

TOWN OF HEBRON
PLANNING & ZONING COMMISSION
February 10, 2009 – Regular Meeting/Workshop
Town Office Building

RECEIVED
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Casey A. Tompkins
HEBRON TOWN CLERK

Members Present: L. Hinman, J. Podell, N. Wood, F. Zitkus

Member Absent: B. Raymond

Alternates Present: B. Casoni, T. Piggott, G. Gotowala

Staff Present: M. O’Leary, Town Planner

The meeting was called to order at 7:05 p.m.

L. Hinman seated B. Casoni for B. Raymond.

Approval of Minutes – December 9, 2008 Public Hearing: It was noted on Page 1, 2nd paragraph, 6th sentence, “hat” should be “that”. On Page 3, 1st paragraph, should read as follows: “...received the notice and that their staff reviewed the proposed amendment and concluded that there is no apparent conflict with regional plans and policies or concerns of neighboring towns.”

F. Zitkus moved and N. Wood seconded a motion to approve the minutes of December 9, 2008 Public Hearing as amended. The motion passed unanimously.

December 9, 2008 Regular Meeting: It was noted on Page 2, under Petition 2008-19 should be “Section 8.11.2D and 8.11.4C (1) and (2)”. On Page 4, 1st paragraph, 3rd sentence should read as follows: “...then an architect will be hired by the Town who would work....”

N. Wood moved and J. Podell seconded a motion to approve the minutes of December 9, 2008 Regular Meeting as amended. The motion passed unanimously.

New Business:

Request dated 1/14/09 from Tarbell, Heintz & Associates For a Revised Phasing Plan for Hilding Highlands Subdivision: M. Tarbell stated that the applicant is requesting that Lots 2, 3 & 4 be separated into two phases and that condition #12 of the original approval be modified. These three lots were approved to be served by a single common driveway accessed off Marjorie Circle and this driveway was to be shared by the new Worship Center. Conditions of the approval required that these three lots share rights to an emergency water supply system to be constructed by the Worship Center on their property and the issuance of CO’s to any of the three lots were tied to this water system being activated.

M. Tarbell indicated that the applicant has a sale pending for Lot #2 on the common driveway. The emergency water supply dry hydrant was to be located further south along the common driveway much nearer to Lots 3 and 4. If the approval was requested for a single lot then there would most likely have not been a requirement for an emergency water system connection.

M. O'Leary stated that from a staff standpoint, this is acceptable.

F. Zitkus moved and J. Podell seconded a motion that condition #12 of the 11/12/07 approval of the Hilding Highlands Subdivision (Petition 2007-22) is removed and hereby replaced with the following conditions:

Condition # 12 A: No Building Permit shall be issued for Lot 2 until a bond, in an amount acceptable to the Town Engineer, is submitted for all site improvements necessary to accommodate this lot, including common driveway, address sign, erosion control, lot pins and conservation easement markers. No Certificate of Occupancy shall be issued for Lot 2 until all the address signs have been installed by the developer and the common driveway, utilities and emergency turnaround have been constructed to the satisfaction of the Town.

Condition # 12 B: No Building Permit shall be issued for Lots 3 or 4 until a bond, in an amount acceptable to the Town Engineer, is submitted for all site improvements necessary to accommodate these lots, including common driveway, address sign, erosion control, lot pins, dry hydrant and conservation easement markers. No Certificates of Occupancy shall be issued for Lots 3 or 4 until the emergency water supply system is installed and is functional as determined by the Town Fire Marshal and Town Engineer; and until all the address signs, common driveway, utilities and emergency turnaround have been installed by the developer. Prior to any work on the water system, the sizing and design of the system shall be approved by the Town Engineer and Fire Marshal.

The motion passed unanimously.

Informal Discussion With Attorney Samuel Schragar and Joseph Randazzo, re: 54 Main Street and Liquor Regulations: E. Pensavalle showed a map detailing the existing package store and the proposed package store in the old Donato's building. E. Pensavalle stated that the application was withdrawn so that they could come before the Commission to discuss what they would consider a public facility under the regulations as there is no definition of a public facility in the regulations.

M. O'Leary noted that Section 8.4 and 8.4.1 of the regulations talk about a separating distance for the on premise consumption of alcohol. In Section 8.4.2 it talks about the separating distances required for the package stores. The separating requirements of 500 feet are identical from a residential zone boundary lines. In Section 8.4.2 there is a 500 foot separating distance from public facilities that the restaurants do not include.

M. O'Leary noted that he sent this issue to the Town Attorney. The old business went out of business and had some separating distance non conformities, but does this mean that

those non conformities are grandfathered in. The standard of 500 feet from a public facility does not apply to a restaurant. In the opinion of the Town Attorney, this one is controlled. If the Commission deems the fire station a public facility, then this would not be permitted.

J. Randazzo stated that their idea when they looked at the regulations was that they did not feel the fire station was a public facility. J. Randazzo talked about the renovations that would be done to the building in the future if they could purchase this building.

J. Podell stated that the fire house is a Town owned building and no alcohol is allowed in there and she felt that it is considered a public facility.

F. Zitkus stated that he felt the fire house was a public facility but would be willing to modify the regulations and clarify what is meant by a public facility.

N. Wood also felt that the fire house was a public facility but did not believe that the regulations could be changed for this.

B. Casoni stated that she would be amicable to making a change to the wording.

L. Hinman stated that the Commission has a reluctance to change regulations for an application.

The Commission recessed at 7:56 p.m.

The Commission reconvened at 8:10 p.m.

Workshop:

Presentation of Amston Lake Drainage Study by Tom Fenton, Town Engineer, Nathan L. Jacobson & Associates: M. O'Leary noted that members of the Conservation Commission and Board of Selectmen were invited to this workshop through the Town Manager.

T. Fenton indicated that the study purpose and scope for this drainage study was to investigate and evaluate stormwater conveyance systems, offer recommendations to improve functioning of systems, minimize street flooding and reduce surface erosion, and offer recommendations to improve water quality of stormwater runoff conveyed to Amston Lake. T. Fenton went over the factors affecting peak runoff rates and the various tests and reports they conducted.

T. Fenton stated that the highest peak flow rates correlate to largest drainage areas. There are five outfalls that discharge directly to the lake and four that discharge upgradient of the lake. All piping is adequate for a 10 year design storm, the inlet capacity at several structures is deficient, some pipe inlets and outlets are blocked with accumulated sediment and the late winter/early spring is the worst time for sand/salt.

T. Fenton went over the various outfall systems and their functional recommendations. T. Fenton noted that some recommendations are monitoring and investigating of the large wetland area south of Bass Lake Road and area of exposed soil within H11, Public Works activities and regular maintenance, improvements at outfall locations and minor and major drainage system improvements.

N. Wood left the meeting at 8:55 p.m.

L. Hinman seated T. Piggott for N. Wood.

Letter dated 2/5/09 from Naek Construction Company re: Loveland Hills: M. O'Leary stated that there are five units left to be granted a certificate of occupancy. As part of the original approval, there was a condition that required all site improvements be completed prior to the issuance of the final five certificates of occupancy. This condition was agreed to by the Commission and the applicant as an alternative to posting a large performance bond at the outset of the project. M. O'Leary noted that within the past year the applicant has been before the Commission updating the Town on the site build-out. At that time, the applicant requested an extension of the mandatory five year completion date for site improvements as set forth in state statutes. That approval with conditions was granted on 7/15/08.

M. O'Leary stated that the applicant has completed all the major site improvements with substantial work being performed in the fall of 2008 including the correction of the base course of pavement, the installation of the final course of pavement throughout the site and substantial landscaping. At this time all the site work that is remaining to be completed is the installation of a few small areas of landscaping that will be done in 2009. In addition, the 2008 extension required that a set of as-built plans be submitted and a written response by the applicant to the Village of Loveland Hills Homeowners Association's letter dated 7/8/08 be provided to the Town.

F. Zitkus moved and B. Casoni seconded a motion that Condition #6 of the July 16, 2003 Planning and Zoning Commission's approval of Petition 2003-3, and the Commission's one year extension granted on July 15, 2008 including Conditions #6 and #8 of the one year extension are amended as follows:

1. Prior to the issuance of the five (5) remaining Certificates of Occupancy, the applicant shall submit to the Town of Hebron a bond, in an amount to be determined by the Town Engineer, to cover the costs of all remaining site improvements and the cost of the preparation of final as-built plans for the improvements within the Loveland Hills development.
2. An extension is granted to October 15, 2009 for the remaining required work.
3. Prior to the final release of the bond, but no later than October 15, 2009, the following shall be accomplished: a) all remaining site work shall be completed; b) the as-built plans shall be prepared and submitted to the Town and the Homeowner's Association; and, c) a

written response to the Homeowner's Association July 8, 2008 letter shall be provided to the Town to the satisfaction of the Town Planner.

The motion passed unanimously.

Designation of PZC Representative to Façade Improvement Committee: J. Podell volunteered to be the representative for PZC.

Letter dated 12/128/08 from Town Attorney re: Withdrawal of Appeal to CI District Zone Change: M. O'Leary stated that this letter notes that this matter is now fully concluded and the zone changes are good and valid.

Other New Business:

L. Hinman stated that the Conn. Siting Council are coming forward and proposing modifications to the cell tower. Some of the modifications are straying outside of the original approval that was done by this Commission. M. O'Leary noted since the Commission's approval, the Siting Council has sole jurisdiction over those facilities so this Commission has been taken out of the picture. F. Zitkus indicated that he felt the Commission should provide a letter stating that they are going outside the original approval.

J. Krist raised a concern about the clearing of Lot #1 on Hilding Heights Subdivision and that some of the conserved areas in the front and side are being disturbed. J. Krist noted that the tree cutter was dropping trees towards Route 66 into what he thought was an area of conservation. In addition, they took the wood chips and put them into the front of the lot.

M. O'Leary stated that the conservation easement that the Commission required is left wider than what was required. In addition, they did pile the wood chips in the conservation easement and then took them out without damaging the rest of the trees.

The meeting adjourned at 9:45 p.m.



Tricia Schiavi
Board Clerk

