

**PLANNING AND ZONING COMMISSION
PLAINVILLE, CONNECTICUT**

**MINUTES
May 10, 2016**

REGULAR MEETING at 7:30 P.M.

**MUNICIPAL CENTER
ROOM 304**

PRESENT: G. Petit, J. Bartiss-Earley, M. Weimer
P. Saucier, W. Davison, D. Thompson
STAFF PRESENT: M. DeVoe
EXCUSED ABSENCE: 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 applicant's representative, Mr. William Galske, presented the proposal. Several members of the public were present to speak for and against this application.

Attorney Galske stated 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. He offered clarification as to the difference and asked that the PZC consider the legal advice they received from the Town Attorney. He concedes that the statute is rather vague as to standards. For that reason, the applicant suggested that the Commission utilize their highest standard of review – special exceptions considerations and criteria. This action does not imply that the Commission is considering a special exception, only that they are using those standards to measure the impact of the proposal. Attorney Galske pointed out that some of the comments about his client are essentially a character assassination. He asked the Commission to try to reign in this behavior as it is inappropriate.

Attorney Galske stated that the 19a-320 is not a loophole as some have suggested. It is in fact a law. In answer to the Tuna question asked by the PZC at a previous hearing, the applicant's consultant from Fuss and O'Neil told Attorney Galske that there is no way to accurately compare the direct ingestion of mercury found in tuna to what may be inhaled as a byproduct of fumes from a crematory. He referred to an opposition letter that drew such a correlation as somewhat preposterous in that it assumes a person would inhale 100% of the fumes from stack on the crematorium. He referred to the crematorium in Stamford in a residential neighborhood and one in Canton on Route 44 across from the new shops which do include many restaurants.

He went on to explain that there is a great deal of technology involved in the cremation process, but in the end, it is controlled by human hands and not automatically.

The response from the Town Attorney is in. He does not believe that Section 8-2n of the CT General Statutes apply.

In addition to the legal opinion, several additional letters of opposition were read into the minutes and are made part of the record.

Members of the Public

Letter from Dan D'Andrea, 50 Pierce Street, #19, opposed, concerned with toxins.

Katherine LaBella, 107 Whiting Street, submitted another letter and spoke, opposed, concerned about toxins in the air. She also said that she is passing around a petition to town residents that live in the area; she has over 200 signatures so far.

WB Peats, 45 Homestead Avenue, sent in letter, opposed, concerned about mercury.

Art Screen, 62 Robert Street Extension, opposed, defies common sense, states that zoning regulations prohibit odors at the property line. Disagrees with Town Attorney's opinion.

Gail Basset, 17 Homestead Avenue, opposed, concerned with property values if passes. States that she would be forced to move if this facility is approved.

Gail Black, 4 Cianci Avenue, opposed, too close to residential, should be on outskirts of town. Not opposed to crematorium, just to this location.

Katherine LaBella read the statement on the petition in opposition to the crematorium and handed it in to the PZC, again stating that it contained over 200 signatures. She indicated that she has presented scientific documentation regarding the pollutants created as a byproduct of the burn process and felt that adequate information has been received by the PZC to support a denial.

Chairwoman Bartiss-Earley asked Mr. Galske if Fuss and O'Neill will be present at next meeting. They will be there.

Attorney Galske addressed the following questions from last meeting:

- 1) Initial temperature needed to start process and the base of the machine and the chimney – he said that Fuss and O'Neill will answer that next month.
- 2) The amount of mercury in a can of tuna fish – explained that you really cannot compare that to the crematorium.
- 3) The temperature needed to burn certain pathogens – Fuss and O'Neill will address this at the next meeting.

The public hearing will remain open until the meeting on 5/24/16.

2. **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 training facility at 5 Northwest Drive. They need additional parking for those attending performances and classes. They will be adding new drainage, landscaping and lighting as well.

The applicant's agent, Emily Curtis, explained their request. Discussion followed.

There was one member of the public present to speak.

Art Screen, 62 Robert Street Extension, in favor, the applicant is a good business for the town.

M. DeVoe explained that John Bossi reviewed and approved the stormwater management plan and the applicant has presented a plan that corresponds to their regulations in all aspects save the actual number of parking spaces, which was not specified for the particular use. The PZC agreed that the evidence presented supported the requested amount of parking spaces.

J. Bartiss-Earley closed the public hearing.

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).**

A motion was made by: P. Saucier to continue the public hearing until the next meeting May 24th

Second: W. Davison

All in Favor 6 to 0

Motion Passes

2. **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.**

A motion was made by: D. Thompson to approve a special exception for a proposed parking expansion and associated drainage improvements to PZ 03/16#009 at 5 Northwest Drive for Dawn Battista located in a Restricted Industrial Zone.

Second: G. Petit

Modifications: Detail of lighting needs to be on plan (height)

All in Favor 6 to 0

Motion Passes

3. **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.**

Discussion held during the public hearing for the special exception was adequate to address this application.

A motion was made by: G. Petit to approve a site plan with modifications for a proposed parking expansion, landscaping and associated drainage improvements for PZ 03/16#008 – 5 Northwest Drive for Dawn Battista as shown on a site plan labeled “Farmington Valley Gymnastics” 5 Northwest Drive dated May 6, 2015 and last revised to March 25, 2016, located in a Restricted Industrial Zone.

Second: P. Saucier

All in Favor 6 to 0

Motion Passes

IV. NEW BUSINESS

None

V. BILLS AND COMMUNICATIONS

None

VI. MINUTES

A motion was made by: G. Petit to approve the Regular Meeting Minutes of April 26, 2016 as written.

Second: P. Saucier

Vote: 6-0

Minutes Approved

VII. REPORTS

None

VIII. ADJOURNMENT

A motion was made: to adjourn the meeting at 9:12 pm by P. Saucier

Second: G. Petit

Vote: 6-0 in favor

Meeting adjourned at 9:12 pm

Respectfully Submitted,

Jennifer Dahlstrom

Jennifer Dahlstrom
Recording Secretary