

**PLANNING AND ZONING COMMISSION
PLAINVILLE, CONNECTICUT**

**MINUTES
May 24, 2016**

REGULAR MEETING at 7:30 P.M.

**MUNICIPAL CENTER
ROOM 304**

PRESENT: J. Bartiss-Earley, M. Weimer, D. Thompson, G. Petit, W. Davison
STAFF PRESENT: M. DeVoe, Robert Lee, Town Manager
EXCUSED ABSENCE: P. Saucier, 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 (continuation)

The applicant's representative, Mr. William Galske, presented the proposal. Several members of the public were present to speak for and against this application.

M. DeVoe was asked again to clarify the nature of this application. As you are aware, 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. While this is new ground for staff, we tend to agree, as does your Town Attorney. This goes directly to the heart of required separation distances. Section 8-2n indicates that if the PZC adopts 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 special act under Section 19a-320 of the CT General Statutes. No 500 foot setback is then required. Again, your Town Attorney agrees with this finding.

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 exceptions considerations and criteria. D. Thompson noted and read where practical, several pieces of correspondence:

- Handwritten note from Cicero Ascencio of 53 Homstead Avenue in opposition.
- Email from Elaine and John Cyr with attachment to M. DeVoe in support.
- Email from Karen Mayer of 83 Farmington Avenue in support.
- Letter from James Richardson, not in favor, too close to homes.
- Memo from Mark DeVoe presenting a list of comments posted on Plainville's Facebook page were noted as received.

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Attorney Galske introduces Adam Barbash of Fuss & O'Neill to highlight the DEEP application process for incinerators, which crematory facilities are classified as.

Mr. Barbash then shared information and answered questions on the process of permitting a crematorium. The DEEP requires an air permit. There are 14 forms that need to be filled out and possible sub attachments. DEEP would inspect initially and then have the right after the permit is issued to inspect or drop in unannounced to inspect and monitor emissions at the operation at any time. Mr. Barbash explained that pathogens in the body are destroyed at approximately 1400 degrees. He indicated that the primary chamber would attain temperatures in excess of that – 1800 degree. The cremation process is 3 steps including 2 burnings. The air permit takes 10 months or longer to be issued before the crematorium could be open.

The Commission then asked Mr. Barbash several questions regarding his experience and specifics such as mercury emissions and DEEP inspections.

The Chairperson then opened up the hearing to public comments.

Members of the Public

Steve Litke, 24 Unionville Avenue, in favor.
Katherine LaBella, 107 Whiting Street, opposed.
Jessie Litke, 26 Ashford Road, in favor.
Jane Carney, 22 Maple Street, in favor.
Peg Lee, 2 Mancini Way, in favor.
Felecia Mandeville, 22 Ciccio Court, in favor.
Steven Debaise, 7 Bel Aire Drive, in favor.
Joanne Edmund, 166 West Main Street, opposed.
Dale Fontaine, 126 Linden Street, in favor.
Barbara Wood, 134 Whiting Street, opposed.
James ?, ? Irving Street opposed.
Jessica Hallin, 60 Tomlinson Avenue, in favor.
Robin Cuomo, 37 Wayne Drive, in favor.
Kristin St. John, 40 Lena Avenue, in favor.
Kyle Carillo, 13 Pearl Street, on behalf of AME Zion Church, opposed.
Deb Tompkins, 21 McDonald Street, opposed, bad location.
Joseph Ettore, 57 Hillside Avenue, in favor.
Bernice Peets, 45 Homestead Avenue, opposed.
Gail Black, 4 Cianci Avenue, opposed.
Art Screen, 62 Robert Street Extension, opposed.
Julia Green, 10 Cassidy Drive, opposed.
Bernice Crowley, 45 Homestead Avenue, opposed.

Hearing no other desire to speak, Chairperson J. Bartiss-Earley closed the public hearing.

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2. PZ 04/16#013 – Steven Litke – Special Exception – Proposed Rear Lots (2) at 24 Unionville Avenue

The required hearing notice was read and the public hearing was opened. This special exception application is for the creation of two rear lots in what is a rather deep and narrow lot known as 24 Unionville Avenue. Each resulting lot will have in excess of what is required for lot area and frontage, which are both 1.5 times the amount required for a typical lot in an R-20 Zone. The applicant's agent has responded to a small list of comments to the satisfaction of staff. The Commission must find that the proposed development is not uncharacteristic for the neighborhood and that rear lot development is warranted given site constraints. The lot is bordered to the north by a residential lot and other vacant residential land, to the west by vacant residential land, to the south by an existing age-restricted community, and to the east by Unionville Avenue. An aerial map was presented to the Commission for orientation. Staff is pleased that the applicant decided to share a driveway for the two new lots, resulting in fewer curb cuts.

One member of the public was present to speak.

Art Screen, 62 Robert Street Ext. had concerns on fire access, traffic.

Discussion followed. The commission is concerned on the driveway for safety reasons and ask that the Fire Marshal take a look at the plans to give his approval. Any revisions required by the Fire Marshal shall be submitted in writing from his office and incorporated onto the development and subdivision plans as applicable.

J. Bartiss-Earley closed the public hearing.

A motion was made by: G. Petit to approve with condition a special exception for the development of two (2) rear lots at 24 Unionville Avenue for Steven C. Litke as shown on a plan labeled "Subdivision Plan and Site Development Plan, Sheets SD-1 and C-1, prepared for Steven Litke, 24 Unionville Avenue, Plainville, CT" dated March 30, 2016 with revisions to April 19, 2016.

The motion was seconded by: W. Davison

Modifications:

1. Fire Marshal shall review plans to make sure driveway is constructed per his recommendations.

Vote 5-0 in favor

Motion Passes

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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 (Decision required within 65 days of the close of the public hearing).**

Decision deferred.

2. **PZ 04/16#013 – Steven Litke – Special Exception – proposed rear lots (2), at 24 Unionville Avenue in an R-20 zone. (Public hearing scheduled to open May 24, 2016. Public hearing must close by June 28, 2016. Decision required by September 1, 2016).**

Addressed above

3. **PZ 04/16#011 – Steven Litke – Subdivision – Proposed subdivision of existing land into three (3) lots, including one with frontage on Unionville Avenue and two (2) rear lots with access from Unionville Avenue – 24 Unionville Avenue in an R-20 zone (Public hearing required for associated special exception. Decision required on subdivision plan by June 30, 2016 – may request 65 day ext.).**

Section 8.00 of the Plainville Subdivision Regulations requires that 20% of the land in a subdivision be set aside as open space. In staff's opinion, the size of this subdivision does not lend itself to an open space set aside. Instead, the Commission can accept a payment in lieu of open space equal to 10% of the value of the entire parcel before subdivision approval. The applicant has requested that the appraisal prepared by the Assessor's Office be used to determine value. Staff has no objection to this practice as it has been used in the past. The Commission agreed. The applicant will be asked to pay the amount in two installments as each of the two new lots are transferred to the next owner(s). The appraised value is currently \$87,800.00 for the 2.81 acre parcel.

A motion was made by: D. Thompson to approve with modifications a subdivision application for a 3 lot subdivision at 24 Unionville Avenue for Steven Litke as shown on a plan labeled "Subdivision Plan and Site Development Plan, Sheets SD-1 and C-1, prepared for Steven Litke, 24 Unionville Avenue, Plainville, CT" dated March 30, 2016 with revisions to April 19, 2016.

The motion was seconded by: M. Weimer

Modifications:

1. Correct rear yard setbacks on the plan and in the bulk table.
2. Accept the Assessor's assigned value of \$87,800 as appraised value for the purposes of determining fee in lieu of open space with the final fee to be \$8,780.00.
3. Revise the subdivision plan to include notations requiring payment into the Plainville Land Acquisition Fund (3500) at the time of the first sale or transfer of the two rear lots of \$4,390.00 each. Such payment shall be arranged by the seller and made to the Finance Department.

Vote: 5- 0 in favor

Motion Passes

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IV. NEW BUSINESS

1. Informal Discussion – Teddy Theriault (Dependable Starter & Alternator, LLC) – 62 West Main Street

Mr. Theriault owns an automotive alternator and starter retail store that he wishes to move to 62 West Main Street (former Pet Foods Plus). He reports that 95% of his business is selling new parts and that 5% of his business involves the refurbishing and resale of alternators and starters (see attached letter). The property in question is at the corner of West Main Street and Pierce Street in a Central Commercial (CC) Zone. It is clear that retail sales is a permitted use. Staff had concerns regarding the refurbishing of the auto parts. It involves the breakdown of component parts, repair, cleaning and re-assembly. It is not permitted in the CC Zone as an accessory use. It is not permitted in the CC Zone under automotive use. It is not permitted in the CC Zone under Industrial uses at Section 2.2 A.7.2, but could ***possibly*** be considered as a permitted use under Section 2.02 A.7.3. The matter is largely one of interpretation. Staff failed to draw a clear correlation between the proposed use and those indicated under subsection 7.3, but wanted to provide the applicant with an opportunity to discuss it with the Commission and receive a direct interpretation. Mr. Theriault reports that he uses a cleaner to degrease.

The commission listened to the proposal and is in favor of it so long as no outside storage occurs.

V. BILLS AND COMMUNICATIONS

None

VI. MINUTES

A motion was made by: D. Thompson to approve the Regular Meeting Minutes of May 10, 2016 as written.

The motion was seconded by: W. Davison

Vote: 5-0 in favor

Minutes Approved

VII. REPORTS

None

VIII. ADJOURNMENT

A motion was made to adjourn the meeting at 10:10 pm by M. Weimer.

The motion was seconded by: G. Petit

Vote: 5-0 in favor

Meeting adjourned at 10:10 pm

Respectfully Submitted,
Jennifer Dahlstrom
Recording Secretary

P&Z
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