

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF SEPTEMBER 26, 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
Jennifer Usher, PE, Town Engineer & Public Works Administrator
Todd Rolland, WPCA Chair; Perne Maynard, Matt Rood
Applicants and their representatives
Public

1. **Call to Order:** Michael Cardin, Chair, called the meeting to order at 7:30p.m. in Council Chambers.
2. **Public Comment:** None.

7:30 – 8:00 – Discussion with Water Pollution Control Authority. Town Engineer Jennifer Usher attended along with WPCA Chair Todd Rolland and WPCA members Perne Maynard and Matt Rood.

Mr. Cardin asked how the DEEP Consent Order connects with the Gottier proposal. Ms. Usher said the Consent Order has to do with the Shenipsit Lake Watershed, but DEEP must approve an expansion of the Sewer Service Area and so DEEP will need to determine if that request is in line with the State’s Plan of Conservation and Development. She showed on a map where the SSA currently falls, indicating that it bisects the Gottier property with some of the property falling inside the SSA and some outside. Ms. Farmer noted that when she originally drew the zone line through this property, she expected it would be fine tuned when there was a development proposal.

Mr. Cardin said when they were planning the Tolland Village Area, they did so in such a way as to encourage property owners in the TVA to work with abutting property owners to create a multi-use, walkable community. He said the Technology Zone is expected to have a strong infusion of tech-related businesses. He said the PZC tried to hold a carrot out to property owners in the TVA to develop their properties toward the vision they were looking for. He said these two zones will be in the SSA and he said he would like to plant a seed with the WPCA in their capacity to encourage the desired development. Todd Rolland said they could possibly look at reducing the connection fees for certain kinds of businesses, but he wasn’t sure if they could do anything else. He said their biggest challenge has always been getting more flow and customers to operate the utility. He said they have 10 miles of pipe and four pump stations but only about 70 customers.

Jennifer Usher said the original benefit assessment was very prohibitive to development and they have been looking at implementing a fee schedule that is more conducive to development. The WPCA has since come up with a more straight forward connection fee to help with this. Ms. Farmer said the challenge for the PZC is to work with the WPCA to figure out what is the best form, be it multiple pump stations or something else. She said the PZC will continue to give the WPCA a heads up about any potential development that might be coming along.

Mr. Cardin said that in a previous workshop, they had looked for a model that might indicate typical flows and he asked if the WPCA had found anything like that. Ms. Usher said the developer's engineer usually provides estimates for flow that then go to the WPCA for review. She said conceptual designs usually include flows and the Department of Public Health has some conservative flow numbers that they can utilize. She said it is difficult to estimate flows for the Tech Zone even more so than the TVA. However, she said a good rule of thumb for estimates is .1 gallons per square foot.

Mr. Hughes asked if the town has any mandatory hookup requirements. Mr. Rolland said they do not at this time. Mr. Cardin asked how much of our 400,000gpd that we get from Vernon is being used right now. Ms. Usher said about 65,000gpd and this includes the high school. Mr. Rolland said the high school was estimated for about 30,000gpd, but in actuality it only uses about 3,500gpd. Ms. Usher added that the Town Hall building was just tied in to the sewer system as of last Friday.

Mr. Cardin noted that the WPCA said they were working on some new regulations and he asked how long it would be until they were written. Ms. Usher said they are working on two regulations—one being a FOG (fats, oils and grease) regulation and the other being connection charges in lieu of benefit assessments. She said the town attorney is finalizing their review and she expects these should both be done around the end of the year. Mr. Scavone asked if there are any concerns that we are using too much of our allotted 400,000gpd from Vernon. Mr. Rolland said, no, that from their perspective they would welcome having more customers.

Mr. Cardin asked if the connection fee has been the biggest impediment to tie-ins to the sewer. Mr. Rolland said there was confusion over what the benefit assessment was for as many people thought they were paying for a certain amount of gallonage. He said they needed to change the fee to a flat connection charge.

3. Public Hearing(s)

- 3.1 **P&Z App. #813 – Estate of Helen Wanat – Robert Krajewski, Executor** – Two (2) lot resubdivision request to create one new building lot and open space area. Location: northerly side of Kozley Road at Sugar Hill Road.

Jack Scavone/Marilee Beebe motion to open the Public Hearing for P&Z App. #813. Motion was unanimously approved.

Ms. Errickson read the legal notice into the record. Dana Steele, an engineer with J. R. Russo & Associates, representing the applicant said they are applying for a resubdivision of

an approximately 14-acre parcel of land. The applicant would like to split off a minimum lot at the corner of the intersection. He showed on a map how Lot 4 and 4-4 are connected by a small 10' wide strip of land across the backs of Lots 5 and 6. Mr. Steele also turned in to Ms. Farmer copies of the certified mailing receipts of notification to neighbors. He said they have a buyer for Lot 4-4 and that it has been reviewed by the Health District and has been determined to be suitable for septic for a 4-bedroom house. Lot 4-4 would include a portion of the small strip of connecting land and Lot 4 would include the remainder of the strip of land. He said Lot 4 has a house on it already with a long driveway that goes out to Kozley Road.

Mr. Steele said the applicant intends to eventually subdivide the remaining piece of land and that they expect when they come back that the town will not be looking for an additional 20 percent of the land for Open Space. He said when he met informally before with the PZC, they discussed that there is Open Space to the east of the existing house on Lot 4 which has a pond and watercourse that has been found to have some environmental value. In their application, Mr. Steele said the applicant is offering a conservation easement over 2.81 acres which is adjacent to the 13.4 acres that Helen Wanat donated to the Town in 2000 and the town would be allowed access over the easement to maintain the pond and pump house.

Ms. Farmer said the applicant is allowed four lots out of the 13.96 acres based on their density calculations and so they are setting aside the Open Space for those lots now. The Conservation Easement does not allow public access. She said with the deeding of the Open Space and granting of the subdivision, the owners, provided the zoning regulations do not change, can come back for two more building lots without having to provide more Open Space.

Mr. Cardin said he understood the Conservation Commission had done a walk-through of this property and he asked if they approved of the proposed Conservation Easement and Open Space. Ms. Farmer said originally the applicant was looking for more subdivision lots but from a site analysis standpoint the land proposed as Open Space is what the Conservation Commission had considered would be desirable.

There were no questions or comments from the public. Ms. Errickson read a September 15, 2011 memo from Johanna Schmidt, Sanitarian to Michael Cardin. She also read the September 22, 2011 memo from Steve Lowrey to Michael Cardin.

Mr. Cardin asked if Rick Conti had seen the conservation easement language and if he was comfortable with it. Ms. Farmer said the proposed language is their standard conservation easement, but they would be running it by the town attorney. She said she does not see any issues with it.

Sue Errickson/Jack Scavone motion to close the Public Hearing for P&Z App. 813. Motion was unanimously approved.

3.2 **P&Z App. #814 – Arthur & Judy Gottier** – Request for a Zone Change for 2.35 acres to Residential Design District (RDD) from Neighborhood Commercial Zone (NCZ). Location:

rear of Route 195 and Anthony Road. Ms. Beebe recused herself from this application and John Hughes was seated in her place.

The applicants Arthur and Judy Gottier attended the meeting along with Attorney Len Jacobs, Mark Peterson of Gardner and Peterson, and Jim Buberis of Buberis Traffic Associates.

Attorney Jacobs said the Gottiers own 59 acres of land bound by Anthony, Rhodes, and Merrow (Route 195) Roads and that it is divided into two zones with the upper portion falling into the Residential Design District (RDD) and the southwesterly portion falling in the Neighborhood Commercial Zone (NCZ). Multi-family housing is allowed to be built in the RDD portion and Attorney Jacobs said the applicant is requesting that a 2.35 acre portion of his land that falls in the NCZ, be rezoned under the RDD. He explained that this portion of land is largely separated from the rest of the commercial property by wetlands and so being isolated the way it is, it would not be possible to develop that land commercially.

Attorney Jacobs added that the applicant is not asking for this change in order to increase the number of residential units he would like to build; rather he would like this change to allow a better layout of the property and also to protect the wetlands. He said this proposal is consistent with Tolland's Plan of Conservation and Development and will have no greater impact on traffic as the zone change would not increase the number of units already proposed. Therefore, they are asking that the PZC support the zone change request to produce better development and put isolated property to better use.

Attorney Jacobs introduced Jim Buberis, who did some preliminary work on traffic for the proposed development.

Mr. Cardin asked how long ago the current zone line was drawn. Ms. Farmer said it was probably more than eight years ago. She said in the early 2000's they rezoned the town, tweaking some of the zone lines with a goal to follow property lines wherever possible. In this case, they did not delineate the wetlands at that time and drew a somewhat arbitrary line about 1000' off of Route 195.

Mr. Hughes said he likes the idea of giving the applicant more flexibility for the project. Ms. Errickson said she also likes that the whole property belongs to one owner as the strip of land in question could be used for one development. She said she also agrees that it protects the wetlands better.

James Grant of Virginia Lane said he is concerned about traffic in that area and asked how the applicant intends to handle the increased traffic from such a development. Mr. Cardin reminded the public that tonight's discussion is really about a requested zone line change. Mr. Buberis said the proposed plan has 87 apartment units and the development shows a connection to Anthony Road on one end and an extension of a driveway to Headliners that would go inward and through the development out to Anthony Road. He said they ran some machine counts of peak traffic hours at four intersections taking the higher numbers. He also gathered information from DECD about where most people in Tolland work and so how

traffic in and out of the development would most likely be oriented during peak travel times. He said he estimated there to be about 650 trips daily in and out of the development, which would amount to about a 3 percent increase in traffic at the road from Headliners.

Mr. Cardin asked Mr. Buberis if he saw a threshold of traffic warranting a light at either Headliners or Anthony Road. Mr. Buberis said he did not. Mr. Cardin asked Mr. Buberis to submit a copy of his report to the Planning Office—which he did. Mr. Grant added that his main concern is that the PZC give this a lot of thought as on days of UConn games, the area generates a great deal of traffic.

Ruth Levesque of 200 Rhodes Road said her property abuts the proposed project. She expressed concern about the number of apartments that might be built next door to her property. Paul Levesque, also of 200 Rhodes Road, noted that there are a lot of wetlands where the Gottier property abuts theirs. Mr. Peterson showed on the map where the wetlands have been delineated and said the zone change would allow them the flexibility to spread the proposed units out more and give them some more room between buildings.

Ms. Farmer emphasized that this is a very early stage in the development process and there will be many steps involved. She said when drawing boundaries for zoning, it is often best to let the land tell you where to draw the line and with the wetlands where they are, moving the line would make sense. She said they have only been having conceptual discussions about the project and this zone change is a minor step. She said a Special Permit is required for Multi-family development in the RDD and all the abutters would be notified of future public hearings. She added that they are aware there are traffic issues that would need to be addressed and had already told the property owners and engineer that getting a traffic study should be one of their first steps.

Brian Holcomb of Rhodes Road asked if he could get a copy of the plans. Ms. Farmer told him to contact her office and they could get them for him. Mr. Holcomb also asked if there are different sets of requirements for drainage and runoff for the NCZ and RDD zones. Ms. Farmer said, no, the requirements to be met would be the same.

Ms. Errickson read the September 22, 2011 memo from Linda Farmer to Michael Cardin into the record.

Jack Scavone/Sue Errickson motion to close the Public Hearing for P&Z App. #814. Motion was unanimously approved.

4. Action on Public Hearing(s)

- 4.1 **P&Z App. #813 - Estate of Helen Wanat – Robert Krajewski, Executor** – Two (2) lot resubdivision request to create one new building lot and open space area. Location: northerly side of Kozley Road at Sugar Hill Road. Commission to take action on September 26, 2011 Public Hearing item.

Ms. Beebe was reseated for this application and Mr. Hughes was unseated.

Jack Scavone/Sue Errickson motion to approve P&Z App. #813 inclusive of the draft language of the conservation easement as outlined in Steve Lowrey's memo. Motion was unanimously approved.

- 4.2 **P&Z App. #814 – Arthur & Judy Gottier** – Request for a Zone Change for 2.35 acres to Residential Design District (RDD) from Neighborhood Commercial Zone (NCZ). Location: rear of Route 195 and Anthony Road. Commission to take action on September 26, 2011 Public Hearing item.

Ms. Beebe recused herself from this action and Mr. Hughes was seated in her place.

Jack Scavone/Sue Errickson motion to grant a zone change to move the zone line 2.35 acres south in concurrence with the Plan of Conservation and Development to be effective October 1, 2011. Mr. Hughes asked if they could re-word the motion to negate any deeper density than has already been proposed on the property. Mr. Cardin said they have already talked with the applicant and consultant on the density issue. Ms. Farmer said they cannot tie that into a motion. Mr. Cardin agreed saying he didn't think they could do so procedurally or legally.

Ms. Errickson said she felt this change provides flexibility and greater protection of the wetlands. She said it may also add to the creativity of the development.

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

5. **Other Agenda Items**

- 5.1 **P&Z App. #815 – Richard W. Lee** – Request for Zoning Regulation revisions to Article VIII to allow Multi-family Development in the Neighborhood Commercial Zones. Commission to set Public Hearing date.

Sue Errickson/Dave Barrow motion to set the Public Hearing date for P&Z App. #815 to November 14, 2011. Motion was unanimously approved. Ms. Farmer noted that this will be the first meeting of the new Commission after elections.

- 5.2 **Proposed Revisions to Zoning & Subdivision Regulations** – revisions to bond regulations to reflect Public Act 11-79. Ms. Farmer explained that some towns hold maintenance bonds to maintain roads for a long time; however, Public Act 11-79 prohibits holding a maintenance bond once public improvements have been accepted. She said now when we have new roads, we will not be accepting improvements for a period of about two years to allow a couple of winter seasons to pass. She said they will need to change their zoning regulations and subdivision regulations to address this change.

Sue Errickson/Marilee Beebe motion to set a Public Hearing for November 14, 2011 to change the zoning and subdivision regulations. Motion was unanimously approved. Ms. Errickson suggested that they put this item on the agenda first on November 14.

5.3 **Technology Zone** – Discuss changes to proposed regulations at Public Meeting October 17, 2011.

Ms. Farmer said when looking at the bulk of the area they are looking to rezone at the Technology Zone, they should also keep in mind what they might want to do with some of the pieces of land that are not contiguous, such as the Kevin Martin property. Ms. Farmer will have Steve Lowrey look at defining the zone boundaries with regard to wetlands.

Mr. Cardin asked Ms. Farmer if she was getting him a list of the stakeholders in this proposed zone. Ms. Farmer said the list is with the assessor as she wants to make sure they are accurate before mailing them to him.

5.4 Drive-through Regulations and Traffic issues – Ms. Farmer asked if the PZC would like her to do anything more proactive right now. She said the Town Manager had asked why the PZC wanted to allow drive-thrus in the TVA but not the Gateway Design District and if drive-thrus can be restricted to only certain types of circumstances. She said she reviewed with the town attorney whether it was okay to prohibit stand alone parking areas with drive-thru pharmacies and he said they can do that.

Mr. Cardin said at the last meeting they discussed some hypothetical situations such as if a corporate pharmacy came in on one side of the street and the likelihood, then, that a competitor would want to locate across the street. Ms. Beebe said they did not want to give up the area to conventional development, but rather to think things out so that they could get development that complements the other areas. Mr. Cardin said they need to figure out what kind of language they can have in the GDD to encourage the type of development they want. Ms. Farmer said they would need to modify the current regulations to address siting issues and connectivity. She said she will put some language together that they can look at in October.

6. **Approval of Minutes** – Approve minutes of September 12, 2011 Regular Meeting. On Page 4, Section 5.5—Zoning Regulations, Mr. Cardin asked that the third sentence be revised to read: *He said his initial thought was that they took a quantum leap to allow drive-thru pharmacies in the TVA and that the discussion would include the potential use of the language relative to drive-thru pharmacies in the TVA, in the Gateway Design District.* Sue Errickson/Dave Barrow motion to approve the September 12, 2011 minutes as amended. Motion was unanimously approved.

7. **Activities and Updates**

7.1 Update on Page Property – Gehring & Cedar Swamp Roads – Ms. Farmer said the Page's are slowly cleaning up the property and that Mr. Lowry is monitoring the progress.

8. Town Staff Comments

8.1 Star Hill – Ms. Farmer said there is a request for both her and the Fire Marshall to sign off on a liquor permit extension as Star Hill would like to serve Bud Lite in the dome for a special event on December 4 and 5. The Fire Marshall has some concerns about egress issues. The event has been rented to Fusion Marketing Group. There will be a roped off area where no one under age 21 will be allowed admittance. Ms. Farmer said she sees no issue with it from a Planning standpoint. There was consensus to have Ms. Farmer sign off on the request.

8.2 Industrial Park Road West #25 – Ms. Farmer said a vendor would like to park a hotdog cart on the paved area during the day and bring it home at night. It is not prohibited in this zone. There was consensus that staff could handle this issue.

9. Announcements

- October 16, 2011 at 1:00p.m. – King Riverside Conservation Area (Walktober)
- October 17, 2011 at 7:30p.m. – Workshop to discuss components of a Technology Zone along Route 195, currently in the Neighborhood Commercial Zone with Town Council, Economic Development Commission, property owners and others. Ms. Farmer said notices will be going out this week.
- October 23, 2011 at 1:00p.m. – Palmer Kendall Mountain Conservation Area Grand Opening

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

11. **Communications and Petitions from Commission Members** – Sue Errickson said Sandy Frye, Principal Transportation Coordinator for CRCOG updated them on the State plan for bike and pedestrian routes through the state. Most of the plans are for west of the river. She said there is money now available in STEAP grants for bike and walking paths. She said DOT now has coordinators for non-motorized traffic. Also, rails to trails maps are now available on CRCOG's bicycle link, and HUD has made \$4.2 million available for a Sustainable Knowledge Corridor.

12. **Public Participation** – None.

13. **Adjournment** – Dave Barrow/John Hughes motion to adjourn the meeting and pay the clerk at 10:00p.m.

Respectfully submitted,

Annie Gentile
Clerk