

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF SEPTEMBER 27, 2010

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

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

1. **Call to Order:** Michael Cardin, Chair called the meeting to order at 7:32p.m. in Council chambers.
2. **Public Comment:** None.
3. **Public Hearing(s)** – None

Line item 5.1 was taken out of order:

5. **Other Agenda Items**

5.1 **P&Z App. #679 – Nordic Builders** – (DeerRun Estates, LLC) – Request for 5-year extension of subdivision approval. Ms. Errickson read the September 27, 2010 memo from Ms. Farmer to Mr. Cardin. Ms. Farmer said a 60-day extension was granted on August 23 and that there may be any number of extensions, but they cannot total more than five years. The Commission discussed the need for a new breakdown of costs from the applicant's engineer, and agreed that if they approve an extension that it be conditioned on getting a new estimate of public improvement costs submitted so the town would be holding a bond on 100 percent of the uncompleted work. Ms. Farmer said the town would hold a performance bond before the mylar is filed on the land records.

Ms. Beebe asked if the Commission should look to grant extensions in increments. Ms. Farmer said this is new for them as subdivisions usually are completed quickly and this one was in the court system for some time. She said it would be possible for the Commission to grant an extension for 2 to 3 years, then revisit it at that point. She said they might have to look at it in terms of whether the subdivision is a great departure from the zoning regulations. For example, she said they have since gone to density based zoning. She said this application is a fee in lieu of Open Space. She said they also can no longer allow a waiver of the maximum cul-de-sac length, so some things have changed.

Sue Errickson/Jack Scavone motion to grant a 5-year extension of the subdivision approval for P&Z App. #679 to August 29, 2015, contingent upon the town receiving a new estimate of public improvement costs for the work to be completed and receipt of a performance bond in that amount. Motion was unanimously approved.

4. Action on Public Hearing(s)

4.1 **P&Z App. #762 – Tomlen, LLC** – Request for a Special Permit/Site Plan revision to change the use from a 66-unit Age Restricted development with single-family detached dwellings to a 66 unit Multi-Family development with 50% of the dwellings duplexes. Location: Belvedere Ridge, 601 Old Post Road. Commission to take action on August 9, 2010 and September 13, 2010 Public Hearing items. Mr. Cardin seated John Hughes for Sue Errickson. Ms. Beebe read the September 27, 2010 memo from Ms. Farmer to Mr. Cardin into the record.

Ms. Beebe asked if they got any input back on the public safety issue. Ms. Farmer said she was informed by Clem Langlois, Public Works, that the Belvedere Ridge owners can remove vegetation within the Old Post Road ROW in order to improve the sight line. She did not get feedback on the other public safety issues elsewhere on Old Post Road. Ms. Beebe asked if there were concerns about encroachment with public safety issues, should residents go to Ms. Farmer or to the Town Council? Ms. Farmer said she could facilitate such issues with Public Works.

Ms. Beebe confirmed that the original plans did not include the bumpout. The Commission reviewed the buffer requirements in the regulations, and Ms. Farmer noted that the Town Attorney recommended against making modifications from the 2003 plan to include a “bumpout” due to some ambiguity in buffer regulations.

Ms. Beebe reviewed the physical differences in the 2003 and 2010 plans presented. These include stone dust pathways, striping and traffic calming measures, and how the buildings are to be grouped. Ms. Farmer added that the second plan identified a grass play area with the gazebo.

Mr. Hughes had concerns about how much time they give the applicant with the bond issue for the various improvements. Ms. Farmer suggested they should consider the slow current market when determining a time. She said that generally the types of performance bonds the town holds tend to be of a shorter duration, and suggested they might structure it with some input from the town attorney. Ms. Farmer said they did not hold any bond on this project before, but the town attorney agreed that they need to give some assurances to the public that these improvements will all be done. Mr. Hughes suggested giving them no longer than two years. He said there was a great deal of public input involved and he would like to strike a balance with the neighbors.

Mr. Hughes asked how Commission members felt about the development having 22 three-bedroom units as was proposed. Mr. Barrow said he would prefer to let the market dictate this. Ms. Beebe asked if there will be any sewer allotment restrictions. Ms. Farmer said the original allotment was for 9,000 gpd, but they are still working on the methodology for determining allotments. She said they might have to go back to the WPCA to refine the numbers. Ms. Farmer read from the August minutes which indicated the proposed plan calls for 22 three-bedroom units, but that it will be market driven, so the number of three-bedroom units could be less.

Ms. Beebe asked under what conditions one can ask for a change to a Special Permit. Ms. Farmer said it is not uncommon to ask for a change, and the process allows an applicant to

do so. She said a Special Permit use is a use permitted in a zone, but where not every location in a zone might be appropriate. She said this application was evaluated and approved for age-restricted and multi-family housing. The modification is asking for it to be for multi-family only. She said the original submission was not for an age-restricted development, but before the PZC could review it, it had to go before the WPCA. The WPCA attached the age-restricted provision, so that was all the PZC was able to evaluate when it came before them in 2003.

Ms. Beebe asked if the town engineer had any comments on the traffic calming measures—such as the striping, slow-bus stop ahead sign, and relocation of some white pines for sight line improvements. Ms. Farmer said the town engineer wanted to maintain two lanes of traffic at the road access. She also would not want any striping on the road to suggest that it is a sidewalk or safe area to walk because it would still not be outside of the travel way. Ms. Beebe suggested that a condition of approval be that the entrance to Belvedere Ridge include applicable pavement markings in addition to signage that identifies a bus stop area and that motorists should take caution. She suggested they do not need to be specific in the condition on the pavement markings, rather requiring the applicant and applicant's engineer work with the engineering staff to determine what would be appropriate. Mr. Scavone said he would feel more comfortable just putting up a sign that says no parking is allowed from a certain distance to the corner where it meets Old Post Road.

Mr. Hughes said he does not feel that opening up the development to people under the age of 55 will create any significant increase in traffic over what has already been approved, and he felt this might be worthwhile to help out the developer. Ms. Beebe reviewed the traffic report and said it indicated that statistically the change from an age-restricted to traditional development might amount to anywhere from a 4 percent to 10 percent increase in traffic at full buildout and assuming it is with 22 three-bedroom units. Ms. Beebe said she does not feel that they should be considering whether they should be helping a developer to succeed, but rather whether the requested Special Permit change is in conformance with the goals of the Plan of Conservation and Development and in conformance with zoning regulations. She said she feels the controversy has been more about whether or not to allow children in the development and she said they are not in the business of protecting one class of people from another.

Ms. Beebe asked that they make a network of linkages in proposed pathways a condition of approval and to encourage the applicant work with the owners of the Star Hill Family Athletic Center to create a linkage with their property also.

Mr. Scavone asked if they will be looking for bonding just for the improvements such as pathways and safety issues or on the road as well. Ms. Farmer said the bonding would include the roads.

Ms. Beebe asked that they also make as a condition of approval the fence between the applicant's property and the Hoburg/Caley property. There were two fence types discussed during the Public Hearing—a 6' x 100' wood fence or a 8' x 100' white vinyl fence. Which type of fence is constructed could be worked out between the property owners and town staff. Ms. Beebe also asked if the Belvedere Ridge property could ever become a gated community, as she would seek to discourage it. Ms. Farmer said if it became a gated community she would have them come back to the Commission for a site plan revision.

Mr. Cardin suggested that if they are leaning toward granting an approval with conditions that they make a list of such conditions working off Ms. Farmer's memo and their notes from this evening. Ms. Farmer said any conditions of approval would include the conditions attached to the 2003 approval with the exception of those pertaining to age-restriction. The Commission first discussed whether applicable markings be placed on the roadway to note where foot traffic would occur with a bus stop. Mr. Scavone said there are plenty of roads the same size in town without such markings, and he feels it is not necessary to do this. He said he doubts there would be that many children in the development, and that there is no need for pavement striping for what might amount to six children standing at the corner for twenty minutes a day. He said at the end of his road they have 12 children waiting for school buses and people slow down because they live in the neighborhood and know they will be there. There was consensus to not require pavement striping.

