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# Planning & Zoning Commission

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54 East Main Street  
Clinton, Connecticut 06413

Regular Monthly Meeting

November 18, 2019

7:00 p.m.

Andrews Memorial Town Hall, Green Room

## Minutes

Members Present: M. Ellen Dahlgren, Chairman; Alan Kravitz, Vice Chairman; Martin Jaffe, Michael Rossi; Alternates: Adam Moore and Patrick Sheehan

Members Absent: Chris Aniskovich, -Gary Bousquet, Amandeep Singh and Jeffrey Cashman

Adam Moore was seated for Chris Aniskovich.

Patrick Sheehan was seated for Amandeep Singh.

M. Ellen Dahlgren, Chairman, called the meeting to order at 7:00 p.m.

1. Chairman's Comments: M. Ellen Dahlgren had no comments.

2. Minutes:

M. Jaffe **moved** to approve the 10/21/2019 Regular Meeting Minutes and 11/4/2019 Public Hearing Minutes as presented. A. Moore **seconded** the motion, and it carried.

In Favor: M. Jaffe, A. Moore, M. Rossi and P. Sheehan

In Opposition: None

Abstentions: A. Kravitz

Not Voting: M. E. Dahlgren (Chairman)

The motion **carried**: 4-0-1.

3. Staff Reports:

Consulting Town Planner John Guskowski submitted his report to Commissioners via email as did Attorney Ken Slater from Halloran and Sage.

4. SE-19-0022: Multi Family Dwelling, 3 units to 4. Pre-existing for the past 14+ years. 100 East Main Street; Map 68, Block 65, Lot 1, Zone EMSVD. Applicant: James Eaton; Agent: Ona Nejd.

M. E. Dahlgren explained that multi-family housing is not allowed in the old Village District, but it is permitted by Special Exception in the East Main Street Village District approved earlier this year. Therefore, it is possible to approve this use by Special Exception.

A. Kravitz was concerned that Chris Aniskovich, acting Chair for the last 2 Planning and Zoning Commission meetings, did not recuse himself due to financial conflict of interest, which he disclosed only after applicant and others had spoken at the public hearing on 11/4/19.

M.E. Dahlgren requested a legal opinion from Planning and Zoning Attorney Ken Slater who said that C. Aniskovich probably should have recused himself, but neither the Chair nor the Commission cannot insist upon a recusal. C. Aniskovich was not present at tonight's meeting where a vote will occur, so recusal is moot.

A. Kravitz was worried about the danger of the situation if the decision was to be appealed. He's concerned about the language in the regulation that caused the confusion.

M. Rossi said that it is common to bring properties into compliance in these types of situations.

M. Jaffe expressed concerns about the state of the regulations. He said that the change will make no difference in the property assessment, and therefore, there will be no difference in real estate tax liability.

M. Rossi **moved** to approve SE-19-0022: Multi Family Dwelling, 3 units to 4. Pre-existing for the past 14+ years. 100 East Main Street; Map 68, Block 65, Lot 1, Zone EMSVD. Applicant: James Eaton; Agent: Ona Nejdli; M. Jaffe **seconded** the motion, and it carried unanimously.

In Favor:	A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan
In Opposition:	None
Abstentions:	None
Not Voting:	M. E. Dahlgren (Chairman)
The motion <b>carried</b> :	5-0-0.

5. SP & CAM 19-0023: Construction of new residential structure and appurtenances. 38A Hammock Road; Map 70, Block 66, Lot 233A, Zone R-10. Applicant: Shoreline Development Group dba HXL Incorporated; Agent: Osprey Environmental Engineering.

The following documents are in the applicant's file: Zoning Application, ground coverage calculation sheet, Coastal Site Plan Review application, email to DTC engineering dated 11/4/2019 requesting flood review, property field card and GIS maps, abutters list, referral response letter from Fire Chief Brian Manware dated 11/11/19, 11/18/2019 PZC meeting agenda, letter mailed certified return receipt to Marcy Balint, CT DEEP, dated 11/4/2019

along with email follow up dated 11/15/2019, list of professionals, Site Development Plan dated 10/28/2019 prepared by Osprey Environmental Engineering and the following sheets dated 10/15/2019 prepared by HXL Incorporated: North and South Elevations, West Elevation, East Elevation, First and Second Floor Plans, Foundation Plan and Cross Section Detail.

The CAM needed to be acted on, and the CAM report from the CT DEEP has not yet been received, so the application cannot be acted upon tonight.

Neither the applicant nor agent was in attendance to represent the application.

A. Kravitz **moved** to postpone SP & CAM 19-0023: Construction of new residential structure and appurtenances. 38A Hammock Road; Map 70, Block 66, Lot 233A, Zone R-10. Applicant: Shoreline Development Group dba HXL Incorporated; Agent: Osprey Environmental Engineering until the next regular meeting of the Planning & Zoning Commission on Monday, 12/9/2019, 7:00 p.m., Andrews Memorial Town Hall, Green Room. M. Jaffe **seconded** the motion, and it carried unanimously.

In Favor:	A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan
In Opposition:	None
Abstentions:	None
Not Voting:	M. E. Dahlgren (Chairman)
The motion <b>carried</b> :	5-0-0.

6. AR & CAM 19-006: Establish High Street/John Street Village District (HJS-VD). Applicant: Clinton Historic District Commission; Agent: Lawrence Ouellette, Jr.

