

Planning & Zoning Commission
Unapproved Minutes
November 7, 2018

Chairman Graveline called the meeting to order at 7:00 p.m.

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

Alternates Present: Mike Dreher, Bob Albert

Absent: G. Ploski

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by A. Havican, seconded by K. Kemp to approve the minutes of 10/17/18. **Unanimous.**

Correspondence: None

Public Participation:

*-Marcel Veronneau, Solar Farm – 67 Union City Road-*appeared and presented the Commission with a handout of information on solar panels from IMTI (Industrial Management & Training Institute). *M. Veronneau* explained that he had spoken with Mayor Chatfield advising of his idea to place solar panels on 20 acres of his 32+-acre parcel at 67 Union City Road, which in turn would give the Town of Prospect solar energy for the schools and the Town Buildings. Mayor Chatfield advised that the idea should be shared with the IWC and the PZC. *M. Veronneau* advised that he had discussed his idea with the IWC and now was before the PZC. *M. Veronneau* continued that the fenced in area would have an energy production that would probably yield 24,000 kw per day, reducing the Town's electric bill by 6 cents per kw. *M. Veronneau* continued that the area was in a good position as the property faces south; J. Crumb questioned 'flicker or bird interference'; other Commission members questioned height; the height would be at 4'. M. Dreher questioned acreage to which *M. Veronneau* advised the solar farm would be based on 20 acres, not in the wetlands. B. Albert questioned taxes. Chairman Graveline questioned the access roads to which *M. Veronneau* replied would be from Salem Rd. M. Barton explained that *M. Veronneau* had preliminarily discussed his plan with the IWC. M. Barton also advised that the Commission may need to amend their regulations for this type of use as this use is allowed as an accessory to a primary use in the residential zone, but not as a primary use itself. *Chairman Graveline* asked for comments. *Fred Bonyai*, 18 Woodcrest Dr. commented that the developer would need to use Eversource's transmission lines. *M. Dreher* questioned CT Siting Council approval. Discussion. The Commission members advised that they would like *M. Barton* to research the information on solar farms.

-Prospect Gun Club- Jerry Williams, 29 Elaine Court, appeared before the Commission and stated that as trying to be a good neighbor, he had a positive conversation with Don Reilly of 35A Tress Rd, as the Tress Rd neighbors' representative, to advise that the Gun Club would roll back their hours Tuesday through Saturday to 6 p.m. from 7 p.m.; Sunday winter hours would stay at 9 to 3 p.m., after the winter, the hours would roll back to 9 to 12; all other hours will remain the same as previously accepted; the Gun Club would only shoot 22's on Tuesdays and Wednesdays. *Chairman Graveline* commented that the PZC was in receipt of a letter submitted by *D. Semeraro*, dated 10/19/18. *Alice Magnarella* commented on the reduction of hours and felt it was a start, but she would like to see a rollback of hours to what they were 4 to 5 years ago. *A. Magnarella* also commented on home values in the area being reduced. *Maria Vieira*, 1 Forestridge commented on the 3 homes for sale in the area; offers are made, but at a much lower amount. M. Vieira also commented that she felt this was due to the gun range. M. Vieira requested that the Gun Club shoot only 22's; to which the Gun Club remarked they could not.

New Business:**Ken Faroni – O & G Industries, Inc., 147 Salem Road – Renewal for two year special permit (2019 – 2020).** *Ken Faroni, O & G Industries, Inc., 147 Salem Road* appeared and submitted an application for a 2 Year Renewal (2019-2020) of O & G's Special Permit; included in the application were the following: the application fees; topographical maps; a Reclamation Plan; Certificate of Insurance; a Continuation Certificate of performance bond in the amount of \$377,000.00; a copy of the current Earth materials Permit (2017-2018)

approved by the PZC on 11/2/16; letters to abutting property owners; *K. Faroni* stated that he did not submit a complaint log, blasting log or notification log for the 2017-2018 permit term as there were no production shots or complaints. *K. Faroni* commented that O & G Industries’ neighbor, Mr. Silva, was in the audience and apprised him of the ATVs and dirt bikes running through the quarry as there is a gap in several areas that will be addressed once the maintenance equipment is back on site. *K. Faroni* commented that if any work is to begin at the site, he will notify M. Barton and come back to the Commission to amend the plan. Chairman Graveline asked from comments from the Commission. *M. Dreher* questioned a reclamation plan to which *K. Faroni* advised that the plan was included in the application. After discussion, **Motion** by *S. Duffany*, seconded by *A. Havican* to accept and approve the application submitted by O & G Industries, Inc., 147 Salem Road, for a 2-year renewal (2019 – 2020) of their Special Permit. **Unanimous.**

Public Hearings:

7:10 p.m. Text Amendments:

Chairman Graveline read into the record the “Notice of Public Hearing” for the Text Amendments as it appeared in the Republican American on October 26th & November 2nd, 2018. *Chairman Graveline* also read into the record the referral letters from Joanna B. Rogalski, Regional Planner, NVCOG, dated 10-31-18 and Eugene Livshits, Senior Regional Planner, South Central Regional Council of Governments letter dated 10/29/18.

The proposed revisions to the following sections of the Prospect Zoning Regulations (Schedule A Attachment) were discussed:

New – Fire Lane

- 1) Article 2 Section 2.2 Definitions
- 2) Article 3 District Regulations
- 3) Section 3.4 Business District (B)
- 4) Section 3.4.12 Miscellaneous Section 3.4.12.2 Delete existing language
New
- 5) Section 3.4.12.2 All Emergency Fire and Safety Access shall comply with the requirement of Article 6 Section 6.10.10
- 6) