

**MINUTES
PLANNING AND ZONING COMMISSION
PLAINVILLE, CONNECTICUT
July 6, 2010**

PUBLIC HEARING at 7:30 P.M.

**MUNICIPAL CENTER
ROOM 304–COUNCIL CHAMBERS**

1. ROLL CALL

MEMBERS PRESENT: J. Bartiss-Earley, P. Saucier, G. Petit

ALTERNATES PRESENT: S. Masteller (sitting for W. Davison)
T. Holcomb (sitting for D. Thompson)

STAFF PRESENT: M. DeVoe

ABSENT (Excused): W. Davison, A. Sarra, D. Fabry, D. Thompson, M. Weimer

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

A motion was made by G. Petit and seconded by P. Saucier to make T. Holcomb the Planning and Zoning Secretary for this evening's meeting. The motion was approved by a vote of 5 to 0.

2. PUBLIC HEARING:

- A. 06/10#09 – Zone Change – Karen Pio. Requesting a zone change from R-11 to GC for property located at 18 Forestville Avenue, as shown on Assessor's Map 26, Block H, Lot 15 in R-11 zone.**

Attorney Timothy Sullivan was present in the request of a zone change for property located at 18 Forestville Avenue. Presently 18 Forestville is a vacant lot. Per Attorney Sullivan, Karen Pio would like to merge 16 & 18 Forestville Avenue. As stated in the 2009 Plan of Conservation and Development, this particular property lies within a "Neighborhood Preservation Area". The applicant had filed this same request with the Commission back on August 25, 2003, and that application was denied on January 27, 2004. Attorney Sullivan did state that if the zone request does not go through then a home or residence would or could be built on this property. However, if the zone change request does go through, then the access way on West Main Street would be removed.

Several area neighbors were present for the public hearing:

In Favor

- Brian Ruot, 20 Forestville Avenue advised the commission that he is very much in favor of this request so long as the photos that have been submitted is the applicants true intention for the property.
- Resident, 49 Forestville Avenue also approves of this application and feels that the applicant has done a great job with the lot.
- Frank Collins, 207 West Main Street feels that Chris Pio has made a vast improvement to the property and would like to see 18 Forestville Avenue lined with arborvitaes.
- Eric Stevens, 56 Forestville Avenue stated that a row of arborvitaes would be a vast improvement.
- Anton Dobek, 30 Forestville Avenue would like to see Chris Pio's lot expanded.

Opposed

- Keith LaCombe, 204 West Main Street has no problem with the zone change but would like to see no access from the property onto West Main Street. Mr. LaCombe went on to say that presently the applicant uses Webster Street for vehicles and feels that Mr. Pio may have other intentions for this property. Mr. LaCombe also brought in a letter from his mother regarding her concerns of the property which include past violations and unfulfilled promises. Google earth displays a photo of approximately 70 cars at the location that was previously approved for approximately 30 cars. Mr. Pio often parks his wrecker directly in front of the building which is very close to the traffic light and makes for difficult visibility. The question was brought up as to how many cars would be allowed if the zone change was passed. More important, Mr. LaCombe questioned why he was not informed of this zone change request since he resides within 200 feet of the property in question.
- Sandra Hodge, 202 West Main Street feels the same as Mr. LaCombe. Ms. Hodge stated that there is presently a very bad traffic problem. Ms. Hodge questioned the present guardrail that was installed by the State DOT and if the applicant, Chris Pio, would be removing it. Approval would need to be granted by DOT and not the town of Plainville for such action.
- Lynne Szach, 174 West Main Street stated that indeed the property looks great now but in the past there have been too many cars and tow trucks blocking the view. She too is opposed to this change.

In addition, letters were received from 204 and 206 West Main Street expressing concern that they were not notified of this zone change request. Town staff will be looking into this situation and will also consult with the town attorney for legal advice regarding this matter. The resident of 206 West Main Street also stated in the letter that they were very concerned about the West Main Street entrance of the property but are not opposed to the present business that currently exists.

Glen Petit wanted all to understand that this hearing is for a zone change, not a site plan approval, and that the Commission has no powers at this time to review site specific criteria, including the use as an automotive repair facility.

Attorney Timothy Sullivan consented to an extension of this Public Hearing until the next scheduled Planning and Zoning Commission meeting dated August 17, 2010.

PUBLIC HEARING TO BE LEFT OPEN.

3. UNFINISHED BUSINESS:

A. Public Hearing Item: Zone Change – Karen Pio.

A motion was made by P. Saucier and seconded by S. Masteller to continue the Public Hearing for application 06/10#09 – Zone Change – Karen Pio. Requesting a zone change from R-11 to GC for property located at 18 Forestville Avenue, as shown on Assessor's Map 26, Block H, Lot 15 in a R-11 Zone to August 17, 2010. The motion was approved by a vote of 5 to 0.

B. Low Impact Development

Consultants will be returning before the commission on August 17th, 2010.

4. NEW BUSINESS:

- A. **07/10#11 – Site Plan Modification – Andros Enterprises, LLC. Requesting an outdoor dining patio and fencing for property located at 50 West Main Street, as shown on Assessor’s Map 28, Block E, Lot 03 in a CC Zone.**

Mr. and Mrs. John Tiniakos were before the commission this evening in the request for an approval of an outdoor dining patio and fencing for their property located at 50 West Main Street known as Firehouse Bar and Grill. The Tiniakos are looking to construct an outdoor dining area similar to Plainville Pizza’s next door. The applicant will not be proposing a fence that currently shown within a right-of-way area – this will be removed from the plan. The commission did advise the applicant that a modified site plan would need to be received showing the removed fence and the commission stated that no music would be allowed in this outdoor area. M. DeVoe explained that the applicants have received a necessary variance for fence height in the front yard.

A motion was made by G. Petit and seconded by P. Saucier to approve a site plan modification for Andros Enterprises, LLC at 50 West Main Street, also known as Assessor’s Map 28, Block E, Lot 03 in a CC Zone, for an outdoor dining patio as shown on a plan entitled “Firehouse Bar & Grill, West Main Street, Plainville, CT” dated 03/23/10 with the following modification(s):

- 1. The applicant agrees to modify the plan by removing the split rail fence along the westerly property line.**
 - 2. The applicant shall show all property easements on the approved plan.**
- The motion was approved by a vote of 5 to 0.**

B. Other

5. BILLS AND COMMUNICATIONS:

- **Zoning Bulletin – May 25, 2010**

6. MINUTES: Regular Meeting for June 22, 2010

A motion was made by G. Petit and seconded by T. Holcomb to approve the minutes of the Planning and Zoning Commission Regular Meeting for June 22, 2010 as printed. The motion was approved by a vote of 5 to 0.

7. REPORTS:

- A. **Town Planner - None**

8. ADJOURNMENT

A motion was made by P. Saucier and seconded by G. Petit to adjourn at 8:45 p.m. – July 6, 2010 at the Plainville Municipal Center. The motion was approved by a vote of 5 to 0.

Respectfully submitted,

Michelle Ibitz

Michelle Ibitz
Recording Secretary