for a potential trail. Mr. Marandino said he would be amenable to that. Ms. Farmer said the Maradinos would need to come to the Planning Office so they could designate and delineate a public access easement on the property.

Ms. Beebe suggested they continue the Public Hearing on this parcel until that can be done, as the Open Space designation cannot be filed until September anyway. Mr. Marandino was in agreement.

Marilee Beebe/Jack Scavone motion to continue the Public Hearing on PA490 Open Space designation for 70 Plains Road to June 27, 2011. Motion was unanimously approved.

3. **Public Hearing(s)**: The following three Public Hearings were continued and were discussed together:
 - 3.2 **P&Z App. #807 – Tolland Planning & Zoning Commission** – Proposed amendments to the Plan of Conservation and Development to include more specific information on the Tolland Village Area. Continue Public Hearing which commenced on May 23, 2011.
 - 3.3 **P&Z App. #808 – Tolland Planning & Zoning Commission** – Proposed revisions to the Zoning Regulations, addition of Design Guidelines and revisions to Zoning Map for the Tolland Village Area and other minor revisions. Continue Public Hearing which commenced on May 23, 2011.
 - 3.4 **P&Z App. #810 – Tolland Planning & Zoning Commission** – Proposed revisions to the Low Impact Development and Road Design Manual to incorporate stormwater treatment standards for the Tolland Village Area, revisions to some road standards, and other minor revisions. Continue Public Hearing which commenced on May 23, 2011.

Ms. Errickson read the June 9 memo from Ms. Farmer to Mr. Cardin. She also read the May 23, 2011 letter to the PZC from John Littell, Fire Chief and Public Safety Officer.

Ms. Beebe commented on the letter from Mr. Littell. She said building code and roadway design issues raised by his memo would be addressed during the review process when one or more developers come forward with proposed plans. She said the PZC wants to remind everyone that the planning and zoning process provides a framework for development, but the private sector undertakes the design and development of available property in response to favorable economic conditions.

Ms. Beebe added that one of the goals of the proposed TVA regulations is to require connectivity between various nodes, such as commercial, commuter/transit, residential, and recreational, thereby providing a more accessible and valuable environment in which to both live and conduct business. She said the proposed TVA regulations accomplish this goal by requiring creation of roadways and accessways that provide for alternative routes, employ traffic calming features to control speed, provide proper alignment of intersections and include bicycle and pedestrian access.

Ms. Farmer said the April 1, 2011 traffic report prepared by Steve O'Neill, Traffic Engineer with VHB should be referenced as part of the public record.

Mr. Cardin reiterated Ms. Beebe's comments, noting that when a property owner and developer come before the Commission, the Commission would require public safety input.

Mr. Cardin reviewed the recommended changes to P&Z App. #807, which are outlined in the revised "Create a Town Center" document. The Commission also reviewed the recommended changes in the "Proposed Zoning Regulation Revisions for Public Hearing May 23, 2011" document.

Ms. Errickson asked about allowing drive-thru windows for banks, as listed under Section 7-7 A. b. Ms. Farmer said drive-thru windows at banks are not included in the TVA. The PZC also corrected some minor grammatical errors.

In the recommended changes to the "Design Guidelines for the Tolland Village Area (TVA) Zone" document, Mr. Barrow noted that the Commission had agreed to reword a bullet about Lettering and Logos applied onto windows to say they are "encouraged not to exceed 25 percent of the glass area and should not block views." This needs to be updated.

In Section 7-10 A. 9 b. Mr. Barrow asked for some clarifications on stories of buildings. The language should reflect that 1-1/2 and 2 stories are permitted. Ms. Farmer said one story buildings would have to have a peaked roof that would meet building code to qualify as a half story.

Mark Peterson of Gardner and Peterson, representing Mike Taylor, a property owner in the proposed TVA, said that Mr. Taylor is concerned about wording on stories for commercial buildings close to Route 195. Mr. Peterson said pharmacies anticipate they will be allowed to have one-story buildings, and he was hoping the PZC will allow this. Ms. Beebe asked if anything might preclude allowing additional space on top of a one-story pharmacy. Mr. Peterson said a pharmacy might not want this. Mr. Scavone said a pharmacy could design a building with a peaked roof and gable that would then qualify as 1-1/2 stories. Mr. Hughes agreed that a pharmacy could be designed with an architectural style of 1-1/2 stories or more, even if they don't use the additional space.

