

# Planning & Zoning Commission

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54 East Main Street  
Clinton, Connecticut 06413

Regular Monthly Meeting

February 13, 2012

## Minutes

Present: J. Main, Chairman; A. Delia, T. Guerra, M. Rossi, M. Carr, C. Goupil and M. Rapuano

Absent: L. MacDonald, Vice Chairman; C. Watts, Secretary; P. Fritz, D. Irmscher and A. Kravitz

Chairman John Main called the meeting to order at 7:32 p.m. Alternate Maurice Kirk Carr was seated for Pamela Fritz; Alternate Mark Rapuano was seated for Cynthia Watts; Christine Goupil was seated for Lisa MacDonald.

1. Chairman's Comments: John Main

The Chairman had no comments at this time.

2. ZEO Report

The ZEO Lane submitted a written report and the Commission had no comment at this time.

3. a) SE 12-001: Wolfhound Way, 146 East Main Street, Robert Grabarek: One rear lot in a two-lot subdivision. Map 68, Block 65, Lot 32. Zone R-10 & VZ.

b) Sub. 290: Wolfhound Way, 146 East Main Street, Robert Grabarek: Two-lot subdivision. Map 68, Block 65, Lot 32. Zone R-10 & VZ.

Robert Grabarek, applicant, gave a brief presentation.

Rossi **moved** to receive SE 12-001/Sub. 290: Wolfhound Way, 146 East Main Street, Robert Grabarek and schedule a public hearing on Monday, March 5, 2012 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall. Guerra **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano

In Opposition: None

Abstentions: None

Not Voting: Main (Chairman)

The motion **carried**: 6-0-0-1.

4. SE 11-282: 235 East Main Street, Edward & Lisa Alberino: Add tattoo use to existing salon/barbershop. Map 78, Block 68, Lot 12. Zone B-4.

It was noted that the public hearing closed on Monday, February 6, 2012 and was eligible for decision. It was also noted that Timothy Guerra was ineligible to vote on the application.

Rapuano **moved** to approve SE 11-282: 235 East Main Street, Edward & Lisa Alberino with the following conditions:

- There shall be no visible evidence from the exterior of the building or adjacent properties of the tattooing service.
- The name of the supervising physician shall be provided to the Land Use Office.

Goupil **seconded** the motion. DISCUSSION: Delia stated for the record that this was going to be a very difficult decision because there was a lot of evidence that the applicant is an upstanding member of the community and there has been a lot of support for this application. He noted that the application is a Special Exception and has additional requirements that must be met in order to be approved. He quoted Section 10.20.2(a) of the Zoning Regulations. Delia noted that there is some interpretation required. He had determined that there were minors frequenting within 1000' of the proposed location. Delia stated that the applicant appears to be able to do a better job than anyone else he could envision with this type of use; however, there is an orthodontist and a bus stop within 1000' and the building within which the tattoo use is proposed for, has a business which provides services to children. Rossi stated that the Regulations equate tattoo parlors with adult entertainment businesses but feels that the Regulations are wrong. If the Commission was to approve this application, it would open the Town up to litigation. Carr feels that the language is clear. Rapuano disagreed and feels that the Commission has the right to decide if that location is okay for a tattoo parlor.

In Favor: Goupil and Rapuano  
In Opposition: Delia, Rossi and Carr  
Abstentions: None  
Not Voting: Main (Chairman) and Guerra (Ineligible)  
The motion **did not** carry: 2-3-0-2.

5. SE 11-283: 94 Cow Hill Road, Liliana Montoya: Accessory apartment. Map 30, Block 2, Lot 156-10. Zone R-30.

It was noted that a new public hearing date needed to be scheduled.

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Rossi **moved** to schedule SE 11-283: 94 Cow Hill Road, Liliana Montoya for public hearing on Monday, March 5, 2012 at 7:00 p.m. in the Green Room of the Andrews Memorial Town Hall. Guerra **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 6-0-0-1.

6. CAM 11-280: 89 Shore Road, Joseph P. Yamin: New foundation, reconstruction of steps and deck. Map 79, Block 72, Lot 79. Zone R-10.

Michael Harken, agent for the applicant, gave a brief presentation. He submitted a copy of the email transmitting revised plans to OLISP/DEEP, before and after pictures of the property in relation to Tropical Storm Irene, and revised architectural plans.

Delia **moved** to approve CAM 11-280: 89 Shore Road, Joseph P. Yamin as it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. Guerra **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 6-0-0-1.

7. REF 12-012: Proposed Amendment to the Killingworth Zoning Regulations: Miscellaneous changes to the Killingworth Zoning Regulations. Public Hearing: 2/21/2012

The Commission held a brief discussion and determined that there were no intermunicipal concerns.

Rossi **moved** to send a letter to the Killingworth Planning and Zoning Commission, stating that there are no intermunicipal concerns with REF 12-012: Proposed Amendment to the Killingworth Zoning Regulations and that the Commission has no comments. Guerra **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)

The motion **carried**: 6-0-0-1.

8. AR 11-273: Proposed Amendment to the Zoning Regulations: Section 26.2.4 and 26.2.15: Home Occupations and Section 25: Lot Requirements – Standards.

Rossi **moved** to table AR 11-273: Proposed Amendment to the Zoning Regulations to the next Regular Monthly Meeting. Guerra **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 6-0-0-1.

9. Minutes:

- January 4, 2012 Public Hearing
- January 4, 2012 Planning Committee Meeting
- January 9, 2012 Regular Monthly Meeting
- January 11, 2012 Special Meeting with EDC
- January 12, 2012 Review Committee Meeting
- January 23, 2012 Regulations Committee Meeting

Delia **moved** to approve the minutes as submitted. Goupil **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 6-0-0-1.

10. Committee Reports:

- Planning Committee: A. Kravitz & C. Goupil  
Goupil noted that the Planning Committee is scheduled to meet with the WPCC on February 28, 2012. Also she noted a meeting on February 16, 2012 with OPM. She will provide the clerk with the information to be forwarded to the membership.
- Regulations Committee: A. Delia & M. Rossi  
Rossi noted that there will be a meeting on Monday, February 27, 2012 at 7:00 p.m.
- Review Committee: D. Irmscher & M. Carr  
Carr noted that there has been nothing new to review lately.

11. Bills & Correspondence

- Dzialo, Pickett & Allen, PC:
  - Braewood Sub/Bonny Lane (Invoice #21255) \$595.00
  - New England Road, Inc. – Supreme Court (Invoice #21235) \$1,751.00
- Branse, Willis & Knapp, LLC:
  - Kalayjian (Statement No. 29417) \$1,610.00
  - Balfour Beach (Statement No. 29418) \$770.00

Goupil **moved** to approve the bills as presented. Rossi **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 6-0-0-1.

12. Old Business

Carr stated that he spoke with the First Selectman and asked if he had distributed the letter from the Commission to the Board of Selectmen. Fritz stated that he had not. Carr volunteered to attend the next Board of Selectmen meeting to ask that it be read into the minutes.

There was also a discussion regarding the potential new location of the high school.

13. New Business

Rossi discussed potential amendments to Section 10.20.2(a) to delete the phrase “whether commercial or non-profit, or other areas where numbers of minors regularly travel or frequent, as determined by the Commission,”.

Rossi **moved** to schedule a public hearing to for the above noted proposed amendment on Monday, April 2, 2012 at 7:00 p.m. in the Green Room. Goupil **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Goupil and Rapuano  
In Opposition: Carr  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 5-1-0-1.

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Delia **moved** to adjourn the meeting. Rossi **seconded** the motion.

In Favor: Delia, Guerra, Rossi, Carr, Goupil and Rapuano  
In Opposition: None  
Abstentions: None  
Not Voting: Main (Chairman)  
The motion **carried**: 6-0-0-1.

The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Julia N. Pudem  
Clerk