

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

Minutes

Regular Meeting

Via Videoconference

Monday, October 18, 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, Alan Kravitz, Adam Moore, Will Benoit (Alt), Jay Mandell (Alt)

Members Absent: Amandeep Singh, Jeffrey Cashman (Alt)

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

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

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

Chairman's Comments –

M. Rossi seated J. Mandell for A. Singh and stated the meeting rules.

M. Rossi stated that with the upcoming election, some Members will be stepping away. He thanked all of the Members and wished them the best.

M. Rossi noted that application SP&CAM 21-051 was received after the agenda was filed and needed to be voted onto the agenda. The CAM application needs to be referred to the state.

M.E. Dahlgren **moved** to add SP&CAM 21-051; 242 East Main Street, to the agenda as item 5. i., under 'Receipt of Applications'. W.B. Clark **seconded** the motion and it carried.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore

In Opposition: None

Abstentions: Jay Mandell

Not Voting: M. Rossi, Chair

The motion carried: 7-0-1

Minutes

September 13, 2021 Regular PZC Meeting Minutes

June 24, 2021 & October 7, 2021 Regulation Committee Special Meeting Minutes

E. Alberino **moved** to approve the minutes as circulated. W.B. Clark **seconded** the motion and it carried.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore

In Opposition: None

Abstentions: Jay Mandell

Not Voting: M. Rossi, Chair

The motion carried: 7-0-1

At this time, M. Rossi seated W. Benoit for J. Mandell, due to technical issues.

Public Hearing(s)

M.E. Dahlgren read the Legal Notice and document list into record.

Special Exception Modification & CAM 21-037: Increase in Ground Coverage: 73 West Main Street: Map 44 Block 11 Lot 7, Zone B-2. Applicant/Owner: 73 West Main Street, LLC.

Tony Bolduc, agent, explained that the project was approved in 2020. Since that time, the zoning regulations have changed, increasing the allowable amount of ground coverage in the B-2 zone, to 80%.

The proposal is to convert 10 pervious paver parking spaces on the site plan to asphalt. The increased coverage will be less than 70%.

The stormwater system has a maximum capacity of 1152 cu ft of runoff. The proposed modification will result in a calculation of 985 cu ft of runoff.

T. Bolduc stated that owner’s motivation for the change is maintenance and safety issues.

There were no comments from the public.

M. Knudsen **moved** to close the public hearing for Special Exception Modification & CAM 21-037: Increase in Ground Coverage: 73 West Main Street. W.B. Clark **seconded** the motion and it carried.

In Favor:	Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition:	None
Abstentions:	None
Not Voting:	M. Rossi, Chair
The motion carried:	8-0-0

AR 21-038: Regulation Amendment Restricted Vehicular Access Conservation Subdivisions: Section 12.9.3(f)(3)(iii).

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

Attorney Ed Cassella, agent, explained that the previous application was denied. The applicants appreciate the time and input from the Commission. The application has been amended.

The intent of the regulation amendment is to allow Conservation Subdivisions, with more than one access, the option of restricting general vehicular traffic by use of a barrier, at one of the access points. The proposed language meets goals of the Conservation Subdivision regulations, such as access and parking, and discouraging traffic speed.

M. Rossi asked if the language applies to subdivisions with public roads or private roads.

E. Cassella stated that the intent is for private roads.

The Commission discussed different types of vehicular traffic in addition to cars and trucks such as motorized bicycles and motorcycles. They wanted to be sure that bicycles and pedestrians would have unrestricted access. The barrier would have to be approved by the Police and Fire Departments at the time of a Special Exception application.

The Commission asked that the language be modified to read “b. Only one of the access/egress points shall restrict general public vehicular traffic;”. E. Cassella emailed a copy of the language to the Land Use staff prior to the close of the public hearing.

Peggy Adler, Liberty Street, spoke in favor of the text change, to reduce the increased traffic down Waterside Lane.

E. Alberino **moved** to close the public hearing for AR 21-038: Regulation Amendment Restricted Vehicular Access Conservation Subdivisions: Section 12.9.3(f)(3)(iii). W.B. Clark **seconded** the motion and it carried.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Adam Moore, Will Benoit
In Opposition: Alan Kravitz
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 7-1-0

AR 21-041: Regulation Amendment TODO: Section 23: Applicant: 1 John Street Clinton LLC.

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

Attorney Steve Studer explained the history of how the regulations for the Transit Oriented Development Overlay (TODO) were adopted by the Commission.

The property owner has received inquiries from potential tenants for a variety of business types.

The intent of the proposed regulations is to clarify them. The outer boundaries will still be buffered, but interior lot lines and mix of uses will be less rigid. S. Studer feels there will still be checks and balances in place and the ultimate authority will come in a Special Exception application.

Some Members had concerns: Setbacks, Uses across entire site, Insufficient Master plan, No minimum area requirement or lot shape, Control of Commission taken away.

Some Members were in favor: Clarity of the regulations will help to develop and market the TODO area.

Jaime Saturno, 34 John Street, spoke in opposition to the regulation change. She understands the need for flexibility to attract tenants but feels there is less accountability. Concerns are: potential of large warehouse distribution/fulfillment center creates huge amount of truck and pedestrian traffic, noise.

Wendy Denhardt, John Street, spoke in opposition. Agrees with J. Saturno.

W.B. Clark **moved** to close the public hearing for AR 21-041: Regulation Amendment TODO: Section 23. A. Moore **seconded** the motion and it carried.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Adam Moore, Will Benoit
In Opposition: Alan Kravitz
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 7-1-0

Special Exception & CAM 21-042: To Allow Combination of Permitted Uses in TODO Zone: 1 John Street: Map 44 Block 26 Lot 19, Zone TODO. Applicant: 1 John Street Clinton LLC.

The applicant requested to table the opening of the public hearing to November 8, 2021.

E. Alberino **moved** to table the opening of the public hearing to November 8, 2021 for Special Exception & CAM 21-042: To Allow Combination of Permitted Uses in TODO Zone: 1 John Street until November 8, 2021. W.B. Clark **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Receipt of Application(s)

Special Exception SE 21-043: Vehicular Barrier: The Hammocks: Applicant: The Hammocks Homeowners Association.

A. Moore **moved** to receive Special Exception SE 21-043: Vehicular Barrier: The Hammocks and schedule a public hearing on November 8, 2021. M. Knudsen **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

CAM 21-044: Building Addition: 37 Kelsey Road: Map 69 Block 66 Lot 28, Zone R-10. Applicant/Owner: Virginia Kiraly.

The agent, Joe Wren, requested the application be table to November 8, 2021 to wait for a ZBA decision.

W.B. Clark **moved** to receive CAM 21-044: Building Addition: 37 Kelsey Road and table to November 8, 2021. E. Alberino **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Special Exception Modification 21-045: Existing House to Remain: 151-153 East Main Street: Map 67 Block 62 Lot(s) 17 & 17A, Zone EMVD. Applicant/Owner: RESYNC Properties Solutions, LLC.

M. Jaffe **moved** to receive Special Exception Modification 21-045: Existing House to Remain: 151-153 East Main Street and schedule a public hearing on November 8, 2021. A. Kravitz **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

d. AR 21-046: Recreation Cannabis Prohibition: Applicant; Town of Clinton Planning & Zoning Commission.

e. AR 21-047: Commercial Vehicles in Residential Districts: Section 28: Applicant; Town of Clinton Planning & Zoning Commission.

f. AR 21-048: Base Flood (+) 2 Ft: Section 17: Applicant; Town of Clinton Planning & Zoning Commission.

g. AR 21-049: Conservation Subdivision Setbacks: Section 12: Applicant; Town of Clinton Planning & Zoning Commission.

h. AR 21-050: Definition of Structure: Section 3: Applicant: Town of Clinton Planning & Zoning Commission.

M.E. Dahlgren **moved** to receive AR 21- 046 through AR 21-050 (d. through h. on the agenda) and schedule public hearings on November 8, 2021. E. Alberino **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Site Plan & CAM 21-051: Addition of Commercial Kitchen/Deli to Existing Market: 242 East Main Street Units 6A & 6B: Map 78 Block 70 Lot 156, Zone B-4. Applicant: Cesar Soto.

M. Knudsen **moved** to receive Site Plan & CAM 21-051: Addition of Commercial Kitchen/Deli to Existing Market: 242 East Main Street and table to the December 13, 2021 meeting to wait for DEEP comments. A. Kravitz **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

Old Business

Special Exception Modification & CAM 21-037: Increase in Ground Coverage: 73 West Main Street: Map 44 Block 11 Lot 7, Zone B-2. Applicant/Owner: 73 West Main Street, LLC.

There was no discussion.

W.B. Clark **moved** to approve CAM 21-037: Increase in Ground Coverage: 73 West Main Street and found the proposed activity is consistent with the coastal policies in CGS Section 22a-92, incorporated all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water dependent development activities, and are acceptable. A. Kravitz **seconded** the motion and it carried unanimously.

W.B. Clark **moved** to approve Special Exception Modification 21-037: Increase in Ground Coverage: 73 West Main Street. A. Moore **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None

Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

AR 21-038: Regulation Amendment Restricted Vehicular Access Conservation Subdivisions: Section 12.9.3(f)(3)(iii).

M. Rossi stated that he feels that the proposed regulation addresses the concerns that the Commission had about vehicular safety and emergency vehicle access in a time of need. W.B. Clark agreed.

E. Alberino **moved** to approve AR 21-038: Regulation Amendment Restricted Vehicular Access Conservation Subdivisions: Section 12.9.3(f)(3)(iii), as amended with the following: “b. Only one of the access/egress points shall restrict general public vehicular traffic;” M.E. Dahlgren **seconded** the motion and it carried.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Adam Moore
In Opposition: Alan Kravitz
Abstentions: Will Benoit
Not Voting: M. Rossi, Chair
The motion carried: 6-1-1

Site Plan & CAM 21-039: Addition: 64 Nod Road: Map 29 Block 9 Lot 5-1, Zone I-2. Applicant/Owner: Gerald J. Vece, Jr.

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

Mike Ott, P.E. explained that the proposal is for an addition to the existing building to provide more storage.

M. Ott reviewed the site plan. A stormwater system has been designed. The project is outside of the 50 ft Tidal wetland buffer. M. Ott has had several conversations and meetings with S. Yenco from the Health Department.

E. Alberino **moved** to approve CAM 21-039: Addition: 64 Nod Road and found the proposed activity is consistent with the coastal policies in CGS Section 22a-92, incorporated all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water dependent development activities, and are acceptable. A. Moore **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

E. Alberino **moved** to approve Site Plan 21-039: Addition: 64 Nod Road with the condition that the project receive Health Department approval prior to the issuance of zoning sign off for permits. A. Kravitz **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

CAM 21-040: New House: 40 Hammock Road: Map 70 Block 66 Lot 234, Zone R-10. Applicant: Timothy and Catherine McCarroll.

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

James Cassidy, P.E. agent explained that the proposal is for a new house on a vacant lot. The property is in 2 flood zones. DTC Engineering provided flood review comments dated September 12, 2021. DEEP preliminary comments dated September 1, 2021 indicated that the house was proposed to be constructed in the LiMWA and requested revised plans to review. As of the DEEP comments dated October 13, 2021, they had not received revised plans. DTC looked into this by contacting Diane Ifkovic, Land & Water Resources Division, DEEP. DTC provided updated comments dated October 7, 2021 stating that the structural plans needed to be revised to meet construction standards for a velocity zone.

The owners asked the Commission for a waiver to not have to build to a V zone requirement. The Commission cannot waive the flood regulations. The plans must be revised. The application is tabled to November 8, 2021 to wait for revised plans and Health Department approval.

E. Alberino **moved** to table CAM 21-040: New House: 40 Hammock Road to November 8, 2021 to wait for revised plans and flood review. W.B. Clark **seconded** the motion and it carried unanimously.

In Favor: Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition: None
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 8-0-0

AR 21-041: Regulation Amendment TODO: Section 23: Applicant: 1 John Street Clinton LLC.

The Commission Members had a lengthy discussion regarding concerns stated from the public hearing portion of the meeting.

A. Moore **moved** to adopt AR 21-041: Regulation Amendment TODO: Section 23, with an effective date of November 15, 2022. W.B. Clark **seconded** the motion and it carried.

In Favor: Mike Knudsen, Ed Alberino, Walter Beau Clark, Adam Moore, Will Benoit
In Opposition: Mary Ellen Dahlgren, Martin Jaffe, Alan Kravitz
Abstentions: None
Not Voting: M. Rossi, Chair
The motion carried: 5-3-0

New Business

Staff Reports

- John Guszowski, Consulting Town Planner – Tyche Planning & Policy Group, LLC – Distributed prior to the meeting
- Kathy King, Zoning and Wetlands Enforcement Officer - Distributed prior to the meeting

Committee Reports

- Regulations Committee - 5 Regulation Amendments are going to Public Hearing November 8, 2021

Correspondence

- Future of Town Owned Buildings

- CT Siting Council – 48 Cow Hill RD
- Letter: 159 East Main House for Sale
- Referral - Town of Madison Text Change

The Commission discussed the correspondence.

Adjournment

M.E. Dahlgren **moved** to adjourn the meeting at 10:34 p.m. W.B. Clark **seconded** the motion and it carried unanimously.

In Favor:	Mike Knudsen, Mary Ellen Dahlgren, Ed Alberino, Walter Beau Clark, Martin Jaffe, Alan Kravitz, Adam Moore, Will Benoit
In Opposition:	None
Abstentions:	None
Not Voting:	M. Rossi, Chair
The motion carried:	8-0-0

Respectfully submitted,

Lisa DeMaria, Land Use Technician