

**PLANNING AND ZONING COMMISSION
PLAINVILLE, CONNECTICUT
MINUTES
April 12, 2016**

REGULAR MEETING at 7:30 P.M.

**MUNICIPAL CENTER
ROOM 304**

PRESENT: G. Petit, J. Bartiss-Earley, P. Saucier, W. Davison, D. Thompson
STAFF PRESENT: M. DeVoe
EXCUSED ABSENCE: M. Weimer, A. Sarra

I. ROLL CALL

II. PUBLIC HEARING

1. **PZ 02/16#003 – Andrea Wasley – CGS Section 19a-320 Petition – Proposed crematorium – 30-B Hayden Avenue, Unit C in a General Industrial zone. (Public hearing must open by April 14, 2016).**

The public hearing notice was read and the applicant's representative, Attorney William Galske, presented the proposal.

The Commission was made aware that this application is not being made under the statutory authority that governs zoning powers. It has been submitted under the authority of the public health statutes that specifically govern crematoriums. CGS 19a-320 confers authority first to the Town Council, but in the case where a zoning authority has been duly formed by Ordinance, as is the case in Plainville, that authority is delegated to the Planning and Zoning Commission. The Commission's authority under GCS 19a-320 is separate and distinct from its zoning powers. The Town Attorney issued an opinion in support of the Commission's authority to consider the petition under CGS 19a-320. Staff has opined that this goes directly to the heart of required separation distances. Section 8-2n indicates that if the PZC adopts a standards to regulate crematoriums, they must include a 500 foot setback from residential structure or zone. In this case, the Commission is not proposing a new regulation under zoning powers, they are considering a petition under Section 19a-320 of the CT General Statutes.

Unfortunately, the statute is rather vague as to standards. For that reason, the applicant suggested that the Commission utilize their highest standard of review – special exception considerations and criteria. Lacking any other guidance under 19a-320, staff agrees.

As requested, staff has compiled and attached several pieces of information requested by the Commission:

- The original application form with attached narrative.
- A legal opinion from the Town Attorney's Office.
- April 4, 2016 correspondence from the applicant regarding proposed stack height.
- Maps showing residential properties in proximity to the proposed facility: Within the Industrial Zone, and within the Residential Zone.
- A copy of Section 19a-320 of the CT General Statutes.
- Comments from planning colleagues throughout the State regarding their experience with similar facilities.
- January 13, 2016 memo from Matthews International Cremation Division

Members of the Public were invited to speak

Val Dumais – sent in a letter that was read in for the record, he is in favor
Kelly A. Casey – sent in a letter that was read in for the record, she is opposed
Katherine LaBella, 107 Whiting Street, submitted letter for the record, she is opposed
Margaret Lee, 2 Mancini Way, in favor
Jessie Gnazzo, 149 Bradley Street, in favor
Tony Famigletti, 156 Rockwell Avenue, in favor
Jean Wolverton, 137 West Main Street, in favor
Tabitha Manifort, 33 Lena Avenue, in favor
Deb Tompkins, 21 McDonald Street, opposed.
Katherine LaBella, 107 Whiting Street, opposed. Ms. LaBella also referred to a large body of exhibits she submitted to the Commission in support of her position.
William Peets, 45 Homestead, opposed.
Art Screen, 62 Robert Street Extension, opposed.
Pete Wood, 134 Whiting Street, opposed.
Gail Black, 4 Cianci Avenue, opposed.
Robert Anrdre (phonetic), opposed.

Those in favor sought to dispel concerns regarding property devaluation and spoke highly of the applicant and her ties to the community. Economic Development was considered a positive attribute of the application as well.

Those opposed sought to highlight health concerns, especially releases of toxins such as mercury and dioxin. They drew correlations to health risks based on various studies, some of which were handed in as exhibits. Ms. LaBella referred to a large body of exhibits she submitted to the Commission in support of her position that the facility would have negative effects on air quality as well as property values. Mr. Screen referred to exhibits he submitted and opined that approval of such a facility within 500 feet of a residential property is in contravention to CT General Statutes.

Andrea Wasley addressed some of the concerns. If the person has a communicable disease they would be brought to the funeral home prior to the cremation to be embalmed to remove any chance for a disease to be spread. There will be 2 doors to bring a body through, no fumes will be released through the doors.

Attorney Galske pointed to the exhibits he provided earlier regarding the efficient pollutant removal capacity of the proposed cremation equipment. He suggested that the public hearing be continued to allow his client time to review the materials submitted and respond to questions raised by the Commission.

The Commission requested that Mark DeVoe also seek additional clarification from the Town Attorney regarding the evidence presented by Mr. Screen.

A motion was made by: P. Saucier to continue the public hearing until the next meeting, April 26th.

The motion was seconded by: D. Thompson

All in Favor 5 to 0

Motion Passes

III. UNFINISHED BUSINESS

1. **PZ 02/16#003 – Andrea Wasley – CGS Section 19a-320 Petition – Proposed crematorium – 30-B Hayden Avenue, Unit C in a General Industrial zone. (Public hearing must open by April 14, 2016).**

Public Hearing continued to April 26, 2016.

IV. NEW BUSINESS

1. **PZ 03/16#005 – Jim Welch – Site Plan Modification – Proposed 560 sq. ft. walk-in cooler at J. Timothy’s restaurant – 143 New Britain Avenue in a General Commercial zone (Decision required by June 16, 2016).**

Jim Welch presented his request to enlarge the cooler at J. Timothy’s restaurant. The Commission did question the location of one handicap parking space but decided to abandon the issue as it was a pre-existing location.

A motion was made by: W. Davison to approve a Site Plan Modification – PZ 03/16#005 – for James Welch, J. Timothy’s Restaurant, to construct a 560 square foot addition to the existing walk-in cooler at 143 New Britain Avenue in a General Commercial Zone.

Seconded by: P. Saucier

The Commission waived the requirement for an A-2 survey only, but stated that Mylar shall be recorded

All in Favor 5 to 0

Motion Passes

2. **APA 12-045 – Woodford Avenue Wellfield Aquifer Registration Transfer – Integrated Solid Solutions, LLC – 161 Woodford Avenue, Unit 9 in a General Industrial zone.**

A motion was made by: D. Thompson to accept the Aquifer Protection Area Registration transfer for APA 12-045 from L.A. Tool to Angie Pietrasiewicz at 161 Woodford Avenue, unit 9.

Second: G. Petit

All in Favor 5 to 0

Motion Passes

3. **CGS 8-24 Zoning Referral – Five Year Capital Improvement Plan**

A motion was made by: D. Thompson to make a finding that the 2017 through 2021 Five Year Capital Improvement plan is consistent with the Town of Plainville’s 2009 Plan of Conservation and Development.

Second: G. Petit

All in Favor 5 to 0

Motion Passes

4. **Informal Application – Wendy Shaw – Dog Boarding Regulations**

The applicant discussed the possibility of expanding her dog care business. The current regulations would not allow her to operate a boarding facility with the number of dogs she desired. Wendy Shaw is concerned with the number of dogs specified in the regulations and also the boarding restriction. The committee members agree that they are willing to listen to Ms. Shaw’s business plan. There were some concerns voiced that Ms. Shaw must explain how she plans on cleaning up the feces and urine from the dogs, and how outside activities might impact nearby residential uses. Ms. Shaw indicated that she will consider approaching the Commission with a text amendment in the future.

5. **PZ 03/16#009 – Special Exception – Farmington Valley Gymnastics – Increase size of parking lot and associated drainage and landscaping at 5 Northwest Drive in a Restricted Industrial zone.**

Farmington Valley Gymnastics has proposed an increase in parking for their facility at 5 Northwest Drive. Staff is currently in the process of reviewing the submittal. Because the application requires a public hearing, staff will withhold providing you with our comments at this time. Staff recommends that you consider scheduling the hearing on May 10, 2016 at 7:30 P.M.

A motion was made by: D. Thompson to schedule a public hearing for Application 03/16#009 on May 10, 2016.

Second: P. Saucier

All in Favor 5 to 0 Motion Passes

6. **PZ 03/16#008 – Site Plan Modification – Farmington Valley Gymnastics – Increase size of parking lot and associated drainage and landscaping at 5 Northwest Drive in a Restricted Industrial zone.**

We ask that you leave this item on the table pending the outcome of the associated special exception application.

V. BILLS AND COMMUNICATIONS

1. Zoning Practice – “Flood Mitigation” – Issue Number 3, March 2016

VI. MINUTES

A motion was made by: D. Thompson to approve the Regular Meeting Minutes of March 8, 2016 as written.

Second: P. Saucier

Vote: 5-0 in favor Minutes Approved

VII. REPORTS

Staff reported that they would like the Commission to hold onto the material they provided in a separate mailing regarding revision to the zoning regulations (Mackenzie).

VIII. ADJOURNMENT

A motion was made: to adjourn the meeting at 9:57 pm by P. Saucier

Second: G. Petit

Vote: 5-0 in favor Meeting adjourned at 9:57 pm

Respectfully Submitted,

Jennifer Dahlstrom

Jennifer Dahlstrom
Recording Secretary