The Commission discussed the suggestion for a drive-thru pharmacy vs. a drive-thru bank.. Ms. Samokar said the thought was that a pharmacy would help kick-start the development of the TVA and that residents had expressed a desire for a drive-thru pharmacy, but there did not appear to be any large demand in the TVA for a drive-thru bank.

Derek Pacheco, owner of the Tolland Dunkin' Donuts, said that there has been a lot of interest in allowing a drive-thru for his business and asked if this will ever be allowed. Mr. Cardin said there were multiple public workshops and drive-thru restaurants, which Dunkin' Donuts would fall under, did not appear to be on the upper echelon of desired things for a village zone. He said, instead people were looking for walkability, connectivity to parks, a bigger transit node, and other features. Mr. Pacheco said he recalled coming to the PZC some time back with a large number of signatures from people in town requesting a drive-thru be allowed at Dunkin' Donuts. Mr. Cardin asked if anything like that was part of the public record for this application. Ms. Farmer said she did not believe so.

Ms. Beebe said Mr. Pacheco may be referring to a discussion a few years ago brought before the PZC, that was not connected to the TVA, requesting this. Both Ms. Errickson and Ms. Beebe explained that any consideration to allow a drive-thru Dunkin' Donuts in the TVA could not be

specific to the Dunkin' Donuts business alone. If they considered this request, they would have to consider allowing drive-thrus at all restaurants in the TVA.

Mr. Pacheco asked about a 19,000 square foot building that had been previously approved, but expired before going forward. Ms. Farmer said if the regulations being discussed this evening are approved, the building would need to meet the requirements of the new regulations. Ms. Beebe noted, however, that the proposed regulations are more permissive than existing regulations. Ms. Farmer agreed, saying there will be more flexibility in the newly proposed regulations.

Ms. Beebe commented that her understanding of the purpose of the Area Plan is to show how abutting parcels can be developed in a way that maximizes commercial and mixed use while facilitating traffic flow, pedestrian and bicycle use, and controlling location of curb cuts. Because the area contains significant acreage but has limited road frontage available to certain parcels, she said connectivity and shared road access is important to control the location of curb cuts on a state road in an area adjacent to the highway interchange, facilitate the flow of traffic, and maximize the use of available land.

Ms. Beebe said that in order to accomplish these goals, the PZC may require granting of easements on private accessways. The PZC discussed providing the same explanation for the easement requirement under Section 7-10 as are given in the Gateway Design District that contains the same requirement. Attorney Conti agreed that it is always better to have greater specificity in regulations than less. After some discussion, the Commission agreed to add the additional language.

Ms. Beebe asked Ms. Farmer if there was a requirement in the regulations for residential zones that requires a developer to show connectivity for subdivisions/roadways that terminate at property boundaries. She indicated that there was

Mr. Cardin opened a discussion about the recommended Design Guidelines. He said a key point is that the Design Guidelines are advisory. He also noted the earlier corrections to be made regarding the number of stories and window lettering. There were no changes to the Zoning Map. There were also no changes to P&Z App. #810.

Steve Williams, a property owner in the proposed TVA, said that his attorney, Tim Hollister could not attend the hearing this evening. He said he hoped that the PZC would keep the hearings open so that his attorney could review the proposed changes and make comments.

Mr. Williams opened a discussion about grades and slopes in what is proposed to be a walking community in the TVA and with significant slopes on the property if it could meet handicapped accessible requirements. He asked specifically where the Main Street would be located and at what grade the TVA development would start at.

Ms. Beebe said they did discuss grades at one of the workshops on this project. She said it was understood that some areas could be handicapped accessible, while others could not. Mr. Williams said he prepared some profiles which show 10 percent slopes. Ms. Farmer said the concept sketch shows it can be a feasible area for handicapped accessibility in some areas, but that some areas will exceed the 5 percent ADA grade requirement.

Mr. Cardin reiterated that the concept sketch is one hypothetical sketch, so it would be impossible to tell anyone where Main Street will be and that would be up to a developer. Ms.

Beebe said they recognize that there may need to be an access road that brings people into the developable area. Mr. Cardin compared the concept to Evergreen Walk in South Windsor where the Main Road is gentle, but the access in is not so gentle.

Mr. Williams said the properties in the TVA overlap so much that it is difficult to see how he can come up with a conceptual plan for his property. He asked how he as an owner would develop his property if he doesn't know how the other property owners plan to develop theirs. Ms. Beebe said Mr. Williams only needs to be able to show connectivity. She said they would only need to ask for an easement over his property for future development.

Mr. Williams submitted a drawing he prepared to be part of the record. He asked how he could physically develop his land and what grade he would need to start at. He said without having some particulars, he could create a problem for development for everyone else. Ms. Samokar said this discussion is getting into the realm of site planning. She said he can build a building and ignore everything else if he wants to. She explained that if he wanted to do the same type of development he might have wanted to do six years ago, he could probably do so, but if he wanted to take advantage of increased density, it would involve coordinating with other property owners. Ms. Beebe said it is the PZC's hope that the incentives for additional density will encourage collaboration, but barring that, they only ask at a minimum that the property owner does not block property boundaries with a building. She reiterated that the PZC can only encourage collaboration, but they cannot mandate it.

Mr. Williams expressed concern that he would be the one required to build the Main Street and pay for the infrastructure. He questioned who would pay for the link from the Tompkins property. Ms. Farmer and Mr. Cardin both said Mr. Williams would not necessarily be responsible for constructing the links to abutting properties. Mr. Williams added that the concept plan shows no area for storm drainage or retention. He said the concept plan was not looked at in a practical manner.

Mr. Williams said he feels they are calling for overdeveloping an area that is largely ledge. Ms. Beebe said when discussing LID regulations for the TVA, they considered that the area is largely ledge and from an engineering standpoint, they are already getting 90 to 100 percent runoff as the area is largely impervious. Therefore, creating drainage that reflects predevelopment conditions is less demanding.

Ms. Beebe added that, conservatively, without the hotel, the proposed regulations would allow for about 75,000 square feet of commercial space with another approximately 50,000 square feet of residential mixed-use development. She said there is a lot more square footage for the developer in the Concept Plan if he collaborates with other landowners, than one would get if he did his own site plan.

Mr. Williams also expressed concerns about whether any bank would grant him insurance to allow easements onto his property. Ms. Farmer and Ms. Beebe pointed to the recent Star Hill Athletic Center development and easements on its property between Belvedere Ridge as an example of successful collaboration. Ms. Farmer said the same can be said of easements on the Crossen property between Meetinghouse Commons and Fieldstone Commons.

Mark Peterson asked Ms. Farmer to put the Conceptual Use diagram on the overhead screen. He said ideally his client, Mr. Taylor, is hoping for a retail/residential development and they would like to have the option of mixed use/commercial/or residential in the area abutting Route 195. Mr. Cardin said he doesn't believe the Conceptual Use diagram draws the line in the sand

exactly where development has to be, and there could be a melding of uses in the frontage area. Ms. Farmer said they may need to add language under Section 7.7 where the uses are defined, and to write in some flexibility.

Mr. Scavone said he sees the Conceptual Use diagram as stating “intent” but not a mandate. Ms. Farmer said they should verbalize this in some way. Ms. Samokar suggested striping the area on the map to show the melding of uses. The Commission agreed that this would be a good plan.

Ms. Beebe asked Mr. Williams if his concern is that the conceptual use connectivity might be used to defeat more traditional development. Mr. Williams said one of his concerns is that a future commission might have completely different ideas for development of this area. He said from an economic standpoint, he cannot see this development happening in his lifetime as he cannot see it as affordable unless a single developer comes forward.

There were no other questions or comments.

Marilee Beebe/Dave Barrow motion to close P&Z App. #807. Motion was unanimously approved.

Marilee Beebe/Dave Barrow motion to close P&Z App. #808. Motion was unanimously approved.

Sue Errickson/Dave Barrow motion to close P&Z App. #810. Motion was unanimously approved.

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

4.2 **P&Z App. #807 – Tolland Planning & Zoning Commission** – Proposed amendments to the Plan of Conservation and Development to include more specific information on the Tolland Village Area. Commission to take action on May 23, 2011 and June 13, 2011 Public Hearing item.

Sue Errickson/Marilee Beebe motion to approve P&Z App. #807, effective July 1, 2011, incorporating the changes on the June 8, 2011 document, revising the conceptual use diagram to add hatched lines to show a residential or mixed use commercial area on the west side of Route 195, north of the proposed access connection. Motion was unanimously approved.

4.3 **P&Z App. #808 – Tolland Planning & Zoning Commission** – Proposed revisions to the Zoning Regulations, addition of Design Guidelines and revisions to the Zoning Map for the Tolland Village Area and other minor revisions. Commission to take action on May 23, 2011 and June 13, 2011 Public Hearing item.

Sue Errickson/Dave Barrow motion to approve P&Z App. #808, effective July 1, incorporating the changes on the June 9 document.

Additional changes included in the motion are as follows:

- A change to Section 7-10-A-9-b-i to read: Mixed use and commercial buildings. One story buildings are not permitted; 1-1/2 or 2 stories are permitted; 2.5 stories are preferred. The maximum is three stories.

- The following is to be added as a second sentence in 7-10 A. 7 of the Tolland Village Area Zoning Regulations: The Commission encourages shared access and the construction of internal links between the parking lot of adjacent properties to promote access management and lessen traffic and congestion on the public street.
- A typographical correction to Section 7-10-A 9a to add a “foot” sign in the sentence that reads “The commission may approve up to a 20’ setback if part of an approved Area Development Plan.

Ms. Beebe said she would like it on record that the motion deserves support because the TVA is one of the few areas in town with the infrastructure to support commercial development, is in a nodal location at the confluence of interstate and local roads, contains a commuter facility, and is adjacent to an historic district and park, it is unique in Tolland. She said the PZC wants to emphasize transit oriented development—development that plans for maximum density, control of traffic flow and multi-modal access (pedestrian, bicycle, etc.) by emphasizing area-wide planning and connectivity of development on adjacent parcels.

Ms. Farmer said the proposed TVA is consistent with the Plan of Conservation and Development.

Mr. Cardin said he supports the motion. The project was a long, arduous and enlightening process, and he is both proud of and thankful for the contributions from all those involved including the consultants, staff, and others. He remains hopeful that the changes they are making this evening will make Tolland a better community and that the regulations will be a model for other communities.

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

4.4 **P&Z App. #810 – Tolland Planning & Zoning Commission** – Proposed revisions to the Low Impact Development and Road Design Manual to incorporate stormwater treatment standards for the Tolland Village Area, revisions to some road standards and other minor revisions. Commission to take action on May 23, 2011 and June 13, 2011 Public Hearing item.

Jack Scavone/Dave Barrow motion to approve P&Z App. #810, effective July 1, 2011. Motion was unanimously approved.

5. **Other Agenda Items** – None.

6. **Approval of Minutes** – Approve minutes of May 23, 2011 Regular Meeting. Sue Errickson/Dave Barrow motion to approve the minutes of the May 23, 2011 Regular Meeting. Motion was unanimously approved.

7. **Activities & Updates**

7.1 Update on Page Property – Gehring & Cedar Swamp Roads. The Commission reviewed the June 9 update letter from Steve Lowrey. Ms. Farmer noted that Mr. Lowrey again visited Mr. Page on his property late today.

8. **Town Staff Comments** – Ms. Farmer noted that a transportation-oriented grant for a minimum of \$250,000 has become available through DECD and OPM. It could be used for planning or

facilitating and could be used to design a roadway. The grant paperwork must be submitted by August 4 and would need to go through the Town Council.

9. **Announcements – Upcoming Meetings** – None.

10. **Reading of Correspondence** – None.

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

12. **Public Participation** – None.

13. **Adjournment** – Sue Errickson/Jack Scavone motion to adjourn the meeting and pay the clerk at 10:30p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk