

Planning & Zoning Commission

54 East Main Street
Clinton, Connecticut 06413

Regular Monthly Meeting

April 11, 2016

Minutes

Present: G. Bousquet, Chairman; M. Knudsen, Vice Chairman; C. Aniskovich, Secretary; E. Alberino, C. Goupil, T. Guerra, A. Moore, A. Singh, M.E. Dahlgren and C. Neri

Absent: A. Kravitz

Also Present: Eric Knapp, Zoning Enforcement Officer
John Guskowski, CME Associates, Inc.

The meeting was called to order at 7:32 p.m. Alternate Carl Neri was seated for Alan Kravitz.

1. Chairman's Comments: Gary Bousquet

Chairman Bousquet did not have any comments at this time.

2. Staff Reports:

- Eric Knapp, Zoning Enforcement Officer
ZEO Knapp reviewed his report. He noted the RFP for Consulting Engineering Services.
- John Guskowski, CME Associates, Inc.
Guskowski reviewed his report and make a few additional comments.

Goupil **moved** to add SE 16-021: 57 Liberty Street, William M. Reiss, IV. Knudsen **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri

In Opposition: None

Abstentions: None

Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)

The motion **carried**: 8-0-0-2.

3. SE 16-021: 57 Liberty Street, William M. Reiss, IV: Accessory Apartment. Map 67, Block 55, Lot 33a. Zone R-20.

William M. Reiss, IV, applicant, gave a brief presentation.

Goupil **moved** to receive SE 16-021: 57 Liberty Street, William M. Reiss, IV and schedule a public hearing on Monday, May 2, 2016 at 7:00 p.m. Singh **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

4. SE 16-023: 2 Old Nod Road, GER, Inc.: Organic waste recycling and composting. Map 21, Block 6, Lot 51. Zone IP.

Jon Damon, member of GER, Inc., gave a brief presentation.

Goupil **moved** to receive SE 16-023: 2 Old Nod Road, GER, Inc. and schedule a public hearing on Monday, May 2, 2016 at 7:00 p.m. Moore **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

5. AR 16-026: Petition to Amend the Zoning Regulations, Cedar Island Marina: Amendments to Sections 24.2.5 and 10.5: Common Interest Community Development (CICD). **New**

Kris Shapiro, agent for the applicant, gave a brief presentation.

Alberino **moved** to receive AR 16-026: Petition to Amend the Zoning Regulations, Cedar Island Marina and schedule a public hearing on Monday, June 6, 2106 at 7:00 p.m. Singh **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

6. SE 16-027: 192 East Main Street, Enzo DeNovellis: Addition of outdoor seating. Map 68, Block 65, Lot 56. Zone VZ. **New**

Lisa Dockus, agent for the applicant, gave a brief presentation.

Goupil **moved** to receive SE 16-027: 192 East Main Street, Enzo Denovellis and schedule a public hearing on Monday, May 2, 2016 at 7:00 p.m. Singh **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

7. SE 16-030: 342 East Main Street, M&M Motors International: Change of use to used vehicle sales. Map 88, Block 71, Lot 52A. Zone B-4. **New**

Knudsen **moved** to receive SE 16-030: 342 East Main Street, M&M Motors International and schedule a public hearing on Monday, May 2, 2016 at 7:00 p.m. Singh **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

8. SE 16-031: 117 Long Hill Road, Barbara Kleefeld: Accessory apartment. Map 65, Block 49, Lot 10-1. Zone R-60.

Barbara Kleefeld, applicant, gave a brief presentation.

Goupil **moved** to receive SE 16-031: 117 Long Hill Road, Barbara Kleefeld and schedule a public hearing on Monday, May 2, 2016 at 7:00 p.m. Alberino **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

9. SE 16-05L 11 Killingworth Turnpike, Mill Pond Clinton, LLC: Construction of a mixed use development. Map 43, Block 45, Lot 73. Zone IDZ. **Eligible for Decision.**

Aniskovich to Approve Application SE 16-05, submitted by Mill Pond Clinton, LLC, Application for Special Exception for mixed use development to be located at 11 Killingworth Turnpike, Clinton, CT, Map 43, Block 45, Lot 73. IDZ Zone.

Part I. Preamble.

The Clinton Planning and Zoning Commission received an application for special exception submitted by Mill Pond Clinton, LLC to allow a mixed use development to be located at 11 Killingworth Turnpike, the site of the present high school.

The application was received by the Commission at its February 8, 2016 meeting and was set down for a public hearing. The public hearing opened on March 7, 2016 and was continued to April 4, 2016, at which time the public hearing closed.

At the public hearings, the Applicant presented materials and testimony and members of the public were permitted to present evidence orally and in writing related to the merits of the application.

The Commission received written comments from its planning consultant, John Guskowski, its counsel, Richard Roberts, its consulting engineer, Wade Thomas, a traffic engineer, Michael Galante, the fire marshal, Jeffrey Hesper, as well as from Cindy Gaudino of the Connecticut Water Company, Cathy Zamecnik of the Conservation Commission, H. William Stine of the Historical Commission, the Design Review Board and staff comments.

Part II. Materials submitted into the Record.

While the following is not a complete list of all materials submitted into the Record, the Commission specifically notes the following items as received and reviewed:

- Application for Special Exception dated January 24, 2016, revised February 25, 2016, submitted by Mill Pond Clinton, LLC, for property located at 11 Killingworth Turnpike, together with supporting documents including:
 - Notice of Land Use Application.
 - List of Professionals.
 - Notification of Connecticut Water Company
 - Specification of Hours of Operation
 - Parking and Employee information
 - Schedule of Uses
 - Scope of Project

- Notification of projected demolition of Morgan School
- Preliminary architectural drawings
- Certificate of Zoning Compliance
- Specific information relating to special exception pursuant to Section 10.3, Multiple Dwelling Units in Commercial Structures.
- Model residential lease.
- Specific information relating to special exception pursuant to Section 10.5, Common Interest Community Development.
- Model declaration of condominium
- Master Management and Maintenance Agreement
- Hotel Affidavit regarding limitation of duration of stay
- Shopping cart management plan
- Description of farmers market
- Litter control plan
- List of Incentives provided and findings sought
- Letter of request for waivers for plan scale and topography standard with letter of explanation from the licensed land surveyor
- Resumes of Applicant's retained professional, including Adel Nur, Adeniyi Paul, Faik Tugberk, Francis Watkins, Michelle Carlson, Fred Greenberg, Joseph Kelleher, Emile Pierides, Wayne Violette, Richard Snarski, John Hankins and Christopher Eident.
- Stormwater Management Report dated January 22, 2016, prepared by BL Companies for property located at 11 Killingworth Turnpike.
- Wetlands Report dated January 29, 2016, prepared by New England Environmental Services for property located at 11 Killingworth Turnpike.
- Traffic Impact Study dated January, 2016 prepared by BL Companies for Route 81, Killingworth Turnpike.
- Village at Mill Pond Parking Analysis prepared by BL Companies, undated together with:
 - Parking analysis methodology A calculations.
 - Parking analysis methodology B calculations.
- Soils testing data prepared by Clarence Welti, PE, for the Village at Mill Pond, Route 81, Clinton, dated April 8, 2015.
- Borings Log prepared by BL Companies for Morgan School site, taken July 1, 2015.
- Monitoring well sample log prepared by Fuss & O'Neill, at the Morgan School, Route 81, Clinton, CT together with:
 - Aerial photograph of existing site showing site and sampling locations.
- Land Development Plans for Land of Town of Clinton, Morgan High School, 11 Killingworth Turnpike, Clinton, CT, dated January 4, 2016, revised through March 28, 2016, containing 45 sheets.
- Architectural elevations and renderings of buildings proposed to be located at 11 Killingworth Turnpike, prepared by Bignell Watkins Hasser Architects, PC.

- Review letters from Wade Thomas, Jacobson Associates, dated February 2, February 8, March 7 and April 4, 2016.
- Review letters from John Guskowski, AICP, CME Associates, dated March 4, 2016 and April 4, 2016.
- Staff review memorandum prepared by Zoning Enforcement Officer, Eric Knapp dated March 2, 2016.
- Review letter from Richard Roberts, Esq., Halloran & Sage, LLP, dated March 3, 2016.
- Review letter from Jeffrey Heser, Fire Marshal, dated February 9, 2016.
- Letter from Cindy Gaudino, Connecticut Water Company, dated February 8, 2016.
- Letter from Cathy Zamecnik, Conservation Commission, dated February 11, 2016.
- Letter from H. William Stine, Clinton Historical Society, dated March 8, 2016.
- Report of the Design Review Board.
- Report of Pre-Application conferences.
- Comments submitted by Christine Goupil, member of Planning and Zoning Commission.
- Comments submitted by Alan Kravitz, member of Planning and Zoning Commission.
- Report from Connecticut Water Company regarding water supply capacity and fire protection for 11 Killingworth Turnpike site.
- Traffic review and analysis performed by Michael Galante, P.E., Frederick A. Clark & Associates, Inc. dated March 21, 2016.
- Response to Galante traffic review prepared by Fred Greenberg, P.E., BL Companies, dated March 23, 2016.

Part III. Findings of Fact.

Based on the evidence submitted into the record, the Commission makes the following findings:

1. The application is substantially complete and all required submissions have been received.
2. The Commission has held a properly noticed public hearing to receive public comments on the proposed special exception application.
3. The special exception, as amended by the Applicant, and as further amended by the Commission specifically as set forth below, are consistent with the Town's Plan of Conservation and Development.
4. Pursuant to Section 20.3.1, the development is Pedestrian Scaled and Pedestrian Friendly-Oriented, with uses consistent with those of a Commercial Center.

5. Pursuant to Section 20.3.2, the Applicant has demonstrated conformance to environmentally appropriate design elements, such as ecologically sensitive infrastructure and landscaping, as well as alternative water treatments.
6. Pursuant to Section 20.3.2 (a), the designs submitted by the Applicant comply with Connecticut State Regulations §§ 22a-345i-1 to 22a-345i-10 and the Aquifer Protection Regulations of the Town of Clinton.
7. Pursuant to Section 20.3.3, all buildings have been designed by registered architects and conform to the requirements of the design standards set forth in Section 20.7 of the Regulations.
8. Pursuant to Section 20.3.4 of the Regulations, the site access has been designed to mitigate the deterioration of traffic flow caused by driveways on arterial streets. Additionally, the pedestrian access routes have been appropriately designed between this development and Route 81.
9. No prohibited uses, as set forth in Section 20.5 of the Regulations, have been proposed for subject property.
10. The Applicant's proposal contains the following amenities contained in Section 20.6.2 of the Regulations:
 - (a) improvements to wetland access pathways;
 - (b) way finding maps;
 - (c) public seating and picnic areas;
 - (d) reuse of the existing observation deck;
 - (e) reduction in impervious surfaces;
 - (f) structured parking;
 - (g) innovative stormwater/wastewater design, through the use of rain gardens and the Xenon water treatment system;
 - (h) a dedicated area for a farmers' market;
 - (i) a dedicated amphitheater for public use, including picnic area; and
 - (j) the following amenities have been proposed for the hotel: exercise/fitness center, conference or meeting rooms, business center.
11. Based upon the amenities set forth in Paragraph 10, above, the Commission finds that the Applicant is eligible to receive the following bonuses as set forth in Section 20.6.3 of the Regulations:
 - (a) A reduction in required side and rear setbacks by up to 25' along non-residential boundaries;

- (b) A 15% increase in residential development from 35% to a maximum of 50% of the total building area.
 - (c) An increase in one building story for a maximum of 75'/five stories in building height.
12. Pursuant to Section 20.7.3 of the Regulations, the driveway lighting in close proximity to Route 81 incorporates uniform fixtures and poles in order to obtain a uniform lighting appearance along Route 81.
13. Pursuant to Section 20.7.4 of the Regulations, all business, serving or processing will be conducted within completely enclosed buildings, except as allowed in subsections (a) through (e) of that Section.
14. Pursuant to Section 20.7.5 of the Regulations, outside dining and display areas will not restrict sidewalks intended for pedestrian passage and access.
15. Pursuant to Section 20.7.9, all loading docks/receiving areas are shielded from public streets and residential zones.
16. The designs of the retail establishments meet the requirements of Section 20.8. Specific examples of this include:
- (a) The orientation of the axis of the buildings is consistent with and recognizes the rhythm, spacing and orientation of the other adjacent buildings.
 - (b) The buildings have architectural features and patterns that provide visual interest at the scale of the pedestrian.
 - (c) The Applicant has incorporated features such as benches, plantings and pavers as suggested in the Regulations.
 - (d) Facades greater than 100' in length incorporate articulations as set forth in Subsection (b)(1) of Section 20.8.1 of the Regulations.
 - (e) Ground floor facades that face public streets and interior walkways have colonnades, display windows, entry areas, awnings and other architectural features for in excess of 60% of their length, as required by Subsection (b)(2) of Section 20.8.1 of the Regulations.
 - (f) The building facades of the structures containing retail establishments contain a repeating pattern of at least two of the following elements: color change, texture change, material change, with at least one of those repeating horizontally and at intervals of no more than 30', as required by Subsection (b)(3) of Section 20.8.1 of the Regulations.
 - (g) The roof features reduce the massive scale of the large buildings by giving apparent variations in height and tone so that the larger structures appear

differentiated within the same building, as required by Subsection (a)(1) of Section 20.8.2 of the Regulations.

- (h) The building materials and colors are aesthetically pleasing, as required by Subsection (a)(1) of Section 20.8.3 of the Regulations.
 - (i) The building materials are of high quality and meet the standards and requirements for materials set forth in Subsection (b) of Section 20.8.3 of the Regulations.
17. The parking and loading facilities have been designed to reduce the hazards to pedestrians and to protect adjacent property from nuisances caused by noise, fumes and headlight glare, as required by Subsection (b) of Section 20.9.1 of the Regulations.
 18. All streets conform to the Town Design and Construction Standards and Regulations, as required by Subsection (a) of Section 20.9.2 of the Regulations.
 19. Pursuant to Subsection (a) of Section 20.9.3 of the Regulations, the Applicant has demonstrated that the parking is adequate, with both the traffic engineer retained by the Applicant and the traffic engineer independently retained by the Commission agreeing on this point.
 20. While the Applicant has not incorporated a perimeter berm, the Applicant has taken other steps to minimize the view of the large parking areas from Route 81, as required by Subsection (b) of Section 20.9.3 of the Regulations.
 21. Off-street parking has been distributed around buildings to ensure pedestrian oriented/pedestrian friendly sites, as required by Subsection (c) of Section 20.9.3 of the Regulations.
 22. As required by Subsections (d) and (e) of Section 20.9.3, not more than half of the parking is located between the principal building and the primary interior roadway, and no more than one-third of the parking has been located between the principal building and Route 81.
 23. Per the requirements of Subsection (f)(2) of Section 20.9.3 of the Regulations, large parking areas are screened from Route 81 by the principal buildings.
 24. Per the requirements of Subsection (a) of Section 29.9.4 of the Regulations, the Applicant has provided at least 22 square feet of landscaping per parking space located between any building and Route 81.

