

**MINUTES
PLANNING AND ZONING COMMISSION
PLAINVILLE, CONNECTICUT
June 22, 2010**

PUBLIC HEARING at 7:30 P.M.

**MUNICIPAL CENTER
ROOM 304–COUNCIL CHAMBERS**

1. ROLL CALL

MEMBERS PRESENT: J. Bartiss-Earley, A. Sarra, P. Saucier, D. Fabry, D. Thompson,
G. Petit

ALTERNATES PRESENT: M. Weimer (sitting W. Davison), T. Holcomb

STAFF PRESENT: M. DeVoe, J. Bossi

ABSENT (Excused): S. Masteller, W. Davison

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

2. PUBLIC HEARING:

- A. 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 a R-20 Zone. Tabled on 06/08/2010.**

Michael Early was present on behalf of Jonathan Tyler in regards to the area behind the Tyler Farms subdivision. Back some time ago, a cease and desist order was issued to Jonathan Tyler, and he was advised to come before the commission for an excavation permit. At this time, the applicant is not looking to remove any further material but lessen the present slopes and then plant vegetation to return to the natural state.

The resident at 63 Unionville Avenue, stated at the time that excavation was taking place in that area, trucks were hauling from early mornings till late in the evenings. She also questioned if worked is allowed back in that area, who will be monitoring the situation.

Mr. John Kisluk, 65 Forestville Avenue, is very much in favor of granting this application with commission stipulations.

Per town staff, the applicant would be granted a time frame and once the job was completed the area would be closed off to thru traffic. The town is expecting the project to be completed within six months maximum. Mr. Early stated that the applicant is looking to excavate the property in the fall timeframe. In the meantime, town staff would like to see the area closed off so that trucks, etc. can not get into the area.

When the sewer line was brought thru the area, extra earth materials were stock piled in this area. The applicant was advised that he was allowed to remove the materials was the sewer line project was completed. The applicant did in turn remove the stock piled material PLUS....

The town staff has also requested a bond in the amount of \$21,386.00.

PUBLIC HEARING WAS CLOSED.

3. UNFINISHED BUSINESS:

A. Public Hearing Item: Removal of Top-Soil, Sand, or Gravel – Jonathan Tyler.

A motion was made by A. Sarra and seconded by P. Saucier to approve a Special Exception for a site grading and erosion control plan for the removal of top soil, sand and/or gravel for Jonathan Tyler to re-grade and vegetate an area from which approximately 2,500 cubic yards of material has been removed from property on Unionville Avenue also known as Assessor's Map 10, Block E, Lot 02, located in an R-20 Residential Zone as shown on a plan entitled "Grading and Erosion Plan for Jonathan P. Tyler, Rte. 177, Plainville, CT" dated 05/03/10 and revised to 06/14/10 with the following modifications:

1. A site bond in the amount \$21,386.00 is established in a manner and form acceptable to the Town Attorney.
2. The duration of the permit shall not exceed five (5) months.
3. A berm shall be used in place of the proposed boulders. The berm shall be consistent with adjacent topography with the intent of prohibiting access to the property upon project completion. The berm shall be planted in accordance with the planting schedule with the addition of native shrubs to further screen the property. Such plan shall be approved by the Planning Department.

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

4. NEW BUSINESS:

A. 06/10#09 – Zone Change – Karen Pio. Requesting a zone change from R-11 to GC for property located at 16 Forestville Avenue, as shown on Assessor's Map 26, Block H, Lot 15 in R-11 zone. PUBLIC HEARING MUST OPEN BY 08/12/10 (SCHEDULED FOR JULY 6, 2010).

B. Low Impact Development – Stormwater Manual

• **Planimetrics and Trinkaus Engineering Review/Presentation**

Glen Chalder, Planimetrics and Steve Trinkaus, Trinkaus Engineering were both present in a brief, yet very informative, Low Impact Development Overview. The team has reorganized the present Planning and Zoning Regulations. Chalder and Trinkaus would like to see Plainville adopt the LID manual.

Commissioner A. Sarra excused himself for the Planning and Zoning Commission Meeting and Alternate Commissioner T. Holcomb sat in his place.

Chalder and Trinkaus advised the commission that the stormwater manual is divided into 8 sections. The 2 major sections that most individuals should be referred to are sections: 4 and 7. At this time, the State is also looking into this same type of project. Chalder and Trinkaus would also like to see Plainville mandate LID throughout.

C. Other - None

5. BILLS AND COMMUNICATIONS:

- **Zoning Bulletin – May 10, 2010**

- Notice and Hearing – Board intentionally avoids group at visit to site of proposed subdivision
 - Standing – Citizens challenge approval of development, saying it would increase water pollution and injure their health
 - Defenses to Enforcement – Town officials provide erroneous information as to number of lots on property
 - Variance – Landowner purchases nonconforming lots then applies for variance
 - Zoning News from Around the Nation
- **Connecticut Chapter of The American Planning Association – Summary of Recent Case Law**
 - I. Commissions don't determine title; or do they?
 - II. Must a land use commission during an evening meeting make copies of documents being reviewed if requested by the public in order to comply with the Freedom of Information Act?
 - III. Is there a difference in the substantive criteria to be applied when reviewing a subdivision versus a resubdivision?
 - IV. A rodeo is not a farm, notwithstanding the broad definition of farming in C.G.S. Sec. 1-1q.
 - V. The argument least likely to succeed....
 - VI. A Planning and Zoning Commission is not aggrieved to appeal a decision of a ZBA.
 - VII. Reconsideration of vote valid.
 - VIII. What is a "flashing" sign?
 - IX. Three-vote variance invalid, even after initial notice of decision published.
 - X. Affordable Housing Decisions (Section 8-30g).

6. MINUTES: Regular Meeting for June 8, 2010

A motion was made by P. Saucier and seconded by D. Fabry to approve the minutes of the Planning and Zoning Commission Regular Meeting for June 8, 2010 as printed. The motion was approved by a vote of 7 to 0.

7. REPORTS:

A. Town Planner

B. Other

8. ADJOURNMENT

A motion was made by P. Saucier and seconded by D. Fabry to adjourn at 9:15 p.m. – June 22, 2010 at the Plainville Municipal Center. The motion was approved by a vote of 7 to 0.

Respectfully submitted,

Michelle Ibitz

Michelle Ibitz
Recording Secretary