

Minutes Approved on 6/22/10
With Corrections
Clerk Initial BP Date 7/2/10

Town of Hebron
Planning and Zoning Commission
June 22, 2010
Public Hearing / Regular Meeting
Meeting Room – Town Office Building

RECEIVED

2010 JUL -2 A 8:40
Ann E. Hughes
HEBRON TOWN CLERK

Members Present: Lewis Hinman, Judith Podell, Frank Zitkus
Alternate Members Present: George Gotowala
Members Absent: Natalie Wood, Terry Piggott
Staff Present: Michael O'Leary – Town Planner

Chairman, L. Hinman called the meeting to order at 7:05 p.m. and announced that Alternate Member George Gotowala would be seating for Member Natalie Wood.

Approval of Minutes: F. Zitkus motioned to approve the minutes from the May 25, 2010 Public Hearing and Regular Meeting with the following changes:

- Public Hearing Minutes - Page 2, second paragraph, first sentence: change "the regulation state" to "the proposed regulation states"
- Regular Meeting Minutes – Page 1, last sentence: change "approved special application" to "approved special permit application"
- Regular Meeting Minutes – Page 2, first sentence: change "with he surrounding neighborhood" to "with the surrounding neighborhood"

J. Podell seconded the motion. The motion passed unanimously.

Recognition of Guests: None

Action on Pending Applications: None

New Applications:

Amendment to previous Petition 2009-16

M. O'Leary introduced Troy Kelsey, proprietor of Gina Marie's Family Restaurant, to the board and noted that an original application for deck and façade improvements was previously approved. The architect for the project indicated at that time that a request to amend the application would be issued to address the proposed exterior lighting. T. Kelsey presented the commission with a sample of the proposed lighting and noted that the purpose of the four fixtures would be to illuminate the deck. L. Hinman inquired if the lamps would be contained within the cage. T. Kelsey responded that the lamps would be within the glass, inside of the cage, and believes that the lamp itself would not hang down below the metal reflector. F. Zitkus inquired if there were currently lights in place. T. Kelsey indicated that there were not. M. O'Leary noted that the proposed fixtures were similar to the lights used at the East Street Park and that the lamp is a compact fluorescent lamp equivalent to a 100 watt incandescent lamp. J. Podell inquired if the lights would turn off when the restaurant was closed and if the proposed lighting would be the only lighting on the deck. T. Kelsey responded that the lights would be controlled by a timer set to business hours, and that though light from the foyer cascaded out, the primary lighting would be supplied by the fixtures and that the lighting contractor assured them that they would provide adequate illumination. T. Kelsey noted that they would be choosing black fixtures, as presented, and that all kinds of lighting options were investigated, including high pressure sodium. F. Zitkus noted that because the lights would be controlled by timers, he didn't see a need to establish conditions.

F. Zitkus motioned to approve the requested amendment to Petition 2009-16 as presented. J. Podell seconded and the motion passed unanimously.

M. O'Leary stated for the record that the work performed was a tremendous improvement on Main Street.

**Planning and Zoning Commission
Meeting Minutes
June 22, 2010
Page 2**

Set Public Hearing Date - None

New Business:

Scott Consoli, from Ford & Paulekas, LLP, appeared before the commission to request an extension of Special Permit approval for Petition 2004-15. Mr. Consoli stated that the foreclosure was moving forward and that the bank anticipated gaining title in 30-45 days, after which point the intent is to sell to a new developer. Mr. Consoli went on to state that since meeting with the homeowners, the bank has since reached an agreement in principle with a developer and signs indicate forward movement. Mr. Consoli indicated that an extension of four months would give a new developer time to determine a meaningful extension with realistic time frames. M. O'Leary provided the commission with Section 8-3 of the CT General Statutes, and a summary of activity to date.

F. Zitkus motioned that the mandatory completion date, as set forth in the CT General Statutes, for the Loveland Farms Special Permit and Site Plan approval for a Planned Residential Development, Petition 2004-15, be extended to October 30, 2010. Prior to the new expiration date, the applicant shall return to the Hebron Planning and Zoning Commission with a status report and if possible a detailed construction schedule for approval by this Commission that shall first address the correction of the existing deficiencies at the Loveland Farms site as identified by the Town of Hebron, and secondly shall address in detail the build out of the remainder of the site as originally approved. G. Gotowala seconded and the motion passed unanimously.

Camp Connecticut

Peter Lewis appeared before the commission on behalf of the Board of Directors for Camp Connecticut to at the direction of the Conservation Commission to discuss the site work underway at, and designated use of, the property located at 551 Old Colchester Road. M. O'Leary provided the commission with correspondence from Camp Connecticut outlining the Camp's site work to date, reasons for moving material, a summary of recent legal notice activity and a request for guidance on how to complete the desired improvements while remaining in compliance with local requirements. Mr. Lewis stated that club members have been discharging firearms on the property for more than 42 years and were simply trying to create a safer environment to continue doing so but were issued a Cease & Desist order for violating section 8.9 of the town zoning regulations. Mr. Lewis went on to describe the impacted area and the extent of sitework performed and desired, and noted that the redistribution of surface soils amounted to approximately 600 cubic yards over a time frame of two years. Mr. Lewis stated that the club had placed silt fencing and hay bales for erosion control, and though there had not been evidence of significant deterioration some slippage had occurred due to the Cease and Desist order that prevented the work from being completed. M. O'Leary distributed aerial maps for commission members to review. Mr. Lewis stated that the terms of the Cease and Desist, as well as the members of the Wetlands Committee instructed the club to restore the area to it's prior condition, but the camp Board of Directors wish to finish the work as planned with the consent of the Town. M. O'Leary distributed a copy of the original zoning paperwork for Camp Connecticut approving the site for operation as a recreational facility in 1967 and that some zoning regulations adopted prior to the approval were subsequently removed from the current regulations. M. O'Leary noted that the organization is grandfathered in at this time, but that the 400' setback required for activities does not presently exist. M. O'Leary stated that the question for the commission is that "is a private firing range part of the recreational facility or does it require an application?". L. Hinman inquired if firearms would be stored onsite; if there was a history of noise complaints; if there was a schedule of days and times of operation; if there were plans to have certified instructors onsite during operation; and the approximate height of the finished berms. Mr. Lewis responded that firearms would not be kept onsite; there was not a history of noise complaints, even during recent testing of a large caliber automatic machine gun; the facility would operate predominately on weekends for regular use; certified instructors would be onsite during operation for safety concerns; and that the finished height of the berms would be between 8 and 12' on all three sides.

**Planning and Zoning Commission
Meeting Minutes
June 22, 2010
Page 3**

F. Zitkus inquired if access was obtained via the adjacent CL&P road. Mr. Lewis confirmed that it was, and that the firearm activity was approximately 1200 yards from the road. Discussions ensued about whether the area in question was within the 200' setback for wetlands, and though users would be firing away from the adjacent trail that the feature was within 400' of the property line.

J. Podell inquired what types of firearms would be used and how many users would have access to the feature. Mr. Lewis stated that the site would allow pistols and light firearms, such as calibers up to deer hunting rifle class, and that though there were currently under a dozen users that a total of 12 lodges in Connecticut with varying degrees of membership that could use it, with the range allowing six users at a time.

J. Podell summarized the concerns as follows:

- The feature appears to be encroaching on wetlands.
- Berms were constructed without permits.
- Determination needs to be ascertained as to whether or not it is an allowed use.

Richard Trudell, club member, confirmed that firearm activity has been taking place for the 42 years he has been a member.

L. Hinman noted that the wetland issue is for the Wetlands Commission to discuss; the 400' setback issue is for Zoning Board of Appeals to rule on, as it is under an existing permit; and that the only issue Planning and Zoning could address is whether the intended use is within the approved use of recreational use and that according to the original approval, it appears that discharging firearms is allowed on the property and that it seems to fall within allowed use considering the length of time the activity has been taking place.

F. Zitkus inquired if the ZBA issue would come back to Planning and Zoning. M. O'Leary stated that if there was a change to the site plan, the work would require oversight. M. O'Leary went on to note that it would be suggested that the matter be brought back before the commission to review rules and regulations for use. P. Lewis stated that a set of rules and regulations would be developed for the range, were it to be permitted.

L. Hinman recommended the club go to Wetlands Commission and ZBA concurrently and then return to Planning and Zoning for clarification of the guidelines. F. Zitkus stated that if the matter returned to Zoning, a site walk may be necessary. P. Lewis invited commission members to tour the site to view the improvements to date, noting that though the primary activity was camping that the site was closed to camping due to vandalism and neglect over the years. P. Lewis went on to state that cleanup efforts had been taking place over the years with the intent of reopening the site for camping, and that it was the clubs intent to also use the pavilion and chapel as well. F. Zitkus inquired if the club had authority to use the CL & P road and was informed that a 99 year easement was in place. P. Lewis requested the commission inform the Wetland Commission and the Zoning Board of Appeals that Planning and Zoning did not have any objections to the use discussed. M. O'Leary offered to draft a letter to the Wetlands Commission. F. Zitkus inquired if there was a chance of stray bullets, and if the property was posted. Mr. Lewis specified that the risk of stray bullets was no greater than any commercial range, and that reduction of the risk was the intent of construction the berms. Mr. Lewis further stated that currently only the entrance is posted and that posting additional notices would require more manpower. F. Zitkus suggested posting notices on the trail. Richard Trudell agreed that notices on the trail would be beneficial, and that there would possibly be a tree farm on the property at some point as well.

**Planning and Zoning Commission
Meeting Minutes
June 22, 2010
Page 4**

87 Crouch Road

In response to a request from the Board of Selectmen to review the property of 87 Crouch Road for possible offer to abutters, the commission reviewed a map of the property and adjacent land. M. O'Leary stated that the parcel is a wet lot and is deemed unbuildable. F. Zitkus inquired if the land could be a driveway or a road, considering that there is a dry portion at the rear. M. O'Leary responded that it could be a road, but efforts would need to be taken to cross the wet portion and that there is ample access elsewhere.

J. Podell motioned in response to a request from the Hebron Board of Selectmen and the Hebron Town Manager to the Planning and Zoning Commission under Section 8-24 of the Connecticut General Statutes, the Commission reviewed the relevant information on the parcel of land located at 87 Crouch Road and recommends to the Board of Selectmen that the Town proceed to sell or transfer this parcel of land to interested abutting property owners for the following reasons:

- There is no abutting open space owned by the Town, State or private organization, nor any future open space as shown in the Open Space Plan in the Plan of Conservation and Development, that this parcel could be attached to provide access or other utility;
- There does not appear to be any useful purpose to which the Town could use this parcel of land;
- The parcel of land appears to be extensively encumbered by wetlands and therefore unbuildable; and,
- Transfer of the land to the abutters would result in the most logical pattern of ownership.

G. Gotowala seconded and the motion was approved unanimously.

Recommendation from Road Abandonment Committee

The Commission reviewed the recommendation that School House Road be maintained as a town road, citing that some abutters only have frontage on the unimproved portion of School House Road; that there are a few parcels with frontage on School House Road and Burrows Hill Road, but the Burrows Hill Road frontage looks difficult to use due to steep slopes and wetlands; that the road was unique in that there were prior subdivisions that were approved under the assumption that the road would be a Town road providing access; and, that the road was a historic roadway in the section of Town and that it is part of the Town's local History.

The Commission reviewed the recommendation that Grayville Road be discontinued. M. O'Leary clarified the impacted area and F. Zitkus inquired if access would be limited if the land reverted to the abutters. M. O'Leary stated that the State would retain the right to get into their property and that the section discussed would probably become a road when the neighboring property is developed.

The Commission reviewed the recommendation that Crouch Road, along its unimproved length should be discontinued as a Town Road. Members present did not note any issues of concern with this recommendation.

The Commission reviewed the recommendation that Jagger Lane, along its unimproved length should be discontinued as a Town Road. F. Zitkus led a discussion of access points to developable property future possible access points to open space. J. Podell inquired how the road gets divided if it were discontinued. M. O'Leary replied that the road would be split at the center line with each half going to the abutter.

Planning and Zoning Commission
Meeting Minutes
June 22, 2010
Page 5

L. Hinman motioned to approve the following recommendation to the Board of Selectmen:

That Grayville Road should be discontinued beginning at the westerly boundry of the Johnston property, continuing westerly to Jones Street with the recommendation that the Board of Selectmen obtain an opinion from the town attorney regarding interim public access from Jones Street to the state forest.;

That School House Road be maintained as a Town road, however the Committee recommends that the land use commissions develop a rural road standard for use on this and similar roads.;

That Crouch Road along its unimproved length be discontinued as a Town road; and,

That Jagger lane, along its unimproved length from the present cul-de-sac travelling westerly to its end at Route 85 be discontinued as a Town road.

Commission members voted unanimously in favor and the motion was approved.

Schedule PZC/CC discussion on POCD implementation

The Commission proposed an August 24, 2010 meeting date if parties are available.

HomeCT Grant Application

The Commission discussed the motion necessary to revise the application for \$20,000 under the Housing for Economic Growth Program. M. O'Leary noted that the plan focused on Main Street and Village Green now and looks at Main Street zoning to see if there are mixed-use opportunities. F. Zitkus motioned to approve the Resolution of the Planning and Zoning Commission to review and revise the application for \$20,000 under the Housing for Economic Growth Program and adopt the following resolution:

- 1) Endorse submission of the grant application for assistance under the Housing for Economic Growth Program referenced in section 8-13 (m-x) of CGS; and
- 2) Certify that it will consider the creation of one or more housing incentive zones. Such grant application is attached to and made part of the resolution.

L. Hinman seconded and the motion was unanimously approved.

M. O'Leary reviewed several dates with the commission to schedule walks of Robinson Road and Papermill Road. The Commission agreed to perform walking tours of the two roads on July 7, 2010 and July 14, 2010 beginning at 6:00 p.m. The commission will seek permission from the landowner to walk Papermill Road, and that would determine the order in which the walks would take place.

J. Podell inquired if the location of solar panels on the Parks and Recreation building were ok and noted that as technology continues to evolve that it's likely that the commission may have to develop a preference on whether or not they would prefer that solar panels be hidden from sight. L. Hinman noted that if it is problematic to install panels in a location out of sight, it could be visited on an individual basis.

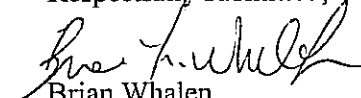
M. O'Leary informed the board that the Grossman application fee for subdivision was eventually withdrawn and is now being resubmitted. The applicant questioned if the prior fees would be credited towards the resubmitted applications. According to the Town Engineer, approximately \$7,400 in engineering fees were incurred because the plans submitted were incomplete, leaving \$9,000 unexpended. L. Hinman suggested crediting the applicant the portion of the previous fees that were not spent. M. O'Leary indicated it was a fair approach considering what was undertaken by the town. This was the general consensus of the commission.

Planning and Zoning Commission
Meeting Minutes
June 22, 2010
Page 6

Adjourn

J. Podell motioned to adjourn the meeting. F. Zitkus seconded and the motion passed unanimously.
The meeting adjourned at 9:00 p.m.
The next meeting is scheduled for July 13, 2010 at 7:00 p.m.

Respectfully submitted,


Brian Whalen
Board Clerk