

**MINUTES
PLANNING AND ZONING COMMISSION
PLAINVILLE, CONNECTICUT
May 25, 2010**

REGULAR MEETING at 7:30 P.M.

**MUNICIPAL CENTER
ROOM 304–COUNCIL CHAMBERS**

1. ROLL CALL

MEMBERS PRESENT: J. Bartiss-Earley, W. Davison, P. Saucier, D. Fabry, D. Thompson, G. Petit
ALTERNATES PRESENT: M. Weimer, T. Holcomb, S. Masteller (sitting for A. Sarra)
STAFF PRESENT: M. DeVoe
ABSENT (Excused): A. Sarra

The Planning and Zoning Commission Meeting was called to order at 7:30 p.m. by J. Bartiss-Earley.

2. UNFINISHED BUSINESS:

None

3. NEW BUSINESS:

- A. 05/10#06 – Subdivision – Manafort Family, LLC. Requesting a subdivision for a 5 lot single family development for property located on the easterly side of Lena Avenue, as shown on Assessor’s Map 44, Block E, Lots 6, 7, 8, 15, 16, 6A, 49 and rear portion of Lot 3 in a R-20 Zone.**

Attorney William Galske was present on behalf of the applicant in the request for a subdivision for a 5 lot single family development on Lena Avenue. This subdivision is the sixth and final phase of this development. Electric and water have already been run along the streets, and sidewalks are already installed on the opposite side of the road. Each site would have its own septic system.

This application has already gone before the Inland Wetland and Watercourse Commission and has been approved by them. In talks with the IWWC, a conservation easement was proposed in favor of the town. The easement will also be written in each deed, and any and all future purchasers of the land would need to adhere to the regulations. Discussion was held regarding the required street trees. All agreed that due to the heavily wooded nature of the area, street trees would not be required. It was not necessary to waive the sidewalks as they are already installed on the opposite side of the street and do exist on the proposed subdivision side of Lena Avenue. The Town Planner was concerned that curbing could be damaged and should be reinstalled or repaired where, and if damaged by construction equipment.

A motion was made by W. Davison and seconded by P. Saucier to waive the required street trees in a proposed five lot subdivision on property located on Lena Avenue as presented with application 05/10#06 by Manafort Family, LLC. The motion was approved by a vote of 7 to 0.

A motion was made by W. Davison and seconded by P. Saucier to approve a subdivision application to create five new building lots on Lena Avenue for Manafort Family, LLC. The property, also known as Assessor's Map 44, Block E, Lots 6, 7, 8, 15, 16, 16A, 49 and a rear portion of Lot 3 located in an R-20 Zone and is shown on a plan entitled "Subdivision Plan, Plaza Estates Section VI, Lots 41, 42, 43, 44, 45 & Open Space, Lena Avenue, Plainville, CT" dated October 2009 and revised to April 28, 2010 with the following modifications:

1. Add a note to the development plans indicating that curbs will be installed.
2. Record the approved site development plan set (2) along with the subdivision plan in the Town Clerk's Office.
3. The applicant shall provide a contact name and phone number for the Sedimentation and Erosion Control measures listed on the approved plan.

The motion was approved by a vote of 7 to 0.

- B. 05/10#07 – Change of Non-Conforming Use – Eric Masse, Masse & Son Realty. Requesting a change of non-conforming use to add a new retail business to the existing building for property located at 38 Washington Street, as shown on Assessor's Map 28, Block B, Lot 19 in an R Zone.**

Eric Masse and Kim Maggs were present in the request for a change of non-conforming use. The applicants would like to add an additional window on the building and add a retail store that sells pet food only. The applicants are going to try and give the building a more residential appearance. Kim Maggs is the primary employee on site and will also be the employee for the retail store. The applicants propose to convert 444 square feet of the space currently used as a contractor's storage and warehouse facility to a pet food sales outlet. Approximately 84 square feet of that area will be devoted to office to support the proposed retail venture.

The Town Planner was concerned that parking would be inadequate. Based on the applicant's agreement not to use the parking area for more than one display garage door, the Commission felt that parking would be adequate. It was pointed out that the dumpster could be reduced in size, or kept inside the building to further increase available parking.

A motion was made by D. Thompson and seconded by D. Fabry to approve a request to change a non-conforming use for Eric Masse/Masse & Son Realty to permit a division of space in an existing commercial building at 38 Washington Street to allow a second retail establishment as explained in the submitted application and depicted on accompanying sketches. The motion was approved by a vote of 7 to 0.

- C. 05/10#08 – Removal of Top-Soil, Sand, or Gravel – Jonathan Tyler. Requesting the removal of top-soil, sand, or gravel to establish slopes and stabilize excavated area for property located on Unionville Avenue, as shown on Assessor's Map 10, Block E, Lot 02 in an R-20 Zone.**

The applicant has in the past removed material from the property located on Unionville Avenue. Presently the Zoning Enforcement Officer has started an enforcement action, therefore the applicant is looking to remedy the situation by obtaining an approval for the material that has already been excavated, stabilize then seed the remaining area.

A motion was made by G. Petit and seconded by P. Saucier to set a Public Hearing for 05/10#08 for the Removal of Top-Soil, Sand, or Gravel – Jonathan Tyler – requesting the removal of top-soil, sand, or gravel to establish slopes and stabilize excavated area for property located on Unionville Avenue, as shown on Assessor’s Map 10, Block E, Lot 02 in an R-20 Zone. The motion was approved by a vote of 7 to 0.

D. Other

The Town Manager’s Office has requested that a proposed CGS Section 8-24 Referral for lease of space on the cell tower at the rear of the Municipal Center be added to the agenda. The Town is considering leasing space on the existing telecommunications tower. The memo explained that the proposed lease would not include an increase in the height of the existing tower.

A motion was made by P. Saucier and seconded by S. Masteller to add CGS Section 8-24 Referral regarding the lease of space for additional antennae on a town owned telecommunication tower at the rear of the Municipal Center, One Central Square, Plainville, CT to tonight’s agenda. The motion was approved by a vote of 7 to 0.

A motion was made by G. Petit and seconded by S. Masteller to approve a CGS Section 8-24 Referral regarding the lease of space for additional antennae on a town owned telecommunication tower at the rear of the Municipal Center, One Central Square, Plainville, CT. The motion was approved by a vote of 7 to 0.

4. BILLS AND COMMUNICATIONS:

• Informal Discussion for Pine Meadow at the Canal Condominium

The Association Executive Board came before the commission in the hopes to have the “ownership of a unit” requirements under current sections 540.13.k and 540.14.k changed. The Federal Law that permits such age restricted housing requires only that the unit is “occupied” by an age compliant individual. In the unfortunate event of the passing of the owner, the unit would not be able to pass from the estate to the heir if they were not age compliant themselves. The Board would like to have the regulation modified so that if a relative passes and leaves the condominium to someone that is under the age of 55, that child could take ownership of the property but not reside there, due to their age. It was agreed that the applicants could bring an application for a text amendment to the Commission formally, or wait until their current amendment process was complete and allow staff to bring the amendment forward at that time. It was estimated that the current project could be completed as early as October of 2010 if all goes smoothly.

• Zoning Bulletin – April 25, 2010

- Validity of Zoning Regulation – Town ordinance limits location of adult-oriented businesses
- Standing – City grants permit to telecommunications provider
- Uses in General – Homeowners rent their lakefront house for short-term periods
- Low-Income Housing – State overturns town’s denial of comprehensive permit for affordable housing development
- Zoning News from Around the Nation

5. MINUTES: Regular Meeting for May 11, 2010

A motion was made by G. Petit and seconded by D. Thompson to approve the minutes of the Planning and Zoning Commission Regular Meeting for May 11, 2010 as printed. The motion was approved by a vote of 7 to 0.

6. REPORTS:

A. Town Planner

Zoning Designation of 100 Forestville Avenue is in question. There has been recent interest in a possible subdivision of this property. The Zoning Map indicates no zoning designation of this property as it appears to be part of the State Highway Right of Way system. The Assessor designated this property as R-11 in order to apply an appropriate value as there is currently a single family home located there. Town staff will check with the town attorney to verify if a Public Hearing is needed in regards to this item.

- **Municipal Land Use Evaluation Project – LID Strengths and Weaknesses Report**

A report that has been prepared by Planimetrics and Trinkaus Engineering was delivered to commission members at the last Planning and Zoning Commission meeting. Once the commission has had a chance to completely review the LID Report, the staff will need to move on with the project. It was agreed that if no requests for revisions were suggested by the next meeting (June 8, 2010), the report would be accepted as-is.

7. ADJOURNMENT

A motion was made by P. Saucier and seconded by D. Fabry to adjourn at 9:20 p.m. – May 25, 2010 at the Plainville Municipal Center. The motion was approved by a vote of 7 to 0.

Respectfully submitted,

Michelle Ibitz

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Recording Secretary