

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

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

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

1. Call to Order. Michael Cardin, Chair called the meeting to order at 7:30p.m. in Council Chambers.
2. **Public Comment.** Steve Amedy of 25 Hawthorne Hill asked to speak a few moments about the plans for future development in the Route 195 area. He distributed a booklet that outlined his comments. Mr. Amedy said he attended the recent sustainable development meeting at the Lodge and other development meetings and is concerned that plans for the future of Tolland should be tempered with reality. He asked the PZC to keep in mind that long term plans are for future generations who might not want the town to develop in this way. He also expressed concern that the proposed Tolland Village Area plan is a sum of its parts, and asked the Commission to consider what might happen if only a portion of the Gateway plan was developed. He cited the example in New London in recent years where land was taken by the local government as eminent domain, only to find the plan for development collapsed. He is concerned the town might possibly be stuck with accelerated depreciation investment and no relief. He also expressed his belief that Tolland will not become an economic center and that capitalization on the town's proximity to UConn will be limited. Mr. Amedy said he feels the ideas for the South Green area are off-base and impractical. He said small buildings are more expensive to build than large ones and he said the odds are against several small stores being profitable in this area. He said his personal vision is to keep Tolland a bedroom town for the foreseeable future, as he expects commercial growth will be sluggish.

Mr. Cardin thanked Mr. Amedy for his comments, adding that this will be an ongoing discussion and that the PZC is trying to be as transparent as possible and is trying to gain a good understanding from the community about what they want. He said he expects they will be talking more about the proposed Technology Zone next month.

3. **Public Hearing(s):** None.
4. **Action on Public Hearing(s):** None.

5. Other Agenda Items

5.1 **Signage Workshop** – Discuss Zoning Regulations for Signage. Mr. Cardin said there has been a lot of discussion in the past 1-1/2 years about signage in town. He said the question has come up whether they can move forward with separate regulations for the various zones in town, and that they are trying to find an appropriate balance.

Ms. Beebe-Kostrun said that back in 2007 when they adopted new signage regulations that the idea was to bring them into line with a standard that was consistent with New England type architectural standards, especially in the commercial areas. This involved looking at the use of color, logos, and size. She said she felt it was an imperfect compromise.

John Hughes said he is interested in input from business owners as he knows that many of them are not happy with the current regulations. Mr. Cardin said they found in the workshop that some business owners were going with temporary signs because they found the regular signage regulations were too restrictive. This comment had been brought forward at the workshop by Linda Smyth of Colonial Gardens.

Ms. Farmer said that for a long time the town had consistent sign regulations throughout town. Prior to the regulation change, the maximum sign size for a freestanding sign was 125 sq. feet. In 2007 the new regulations dropped the maximum size to 32 sq. feet, which was considerable. The new regulations also prohibited the use of interior lit signs. Backlit halo lit signs were allowed with special permission from the PZC. She said the goal is to find what works for the community, she said, acknowledging the difficulty has been in maintaining community character while still allowing businesses to get their message out.

The workshop was opened to public comment. Rob Arute of 174 Merrow Road said he felt the message at the business workshop was that business owners in Tolland don't really want to go with temporary signage, but that they were only going that route because viable options were limited. He gave the example of the Verizon cellular phone company, a Fortune 500 company, using a van parked in their parking lot to advertise their service. He said that is not really the most desirable way to advertise. Ms. Errickson said part of the problem is that buildings are located too far from the street and that the regulations adopted in 2007 were as a result of the Fieldstone Commons plaza.

Mr. Barrow said business owners have only their name, so if it is not recognizable they have no where to go. He said stand alone shops need to be able to show who they are and use their creative side.

Bob Stewart of 58 Hartford Turnpike said that no one wants gigantic signs, so this is why they like to go with a logo. You don't have to be able to read it if you already recognize the logo. He also said where a business is located plays a big part in signage. He said, for example, that Route 30 has different businesses than the Fieldstone Commons plaza. He said Meetinghouse Commons has no real entrance. Mr. Stewart said that Tolland has few corporate businesses, and so most businesses have small budgets. He said signs can help a business 24/7. He said a key component on size restriction should be to consider the

distance the business is located from the road, and he also agreed that it would be a good idea to adopt regulations based on zones.

Nisha Patel of 642 Tolland Stage Road expressed the difficulty she was having with temporary signs at her business and where and when they can use them. Ms. Farmer asked her to call her office tomorrow to discuss this further.

Steve Amedy of Hawthorne Hill said it would be easy to develop a matrix for signage that considers distance from the road and visibility based on speed. Ms. Farmer said the International Sign Council has this information available to them. Ms. Beebe-Kostrun said that in 2007 when they were going through the process of adopting new regulations, they brought in sign designers and builders. She said they tried to get expert opinions on what would work in Tolland. She said they could pull out this old information for review. She also said distinctive sign colors and logos could be good in catching the eye and attention of potential customers.

Mr. Barrow said his issues with sign regulations are that halo lit signs can only be of one color. He would like them to be allowed to be multi-colored. He said they need more flexibility in their regulations. He suggested they might allow internally lit signs if they are smaller in size.

Mr. Scavone said the easiest thing would be to do multiple ordinances in the various zones in town. He said it has been proven that one size does not fit all with signage in town. He said you don't need a big sign to get noticed, citing Cardio Express's sign. He said they need to develop something that pushes people to quality rather than quantity.

Ms. Beebe-Kostrun said she was concerned that sometimes the public will blame the PZC for sign problems when they are not responsible. For example, she said in Verizon's case, they are using their van to advertise their location because their landlord did not make good sign choices.

Mr. Arute said he wanted to clarify that he is grateful that the PZC recognizes that the temporary signage issue is really because of an overall bigger problem with sign regulations in general. He said he would prefer to have another discussion that was more weighted to business owners' concerns.

Ms. Farmer said that experts agree that directory signs don't work all that well. She said some businesses, such as those in Fieldstone Commons, will want to have temporary signs for special sales and by rotating them, everyone in the plaza gets their turn. She said they don't want to rule out the use of temporary signs on some sort of trade-off basis.

Mr. Cardin asked if there was a way to capture public sentiment on their web page. He would want to know what are their concerns, such as what they can or cannot do, or if they have concerns about aesthetics. He said in earlier discussions there was a small but vocal group that drove the direction of signage regulations. Ms. Farmer said they also need to look at the different types of businesses they have in the area. For example, she said that Twin Ponds functions well as a destination place for doctors' offices, but is not designed to pull people off the street. She said the coffee shop that was located there

struggled because of this. Mr. Scavone said they will never be able to fix the issue with Twin Ponds with regulations.

Mr. Amedy suggested the PZC hold two quick workshops inviting business owners from the various zones. He suggested they try to get consensus, then hold a third workshop with professionals to help them further. Ms. Beebe-Kostrun said they should also include Design Advisory Board members in the workshops.

Mr. Barrow, who owns Tolland Bicycle, said enforcement on sandwich board signs has been relaxed and he finds that signs are not everywhere in town and that most are tasteful in design. He asked PZC members to keep in mind that local businesses are not relying solely on Tolland residents for business, or they wouldn't survive. However, he said business owners want their money to turn in Tolland.

Jeff Roust of 28 Grahaver Road said he operates a home business and he relies on temporary signs to survive as they associate his business name with a job he is doing. Mr. Roust said that 95 percent of his business is local, and he would prefer to work in town. Mr. Cardin said that issue came up in the October workshop and they recognized that the provision for these types of signs in their regulations need fine tuning.

Mr. Cardin asked if they could design a list of questions to get out to local business owners about signage. Ms. Farmer said they could do this and send an e-blast to get their input. Mr. Barrow and Mr. Scavone agreed to work with Ms. Farmer and to also get input from the Economic Development Commission on this.

Barbara Danforth of Mile Hill Road said the various signs on the Green near the Arts of Tolland are unattractive and asked if something could be done about this. Mr. Cardin said this is the Town Council's purview. He explained that the town is exempt from zoning regulations.

5.2 Page Property, 431 Gehring Road – Update and discuss possible letter to Town Attorney. Mr. Cardin reviewed the correspondence in their packets which includes a March 8 letter from Barbara Danforth to Michael Cardin, PZC Chair and a March 16 notice of non-compliance from the State DEP to Madeline Page of 431 Gehring Road. He also referred to the December 22, 2009 letter from the Building Official. Just prior to the meeting, Ms. Farmer received a letter from Rick and Amy Page, which Ms. Errickson read into the record. The letter states that the Pages feel they have complied with the town's request to clean up the front of the property.