Historic District Chairman Larry Ouellette explained that the purpose of establishing the Village District is to maintain the character and scale of the neighborhood.

Public hearing signs were put up on 11/16/2019 in order to meet the legal requirements for public hearing signs.

M. Rossi **moved** to receive application AR & CAM 19-006: Establish High Street/John Street Village District (HJS-VD). Applicant: Clinton Historic District Commission; Agent: Lawrence Ouellette, Jr., and schedule a public hearing for Monday, December 2, 2019 at 7:00 p.m. A. Moore **seconded** the motion, and it carried unanimously.

In Favor:	A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan
In Opposition:	None
Abstentions:	None
Not Voting:	M. E. Dahlgren (Chairman)

The motion **carried**: 5-0-0.

7. SE & CAM 19-0024: Construct new ice cream café building, mini golf with 10' x 10' mini golf hut, stormwater systems, code complying septic system and parking areas. West Main Street; Map 23, Block 10, Lot 41A, 42 & 43, Zone B-4. Applicant: 3 West Main, LLC; Agent: Thomas A. Stevens & Associates, Inc.

Tony Bolduc, P.E. from Thomas A. Stevens & Associates explained that the mini golf course requires the Special Exception Permit, but the ice cream stand does not.

Since the original application was submitted, there was a change in Landscape Architect. That information was submitted at tonight's meeting.

M. Rossi **moved** to receive application SE & CAM 19-0024: Construct new ice cream café building, mini golf with 10' x 10' mini golf hut, stormwater systems, code complying septic system and parking areas. West Main Street; Map 23, Block 10, Lot 41A, 42 & 43, Zone B-4. Applicant: 3 West Main, LLC; Agent: Thomas A. Stevens & Associates, Inc., and to schedule a public hearing for Monday, December 2, 2019 at 7:00 p.m. at Andrews Memorial Town Hall, 54 East Main Street, Auditorium. A. Moore **seconded** the motion, and it carried unanimously.

In Favor: A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan  
In Opposition: None  
Abstentions: None  
Not Voting: M. E. Dahlgren (Chairman)  
The motion **carried**: 5-0-0.

8. AR-19-0025: Application for Text Amendment to the Zoning Regulations for Section 23, Transit Oriented Development Overlay Zone (TODO). Applicant: 1 John Street Clinton, LLC; Agent: Chris Gagnon-BL Companies, LLC.

M. Rossi **moved** to receive application AR-19-0025: Application for Text Amendment to the Zoning Regulations for Section 23, Transit Oriented Development Overlay Zone (TODO). Applicant: 1 John Street Clinton, LLC; Agent: Chris Gagnon-BL Companies, LLC. and to schedule a public hearing for Monday, December 2, 2019 at 7:00 p.m. at Andrews Memorial Town Hall, 54 East Main Street, Auditorium. M. Jaffe **seconded** the motion.

A. Kravitz **moved** to amend the motion for AR-19-0025: Application for Text Amendment to the Zoning Regulations for Section 23, Transit Oriented Development Overlay Zone (TODO). Applicant: 1 John Street Clinton, LLC; Agent: Chris Gagnon-BL Companies, LLC. To refer this application to Consulting Town Planner John Guskowski for evaluation and comment. M. Jaffe **seconded** the motion to amend, and it carried unanimously.

In Favor: A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan  
In Opposition: None  
Abstentions: None  
Not Voting: M. E. Dahlgren (Chairman)  
The motion to amend **carried**: 5-0-0.

The Commission then voted on the amended main motion.

In Favor: A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan  
In Opposition: None  
Abstentions: None  
Not Voting: M. E. Dahlgren (Chairman)  
The amended motion **carried**: 5-0-0.

9. Committee Reports:

Administrative Committee:

There was nothing new to report. The Administrative Committee is not active.

Regulations Committee:

A. Moore noted that the Committee needs to address issues concerning the Contractor Storage Yards and Vendor Permits.

10. Bills & Correspondence:

Halloran & Sage Invoice #11310212	\$ 37.00
Halloran & Sage Invoice #11311243	\$ 2,442.00
CME Associates ZEO Invoice #25191	\$ 4,000.00
CME Associates Planner Invoice #25190	<u>\$ 4,000.00</u>
Total	\$ 10,479.00

M. Rossi **moved** to approve the bills as presented. A. Moore **seconded** the motion, and it carried unanimously.

In Favor: A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan  
In Opposition: None  
Abstentions: None  
Not Voting: M. E. Dahlgren (Chairman)  
The motion **carried**: 5-0-0.

11. Old Business:

There was no Old Business.

12. New Business:

M. E. Dahlgren thanked all Commission members who have completed their terms serving on the Planning and Zoning Commission for their dedication and support.

13. Adjournment:

M. Rossi **moved** to adjourn the meeting at 7:34 p.m. A. Moore **seconded** the motion, and it carried unanimously.

In Favor:	A. Kravitz, M. Jaffe, A. Moore, M. Rossi and P. Sheehan
In Opposition:	None
Abstentions:	None
Not Voting:	M. E. Dahlgren (Chairman)
The motion <b>carried</b> :	5-0-0.

Respectfully submitted,  
Kathleen King, Recording Clerk, for Michael Rossi