The following list of conditions is to be part of the approval:

- 1) A permanent fence shall be constructed on or near the property line abutting the Hoburg/Caley property starting near the entrance to Belvedere Drive, the design to be a two-finished side fence as approved by town staff and in consultation with the property owners. There will be an accommodation between the parties that the fence will be maintained, with the exact location, dimensions, and ownership of the fence to be determined between staff and the abutting property owners.
- 2) A 4' stone dust pathway shown on plans revised September 1, 2010 that presently terminates on the north side of the play area, will be extended south along the east side of the play area in the vicinity of the bench to the gazebo area. The applicant is also encouraged to work with the Star Hill Family Athletic Center owners to create connectivity to the Star Hill property.
- 3) Two 6' x 20' cobblestone textured areas and a "Slow—Bus Stop Ahead" sign will be added as traffic calming measures. In addition, a "No-Idling" sign that refers to the applicable state statute will be installed in the vicinity of the intersection. Town staff will determine the number and location of the signs with the appropriate wording.
- 4) A Performance Bond will be submitted prior to the issuance of any additional Building Permits, the wording of the bond to be determined with the assistance of the town staff attorney. Improvements are to be constructed within two years. The improvement list submitted on September 8, 2010, which was provided by Mark Peterson, P.E. of Gardner and Peterson, will be modified to include the additional pathways, traffic calming measures, additional signage, and fence. The bond estimate will be submitted and verified by staff prior to retaining a bond.
- 5) There will be a maximum of 22 three-bedroom units and 44 two-bedroom units.
- 6) Conservation Easements will be conveyed to the Town before a Special Permit approval can be filed on the Land Records.
- 7) Conditions attached to the May 12, 2003 approval will remain in effect, with the exception of Item 8.

Marilee Beebe/Dave Barrow motion to grant the Special Permit/Site Plan revision for P&Z App. #762 with the above list of seven conditions dated September 27, 2010. This motion is granted based on providing Tolland with a greater diversity of housing as approved in the Plan of Conservation and Development. The motion was unanimously approved.

A two minute break was taken at 9:13p.m., and the meeting resumed at 9:15p.m. Mr. Cardin unseated John Hughes and reseatd Sue Errickson for the remainder of the meeting.

6. **Approval of Minutes** – Approve minutes of September 13, 2010 Regular Meeting. Jack Scavone/Dave Barrow motion to approve the September 13, 2010 meeting minutes. Mr. Scavone, Mr. Barrow, Ms. Beebe, and Mr. Cardin voted to approve. Ms. Errickson abstained. Motion passed.

7. **Activities & Updates**

- Page Property – 12 Cedar Swamp Road. Ms. Farmer reviewed the September 27, 2010 memo from Mr. Lowrey. She said the Pages are not living at their mother's house, but in Willington so cleanup is moving slowly. She said Mr. Lowrey suggested Mr. Page hire someone to do the cleanup. Steve Lowrey is working with Mr. Page to separate out the scrap metal which might have some value at the scrapyard. She said Mr. Lowrey asked Mr. Page to haul out two loads a week with a dump trailer and turn the dump tickets in to him. Mr. Cardin asked Ms. Farmer to have Steve Lowrey keep a file of the dump tickets.

8. **Town Staff Comments**: Ms. Farmer said the Commission will be seeing a proposal for a hookah lounge in the near future.

Ms. Farmer said she has also been in contact with Bud Smallwood, the quarry owner. She said Ken Dash is now managing the quarry and he is on site every day. They will be paving the driveway there in a week or two which will be 75' wide at Mountain Spring Road. They will also be putting in two jersey barriers. Ms. Farmer said she told them to inform Constance Chambers when this is to be done.

Ms. Farmer said she learned only today that they will be doing blasting between 11:00 am and 1:00 p.m. tomorrow and that a blasting permit was issued before any pre- and post-blast well testing was done. She said she called Richard Mucicello about the pre- and post-blast well testing that is required. She said she has since determined which properties are to be tested, but is not certain if it can get done before the blasting since the permit was already issued. Ms. Beebe requested that they have Mr. Mucicello come in to talk to the PZC so they are all on the same page about the well testing requirements by the town before a permit can be issued.

Ms. Farmer noted that the crusher has been removed from the quarry and is now in East Windsor. The material hauled out after the blasting will be taken to East Windsor to be crushed.

Regarding the Tolland Village Area, Ms. Farmer said Channel 3 did a report, but the Town needs to get its information out to the public more. She said she would like Planimetrics to step up the visuals on this. There was also talk about a possible presentation to staff. Ms. Beebe suggested if staff have any concerns that they forward them to the PZC so they can adequately address them.

9. **Announcements – Upcoming Meetings**: Heidi Samokar and Glenn Chalder of Planimetrics, LLC will advise when they would like to meet next.

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

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

12. **Public Participation**: None

13. **Adjournment**: Jack Scavone/John Hughes motion to adjourn the meeting and pay the clerk at 9:30p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk