

**PLANNING AND ZONING COMMISSION  
PLAINVILLE, CONNECTICUT**

**MINUTES  
September 13, 2016**

REGULAR MEETING at 7:30 P.M.

MUNICIPAL CENTER  
ROOM 304

PRESENT: M. Weimer, G. Petit, A. Sarra, P. Saucier, W. Davison, D. Thompson, J. Bartiss-Earley, A. Chapman (alternate)  
STAFF PRESENT: M. DeVoe  
EXCUSED ABSENCE: None

**I. ROLL CALL**

All members were present.

**II. PUBLIC HEARING**

**1. PZ 06/16#017 – Jim Carlin Jr. (Ace Signs, Inc.) – Special Exception – propose to alter existing pylon sign by changing faces and adding decorative topper for a total height of 19 feet 4 inches – 275 New Britain Avenue in a General Commercial zone (Public hearing scheduled for August 9, 2016. Public hearing must close by September 13, 2016. Decision required by November 17, 2016).**

The owner of the Big Y plaza on New Britain Avenue wants to re-face the primary entrance sign. The work involves a small increase in height triggering the need for a special exception. The agent, Jim Carlin, Jr., answered questions from the Commission.

There were no members from the public present so the Chair closed the public hearing.

**III. UNFINISHED BUSINESS**

**1. PZ 06/16#017 – Jim Carlin Jr. (Ace Signs, Inc.) – Special Exception – propose to alter existing pylon sign by changing faces and adding decorative topper for a total height of 19 feet 4 inches – 275 New Britain Avenue in a General Commercial zone (Public hearing scheduled for August 9, 2016. Public hearing must close by September 13, 2016. Decision required by November 17, 2016).**

The Commission was made aware that removal of approved/required landscaping at the plaza constitutes a zoning violation. Staff reported that they've been working on it with the developer, but progress has been slow. The Commission cannot act to approve an application for a property where a violation exists unless such application would correct the violation. The new sign, if approved, would not correct the violation. The commission discussed several options and Attorney Larry Shipman for the applicant was present to address the landscaping issue indicating that they were working diligently to resolve the matter. The applicant needs to submit a landscaping plan that can be approved before the above item can be voted on.

**A motion was made to table the application until a landscaping plan is approved by: W. Davison**

**Second: P. Saucier**

**All in Favor 7 to 0**

**Motion Passes**

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**IV. NEW BUSINESS**

**1. Informal Discussion – Landscaping Plan – Big Y Plaza at 275 New Britain Avenue.**

Much of this item was discussed while the Commission was considering the motion on the above sign application. The Planner reported as follows: In the fall of 2015, the plaza owners removed some of the approved landscaping. The landscaping was required by operation of the original approval for the plaza. After learning of the issue from a town resident, we contacted the owner, who is the applicant (above) for the oversize sign at the same plaza. They indicated that some of the landscaping elements were removed due to age, while some were removed at the request of their largest tenant due to store visibility issues. We informed the applicant that we would hold off any enforcement activity to allow them to 1) replace the landscaping plan with plantings as originally approved, or 2) apply for a new landscape plan approval through the PZC. If they could comply with the original approval, no PZC action would be required. On December 10, 2015, we received a plan for review. The plan did not comply with your regulations or the initial approval. The applicant was told they could revise and resubmit the plan for review, or seek variances from the Zoning Board of Appeals.

The commission discussed the landscaping plan with the applicant's agent, Attorney Larry Shipman. He agrees with the Commission's assessment and informed them that a landscape architect will be in to meet with staff this week so that a plan can be submitted for approval prior to receiving approval for the associated sign.

**2. PZ 08/16 #20 – New Covenant Apostolic Church – Site Plan Modification – Installation of 120 square foot wood construction storage shed at 139 New Britain Avenue in a General Commercial Zone (Decision required by 11/17/2016).**

The applicant is requesting permission to install a shed on a commercial lot. The zone requires a five-foot setback for this structure. The applicant has used the originally approved plan to illustrate the location and which indicates the shed will be located 7 feet from the side property line. The applicant has verbally requested a waiver from requirements that a new A-2 survey be conducted. Because the distance to the property line is clearly greater to the shed than what it is to the primary structure (listed at 5 feet) staff has no issue with this request.

**A motion was made by:** G. Petit to approve a site plan application for the New Covenant Apostolic Church to construct a 120 square foot storage shed at 139 New Britain Avenue in a General Commercial Zone as depicted on the plan entitled "Site Plan Prepared for New Covenant Apostolic Church, Plainville, CT," dated October 23, 1995 and revised to show the location of the shed at correct scale.

**Seconded by:** A. Sarra

**All in Favor 7 to 0**

**Motion Passes**

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**3. PZ 08/16 #21 – Rino Mozzicato – Site Plan Modification – Installation of fence along northwest property line at 125 New Britain Avenue in a GC Zone (Decision required by 11/17/2016).**

The applicant is requesting permission to erect a fence on the property line of his commercial parcel. This is a unique situation and bears some review of background information. When the applicant at 125 New Britain Avenue first approached the PZC for site plan approval, he reported that a neighbor had an encroachment in the form of a driveway. The applicant did not move to develop the driveway area and it has remained in use by the abutting resident at 2 Grant Avenue since the 125 New Britain Avenue development was approved and constructed. She has reported using the driveway since she moved into the premises at 2 Grant Avenue (the home was constructed in 1949). The owner of 125 New Britain Avenue now wants to utilize the property and construct a fence back from the edge of the driveway to the property line, which would bisect the driveway in use by the owner of 2 Grant Avenue. The owner of 2 Grant Avenue disagrees with the owner of 125 New Britain Avenue as to the location of the property line. They (2 Grant Avenue) have informed us that they oppose the erection of the fence and that they feel the property in question is in fact theirs. Please note that this is not a finding of fact that Town of Plainville has made. The Town cannot represent the interests of one landowner over the interests of another. These matters must be settled outside the purview of the Planning and Zoning Commission as the PZC cannot be the arbiter of property disputes – that is up to a court of law. The owner of 2 Grant Avenue did present a survey they had commissioned. It aligns with the survey presented by the applicant. The Commission considered a request from the owner at 2 Grant Avenue to hold a public hearing. Based upon their review of the issue and the materials submitted with the application, the Commission formed a consensus that it would not call a public hearing on this matter.

The applicant was questioned as to the reason for installing the fence at this time. He stated that he was concerned about liability. An A-2 survey was provided in accordance with staff comments in your 9/13/16 meeting report. Staff's request that the applicant address your buffer requirements were not addressed. The Commission and the Planner questioned why two parallel fences were being proposed, adding that it would be appropriate for the Commission to invoke the residential buffer provisions of their regulations. It was felt that creating an 11-foot paved space between two fences served no purpose, and that if planting were placed within that space in lieu of the paving that exists there now, it would be difficult to maintain. The applicant agreed to return to the Commission at their next meeting with revised drawings to address their concerns.

**Motion to table application PZ08/16#21 by: P. Saucier**

**Seconded by: W. Davison**

**All in Favor 7 to 0**

**Motion Passes**

**V. BILLS AND COMMUNICATIONS**

None

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**VI. MINUTES**

**A motion was made by:** M. Weimer to approve the Regular Meeting Minutes of August 9, 2016 as written.

The motion was seconded by: A. Sarra

**Vote: 6-0 in favor 1 abstains, W. Davison                      Minutes Approved**

**VII. REPORTS**

None

**VIII. ADJOURNMENT**

**A motion was made by:** P. Saucier to adjourn the meeting at 8:24 pm.

**Seconded by:** A. Sarra

**Vote: 7-0 in favor                      Meeting adjourned at 8:24 pm**

Respectfully Submitted,  
*Jennifer Dahlstrom*  
Recording Secretary