25. Per the requirements of Section 20.9.5, landscaped islands have been provided every 10 parking spaces, terminal islands separate bays from driveways and parking areas are divided by landscaped islands.
26. Per the requirements of Subsection (a) of Section 20.9.6, loading docks/receiving areas are screened from public roads and residential zones, sufficient on-site vehicular maneuvering area has been provided so that trucks will not be maneuvering within the public highway, and the number of loading spaces is sufficient to handle the anticipated loading requirements.
27. Per the requirements of Section 20.10, sidewalks have been provided along site frontage on Route 81, sidewalks connect Route 81 to the residential component of the site, and a wetlands path/pedestrian access way located within the site has been provided.
28. Per the requirements of Section 20.11, all trash storage and collection areas are screened, recessed or enclosed.
29. Per the requirements of Section 20.12, the following materials have been received by the Commission:
 - (a) a staff report of Pre-Application Conference discussions and plan changes;
 - (b) a report from the Tree Warden;
 - (c) a shopping cart management plan;
 - (d) a streetscape rendering encompassing the view of the site from Route 81 and 100' to either side of the site;
 - (e) a traffic study;
 - (f) a parking analysis with all information required in Section 20.12.5 of the Regulations;
 - (g) a site access plan;
 - (h) a statement describing which incentives are sought under Section 20.7 of the Regulations and their extent.

Findings required for Common Interest Community Developments

30. Per the requirements of Section 10.5.2 to qualify for eligibility for the Common Interest Community Development ("CICD") special exception, the minimum area of the tract of the land is in excess of 10 acres, the minimum frontage is at least 25' along an accepted State road, and the tract will be served by public water.
31. Per the requirements of Subsections (a)(1) through (a)(4) of Section 10.5.3 of the Regulations, each area developed within the CICD has a minimum area of 40,000 square

feet, with a maximum coverage requirement of less than 80% and a maximum height no greater than allowed in the IDZ Zoning District.

32. Per the requirements of Subsections (a)(5) through (a)(7) of Section 10.5.3 of the Regulations, the underlying lot will be under a unified ownership, while individual units are separately and individually owned, the setbacks from the front line are at least 15', from the rear lot line, 20' and from lot lines other than front or rear, 15'.
33. Per the requirements of Subsection (b) of Section 10.5.3 of the Regulations, each unit in the CICD is served by public water, utilities are buried underground and the minimum floor area for each residential unit is no less than 850 square feet.
34. Per the requirements of Subsections (c) and (d) of Section 10.5.3 of the Regulations, the Applicant has demonstrated that the parking is adequate for the proposed use and that the stormwater management system provides for the maintenance or reduction of the stormwater runoff to predevelopment levels.
35. Per the requirements of Subsection (e) of Section 10.5.3, the Applicant has worked to protect existing mature trees, utility boxes and connections are to be landscaped, and, where feasible, the plans show trees being planted adjacent to parking areas.
36. Per the requirements of Subsection (f) of Section 10.5.3, more than 30% of the tract has been preserved as open space, the open space, as proposed, is located to preserve the Indian River, a unique natural feature, and serves the "primary public good", as set forth in the Regulation, of conservation.
37. Per the requirements of Subsection (g) of Section 10.5.3, the Applicant has provided usable common green space in addition to the required open space. Walking paths, picnic areas, a playground, amphitheater and a viewing platform have been provided.
38. Per the requirements of Subsection (h) of Section 10.5.3 of the Regulations, all streets are proposed to be constructed to the Town of Clinton Construction and Development Standards and will be maintained by the owner or Home Owners Association. The Fire Access Plan provided demonstrates that all streets provide adequate fire truck and emergency vehicle access.
39. Per the requirements of Subsection (a) of Section 10.5.4 of the Regulations, the proposed residential units are clustered in a manner that is in harmony with the natural site so as to promote the preservation of natural resources. The Applicant's decision to pull back Building 11 from its originally proposed location to a location outside the

upland review area along the easterly side of the site will serve to better protect those resources.

40. Per the requirements of Subsection (b) of Section 10.5.4, the residential units have a relationship to the adjoining properties and neighborhoods that is harmonious with their character and serves to protect their values.
41. Per the requirements of Subsection (d) of Section 10.5.4, the provisions for traffic, water, stormwater and usable open space are adequate, do not overburden the existing streets, water and stormwater drainage facilities either on or off site and do not create water problems off site.
42. Per the requirements of Subsections (e) – (g) of Section 10.5.4, the site drainage and layout provides for the safety of the residents, the development and design of the CICD will not have a significant adverse impact on surrounding properties or property values in the area, and the proposed development will not have an adverse effect on the environment and, in particular, the wetlands and watercourse areas. The Commission has incorporated all recommendations of the Clinton Inland Wetlands and Watercourses Commission in making this finding.
43. Per the requirements of Subsection (h) of Section 10.5.4, the Applicant has made adequate provisions for the continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure and amenities.
44. Per the requirements of Subsection (i) of Section 10.5.4, the CICD is consistent with the health, welfare and public safety needs of the community.
45. Per the requirements of Subsection (j) of Section 10.5.4, performances standards and erosion control measures have been met, or to the extent they have not been met, conditions of this approval address how they will be met going forward.
46. Per the requirements of Subsection (k) of Section 10.5.4, the proposed development has demonstrated its proximity to state highways, being right on Route 81, and is served by a public water supply, the Connecticut Water Company, which has indicated adequate water supplies to service this development.

Findings required for Multiple Dwelling Units in Commercial Structures:

47. Per the requirements of Section 10.3.2 of the Regulations, the first story of the structure facing the street and completely above grade has been designated exclusively for commercial use, consistent with allowing access to the residential uses on other floors.

48. Per the requirements of Section 10.3.3 of the Regulations, all MDU residential units are in excess of 650 square feet in size, the average number of bedrooms located within the MDU does not exceed 1.75, transient lodging is not permitted, provisions for the removal of the trash have been provided, there is adequate, convenient, available parking, lighting will not shine directly into the residential units and shall extinguish itself within one hour of the close of business, with the exception of security, safety or street lighting, and open space in excess of 100 square feet per dwelling unit has been provided as usable open space.
49. The Commission finds that the following amenities have been provided, as set forth in Section 10.3.4 of the Regulation: awnings, outdoor seating, usable outdoor spaces, public seating and other outdoor furniture, reduction in impervious surfaces. Based upon these findings, the Commission grants the following incentives:
- (a) an increase in the maximum height consistent with allowing three stories while creating a greater opportunity for compliance with sound buffering requirements between commercial and upper story residential units and more flexible architectural styles.

Hotel

50. The minimum lot area for the hotel is not less than the minimum for the zone.
51. The lot is served by public water.

Drive-up Windows

52. Pursuant to Section 10.22.3 of the Regulations, the Applicant has demonstrated that provisions have been made for the stacking of vehicles at each of the two shown drive-thrus so that vehicles will stack in a lane separate from the traffic circulation pattern associated with the use and its parking area. The applicant has also demonstrated that adequate provision has been made for customers to park and safely enter/exit each of the two buildings containing a drive-through without crossing through adjacent lanes of moving traffic or stacking lanes for the drive-up window service.

Retail Establishments

53. Pursuant to Section 10.21.4, the Applicant has submitted a security lighting plan, a traffic study, a report from a traffic engineer certifying the safety of the parking area and a landscaping plan.

Restaurants and Food Service Establishments

54. Pursuant to Section 10.28.3 of the Regulations, the Applicant has demonstrated adequate parking spaces provided and that traffic to and from the establishment shall not result in any lower of the traffic flow rating for the surrounding roadways.

55. Pursuant to Section 10.28.4 of the Regulations, the Applicant has submitted a traffic study completed by a certified traffic engineer, a letter from the Connecticut Water Company certifying that there is adequate water supply to the site, and find that there is no negative impact on the neighboring properties from this proposed use.
56. The Applicants have requested the following excusals from the requirements of the Zoning Regulations:
- (a) Sheets SP-0, GD-0, WB-0, LL-0 and the open space plan are at a scale of 1"=80', The Boring Plan and the Fire Access Plan are at a scale of 1"= 60' and Sheet ES-1 is at a scale of 1" = 100'. All of these are not at the scale of 1"=40' required by the Regulations. The Commission finds that the use of these larger scales is warranted to allow a more coherent view of the entire site. Use of the smaller scale would result in the site being divided arbitrarily into pieces. As a result, this excusal is granted.
 - (b) The Applicant has submitted plans which conform to topographical accuracy class T-3 on the existing survey. Based upon the representations made by Michael Garon, a licensed surveyor, in his March 7, 2016 correspondence to the Commission, the Commission accepts that the survey is of an accuracy equivalent to a T-2 survey. As a result, the Commission grants the excusal request from that requirement.

IV. Decision and Conditions.

Based upon the above findings of fact, and expressly and explicitly on the conditions hereunder, the Planning and Zoning Commission hereby votes to APPROVE Application SE 16-05, with the following conditions, which the Commission believes are integral to its decision to approve the application:

1. Reference is made to the project drawing list dated January 4, 2016 and revised through March 28, 2016. This special exception approval is limited to the items and activities shown on the plans as submitted. The final drawings contain a specific configuration for Unit 4, which is one of the restaurant pad sites. The Commission did review an alternate configuration for this unit, as shown on Slide 30 submitted during the April 4, 2016 public hearing, and will allow the alternate configuration if the Applicant determines that the tenant mixture requires/favors it. Final building plans will need to be submitted to the Land Use Office sufficiently far in advance of a building permit application to allow staff to review compliance with the special exception, as approved.
2. Compliance with New England Environmental Services exotic invasive plant eradication plan, as detailed on project plan sheet No. WB-4, dated January 4, 2016, and revised through March 3, 2016, and with the wetlands mitigation planting plan, as detailed on

project plan sheet Nos. WB-0 through WB-4, dated January 28, 2016 and revised through March 28, 2016; contained within the overall plan entitled The Village at Mill Pond 11 Killingworth Turnpike Clinton, Connecticut dated January 4, 2016, with revisions through March 28, 2016.

3. Compliance with the Site Operations and Maintenance Plan dated January 22, 2016.
4. No use of sodium chloride for de-icing purposes.
5. Phase 1 and Phase 2 erosion and sedimentation controls shall be installed as shown on plan sheet Nos. EC-1 through EC-8, dated January 4, 2016 and revised through March 28, 2016, and in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Applicant shall maintain and modify, as needed, such controls to ensure optimal operating condition until the authorized work has been completed. Applicant shall be responsible for the submission of an erosion control bond in such amount as specified by the Commission's consulting engineer prior to any work commencing.
6. The Conservation Area shown as Unit 12 on Sheet COP-1 shall be deeded, or a conservation easement granted in a form satisfactory to the Zoning Enforcement Officer, to the Clinton Land Trust or equivalent conservation land trust prior to any certificates of occupancy being issued.
7. If the DEEP-approved waste water system includes activities not already shown on the plans, Applicant shall submit an application to modify the special exception to incorporate the required changes.
8. Applicant shall submit a Stormwater Pollution Control Plan to the Land Use Office, which plan must be reviewed, approved and certified by Nathan L. Jacobson & Associates, Inc. No construction activities are authorized until 60 days after submission of the Connecticut Department of Energy and Environmental Protection General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities registration to Conn. DEEP.
9. Not later than two weeks prior to the commencement of any work, Applicant shall submit to the Land Use Office, the names and addresses of any contractor(s) employed to conduct such work and the expected date for the commencement and completion of the work.

10. Applicant shall give a copy of the Special Exception and all related plans to the contractors who will be carrying out the permitted activities.
11. Applicant shall be responsible for the posting of cash bonds sufficient to cover any and all improvements taking place on property outside the tract, including work done along Route 81. Such bond shall be set by the Commission's consulting engineer and shall be posted simultaneously with the filing of the Special Exception on the Land Records.
12. The Special Exception is for the following activities only: Section 10.3 Multiple Dwelling Units in Commercial Structures, Section 10.5 Common Interest Community Development (CICD), Section 10.18, Hotel, Section 10.19 Business and Professional Offices, Section 10.21, Retail Establishments and Personal Service Facilities, Section 10.22, Drive-Up Windows, Section 10.28, Restaurants and other Food Service Establishments. The Applicant has not submitted specific evidence regarding the remaining special exception uses proposed and therefore the Commission is unable to approve them. The Applicant, its agent or assignee is free to return with specific special exception applications for these other uses at such time as better information is available regarding them.
13. Applicant shall not deviate from the referenced site plans, as may be modified by this Special Exception, and shall not make *de minimus* changes without the prior authorization of the Planning and Zoning Commission or its agent, the Zoning Enforcement Officer.
14. On or before 90 days after the completion of authorized work for each Unit as set forth on Plan COP-1 (note, these are for the entire building, not specific dwelling or commercial units within it), Applicant shall submit "as built" plans for the Unit to the Land Use Office. Said "as built" shall be required as a condition for the granting of a certificate of occupancy for the Unit.
15. No trash loading, removal or compaction trucks, deliveries or pickups or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM.
16. Within the Multiple Dwelling Units in Commercial Structures, transient lodging shall not be permitted. The minimum length of stay shall be 180 days. Upon the sale of the property, the new property owner shall file an updated model lease within thirty days of the change of ownership.
17. The hotel permitted by this Special Exception must meet the following criteria:
 - (a) New or remodeled rooms shall be no smaller than 300 square feet.

- (b) Occupancy of rooms for transient lodging by any person shall not exceed thirty consecutive days in a ninety day period, unless the individual registered at the hotel has a “negotiated business rate package” as set forth in Section 10.18.3 (c)(1) of the Regulations.
- (c) No mechanical equipment, other than public utility facilities, or refuse receptacles shall be visible from grade level on the public rights-of-way.
- (d) Accessory uses shall be limited to those set forth in Section 10.18.3 (e) of the Regulations. No restaurant use open to the public has been approved for the hotel as a part of this permit. A breakfast bar or food service for hotel guests is approved as part of this permit. At such time as the hotel use is finalized, Applicant will be obligated to seek an amended special exception to incorporate the full service restaurant use if desired.
- (e) A bicycle parking area shall be provided.
- (f) The bus stop servicing the Nine Towns Transit district or its successors, as shown on the plans is considered an express condition of the approval of the hotel and must be completed prior to a certificate of occupancy being granted for the hotel site.
- (g) The hotel and its immediate vicinity shall be equipped with a surveillance system, such as a video recording system, deployed to the satisfaction of the Clinton Police Department or other appropriate law enforcement agency.
- (h) The owner of the hotel shall have a management plan to ensure that occupants of the hotel do not create a public nuisance, or that such occupants are removed should the owner or operator determine that the occupant is creating a public nuisance.

18. Specific designs for each individual restaurant shall be submitted to the Design Review Board sufficiently in advance to allow the Board to review and comment in a timely manner. Materials selection and substantial changes to the design will also need to be submitted to the Design Review Board in such a timely manner set forth in this paragraph.

19. All easements, condominium documents and other post-approval legal documents affecting the special exception or underlying land at this location shall be approved by Commission counsel prior to their execution. It shall be the responsibility of the Applicant to provide these documents sufficiently in advance to allow opportunity for their review in a timely manner.

Dated at Clinton, Connecticut this 11th day of April, 2016. Alberino **seconded** the motion.

[Neri stepped out from 7:52 p.m. – 7:54 p.m.]

Neri recommended amending “Applicant shall submit a Stormwater Pollution Control Plan to the Land Use Office, which plan must be reviewed, approved and certified by Nathan L. Jacobson & Associates, Inc. No construction activities are authorized until 60 days after submission of the Connecticut Department of Energy and Environmental Protection General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities registration to Conn. DEEP” to read “Applicant shall submit a Stormwater Pollution Control Plan to the Land Use Office, which plan must be reviewed, approved and certified by the *Commission’s consulting engineer*. No construction activities are authorized until 60 days after submission of the Connecticut Department of Energy and Environmental Protection General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities registration to Conn. DEEP.” Aniskovich accepted the recommendation as a friendly amendment to the motion. Alberino also agreed to the amendment.

Goupil **moved** to amend the motion regarding findings and conditions. There was no second to the motion.

Alberino **moved** to amend the motion to include condition #20 that a maintenance plan be negotiated between the applicant and the Clinton Land Conservation Trust, Inc., for the wetlands access path. Knudsen **seconded** the motion. DISCUSSION: There was a lengthy discussion regarding the purpose of the plan and what it would entail. It was noted that the path is remaining within control of the Association and falls under the site-wide maintenance plan. Alberino and Knudsen withdrew their motion and second.

Knudsen **moved** to amend Part III: Finding of Fact, #10 Amenities, (j) to read: “The following amenities are contained in the applicant’s proposal for the hotel: exercise/fitness center, conference or meeting rooms and business center.” Singh **seconded** the motion.

In Favor: Knudsen, Aniskovich, Goupil, Guerra and Moore
In Opposition: Alberino and Neri
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 5-2-0-2.

Goupil **moved** to require a crosswalk across the southern access to the site. Guerra **seconded** the motion. DISCUSSION: It was noted that this sidewalk is currently shown on the plans. The motion and second were withdrawn.

Neri **moved** the question. Alberino **seconded** the motion. DISCUSSION: Goupil requested that she was given the opportunity to further amend the motion. The motion and second were withdrawn.

Goupil **moved** to amend Condition #1: "Reference is made to the project drawing list dated January 4, 2016 and revised through March 28, 2016. This special exception approval is limited to the items and activities shown on the plans as submitted. The final drawings contain a specific configuration for Unit 4, which is one of the restaurant pad sites. The Commission did review an alternate configuration for this unit, as shown on Slide 30 submitted during the April 4, 2016 public hearing, and will allow the alternate configuration if the Applicant determines that the tenant mixture requires/favors it. Final building plans will need to be submitted to the Land Use Office sufficiently far in advance of a building permit application to allow staff to review compliance with the special exception, as approved" to read "Reference is made to the project drawing list dated January 4, 2016 and revised through March 28, 2016. This special exception approval is limited to the items and activities shown on the plans as submitted. The final drawings contain a specific configuration for Unit 4, which is one of the restaurant pad sites. The Commission did review an alternate configuration for this unit, as shown on Slide 30 submitted during the April 4, 2016 public hearing, and *requires* the alternate configuration *to be used*. Final building plans will need to be submitted to the Land Use Office sufficiently far in advance of a building permit application to allow staff to review compliance with the special exception, as approved." Guerra **seconded** the motion.

