

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF SEPTEMBER 12, 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: Steve Lowrey, Wetlands Agent & Zoning Enforcement Officer
Josh Freeman, resident

1. **Call to Order:** Michael Cardin, Chair, called the meeting to order at 7:35p.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 Zoning Regulation Revisions – Discuss allowing hens on small lots. The Commission reviewed an August 24 email from Josh Freeman of 338 Shenipsit Lake Road in which he indicates that he and his wife would like to keep chickens on their .99 acre lot, which is less than the minimum 1.25 acre restriction.

Mr. Lowrey said the Planning Office looked at regulations in other more urban cities. They took the regulations for New Haven, and he said Linda Farmer, Director of Planning and Community Development made some revisions to those regulations that she thought might make a better fit for Tolland. Mr. Lowrey said he feels her revisions allows for the keeping of small stock on smaller properties while still respecting residents on neighboring properties. The revisions specifically indicate that no roosters would be permitted.

Mr. Cardin asked if the current regulations allow exceptions for vo-ag students. Mr. Lowrey said they do not, and that vo-ag students would need to comply with existing regulations. Mr. Lowrey also noted that under the current regulations, residents who wish to keep small stock on properties of at least 1.25 acres (but less than 2 acres) would need to get a Special Permit, which requires a fee of \$360. However, if the Commission approved the proposed changes, it would be an as-of-right use which would only require a \$25 zoning fee. He suggested if the Commission did want to address vo-ag students, they could do so at this time also. He said any proposed change would need to go to Public Hearing.

The Commission reviewed the definition in their regulations for small stock, which includes sheep, goats, and poultry. They considered defining hens as chickens but with no roosters

permitted. The Commission also discussed the potential for noise and nuisance issues and impacts on neighbors if a regulation change was made.

Josh Freeman of 338 Shenipsit Lake Road said he has looked at regulations for other more urban cities in Connecticut and noted it seems ironic that a resident with a 2-acre lot can keep free range chickens, while someone with less acreage like himself could not. He said his only question was what the restriction would be on a coop location. He asked why the Commission restricts the setbacks.

Mr. Cardin said setbacks are fairly standard for accessory buildings. Mr. Lowrey said the setback would be 25' and that any manure storage area must be kept 75' from the side property line.

Ms. Beebe asked why the enclosure for chickens (rather than the coop) would need to be 30' from the side property line. She suggested they could go with something less, such as 10'. She said the fence should only need to be far enough in so the owner of the fence could maintain the fence while staying on his own property. Mr. Freeman provided the example of San Diego, which is much more urban than Tolland, and which allows the enclosure to be 10' from the rear property line and 15' from the side yard. Mr. Lowrey said he feels coops, just like sheds, should be at least 25' from the side yard.

The Commission discussed Section 15-3 Livestock and Small Stock in the proposed regulations and made the following suggested changes to Item C:

- C. Chickens may be kept on property of at least 0.5 acres provided:
 - 1. No roosters are permitted.
 - 2. No more than six (hens) are to be kept. No free range chickens are allowed.
 - 3. The use shall be confined to a fenced enclosure of no more than 400 square feet in an area located in a rear yard only. The fenced enclosure shall be at least 75' from the street line and not more than 10' from the side and rear property lines.
 - 4. The chicken coop shall be at least 75' from the street line and 25' from the side and rear property lines.
 - 5. A Zoning Permit showing compliance with these regulations is required.

Marilee Beebe/Dave Barrow motion to set a Public Hearing for Zoning Regulation revisions to allow hens on small lots for October 24, 2011. Motion was unanimously approved.

5.2 **Technology Zone** – discuss components of a Technology Zone along Route 195, currently in the Neighborhood Commercial Zone. The Commission reviewed the Draft dated September 8, 2011, as a starting point for property owners, stakeholders, the Economic Development Commission and Design Advisory Board. The Commission discussed the possibility for a workshop to be held in October.

Mr. Cardin asked Mr. Lowrey to send Commissioners a map of the NCZ with property lines on it before the end of the week.

