

Planning & Zoning Commission
54 East Main Street
Clinton, CT 06413

Minutes

Regular Meeting

Via Videoconference

Monday, March 8, 2021

7:00 P.M.

Members Present: Michael Rossi, Chairman; Mike Knudsen, Vice Chairman; Mary Ellen Dahlgren, Secretary; Ed Alberino, Walter Beau Clark, Martin Jaffe, Adam Moore, Amandeep Singh, Will Benoit (Alt), Brandie Doyle (Alt)

Members Absent: Jeffrey Cashman (Alt)

Staff Present: Kathy King, ZEO; John Guskowski, Consulting Planner; Lisa DeMaria, Land Use Technician

Also in attendance were applicants, agents and members of the public.

M. Rossi called the Regular Meeting to order at 7:00 p.m.

B. Doyle was seated for A. Kravitz.

Chairman's Comments M. Rossi explained the virtual meeting rules.

Minutes

February 8, 2021 Regular Monthly Meeting

W.B. Clark **moved** to approve the February 8, 2021 meeting minutes, with the stipulation that moving forward, minutes will reflect the legal names/initials of the members. M.E. Dahlgren **seconded** the motion and it carried.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Moore, A. Singh, B. Doyle
In Opposition: None
Abstentions: M. Knudsen
Not Voting: M. Rossi, Chair
The motion carried: 7-0-1

Alan Kravitz joined the meeting at 7:05 and was seated. B. Doyle was unseated.

Public Hearing(s)

Special Exception & CAM 21-004: Construct 32 Condos on 2 Parcels with 2 Business/Professional Offices: 151-153 East Main Street: Map 67 Block 62 Lots 17 & 17A, Zone EMVD. Applicant/Owner: RESYNC Property Solutions, LLC. Agent: Tony Bolduc, P.E., Thomas A. Stevens & Associates, Inc.

M.E. Dahlgren read the Legal Notice and Document list into record, and explained the difference between the Legal Notice of Public Hearing and the agenda.

Tony Bolduc, P.E., agent for the application summarized the project:

- This project was previously approved in 2005 for four more units than the current proposal.
- Four individual units facing East Main Street – Unit 1 and Unit 4 will have business/professional offices on first floor, residential units on second floor.
- All units have been designed with 3 bedrooms, a garage, off street parking and overflow parking.
- The project has been approved by the Health Department, Design Review Board, Fire Marshal and Fire Chief.

- Received letter from Inland Wetlands Commission, stating this project is not within the 100-foot Upland Review Area and not in their jurisdiction.
- DEEP has reviewed the application – Project is not on the waterfront or within the 100-year flood zone.
- The project is just outside the town's preference for transit oriented development of a half a mile, although it is still within walking distance to the train station at approximately a mile.
- Consistent with the Town's POCD.
- 100-year storm peak flows, after development, will be below the pre-development rates due to proposed onsite detention basin and swale.
- 24-foot-wide, two-way access, at the entrance, reduced to 16-foot-wide, one-way traffic at the loop. 4-foot wide sidewalk.
- Underground utilities and public water.
- DTC Engineering comments have been addressed and J. Guskowski, Town Planner stated that the plans have been revised to satisfy his comments. The landscape plan, lighting plan and CRAHD approval have been submitted.
- Tony Bolduc, P.E., provided plans to show the layout of the property if the historic house remains.
- Attorney Keith Ainsworth explained that if the house remains, it will be incorporated into the entire project. The property will not be split to accommodate the house. The project will start at the rear of the lot and make its way toward the road.
- Ben Whalen, BTW Construction, stated that he had a meeting with structural engineer, Dan Morrissey, and it has been estimated that if the house is restored, the cost will far surpass the value of the house.
- Several areas of the house have lost their historical character – missing chimney, vinyl siding, off-the-shelf replacement windows.
- Tony Bolduc, P.E. stated that the owner and professionals have considered the impact of the development on the surrounding area. The proposed project has less units than was previously approved in 2005. The proposed buildings closest to the street are halfway between the minimum and maximum required setbacks for the zone and consistent with the buildings in the area.

The following spoke from the public:

Peggy Adler, 5 Liberty Street read a prepared statement into record:

- Description of how she purchased and renovated her 1725 house, including photos.

Jake Clinton:

- In favor of overall development.
- Would like to see existing house saved on its original foundation.
- Remove corn crib to allow access to rear of property.
- Appears there are storm windows over the historic windows and should be saved.
- Concerned with 3 bedroom units and amount of traffic generated.
- Tony Bolduc, P.E. stated that the parking meets the requirements of the Zoning Regulations.

Megan Stine:

- Representing herself and Historical Society.
- At the end of the SHPO meeting on March 3, 2021, the Council referred the project to the Attorney general for intervention.
- Not opposed to development, opposed to demolition of historic house.