In Favor: Knudsen, Alberino, Goupil, Guerra, Moore and Singh
In Opposition: Aniskovich and Neri
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 6-2-0-2.

Goupil **moved** to amend the motion by adding a condition that there shall be a 50% reduction of the parallel parking on B Street and of the parking on C Street to reduce the conflict. There was no second to the motion.

Neri **moved** the question. Aniskovich **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Guerra, Moore, Singh and Neri
In Opposition: None
Abstentions: Goupil
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 7-1-0-2.

Vote on amended motion:

In Favor: Bousquet, Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh and Neri
In Opposition: None

*Clinton Planning and Zoning Commission
Regular Monthly Meeting **Minutes**
April 11, 2016
Page 20*

Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 9-0-0-1.

Neri recused himself from AR 16-20: Petition to Amend the Zoning Regulations, Kimberly Simoncini. Dahlgren was seated for Kravitz.

10. AR 16-20: Petition to Amend the Zoning Regulations, Kimberly Simoncini: Section 10.52: Contractor's Businesses and Storage Yards; Section 26.1.4(m): Outside Storage.

Kimberly Neri Simoncini gave a brief presentation.

Alberino **moved** to receive AR 16-20: Petition to Amend the Zoning Regulations, Kimberly Simoncini and schedule for public hearing on Monday, June 6, 2016 at 7:00 p.m. Moore **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman)
The motion **carried**: 8-0-0-1.

Neri returned to the meeting and was reseated for Kravitz.

11. AR 16-07: Amendment to the Zoning Regulations: Amendments to Section 28: Signs regarding the IDZ zone. **Eligible for Decision**

Singh **moved** to approve AR 16-07: Amendment to the Zoning Regulations as it is consistent with the Plan of Conservation and Development with an effective date of May 1, 2016. Aniskovich **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman)
The motion **carried**: 8-0-0-1.

12. Plan of Conservation and Development:

- Clinton Center

During the Special Meeting held at 7:00 p.m. the Planning Review Committee was charged with researching the components and assembling the RFP for a Master Plan for the Clinton Center Planning Focus Area.

13. Committee Reports:

- Administrative Report: M.E. Dahlgren
There will be a meeting on April 13, 2016. The Committee is working on compiling and composing an RFP for Consultant Planning Services.
- Executive Committee: G. Bousquet
No report.
- Planning Review Committee C. Goupil
No further report.
- Subdivision Regulations Review Committee: A. Kravitz
No report. Chairman was not present.
- Regulations Review Committee: A. Singh
Singh noted that items had been identified and prioritized at the past two meetings of the Committee. By the next Committee meeting he hopes to have recommendations from the consultant planner for items from the PoCD that can be prioritized for the Committee to work on.

14. Minutes:

- March 2, 2016 Administrative Committee Meeting
- March 7, 2016 Public Hearing
- March 14, 2016 Regular Monthly Meeting
- March 16, 2016 Administrative Committee Meeting
- March 21, 2016 Planning Review Committee Meeting
- March 23, 2016 Administrative Committee Meeting
- March 28, 2016 Regulations Review Committee Meeting

Aniskovich **moved** to approve the minutes as submitted. Knudsen **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

15. Bills & Correspondence:

- CME Associates, Inc.
 - Invoice #22598 (March) \$4,000.00
- Dzialo, Pickett & Allen, PC

- Cashman Violations (Invoice #29018) \$425.50

Singh **moved** to approve the bills. Knudsen **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, and Singh
In Opposition: Neri
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 7-1-0-2.

16. Old Business

There was no old business at this time.

17. New Business

There was no new business at this time.

18. Executive Session: Review of Consulting Planner's Contract

Moore **moved** to enter into Executive Session to Review the Consulting Planner's Contract and invite John Guskowski, Eric Knapp and Jullie Pudem to join the Commission. Singh **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

The Commission agreed to exit Executive Session.

Neri **moved** to authorize the Chairman with the power to dictate the email policy and to determine the retention and continuation of the contract with CME Associates, Inc. Alberino **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Guerra, Moore, Singh, and Neri
In Opposition: Goupil
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 7-1-0-2.

Clinton Planning and Zoning Commission
*Regular Monthly Meeting **Minutes***
April 11, 2016
Page 23

Neri **moved** to adjourn the meeting. Knudsen **seconded** the motion.

In Favor: Knudsen, Aniskovich, Alberino, Goupil, Guerra, Moore, Singh, and Neri
In Opposition: None
Abstentions: None
Not Voting: Bousquet (Chairman) and Dahlgren (Not Seated)
The motion **carried**: 8-0-0-2.

The meeting adjourned at 10:47 p.m.

Respectfully submitted,

Julia N. Pudem
Clerk