Mr. Barrow questioned Section 170-47 which refers to outside storage and displays. He asked if this draft is stating they will prohibit retailers from displaying any goods and

services outside their building. Mr. Scavone said outside storage may not fit the character of a Technology Zone. He asked what kind of retail goods might be displayed outside.

Ms. Beebe said she could see prohibiting chain link fences with outside storage but that they could allow outdoor displays of retail goods during regular business hours. Mr. Scavone agreed. Mr. Barrow asked what constitutes outside storage. Mr. Scavone said items like sheds, skids with tarp covers, chain link fenced storage and pods do not fit with a Technology Zone and should be prohibited. Mr. Lowrey said he could see only allowing exceptions in specific temporary situations.

There was consensus to first re-letter the draft document. Also the item that in the draft was listed as a third “K” should read: “No outside storage shall be permitted. Displays of goods will be allowed during normal business hours.”

Ms. Errickson said she needed some clarification on the terms “Master Development Plan” and “Area Development Plan” and if they are the same, then they should use either one term or the other.

Ms. Beebe noted that there was a lot of lining out of current setback numbers with other numbers put in, and she said she would want to explore allowing more flexibility rather than more restrictive setbacks, perhaps eliminating some setbacks. She said she would expect some setbacks where the properties butt up against residential properties. However, Mr. Lowrey said there are wetlands already that separate the property in the NCZ from residential properties. Mr. Scavone agreed with the greater flexibility issue and reduced or eliminated setbacks. Mr. Lowrey noted that Ms. Farmer eliminated impervious coverage requirements wherever they can meet Low Impact Development regulations.

Ms. Errickson asked what item B.1 means on the back page. Mr. Lowrey said it is an attempt to address shared parking over more than one lot. Mr. Hughes said he wants to make sure that Technology Zone regulations address the fact that many people in this industry work irregular hours and the regulations should encourage a dynamic environment that includes restaurants, coffee shops and places of entertainment.

The Commission reached a consensus to hold a workshop date on Monday, October 17 to give them time to reach out to stakeholders, the Economic Development Commission, the Design Advisory Board and others.

5.3 Road & Access Easement Acceptance – Discuss recommending acceptance of an extension of Industrial Park Road East and an access easement. Mr. Lowrey said the extension of Industrial Park Road East actually exists. It is an L-shaped piece of property owned by the town, which was formerly going to be Research Way, but was never built. The driveway has catch basins and drainage and is plowed and treated as a road. Accepting it as a road and access easement is basically just administrative cleanup.

Sue Errickson/Marilee Beebe motion to grant a favorable 8-24 for the extension of Industrial Park Road East and access easement. Motion was unanimously approved.

5.4 Fieldstone Commons – Discuss approval process to allow outdoor seating at an existing restaurant. The Commission discussed that this is the former South Pacific Chinese Restaurant. Mr. Cardin said he and Linda Farmer, George Mantak, and Greg Nanni have

discussed the possibility for this and asked if they would want to see a site plan. Ms. Beebe said she does not see why this could not be handled administratively. The Commission discussed how other restaurants have handled outdoor seating where there might be traffic and accessibility issues. Ms. Beebe gave as an example, Shea's Restaurant next door to Kohls in Vernon and how they deal with the issue with a white fence and attractive plants. She suggested they might want to consider moving parking to the side and put seating in the front of the building. Mr. Cardin agreed that this would work well.

There was consensus to allow the Planning Office to deal with the developer and encourage creative outdoor seating in either the front and/or side of the building, which could include the removal of some parking spots. Commissioners provided a sketched map to Steve Lowrey for potential ways to provide outdoor seating.

5.5 **Zoning Regulations** – Discussion about the Gateway Design District. Mr. Cardin referred to the language for drive-thru pharmacies under 7-7A.1 on Page 61 and also referenced on Page 67. He said his initial thought was that they took a quantum leap to allow drive-thru pharmacies in the TVA and he felt they should allow them also in the Gateway Design District. He said the largest pushback from this is that the traffic isn't there. He said there is a strong desire to make a drive-thru pharmacy happen on the south side of Route 195 in the GDD. He noted that if a corporate pharmacy comes in, there is the strong possibility that another competitor will follow on the other side of Route 195.