- Concerned about losing rich heritage, visual appeal.
- Consider solutions that allow the historic preservation.
- If the house is too expensive to restore, leave as streetscape even if it's empty.
- Do Town regulations require mixed use – J. Guszowski stated that mixed use is allowed in the zone but not required.

Robert Bischoff:

- Read a statement about the economic benefits from shipping and trade that allowed the historic streetscape to be built. Once it is destroyed, it cannot be brought back.

Duncan Belcher:

- Historic house was childhood home. Relatives owned it.
- The Village District has abandoned buildings and needs development.
- House at 159 East Main Street was required to remain and be restored in 2005 but remains vacant.
- Cannot burden property owners to keep, maintain and pay taxes on empty buildings.

Melissa Suprin:

- The more restrictions we put on developers, the less likely developments will happen.
- Expensive to keep a vacant building. Eventually it will deteriorate.

Tony Bolduc, P.E. shared photos of the vacant historic house located at 159 East Main. The paint is peeling, there are No Trespassing signs hanging on the building.

Attorney Ainsworth stated that the Building Official wrote a letter explaining how the change of occupancy triggers the requirements for upgrades. The few exemptions in the Building Code do not drive the price of restoration down. The estimate to restore the historic house is near \$924,000.

There are no tax credits or grants available to the owner. Project is moving forward with current plan and continued discussions with SHPO. No one will invest money into an empty building and it will deteriorate over time. SHPO determined the corn crib is not historical and will be moved to another site and restored. The State's alternative plan does not meet Health Codes. Continuing to do analysis. The project meets the regulations and the owner would like to move ahead.

The owner has considered the value that the historic house gives to the overall project and is not arguing that it can be restored, but the economics of it aren't rational.

If the application is approved, and the Attorney General requires the house to remain, the owner can come back to the Commission for a Modification to a Special Permit.

W.B. Clark **moved** to close the public hearing for Special Exception & CAM 21-004: Construct 32 Condos on 2 Parcels with 2 Business/Professional Offices: 151-153 East Main Street: Map 67 Block 62 Lots 17 & 17A, Zone EMVD. E. Alberino **seconded** the motion and it carried.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, M. Knudsen, A. Moore, A. Singh
In Opposition: A. Kravitz
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 7-1-0

Special Exception 21-006: Create Rear Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40. Applicant/Owner: Gerald Lione. Agent: Gregg Fedus, P.E., Fedus Engineering, LLC. Open public hearing.

Re-Subdivision 21-007: Create Two Lots from One Existing Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40. Applicant/Owner: Gerald Lione. Agent: Gregg Fedus, P.E., Fedus Engineering, LLC. Open public hearing.

M.E. Dahlgren **moved** to open the public hearing for Special Exception 21-006: Create Rear Lot: Davis Farm Road and Re-Subdivision 21-007: Create Two Lots from One Existing Lot. W.B. Clark **seconded** the motion and it carried unanimously.

M.E. Dahlgren read the Document list into record.

Gregg Fedus, P.E., agent for the application summarized the proposal to divide an existing lot at the end of Davis Farm Road into 2 lots.

- Proposal includes the use of existing ROW at the end of the Cul-de-sac. It appears that the Row may not have been deeded to the town when the subdivision was approved in 1994 and does not know the history of the ROW.
- The proposed project meets the Bulk and Area requirements of the regulations.
- The application received approvals form the Conservation Commission and the Inland Wetlands Commission.
- A waiver of Section 5.9.3 of the Subdivision Regulations, is being requested – Subdivisions containing more than 20 lots shall have at least two direct connections to one or more accepted public roads.
- There were several questions form the Commission regarding public health, safety and welfare by adding 2 additional lots to the end of the road, the ROW, frontage for the front lot and possibility of the ROW being extended in the future to connect to Route 81. Gregg Fedus, P.E. stated that they are requesting a waiver in order to incorporate the Row into the front lot, thereby making it no longer viable to extend the street.

The following spoke from the public:

Catherine Harris:

- Concerned with the impact of the traffic, well water in the area and extension of the road in the future. Chose to live there because of the dead end street. Would like a hydrology report regarding wells.

Jennifer O'Brien

- Concerned about the rear lot location being close to her property. Pointed out typos on plan – 6 lots, 3 proposed septic tanks. Gregg Fedus, P.E. clarified the typos.
- Questioned the impact the grading will have on her lot and questioned separating distance between wells. Gregg Fedus, P.E. stated that the drainage will be down gradient of J. O'Brien's lot. The proposed wells meet the separating distances.

Patrick O'Neil:

- Concerned with number of lots. Chose to live on dead end road. Proposing 2 additional septic systems and wells in a neighborhood that currently has potable water issues. The area is overdeveloped and further development should not be allowed.

Richard Taylor, 9 Davis Farm Road:

- Lived there 23 years. Chose to live on dead end street. Supports statements made by Catherine Harris.

Melissa Suprin:

- Concerned with drainage and the steep grade on proposed lots. Does not support a through street. Concerned with number of lots and doesn't fit the neighborhood.

Ella Cinquino, 11 Davis Farm Road:

- Agrees with statements made by Catherine Harris, Patrick O'Neil, Jennifer O'Brien and Richard Taylor. W.B. Clark noted that the waiver request is so the road does not have to be built. It is not a request to extend the road.

J. Guskowski stated that it is unlikely that a road will ever continue to Route 81. Explained the difference between the authority of the Subdivision Regulations and the Zoning Regulations.

Discussion regarding the number of lots, waiver of 5.9.3, public safety, required frontage for lots if ROW is not deeded to the Town. Gregg Fedus, P.E. stated that they will get hydrology analysis, police and fire comments for the Commission.

E. Alberino **moved** to continue the public hearing for Special Exception 21-006: Create Rear Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40 and Re-Subdivision 21-007: Create Two Lots from One Existing Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40 to the April 11, 2021 meeting for a legal opinion regarding the right-of-way being deeded to the Town, Hydrology Analysis, Fire and Police comments. W.B. Clark **seconded** the motion and it carried unanimously.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Old Business

Special Exception & CAM 21-004: Construct 32 Condos on 2 Parcels with 2 Business/Professional Offices: 151-153 East Main Street: Map 67 Block 62 Lots 17 & 17A, Zone EMVD. Applicant/Owner: RESYNC Property Solutions, LLC. Agent: Tony Bolduc, P.E., Thomas A. Stevens & Associates, Inc.

The Commission Members discussed concerns regarding condo developments, demolition delay, parking, open space. J. Guskowski explained that the Commission cannot override the demolition. It is an ordinance. The demolition is independent of the Special Permit application.

E. Alberino **moved** to approve CAM 21-004: Construct 32 Condos on 2 Parcels with 2 Business/Professional Offices: 151-153 East Main Street: Map 67 Block 62 Lots 17 & 17A, Zone EMVD, and found to be consistent with the coastal policies in § Section 22a-92, and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable. W.B. Clark **seconded** the motion and it carried.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, M. Knudsen, A. Moore, A. Singh
In Opposition: A. Kravitz
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 7-1-0

E. Alberino **moved** to approve Special Exception 21-004: Construct 32 Condos on 2 Parcels with 2 Business/Professional Offices: 151-153 East Main Street: Map 67 Block 62 Lots 17 & 17A, Zone EMVD, with the condition that the project works around the house at 151 East Main Street, and demolition does not take place until 90 days after approval of the project, or until the Attorney General renders his decision. W.B. Clark **seconded** the motion and it carried.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, M. Knudsen, A. Moore, A. Singh
In Opposition: A. Kravitz
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 7-1-0

Site Plan & CAM 20-024: Construct Steel Garage for Truck Storage: 359 East Main Street: Map 87, Block 69, Lot 129, Zone I-2. Applicant/Owner: David Malazzi.

M.E. Dahlgren read the Document list into record.

Jonathan Malazzi, owner, summarized the project. The proposed steel building will be open and used for the storage of trucks. The site plan was revised to reflect the new location of the building, proximity to wetlands, alternative building location, delineate contours. The maintenance plan and anti-tracking pad were not on the plan. The project received approval from the Inland Wetlands Commission on March, 2021.

E. Alberino **moved** to approve CAM 20-024: Construct Steel Garage for Truck Storage: 359 East Main Street: Map 87, Block 69, Lot 129, Zone I-2, and found to be consistent with the coastal policies in § Section 22a-92, and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable. M. Knudsen **seconded** the motion and it carried unanimously.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

E. Alberino **moved** to approve Site Plan 20-024: Construct Steel Garage for Truck Storage: 359 East Main Street: Map 87, Block 69, Lot 129, Zone I-2, with the conditions that the maintenance plan for the infiltration system, #8 as noted on the Town engineer report, and the anti-tracking pad, be added to the final plan. W.B. Clark **seconded** the motion and it carried unanimously.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Site Plan & CAM 21-008: New 50' x 200' Warehouse Building: 40 Nod Place: Map 15 Block 9 Lot 2-4, Zone I-2. Applicant/Owner: Nod Place, LLC. Agent: Tony Bolduc, P.E., Thomas A. Stevens & Associates, Inc.

M.E. Dahlgren read the Document list into record.

Tony Bolduc, P.E. reviewed the application.

Revisions of the plan include:

- Entrance
- Handicapped Parking
- Stormwater and Calculations
- Silt Fence
- Driveway Section and Narrative
- Soils and Perc Tests
- No propane tanks. No heat. No septic system. The building is for storage of equipment.

A. Kravitz **moved** to approve CAM 21-008: New 50' x 200' Warehouse Building: 40 Nod Place: Map 15 Block 9 Lot 2-4, Zone I-2, and found to be consistent with the coastal policies in § Section 22a-92, and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable. W.B. Clark **seconded** the motion and it carried unanimously.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

W.B. Clark **moved** to approve Site Plan 21-008: New 50' x 200' Warehouse Building: 40 Nod Place: Map 15 Block 9 Lot 2-4, Zone I-2. A. Kravitz **seconded** the motion and it carried unanimously.

Roll call vote taken by L. DeMaria.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Site Plan & CAM 21-009: New Single Family House on Vacant Lot: East Road: Map 69 Block 66 Lot 194, Zone R-10. Applicant: Tim Willard. Owner: Raisa Kukta. Agent: Joe Wren, P.E., Indigo Land Design, LLC.

M.E. Dahlgren **moved** to table Site Plan & CAM 21-009: New Single Family House on Vacant Lot: East Road: Map 69 Block 66 Lot 194, Zone R-10 until the April 12, 2021 meeting, to wait for the ZBA decision. W.B. Clark **seconded** the motion and it carried unanimously.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Special Exception 21-006: Create Rear Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40. Applicant/Owner: Gerald Lione. Agent: Gregg Fedus, P.E., Fedus Engineering, LLC.
Re-Subdivision 21-007: Create Two Lots from One Existing Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40. Applicant/Owner: Gerald Lione. Agent: Gregg Fedus, P.E., Fedus Engineering, LLC.

M.E. Dahlgren **moved** to continue Special Exception 21-006: Create Rear Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40 and Re-Subdivision 21-007: Create Two Lots from One Existing Lot: Davis Farm Road: Map 30 Block 22 Lot 156B, Zone R-40 to the April 12, 2021 meeting. A. Kravitz **seconded** the motion and it carried unanimously.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

New Business

Guest - Jeff Heser, Fire Marshal

J. Heser discussed issues that come up when commissions and boards make decisions that affect other agencies, such as the fire department. The Fire Marshal is governed by State Statutes. If a commission/board makes a decision and the fire department has to enforce codes such as exterior changes to a building, the owner may have to return to the commission/board for a modification to their approval. Commission members discussed ways to avoid having applicants returning to the commission for modifications.

Site Plan & CAM 21-011: Additions & Renovations to Existing Single Family House: 59 Hammock Road: Map 70 Block 67 Lot 26, Zone R-10. Applicant/Owner: Jeffrey Nestler & Ellen R. Olarsch-Nestler. Agent: Gregg Fedus, P.E., Fedus Engineering, LLC.

M.E. Dahlgren read the Document list into record.

E. Alberino **moved** to table Site Plan & CAM 21-011: Additions & Renovations to Existing Single Family House: 59 Hammock Road: Map 70 Block 67 Lot 26, Zone R-10 to the April 12, 2021 meeting to wait for DEEP comments. M.E. Dahlgren **seconded** the motion and it carried unanimously.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None

Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Site Plan & CAM 21-012: New Industrial Building for Manufacturing, Processing or Assembling of Goods: 115 Nod Road: Map 21 Block 3 Lot 23-1, Zone IP. Applicant: Bausch Advanced Technologies, Inc. Owner: SBB, Inc. Agent: Michael J. Ott, P.E., L.S.

M.E. Dahlgren read the Document list into record.

Kathy King, ZEO explained that the owner is waiting for approval from the Inland Wetlands Commission. There is a Special IWC meeting scheduled for March 9, 2021. The Planning and Zoning Commission cannot make a decision until they receive a decision from the IW Commission.

E. Alberino **moved** to schedule a Special meeting on March 10, 2021 to review Site Plan & CAM 21-012: New Industrial Building for Manufacturing, Processing or Assembling of Goods: 115 Nod Road: Map 21 Block 3 Lot 23-1, Zone IP. W.B. Clark **seconded** the motion and it carried unanimously.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

A. Kravitz **moved** to add agenda items #7 Staff Reports, #8 Committee Reports & #9 Correspondence, to the Special meeting agenda for March 10, 2021. E. Alberino **seconded** the motion and it carried unanimously.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Adjournment

W.B. Clark **moved** to adjourn the meeting at 10:49 p.m. E. Alberino **seconded** the motion and it carried unanimously.

In Favor: M.E. Dahlgren, E. Alberino, W.B. Clark, M. Jaffe, A. Kravitz, M. Knudsen, A. Moore, A. Singh
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Respectfully submitted,

Lisa deMaria

Lisa DeMaria
Land Use Technician