

Planning & Zoning Commission
Unapproved Minutes
July 18, 2018

Members Present: G. Graveline, J. Crumb, S. Duffany A. Havican, and K. Kemp

Alternates Present: Bob Albert, Mike Dreher and G. Ploski

Absent: None

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by R. Albert, seconded by S. Duffany to approve the minutes of June 20, 2018. **Unanimous.**

Correspondence:

a. Letter from Jack D. Edsall, 5 Rolling Ridge Court, RE: Senor Pancho's Restaurant dated 6/27/18

b. Letter from Ken Faroni, O & G Industries, dated 7/9/18: RE: Request to Waive Work Requirement 2018

c. Toll Bros. Regency at Prospect- Phase 6 – Request for reduction of Letter of Credit #30099465 dated 7/13/18

Motion made by A. Havican, seconded by K. Kemp to place correspondence on file. **Unanimous.**

Public Participation:

a. Andy Adames, of Senor Panchos, 280 Cheshire Road appeared before the Commission due to a recent complaint of noise that originated from a neighbor from Rolling Ridge; a Police Officer was called to Senor Panchos, at which time the Officer cited the Town's Noise Ordinance and advised to call everyone off the lawn and patio by 8 p.m.. A. Adames continued that the neighbor had also contacted the Liquor Commission as Senor Panchos' Liquor license is up for renewal. The Liquor Commissioner walked the perimeter of the property, noting that A. Adames was well within the 200 ft zone for the Liquor Permit; the Liquor Commissioner also gave recommendations on locking liquor cabinets and facing speakers for the patio toward the building. A. Adames stated that in the last 12 years, there has never been a problem and A. Adames has all information on what is allowed regarding music, karaoke, etc listed on the Liquor Permit. A. Adames stated that he is not a late establishment, other than (1) day a year for Cinco de Mayo. M. Barton commented on the accessory use of a restaurant as to outside dining and music to a special permit. After the Commission had approved additional outside events at the May 2015 meeting, A. Adames advised that he would allow hours until 9 p.m. on lawn and 11 p.m. on patio; he has since posted a sign showing these hours. The Commission informally had agreed to these hours at the May 2015 meeting. A. Havican commented that A. Adames has been a good neighbor over the years. M. Barton commented that noise affects everyone differently and has reached out to the acoustic engineer that the Gun Club had obtained; the Mayor asked that this engineer be on-call for testing. Chairman Graveline asked for further comments. Hearing no other comments, **Motion** made by A. Havican, seconded by S. Duffany to continue with music and times of 9:00 p.m. on lawn and 11:00 p.m. on patio. **Unanimous.** M. Barton stated that the Town's noise ordinance was last amended in 1987, but was never approved through the ST of CT DEEP and is not valid. M. Barton stated that the Ordinance sub-committee, the Town's Attorney and Town Council will all be considering a new ordinance. M. Barton stated that herself, the Police, the Mayor, P&Z and A. Adames are now all aware of the situation. A. Adames continued that he has asked his staffers to advise any outdoor bands to 'quiet it down' their music.

b. Jerry Williams, Prospect Gun Club appeared and presented to the Commission a letter dated 7/13/18 requesting to extend the hours of the Prospect Gun Club:

1. Tuesday – 4 pm to 7 pm or ½ hour before sunset, whichever comes first (**New**)
2. Wednesday 4 pm to 7 pm or ½ hour before sunset, whichever comes first (**New**)
3. Thursday – 4 pm to 7 pm or ½ hour before sunset, whichever comes first (**Added 1 hour; prior 4pm to 6 pm**)
4. Friday – 4 pm to 7 pm or ½ hour before sunset, whichever comes first (**Added 1 hour; prior 4 pm to 6 pm**)
5. Saturday – 9 am to 7 pm or ½ hour before sunset, whichever comes first (**Added 1 hour; prior 9 am to 6 pm**)
6. Sunday– 9 am to 1 pm (**Added 1 hour, prior 9am to 12 noon**)
7. Sunday winter Only - 9 am to 3 pm (**New**)
8. Thanksgiving Friday – 9 am to 12 pm (**No Change**)
9. Memorial Day & Labor Day Monday - 9 am to 12 pm (**New**)
10. No shooting on Easter Sunday (**No change**)

The change would be seasonal, with hours going back to fall through the winter. Chairman Graveline did not agree with the change of time for Sundays due to the periodic hiking and nature walks through the adjacent property of Kathan Woods. A. Havican stated that he had a problem with the times on Sunday, as this is a day of peace and quiet; in the future this may be revisited for winter. Chairman Graveline questioned if the hiking club contacted the Gun Club and if the Gun Club complied with the times of the hikes, to which J. Williams advised that they do. K. Kemp questioned what type of noise remediation was added. J. Williams advised that a concrete wall to the berm was added; insulation to the walls and roof of the firing lanes were added; a barrier to the top of the stalls was completed. Chairman Graveline commented that the Gun Club had performed remediation at the recommendations of an expert. J. Crumb commented that the Gun Club had installed

the noise remediation system that the Commission had asked for at their 10/21/15 meeting; the Commission could now re-evaluate the situation and the new hours could be considered. Chairman Graveline asked for further comments. No other comments were made. **Motion** made by J. Crumb, seconded by S. Duffany to approve the modification of the hours of the Special Permit of the Prospect Gun Club, with the exception of Sunday's which will stay @ 9 am to 12 noon.

1. Tuesday – 4 pm to 7 pm or ½ hour before sunset, whichever comes first (New)
2. Wednesday 4 pm to 7 pm or ½ hour before sunset, whichever comes first(New)
3. Thursday – 4 pm to 7 pm or ½ hour before sunset, whichever comes first (Added 1 hour; prior 4pm to 6 pm)
4. Friday – 4 pm to 7 pm or ½ hour before sunset, whichever comes first (Added 1 hour; prior 4 pm to 6 pm)
5. Saturday – 9 am to 7 pm or ½ hour before sunset, whichever comes first (Added 1 hour; prior 9 am to 6 pm)
6. Sunday – 9 am to 1 pm (**Sunday to remain at 9 am to 12 noon**)
7. Sunday winter Only - 9 am to 3 pm (New)
8. Thanksgiving Friday – 9 am to 12 pm (No Change)
9. Memorial Day & Labor Day Monday - 9 am to 12 pm (New)
10. No shooting on Easter Sunday

Unanimous.

New Business:

a. Michael Begin, own of Millennium Computer @ 28 Cheshire Road, Special Permit Application for a 30'x 28' 2 story addition to an existing Commercial Building. M. Begin appeared and presented to the Commission a Special Permit application for a 30'x28' 2 story addition to an existing Commercial Building. M. Begin advised that he is adding a 30' addition to the building, the addition will allow for the building to be balanced with the front door moved to the center; new siding, windows and roofing will be added; the existing shed that contains the generator will be increased by 6' and updates will be made with new roofing, siding and windows. M. Barton stated that a public hearing is necessary and all aspects of the site plan will be reviewed prior to this hearing, including Chesprocott approval. M. Begin explained that his contractor will be at the public hearing as M. Begin will be away. Chairman Graveline asked for further comments. No other comments were made. **Motion** made by A. Havican, seconded by K. Kemp to accept the Special Permit Application and to set a public hearing of August 1, 2018 @ 7:30 p.m. for Michael Begin, 28 Cheshire Road, Special Permit Application for a 30'x 28' 2 story addition to an existing Commercial Building. **Unanimous.**

G. Ploski recused himself from the meeting.

Public Hearings: 7:15 p.m. - Industrial Storage LLC, ETAL, 99 Union City Road – Special Permit Application for a 40,000 sq ft Industrial Building and Accompanying Site Improvements – Roland Desrosiers, L.S. and Land Use Planner appeared on behalf of the property owner John Gallagher. Prior to tonight's meeting, R. Desrosiers gave a revised site plan for pages S1, DS2, DS3, S4, S5 dated 6/29/18; PP6 and PP7 dated 1/24/18. At this meeting, a revision to page A405-S4 of the Site Plan was received (Exhibit 2). Additional documents were given for the file: a Transmittal from R. Desrosiers dated 7/12/18; documents from David L. Spear, P.E. DLS Traffic Engineering LLC dated 7/10/18 (Exhibit 8); a Review of Revised Plans and Documents submitted for 99 Union City Road, Prospect, CT from Land Use Inspector Mary Barton, dated 7/13/2018 and a review from Prospect consultant Gene McCarthy added for Sheet 2 of the Site Plan: Typical Erosion Controls Measures; Erosion Control Narrative, #3 Construction Sequence: C-2 Install Water line to hydrant; install Electrical Conduit to 20' past hydrant or to transformer; D: Should not be started till the above is complete. Think about truck traffic in and out, to remove 112,608 cu of material. Also given to the Commission were pictures depicting the wall panels for the buildings, photos of a winter view from 95 Union City Road, Google view of the 99 Union City Rd; and photos of street views of site line traffic on Union City Rd (Exhibit 11); Also included were additional information of Highline Cranes and Rigging (3- D images of new building, images of trucks hauling large equipment; images of the type of equipment being stored, hauled and rigged into place; images of some of the cranes). Other documents that were entered into the record at tonight's meeting: Letter dated 7/17/18 (Exhibit 1), from Roland Desrosiers outlining items 11.6.14 Waivers; Item 4 – Screening the outdoor storage area; Item 6 – Lighting; Item 7 Landscaping etc; Section 11.2.2 and 12.9.5 concerning Safeguards; Item 8 – Signs; Item 10 – Off Street parking and loading; Item 11 – Section 12.3.2 type of building, Section 11.5.18.2 Transformer; Section 11.2.18.6 – Dumpster; Section 11.5.18.8 HVAC conc pad; Section 11.5.21, 11.5.21.2 & 11.2.21. 3 photographs; Item 12 – Earth Excavation; Item 14 Retaining Walls; Item 15- Soil Erosion; Item 16 - Bond; Item 17 – Waivers; which answered questions from Mary Barton's Review dated 7/13/18; from Attorney Caine, minutes from PZC meeting dated 2/1/12, RE: Christopher Caporaso, 176 Straitsville Road – Special Permit Application for a stand for the sale and display of agricultural products; from Attorney Caine, State Road Speed Limit By Route; from Attorney Caine, page 162 of the Prospect Zoning Regulations, Section 6.10 General Layout and Design - Section 6.10.1 – All proposed curb cuts, access drives and parking areas shall comply with all applicable requirements of the State Department of Transportation; ST of CT DOT - RE; Transmittal Permits; Email from Attorney Caine to Mr. Ron Ferris, ST of CT DOT; Letter dated 7/10/18 from David L. Spear, P.E., DLS Traffic Engineering LLC; Position Statement by G & G Trust and Gregory Ploski in opposition to the granting of a special permit; P.M. Session Continued Testimony of George Cotter Testimony of Roland Desrosiers dated 1/8/16. Attorney Tom Calkins, 35 Field St, Waterbury, CT appeared before the Commission to advise that he was representing owner of 99 Union City Road, John Gallagher; Roland Desrosiers Land Surveyor and David Spear Traffic

Engineer were also in attendance. Attorney T. Calkins asked D. Spear to come to the floor. Attorney Calkins stated that D. Spear would advise of any traffic implications and respond to any questions that the Commission might have. David Spear appeared and stated that he is the Principal engineer with DLS Traffic Engineering, Windsor, CT and had attended the previous public hearing where he went into detail as to what they did with access to the site. D. Spear continued that they had met with the CTDOT, addressed their comments and fine tuned the access to satisfy the CTDOT. D. Spear stated that he had submitted a Transmittal of Approval from the CTDOT dated 4/20/18 (Exhibit 6). D. Spear presented his letter dated 7/10/18 (Exhibit 8) to emphasize the conclusions of his working study which he gave, and M. Barton stated that she emailed to the Commission. D. Spear continued, based on the site visit and on his 35 years of traffic engineering, noting his Master's and P.E. in traffic engineering, it was in his professional opinion, that the access as currently designed will provide efficient and safe traffic operations. Chairman Graveline asked if D. Spear would like to add any other information that was not entered into the record. D. Spear stated that he believed everything that he had was entered into the record. R. Desrosiers came to the floor. R. Desrosiers Land Surveyor and Planner advised that he is representing John Gallagher and his office had prepared the plans before the Commission with a revised set of the site plan for pages S1, DS2, DS3, S4, S5 dated 6/29/18; PP6 and PP7 dated 1/24/18 that had been given to the Commission last week. Since that time, R. Desrosiers had met with Mary and had a revision to page A405-S4 (Sheet 4) of the Site Plan (Exhibit 2); this is a 40 scale drawing that would be easier for the Commission to read. R. Desrosiers outlined items listed in his Letter dated 7/17/18 (Exhibit 1), which answered questions from Mary Barton's Review dated 7/13/18: R. Desrosiers read into the record page one of his letter "by lowering the grade to elevation 810 as shown on the plans which was a median elevation chosen to minimize excavation, the result to the neighbors located in the residential area to the east is that they will be minimally impacted from view and any typical noise incurred from an IND-1 Zone. The neighbors located to the west are in the same IND-1 Zone on Gramar Ave. and will not be detrimentally impacted by the proposed use. The other neighbor located to the immediate west is a Business District Zone (land of G & G Trust) and the only thing they will see between the parked vehicles along that boundary is the proposed access drive. R. Desrosiers continued in accordance with the Zoning Regulations Section **11.6.14 Waivers**, "I would like to request that the Commission waive the following items that may not have been shown on the plans submitted because they are either not needed or will impair the safe operation of vehicles attributed to this facility": **Item 4 – Screening the outdoor storage area** - "This area will be tucked away in the back corner of the parking lot and will not be visible from the adjacent properties, and in their opinion does not need screening- **A waiver is requested;** **Item 6 – Lighting** – The lights on the corner of the building are security lights and will be on a timer. Lights above the garage doors will be turned on/off as needed. All lights on the building will not be higher than 20 feet and will be shielded; **Item 7 Landscaping** - The entire gravel surface is not a parking lot. If we calculate 55 parking spaces at 9'x20' (180 sq ft) each, this equals 9900 sq ft; of which 990 sq ft is 10% which would be the required area. I submit the area in front of the building shown as landscaping area - 5' by 200' - which calculates to 1,000 sq ft, which satisfies the 10% requirement; I have revised the plan to show a sidewalk along the front of the building gaining entrance to the office for customers and employees; The customers will be coming to the site by appointment only. There is landscaping between the sidewalk and the building and a small island at the end. A handicap parking space has been provided. **Section 11.2.2 and 12.9.5 - Concerning safeguards- No pedestrians are allowed on Site.** (A small directional sign stating this will be located somewhere near the entrance near the Road. R. Desrosiers was advised by the applicant, that his customers come to the site by appointment only. Also, any trees negatively impacted by the sloping will be replaced with similar sized trees. All existing vegetation in the areas located beyond the disturbed areas will remain. This area has been labeled "undisturbed area" on the plan. The entire area on the plan which is undisturbed area equals approx. 22.5 acres; **Item 8 – Signs-** The ground mounted sign near the road will be illuminated, either internally or with external spotlight. There will not be wall signage on the building. There will be small directional signs along the perimeter of the building to ensure all truck traffic moves in one direction. Garage doors and loading bays will be numbered. The 15' emergency access way has been added to the revised plan; at a request by M. Barton. **Item 10 – Off Street parking and loading-** 55 Parking spaces total are shown and all are accessible. The loading dock has been labeled and dimensions are shown as 30' x75'. The walkway has been shown near the front of the building. No sidewalk is shown or necessary along the roadway, since there is **NO** pedestrian traffic allowed on-site nor does the applicant wish to encourage pedestrians- **A waiver is requested.** Parking spaces will be painted on the gravel surface and maintained permanently. The building size has been revised and is now 749' setback from the street line as shown on the revised plan. R. Desrosiers stated that in the middle of the building, where the garage door was, an area of 35'x24' has been added for a "portico, which protrudes from the basic rectangle of the building and from that corner to the street line is 749'; this would satisfy the requirement of not exceeding 750'. R. Desrosiers stated that M. Barton advised that the applicant would need to apply for a variance regarding the requirement of 750'; If the Special Permit is approved, the applicant will apply for a variance, and the portico will not be added to the building; they will then need to come back to the Commission for a minor revision to the Site Plan.; B. Albert questioned if R. Desrosiers still added the fire hydrant, to which R. Desrosiers stated that he had; but the 750' regulation still could not be waived. **Item 11 – Section 12.3.2 type of building-** the building is a steel structure with metal siding.; **Section 11.5.18.2 Transformer-** A transformer has been added to the plan to the entrance.; **Section 11.2.18.6 – Dumpster-**A dumpster will enclosure has been added to the plan and will be placed on the gravel surface to the side of the building where it is only visible to the employee; **Section 11.5.18.8 HVAC concrete pad-** HVAC concrete pad (4'x8') with protective bollards has been added on the ground to the side of the building near the office area; R. Desrosiers advised that he had also revised the office area on plan. **Section 11.5.21, 11.5.21.2 & 11.2.21.3 –**

photographs A waiver is requested if the photos submitted are not satisfactory or if other photos are required (Exhibit 11), R. Desrosiers commented that they had previously asked to submit some of the items from the previous file of 2017 to be included in this new application and to be part of the record. R. Desrosiers also explained that he is not a graphic artist and cannot superimpose a picture of the building. Chairman Graveline questioned if the picture that was circulated of a building was what the building was to be; R. Desrosiers replied that it was of the material for the building, but it was not the building itself. **Item 12 – Earth Excavation-** A zoning Earth excavation permit shall be applied for after the Special Permit is granted; R. Desrosiers explained that he may have skipped some of the items, but after speaking with M. Barton, he was advised that those items were ok and continued with **Item 14 - Retaining Walls** – There is no setback requirements for retaining walls, but for the most part, we typically place them approximately 5' minimum from any property line to give the developer room to work on these walls. Also, a note has been placed on the plan to indicate a guard rail to be installed at the top of the wall of any height exceeding 5 ft or more as the height of the retaining wall on the plan varies from 2' to 10'; B. Albert questioned if the wall was toward Gramar Ave. to which R. Desrosiers replied that it was to the north of the property. **Item 15- Soil Erosion** – R. Desrosiers stated that a change for the start date will be made and advised that it could be a condition of approval to the permit; **Item 16 – Bond-** This bond estimate will be submitted after the Special Permit is granted; **Item 17 – Waivers-** R. Desrosiers stated 4 Items have been pointed out by M. Barton, as not been provided and a Waiver is requested for each of these items with the following explanation: **A.** preliminary building plans and a sign plan have been submitted and he thinks they are adequately showing the proposal with enough detail for the Commission to make a decision. After the special permit is granted, the applicant will then have the architect do plans in order for obtaining a building permit for actual construction. This is a tremendous expenditure to undertake when not knowing if a special permit will be granted. R. Desrosiers stated that J. Gallagher may have originally given the Commission the sign design and the layout of the office area. **B.** R. Desrosiers continued, that the landscape was not shown originally, but had been added on the revision of the Site Plan to include the area near the building between the building and the sidewalk and around the sign to resemble that of across the street. We submit that the landscaping shown is adequate for unique areas near the road and the building and the remaining 22.5 acres of undisturbed area should satisfy this requirement. They are asking for a waiver because they did not submit just one specific landscaping plan but did incorporate it on their revised plans. **C.** A specific lighting plan has not been submitted per se because there will only be lighting mounted on the building and these will all conform to be shielded. **D.** A traffic study was not submitted, is not required as there are **NOT 100 trips** per day as stated in the regulation for this use. Chairman Graveline asked for questions and continued with # 10 - 55 parking spaces if truck spaces were also counted to which R. Desrosiers stated that they were only counting car spaces @ 9'x20', the truck spaces were shown in the designated area, along the perimeter of the lot, on page 5 of the plan. M. Dreher questioned what would part of the road sign would be displayed if the light would be transmitting into traffic. R. Desrosiers stated that the sign is one sided, will only see sign when end of the sign would be facing the road which would be either internally lit or by spot light. B. Albert stated that the requirement of 750' should be changed if there is a hydrant on the premise. Chairman Graveline questioned if the Fire Chief had reviewed and approved the plan. M. Barton stated that R. Desrosiers had met with Fire Marshal Keith Griffin. K. Griffin advised that he did review the original plan, not the revision and the Fire Chief had as well. Once he receives the new revision he will review as well as he did not have a problem with the plan as there is a 15' unobstructed access way. M. Barton will request a written statement from K. Griffin. Commission members questioned hours of operation to which R. Desrosiers stated from 7:30 a.m. to 5:00 p.m. by appointment only for customers and from 5:00 a.m. to 8:00 p.m. Monday thru Friday for employees. M. Barton questioned the clearing of the area in front of 97 Union City Road. R. Desrosiers stated that there will be a 10 ft area from the street pole, which is a shaded area on the plan, that will be cleared. M. Barton stated that the neighbors of 97 Union City Rd commented that they had concerns as to what would be taken as they could see lights from 103 Union City Rd. R. Desrosiers stated that only what would be needed. He continued that there would be downward lighting on the building; White Pines, Jolly Green Arborvitaes and Spruces would be planted when sloping was done for the buffer; R. Desrosiers stated that the trees will be planted first before any digging of the slopes. M. Barton advised that there will be a pre-construction meeting prior to any work. R. Desrosiers stated that the Commission could put in their condition to substitute Yellow Pines for the White Pines, as per M. Barton, the White Pines become brittle if not well cared for. Attorney Calkins commented that he felt the applicant and engineer had provided the Commission with all the information requested and hopefully the Commission would entertain a motion this evening. Chairman Graveline asked for further comments from the public. Attorney Leonard Caine of Naugatuck, CT advised that he was representing G & G Trust and Gregory Ploski and they are opposing this application. Attorney Caine continued that several documents had been submitted which the public did not have an opportunity to review. Attorney Caine stated that this was a big project with a one acre sized building on 29 acres; 22 acres not to be used. Attorney Caine continued that there were site line issues that are know about; maps have been submitted, a letter, waivers requested of the regulations and did not think that they would want to do in a hasty fashion. Attorney Caine continued that there has been discussion for a variance from the ZBA and asked shouldn't they get the variance from the ZBA and then come back to the PZC, wouldn't it make more sense for a project of this size and with this implication wouldn't that make sense. Attorney Caine stated that why he says this is because he felt the Commission should ask the applicant for an extension of the public hearing, which is really what the statutory structure is that the Commission asks the applicant to extend a public hearing for whatever amount days within the timeframe you must make the decision. Attorney Caine continued that why he says this is because there was information that was presented this evening where there has been discussions with the applicant and the CTDOT. Attorney Caine continued

that he has been trying to get information from the CTDOT for over a month and what he had asked for was any information from the communications that the applicant had with the CTDOT and mainly it focused on site lines and whatever information that was given that surrounds about this approval that the Commission heard about this evening. Attorney Caine continued that he has not seen any information from the CTDOT that would concretely state that there has been an approval. Attorney Caine stated that when he had gone to the CTDOT he had spoken with two people looking to get information from them, he was advised that there wouldn't be approval from them until this Commission approved the application, which the Commission had heard in 2017 and continued that this PZC had given conditional approval in 2017 based upon what the CTDOT would approve. Attorney Caine gave into the record correspondence from Attorney Caine to a Mr. Ferris of the CTDOT dated 6/18/18 and 7/18/18 showing that information was requested. Attorney Caine continued that he had also called Mr. Ferris a few times in between and has not heard from him. Attorney Caine stated that he may be forced to file a FOI complaint due to failure of the CTDOT to provide records that are public records. Attorney Caine stated that the Commission should ask the applicant to extend the public hearing and would be prudent to do so. Attorney Caine stated that R. Desrosiers said previously that he wanted to incorporate into the record the proceedings of 2017 into this application and this public hearing and Attorney Caine agreed with that. Attorney Caine stated that that application was voluminous and had a great number of documents in it and exhibits among other things and he believed the Commission should review that record before a decision was made and listen to the tapes of that public hearing before this Commission makes a decision on this application. Attorney Caine stated he represents G&G Trust and Gregory Ploski and all they are asking for is that the applicant complies with the PZC zoning regulations; simply put for the Commission to require the applicant to comply. Attorney Caine referenced Section 6.11.1.4 pertains to several things including driveway access and per the regulations the driveway access should not exceed 750' in length from the street line and he believed the building was further than that at 830'. M. Barton commented that R. Desrosiers had scaled it back to 749'; Attorney Caine noted that he should be able to have his people review this. , the canopy should comply and the applicant should be asking for an extension as within Article 11 as deemed is it legal to waive. Attorney Caine submitted a series of documents as they pertained to safety, including the design manual of CTDOT dated 2003. Attorney Caine gave an excerpt State Road Speed Limit by Route, for Prospect, Clark Hill Rd to Morris Rd – 45 miles per hour. Attorney Caine gave into the record a 2016 continued testimony from George Cotter, testimony from Roland Desrosiers; Attorney Caine stated that there was an inability to get a site line. B. Albert questioned the site line for 103 Union City Rd to which both Attorney Caine and J. Crumb commented that this question was not relevant. Attorney Caine also entered into the record the minutes from PZC meeting dated 2/1/12, RE: Christopher Caporaso, 176 Straitsville Road – Special Permit Application for a stand for the sale and display of agricultural products(Exhibit 3), stating that safety is a concern and the Commission should adhere to this. Attorney Caine also referenced Tony Cretella prior State Trooper, an accident reconstruction analyst that was introduced to the Commission in 2017, had made a testimony that this project was not safe due to site lines; Attorney Caine urged the Commission to read the document. Attorney Caine commented that the topography of the property had not changed, and requested that the Commission look at the legend regarding site lines on page 4 of the Site Plan and referenced Sight Line "A" = 587 ft for a Tractor/Semi Trailer, the regulation of the CTDOT is 765 ft with the variance the site line needs to be 689 ft; "B" SU-30 truck – actual site line 560', needed with variance 567'; 630' prior with variance (Exhibit 2); the applicant has not met site lines; "C, D, E & F" is in compliance, and Attorney Caine continued that in his prospective, there is not an answer as to why a variance, especially if you go to CTDOT and they advise that an approval will not be given, until this Commission gives theirs; this seems to be very inconsistent. Attorney Caine commented on the building with the portico being 749' ft and stated that this may be disputed with compliance to the regulations. Attorney Caine also submitted into the record (Exhibit 10) position statement by G & G Trust and Gregory Ploski in opposition to the granting of a special permit that was submitted in 2017, argument to PZC regulations. Attorney Caine stated that there has been new information presented at this public hearing and he has not had an opportunity to review. Attorney Caine continued that you cannot review something in a few minutes especially when you are dealing with a serious site line issue. Attorney Caine again urged the Commission to ask for an extension of the public hearing from the applicant under the timeline of the Statues. Attorney Caine commented that he believed he had heard the applicant would be submitting additional information to answers to questions that were proposed by M. Barton and if that is to be submitted it should be submitted at another public hearing. Chairman Graveline questioned if the information to be submitted is for the excavation would it be a special permit. M. Barton replied that it is a separate process for a zoning permit for excavation. Attorney Caine commented that the applicant maybe seeking a variance, and that the ZBA is the only Commission that could approve a variance or waive the zoning regulations, as this could raise other issues. Attorney Caine felt that the applicant should have submitted an application to ZBA first. Attorney Caine commented on time constraints of the public hearing and that the Commission could ask the applicant to withdraw the application and the applicant could resubmit after they secure the variance. M. Barton commented on the neighbors' concerns of clearing and seeing the lights at 103 Union City Road which they will still see once the area is cleared. Attorney Calkins commented that there seemed to be some confusion between site regulation and the concept of safety; the site line regulation in Prospect is 150', which the applicant meets the regulations. The site line guideline – 750' is a CTDOT generated number. Attorney Calkins stated that they had run into this issue last year and the Town's Attorney commented that the Commission had to make a finding of safety, the Commission could not pass that along to the CTDOT. Attorney Calkins stated that in a letter from the CTDOT, the CTDOT has reviewed and found the site plan to be acceptable and the letter seems to be very clear, then an encroachment permit could be issued upon receipt of the four

items that are needed to accompany it. Attorney Calkins stated that together with the CTDOT's determination and a statement from a Traffic Engineer, advising that the access way as established, is a safe access way, provide the Commission with the information that was not included with the first application. Attorney Calkins continued that he felt the Commission had sufficient information, stating that the site plan complies with the regulations and that the Commission has the authority to waive certain enumerated requirements. Attorney Calkins advised that David Spear, DLS Traffic Engineers was there to clarify a few points that were raised. D. Spear explained the process that the CTDOT looks at site lines noting the highway design manual for site lines and stating that in this case, this driveway is considered a minimal commercial driveway with low traffic impact. D. Spear advised that with a minimal impact of a commercial driveway and a residential driveway the actual site line is applied to roadway intersections and should it not meet the site line, the case could be mitigated by adding signage. D. Spear continued that the posted speed limit has nothing to do with the mileage; that Gina Grenache, P.E. for the CTDOT advised the CTDOT goes by the prevailing travel speed, which is the 85th percentile. D. Spear continued on, that when they had met with Gina Grenache the traffic engineer for the State District 4, after using the new information, she pulled out the speed on the approaches. D. Spear stated that based on the AASHTO green book guidelines that is used, the speed, the relocating to get to the optimum location and applying of the up hill grade helped to get the applicant to meet the requirements. D. Spear continued that they had gone through the book with G. Grenach and provided the applicant's information; after issues were reviewed, addressed and updated, she was satisfied with the info. D. Spear stated that originally the applicant had spoken with Jim Lapan of CTDOT District 4 who has since passed on, Gina Grenache has taken over and Ron Ferris replacement for Jim Lapan, had sent out the transmittal letter. D. Spear stated that typically the CTDOT waits for Town approval, but due to this unique situation they gave a transmittal permit. Attorney Caine stated that he had met with Gina Grenache and Ron Ferris after this and nothing had been approved; Attorney Caine advised that this situation needs to be resolved. D. Spear stated that there is a hierarchy and the CTDOT reviewed and commented; the items have been addressed, revised and updated. The CTDOT has approved as far as they could until the Town approves; the CTDOT does not give out an encroachment permit until the Town approves and the 4 items that they want addressed, have been sent to them. Attorney Caine stated that there are no comments yet to date, the Town needs to approve, the CTDOT cannot approve first, and it is up to the Town. R. Desrosiers stated that they had gone to the CTDOT all winter long; he had not made any revisions to sheets 6 & 7 of the site plan; the Town needs to approve first and urged the Commission to disregard Mr. Cotter's Testimony. Attorney Caine advised that portions of that testimony were entered into the record last year and tonight; the topography of the property has not changed and asked the Commission to reevaluate the site lines. Attorney Calkins asked the Commission to close the public hearing. Chairman Graveline asked M. Barton the timeline for a decision. M. Barton advised that the Commission has 65 days for a decision and that decision needs to be made by 9/20/18. M. Barton also advised that once the public hearing is closed, no additional information could be submitted. M. Dreher commented on the line of site. D. Spear stated that the prevailing vehicle coming in and out of the site is a mixture of vehicles; type by component and traffic; a tractor trailer needs more gap and has a longer reaction time. Attorney Caine commented to look at guideline for tractor trailers; the length of the site lines are lessened and do not meet the regulations. D. Spear advised there is a difference between regulations and guidelines. Chairman Graveline asked for other comments. No other comments were made. Chairman Graveline asked the Commission for their recommendation. **Motion** made by J. Crumb, seconded by K. Kemp to close the public hearing of Industrial Storage LLC, ETAL, 99 Union City Road – Special Permit Application for a 40,000 sq ft Industrial Building and Accompanying Site Improvements. **Unanimous.** An addendum was created by M. Barton and was added to the file. G. Ploski was reseated to the meeting.

Old Business:

M. Barton advised that she had created a list of Text Amendments to be amended:

1. - Storm-Water, Drive way distances;
2. - Outdoor restaurant dining and entertainment;
3. - 15' unobstructed emergency access-way around buildings;
4. - Fences;
5. - Written Waivers required in waiver sections for Article 11;
6. - Parking Spaces actual construction vs. shown;
7. - As-Built requirements commercial/industrial;
8. - Sidewalk details in appendix;
9. - Distance for notify abutters in zone change (200' to 500');
10. - Change requirements for zone change application;
11. - Gateway Zone – include in appendix; a date for a public hearing will be set in the near future.

Inspector's Report:

M. Barton reported on the following:

- a. Sidewalk Master Plan- Hand out of Master Plan from Milone & MacBroom dated 6/25/18. M. Barton recommended considering an addendum to the POCD with this Master Plan for Sidewalks.
- b. Right of Way, Stacking of Lots – M. Barton asked for clarification of an interior lot and a Right of Way that was not deeded; the question was raised as to the stacking of lots. Commission members stated that if the interior lot did not meet the regulations of sq ft, the Right of Way was not deeded, nor did the lot have access ways from different streets, then the lot was not permitted. Stacking of lots is not a permitted use. After discussion, **Motion** made by S. Duffany, seconded by A. Havican to place the Land Use Inspector's Report on file. **Unanimous.**

Adjournment: Motion made by A. Havican, seconded by S. Duffany to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:46 p.m.

E. Gil Graveline
Chairman