Mr. Scavone said he is in favor of letting the free market decide what happens with that. The Commission discussed the potential impact this might have on kicking off the TVA development.

Mr. Cardin said another issue is whether they should allow drive-thru restaurants on the Big Y site. Ms. Beebe questioned if allowing this would open up the entire area to drive-thru restaurants, and asked if there was any possibility in crafting specific language that would restrict drive-thrus. Mr. Hughes said he did not think this could be done, and the best remedy would be to just say no to drive-thru restaurants. Ms. Errickson agreed. She said she envisions idling cars creating an unhealthy environment for people at restaurants with outdoor seating.

Mr. Scavone said they should take things slow and deal first with the pharmacy issue. Mr. Cardin asked if anyone had any issues or concerns with allowing drive-thru pharmacies. Ms. Beebe questioned if people bringing in a pharmacy will understand how they would like it oriented on the property and how they will make it mesh with a potential widening of Route 195. She said they will also have to have an understanding of how to handle traffic flow. Mr. Cardin asked if they could get a third party review on the siting of a pharmacy. Mr. Lowrey said they could. Ms. Beebe suggested they might also ask the town engineer to review an application for potential site impacts. There was consensus to review the siting of a pharmacy, traffic issues and the location of any potential competition.

5.6 **P&Z App. #714 – Loureiro Engineering, Inc. (Carriage Crossing, LLC)** – Resubdivision request to create one new building lot. Location: Ladd Road. Commission to set Public Hearing date. Sue Errickson/Dave Barrow motion to set a Public Hearing date for P&Z App. #714 for October 24, 2011. Motion was unanimously approved.

6. **Approval of Minutes** – Approve minutes of August 22, 2011 Regular Meeting. Sue Errickson/Jack Scavone motion to approve the minutes of the August 22, 2011 Regular Meeting. Ms. Errickson, Mr. Scavone, Mr. Barrow, and Mr. Cardin voted to approve. Ms. Beebe abstained. Motion passed.

7. **Activities and Updates**

7.1 Update on Page Property – Gehring & Cedar Swamp Roads – Mr. Lowrey said Mr. Page has gotten a 20-25 cubic yard dumpster at the property and Mr. Page called him today and said he had filled it and dumped it and was in the process of filling it up again. Mr. Lowrey said there are small signs of some cleanup getting done, but it has quite a ways to go.

8. **Town Staff Comments**

8.1 Sign Enforcement – Mr. Lowrey said he is seeing a lot of temporary signs increasing in town. He said he told the BP gas station to take down their pennants. He is not getting any complaints in his office. The Commission advised Mr. Lowrey to keep an eye on things.

8.2 Wetlands Commission activities in the Tankerhoosen River Watershed. Mr. Lowrey said the Wetlands Commission has had some talks with residential owners and have taken an impromptu walk through the Industrial Park to note activities.

9. **Announcements – Upcoming Meetings**

- September 17, 2011 – Celebrate Tolland, Tolland High School – 10:00 a.m. – 3:00 p.m.
- September 25, 2011 at 1:00 p.m. – Conservation Commission Site Walk of Crystal Peat & Humus property – Cook Road
- September 26, 2011 – 7:30 p.m. – 8:00 p.m. – Discussion with Water Pollution Control Authority
- October 16, 2011 at 1:00 p.m. – King Riverside Conservation Area (Walktober)
- October 23, 2011 at 1:00 p.m. – Palmer Kendall Mountain Conservation Area Grand Opening.

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

11. **Communications and Petitions from Commission Members** – Ms. Errickson said CRCOG will be providing a review of where the bikeway stands when they meet this week.

12. **Public Participation** – None.

13. **Adjournment:** Jack Scavone/Sue Errickson motion to adjourn the meeting and pay the clerk at 9:45 p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk