

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

Minutes
Regular Meeting Minutes
Via Videoconference
Monday, January 9, 2023
7:00 p.m.

1. Call to Order/Seating of Members

Chairman Michael Rossi called the Regular Meeting of the Clinton Planning and Zoning Commission to order at 7:00 p.m.

Members Present: Michael Rossi, Chairman; Michael Knudsen, Vice-Chairman; Mary Ellen Dahlgren, Secretary; Mike Florio; Martin Jaffe; Alan Kravitz; Adam Moore;
Alternate Members: Brendan Saunders

Members Absent: Eddie Alberino; Will Benoit; Alternate: Jay Mandell;

Also present: Abby Y. Piersall, AICP, Town Planner

Brendan Saunders was seated for Will Benoit

2. Minutes

PZC – December 12, 2022

E. Dahlgren noted that the motion for PZC 22-19 should be corrected to reflect that she recused herself from this vote, and did not abstain.

M. Jaffe moved to accept the minutes of December 12, 2022 as corrected. M. Florio seconded the motion. Members voted on the motion and it carried, unanimously.

In Favor: M. Knudsen, E. Dahlgren, M. Florio; M. Jaffe; A. Kravitz; A. Moore; B. Saunders

In Opposition: None

Abstentions: None

The motion carried: 7-0

3. Chairman's Comments

M. Rossi reviewed public hearing procedures from the December 12, 2022 meeting.

4. Public Hearing

a. PZC-22-16 for 39 Waterside Lane, Zone change of subject property from R-20 to R-10 (Map 56 Block 64 Lot 51, Zone R-20) Owner: John G. Rowland. Agent: Gregg Fedus

Agent G. Fedus Reviewed the draft plans for potential subdivision of 39 Waterside Lane and noted that the property, if subdivided and subsequently developed, could only support one additional single family home.

Matt Williams confirmed that only one additional house could be constructed on the property if all future approvals were granted. M. Williams reviewed the proposed deed restrictions and noted

that the revised deed restriction proposal now includes the existing barn and provides the Town with additional authority to review changes to the existing structures in the future.

M. Jaffe noted that the Commission was evaluating an application for a zone change, not a subdivision. He stated that there are no restrictions on the design of a future house on the property.

A. Kravitz asked whether a new driveway would be impervious. M. Williams noted that it would likely be impervious.

M. Williams showed stated that the site plan limits potential changes to the existing structure.

M. Rossi opened the hearing for public comment.

Peggy Addler stated her concerns about correspondence in the record that indicated her opposition to this application, when she is not, in fact, opposed. She filed a Freedom of Information Act request with Preservation CT to learn more about why the correspondence occurred.

Ken McDonnell reviewed correspondence submitted into the record and stated that if approved, the application would result in spot zoning. He reviewed sections of the Plan of Conservation and Development to support denial of the application.

John Wagner described characteristics of the existing neighborhood and natural resource areas on site, and spoke in opposition.

Agent G. Fedus responded to public comment concerning resource areas as shown on the submitted plan for future development.

M. Williams described the overall benefit to the neighborhood that the project provides through the proposed deed restrictions for the existing house and barn and that the restrictions were done for the public good. M. Williams showed an image of a possible addition to the existing home at 39 Waterside Lane should the zone district not be changed, and indicated that the zone change would prevent an addition parallel to Waterside Lane by reducing the lot dimensions for the existing home.

E. Dahlgren requested clarification from Ken McDonnell concerning his argument about spot zoning and stated that his testimony on spot zoning differed from the Commission's past reviews of spot zoning.

K. McDonnell reiterated his assertion that the proposed zone change would be spot zoning. He then referenced pages 120 and 121 of the Clinton Plan of Conservation and Development, showing the extents of floodplain and hurricane surge areas at and near 39 Waterside Lane. He argued that these areas demonstrate why the property should remain in the R-20 zone.

No further public testimony was offered.

E. Dahlgren moved to **CLOSE PUBLIC HEARING FOR PZC-22-16 for 39 Waterside Lane, Zone change of subject property from R-20 to R-10 (Map 56 Block 64 Lot 51, Zone R-20)** Owner: John G. Rowland. Agent: Gregg Fedus. M. Florio seconded the motion. Members voted on the motion and it carried, unanimously.

In Favor: M. Knudsen, E. Dahlgren, M. Florio; M. Jaffe; A. Kravitz; A. Moore; B. Saunders
In Opposition: None
Abstentions: None
The motion carried: 7-0

- b. PZC-22-20 161 West Main St. Applying for a 2 lot resubdivision and open space parcel. (Map 23 Block 10 Lot 41 Zone: B-4).** Owner: Fred & Linda Bauer.
Applicant/Agent: Robert Grabarek

Agent R. Grabarek presented the proposed subdivision plan. He noted that the inland wetlands line shown on the map was generated in 2015 and was digitized. He stated the line is not exact and is based on topography. He explained that the Building Square could be moved to the Maximum Area of Buildable Land to demonstrate buildable area on site.

M. Rossi asked if the Inland Wetlands Commission (IWC) had seen the plans. R. Grabarek stated that the plans had not been submitted to the IWC.

M. Jaffe requested clarification on requirements for IWC review. A. Piersall reviewed the language of C.G.S. §8-26e. M. Jaffe asked whether public access would be provided on the open space parcel. R. Grabarek stated that public access would not be provided.

M. Rossi called for public comment. No public comment was offered.

M. Rossi stated that the status of the Inland Wetlands resource area was his biggest concern.

E. Dahlgren motioned to close the public hearing. M. Florio seconded the motion. Discussion ensued about whether the Commission would be able to accept new information should the hearing be closed. A. Piersall advised that should the public hearing close, new information would not be entered into the record for the Commission for review. R. Grabarek stated that he could have the wetlands delineated and send the application to the IWC. E. Dahlgren withdrew her motion and M. Florio withdrew his second to the motion.

M. Jaffe moved to continue the public hearing for **PZC-22-20 161 West Main St. Applying for a 2 lot resubdivision and open space parcel. (Map 23 Block 10 Lot 41 Zone: B-4)** to the March 13, 2023 Planning and Zoning Commission meeting with the consent of the applicant. E. Dahlgren seconded the motion

In Favor: M. Knudsen, E. Dahlgren, M. Florio; M. Jaffe; A. Kravitz; A. Moore;
B. Saunders

In Opposition:
Abstentions:
The motion carried: 7-0

5. Staff Reports

- 1) **Abby Piersall**– A. Piersall reported that the Land Use Office remodel is substantially complete and that Commission members are welcome to visit the new space. Conversations about coastal resiliency and permitting continue at the staff level, and in the coming months additional discussion is anticipated that will involve the Commission and stakeholders throughout Town. The Department is reviewing application intake procedures and coordination between Boards and Commissions. Staff is also working with the Sustainability Committee on applying for Sustainable CT certification.
- 2) **Kathy King** – K. King’s ZEO report was provided in writing prior to the meeting.

6. **New Business** – No new business was discussed.

7. Old Business –

- a. **PZC-22-16 for 39 Waterside Lane, Zone change of subject property from R-20 to R-10 (Map 56 Block 64 Lot 51, Zone R-20)** Owner: John G. Rowland. Agent: Gregg Fedus

Mike R. reviewed the requirements relative to consistency with the POCD and the required 2/3 majority vote to approve the requested zone change. He stated that the deed restriction may be seen as a benefit to the public, but that allowing an increase in density may not be consistent with the POCD.

M. Jaffe noted the considerable information received during the public hearing. He noted that the Commission should encourage future action to enact historic district regulations for this area. M. Jaffe recognized that the property is contiguous to the R-10 district, but that the character of the neighborhood changes at this property, based on the R-20 zoning. He stated that the proposed deed restrictions are not strong enough.

E. Dahlgren referenced testimony on spot zoning and expressed interest in having the Commission’s Attorney opine on the matter.

A. Moore noted that the opinion on spot zoning provided in K. McDonnell’s testimony was prepared specifically in opposition to the application. He stated he agrees with the CT Preservation correspondence that the deed restriction is weak.

Mike R. summarized previous legal opinion provided to the Commission concerning spot zoning.

M. Knudsen stated that this application would not result in spot zoning. He stated that the proposed deed restriction is not strong enough.

M. Jaffe questioned whether there is a rational basis to approve this zone change. He reiterated that the zone change does not appear to support the existing character of the neighborhood. M. Florio agreed.

A. Kravitz stated that changing the zone would require further consideration.

A. Kravitz moved to DENY **PZC-22-16 for 39 Waterside Lane, Zone change of subject property from R-20 to R-10 (Map 56 Block 64 Lot 51, Zone R-20)** subject to the following findings:

1. The requested zone change does not meet the objective to preserve the historic residential area noted in the Clinton Plan of Conservation and Development.
2. The application as presented is not consistent with the Clinton Plan of Conservation and Development because it would not preserve the character of the existing area, given the existing land pattern and zoning in effect that preserves a less dense area beginning with this property and extending south.
3. The proposed deed restriction is too weak to preserve the existing historic assets on the site.

M. Jaffe seconded the motion. Members voted on the motion and it carried, unanimously.

In Favor: M. Rossi; A. Kravitz, M. Florio, M. Jaffe, E. Dahlgren

In Opposition: A. Moore; M. Knudsen.

Abstentions: B. Saunders

The motion carried: 5-2-1

- b. **PZC-22-20 161 West Main St. Applying for a 2 lot resubdivision and open space parcel. (Map 23 Block 10 Lot 41 Zone: B-4).** Owner: Fred & Linda Bauer.
Applicant/Agent: Robert Grabarek

Continued to the March 13, 2023 Commission meeting.

8. Correspondence: No action was taken.

9. Discussion on Updating future Agenda Formats: Commission discussed the proposed new format and agreed to update future agendas to reflect the proposed changes.

10. Review of FY24 and FY25 Capital Budget Request for Funding Updates to the Plan of Conservation and Development.

A. Piersall explained the reason for the request to support the next required update to the POCD.

E. Dahlgren moved to recommend that the Commission request \$80,000 in Capital Improvements Funds to support the required update to the POCD, and that the request be for \$40,000 in Fiscal Year 24 and \$40,00 in Fiscal Year 25.

In Favor: M. Knudsen, E. Dahlgren, M. Florio; M. Jaffe; A. Kravitz; A. Moore;
B. Saunders

In Opposition:

Abstentions:

The motion carried: 7-0

11. Adjournment.

A. Moore motioned to adjourn the meeting at 8:46 p.m. M. Florio seconded the motion. Members voted on the motion and it carried, unanimously.

Respectfully submitted,

Abby Y. Piersall, AICP

Abby Piersall
Town Planner