Mr. Cardin said that in February, he and Steve Lowrey, Zoning Enforcement Officer, met with the Pages asking them to tackle cleanup of the problem in two phases to be met by March 1 and March 15. He said per the March 17 photo, he feels they have not complied with the agreement.

Ms. Errickson read the March 16 notice of non-compliance from Frank Gagliardo of the DEP into the record. Barbara Danforth of Mile Hill Road submitted a copy of the letter she wrote to the DEP. She also noted that in the March 8 minutes that Ms. Errickson had expressed the wish that the back yard of the property could also be cleaned up. Ms. Farmer reiterated that this is the DEP's purview. Ms. Danforth noted that at the previous

meeting, Mr. Cardin said the Commission would vote on whether to engage the town attorney, and she wants the Town Council involved in this. She said she also wants Frank Gagliardo from the DEP to visit the Pages property to see the problem for himself.

Mr. Cardin said he feels some progress has been made on the property and the difference of opinion with Ms. Danforth is whether it is being taken care of quickly enough. He said they work by a democratic process and they cannot be making such demands of the Town Council or the DEP to walk the property.

The Commission discussed their next options. Ms. Farmer said they could issue a citation for zoning violations. In this case they could issue a maximum fine of \$150 for having a business use in a residential zone. Mr. Barrow agreed that issuing a fine would be the next logical step. Ms. Beebe-Kostrun agreed with the suggestion to level a fine. Mr. Scavone also agreed asking what the next step is if they don't pay it. Ms. Farmer said the normal process is to issue a cease and desist order, which if not complied with would be followed by a fine. The next step would be to notify the town attorney and he would deem whether it would be appropriate to bring the issue to court. Mr. Scavone asked if the Town Council would have any jurisdiction over this. Ms. Farmer said they would not. She said this process can take a very long time. Mr. Hughes noted that the town does not have a blight law and asked whether the materials on the property are just junk or business related materials. Ms. Farmer said the pallets and forms would be deemed business related.

Mr. Amedy said that if it is a serious problem, he suggested they go to the neighbors and request if they can take photos of the Page property from their property. Mr. Cardin said there was consensus that government should not be taking this role. He said, however, that aerial photos were used as the basis for the letter to the DEP, and that he was both surprised and pleased that the DEP did respond as promptly as they did. Ms. Danforth said she sent pictures of the mess on the property that she took from Cedar Swamp Road to the DEP. She said she has been informed about the Right to Know law and she said she wants all communications to be made in writing. She asked why Mr. Cardin had not informed her about the DEP's response at the last meeting. Mr. Cardin noted that the DEP's response letter was written on March 16, which was several days after their last meeting.

Ms. Danforth said that no one has mentioned the pond on the Pages property and she is concerned about possible contamination. Ms. Farmer said they have had the Health Department out to the property and they reviewed the situation. Ms. Danforth said she would still want something done about the pond and asked how she could get someone out there to test the water. Mr. Cardin said town government does not have the regulatory authority to go on private property for this purpose, and so for right now they are focusing their enforcement on business related material on the property.

Jack Scavone/Dave Barrow motion to direct the Planning Office to inspect the Page property at 431 Gehring Road on March 23, 2010 for business related materials on the site, and if such materials are found, that a maximum fine granted under State statute be levied. Motion was unanimously approved.

Ms. Danforth said at the last meeting that they were going to vote on whether to engage the town attorney. Mr. Cardin said they are going with Ms. Farmer's suggestion as the next step in the process. Ms. Errickson explained that they don't have any control over messy yards, and so they are going with enforcement for operating a business in a residential area. Ms. Danforth said she will then need to go elsewhere to address the matter.

5.3 **P&Z App. #799 – 174 Merrow Road LLC** – Special Permit request to allow a second freestanding sign 32 sq. ft. in size. Location: 174 Merrow Road. Commission to set Public Hearing date. Mr. Barrow asked why this requires a Public Hearing. Ms. Farmer explained that it is because it is a special permit use. Barrow/Beebe-Kostrun motion to set the Public Hearing for April 12, 2010. Motion was unanimously approved.

5.4 **P&Z App. #800 –Tolland Planning & Zoning Commission** – Zoning Regulation revision to add Elderly Non-Profit Housing Regulations to the Village Center Zone. Commission to set Public Hearing date. Errickson/Scavone motion to set the Public Hearing date for April 12, 2010. Mr. Cardin noted that they have some proposed language for regulations in their packets. Ms. Farmer said she is working with a HUD housing consultant who has offered comments. The March 15 draft they have is a proposed addition to the Village Center Zone. A vote was taken on the motion, and it was unanimously approved.

5.5 **HOME CT Grant** - Consultant status. Ms. Farmer said she met with Glenn Chalder and Heidi Samokar of Planimetrics last Tuesday. She said they are familiar with the Tolland Village Area. They also went over the scope of services the PZC was originally operating under. Ms. Farmer said the town has \$44K remaining, but the State still has \$22K of that amount. She said Planimetrics put forward a variety of options. She said they felt they have already fine-tuned the housing needs in town and the feeling is that they need to have additional graphics. They have not addressed 3-D graphics or scale models, nor have they addressed topography on the easterly side of this area. There needs to be an understanding of the grade. There is also a need for more one-on-one with stakeholders. She said Planimetrics is assisting with the IHZ application and with the adoption of regulations. She said they feel a market analysis is not needed for the housing component.

Ms. Beebe-Kostrun said she thought a market analysis was already done for this. Ms. Farmer said they have the RKG report which was done for the Corridor Study. Ms. Beebe-Kostrun said they could look at that report as an example.

Ms. Farmer said the base proposal they have from Planimetrics is \$32K and they could add about another \$12K to it. She expects this proposal would allow them to have regulations done and on the books, but there is some urgency to getting this approved so they can get the State money right away before it might be lost. She said she has been in touch with David Sousa of Clough Harbour and he will be giving her the CAD files and work done to date.

Errickson/Scavone motion to terminate the contract with Clough Harbour. Motion was unanimously approved.

Mr. Cardin asked if members had any thoughts as to what the add-ons should be for. He said he feels the market analysis is important and that scale models would be good as that component was lacking from Clough Harbour. Dave Barrow asked where they would be going with a market analysis. Ms. Farmer said details of this are listed on Page 2 of the Planimetrics proposal. She reviewed the details, which include the dynamics of mixed use development and the viability of the design being put forward. Ms. Beebe-Kostrun suggested tweaking the market analysis, giving up OPM assistance, to get a \$3,000 analysis. Mr. Stanford said they might also not need the aerial component. Ms. Beebe-Kostrun agreed that just going with street level would be adequate.

Mr. Cardin said that Glenn Chalder understands their priority is the residential component right now. Ms. Farmer said they felt they could start on the residential regulations but they first need to fine tune the visuals. Mr. Cardin asked if there is any expected timing in which this would be done. Ms. Farmer said she would expect it to be three to six months from the contract date. She said the first step would be for them to meet with the Commission and she suggested they meet with them at the start of the April 19 meeting. She said she would check on their availability.

Ms. Farmer reviewed the extras, which would be \$3K for a market analysis, \$2,500 for regulations assistance, \$500 for expenses, leaving \$5,500 for graphics. Mr. Stanford said he thought a \$3K market analysis might be overkill, and Ms. Farmer said she would check into that. Mr. Scavone said they might want to push for completion closer to three months than six months. Mr. Cardin said their experience with Planimetrics has been that they are well-paced with their responsiveness.

Erickson/Barrow motion to direct the Planning Director to enter into a contract with Planimetrics using the guidelines outlined in their March 22, 2010 scope, with a budget total not to exceed \$41,700. Motion was unanimously approved.

Mr. Cardin thanked Ms. Farmer for making the extra effort to make the HOME CT grant a priority so there would not be any lull in completion.

6. **Approval of Minutes** – Approve minutes of March 8, 2010 Regular Meeting and March 15, 2010 Special Meeting Minutes. Errickson/Scavone motion to approve the minutes of the March 8, 2010 regular meeting. Motion was unanimously approved. Errickson/Scavone motion to approve the minutes of the March 15, 2010 Special Meeting. All members voted to approve with the exception of Ms. Beebe-Kostrun, who abstained. Motion passed.

7. **Activities and Updates.**

- 7.1 Tolland Village Area – Michael Taylor Property. Ms. Farmer said she met with Mike Taylor this past Saturday and he is eager to get things moving, and the sewer issue is at the crux of engaging consultants. She said she expects a new town engineer to be hired in a few weeks and would like this to be a major focus for the new hire.

Ms. Farmer is trying to get a handle on the regulations and methodology for allocating sewer usage, but without historical data it is difficult. The present WPCA commission is working on this, but they are a new commission. She said the sewer line goes through the Tolland Village Area and it has a force main and a low pressure system with individual

grinder pumps. She said there are questions on allocations and the methodology used which gives a certain amount of allocation based on developable upland acre. She said they need to review allocations, which will be a process, and Planimetrics has offered their assistance. She added that she expects it will take three to four months to get a new process in place. John Hughes confirmed that Mr. Taylor understands that this process will take some time.

7.2 Route 30 & 74 NC Zone. Ms. Farmer said there is nothing new to report at this time. She said in the second interviews for a town engineer, the need was brought up to have more engineering input in their planning process, particularly with how to make a walkable zone.

7.3 Sustainable Development Forum follow-up discussion. Ms. Farmer distributed a handout “Developing a Sustainable Community.” Mr. Cardin said he felt the presentation aligns with their goals from the POCD. Ms. Farmer said she got a lot of good feedback from this forum. Mr. Barrow said he was pleased to see so many people from the business community in attendance. Ms. Errickson said she was also pleased with the press coverage.

8. Town Staff Comments

8.1 Zoning Questions

- Clothing donation boxes. Ms Farmer said a member of the business community inquired if there are any rules about where these are placed. Mr. Cardin asked how many of these boxes exist in town. Ms. Farmer said she can only think of one. Ms. Beebe-Kostrun asked what problem they were addressing. Ms. Farmer said that technically, clothing boxes are structures so would be addressed as structures. There was consensus that this is not an important issue to be concerned with at this time.
- Day Care Centers in the Gateway Design District. Ms. Farmer said when they put together the allowable uses in this area, they made the uses narrow in scope. Recently someone inquired if a day care center could be located in this district. Mr. Cardin asked why they were excluded in the first place. Ms. Farmer said at the time they were looking at the nucleus of retail goods and services. Ms. Beebe-Kostrun said that back in 2000 they weren’t focusing on a node design. Mr. Cardin said he would like to see them allowed. Ms. Farmer said this would require a regulation change.

Ms. Farmer reported that the Inland Wetlands Commission had a good meeting on Implementing the Tankerhoosen Watershed Plan, and it was well attended with many residents and businesses. She said they talked about remediating stream beds. Mr. Barrow attended and said they went into great detail to show why the Tankerhoosen is important to the town. He said Tolland is located at the headwaters of the Tankerhoosen and they could dramatically impact the headwaters if they add more impervious coverage. He noted that there is a great deal of grant money available for protecting this resource.

9. **Announcements – Upcoming Meetings**

9.1 **March 31, 2010, 7:30pm – Public Hearing on Manager’s Recommended Budget:**
Board of Education, Town Government, Capital Improvement Plan – Tolland Middle School Auditorium.

9.2 There will be a Technology Zone workshop on April 19.

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

11. **Communications and Petitions from Commission Members.** Mr. Cardin got consensus from the PZC to allow him to talk to the Town Manager about having the new town engineer, once hired, to focus on the sewer allocation issue previously discussed.

Mr. Cardin asked what type of review of the landscape plan would be done at the Star Hill Athletic Center after the facility is built. Ms. Farmer noted that plantings are never done exactly according to the plan, but that the Planning Office works with the developer on the site. She said part of the approval from the PZC and from the court settlements required the developer to work with Belvedere Ridge. She said they worked together to pick out trees, and that she required a letter from each side that indicated they had agreed on what would be planted and where. She said the landscaping would be reassessed before a Certificate of Occupancy is issued for the final.

Ms. Beebe-Kostrun commented on the Page property discussion regarding water quality of the pond. She said the DEP would need to take enforcement action as they have the authority to walk the property. They could also follow through on the aerial photos. She said she personally feels it is just a really messy situation rather than a health hazard, but if the discussion arises again, they should direct Ms. Danforth to call the DEP as they would address any negative impacts to surface or ground water.

12. **Public Participation.** None.

13. **Adjournment.** Scavone/Barrow motion to adjourn the meeting and pay the clerk at 10:00p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk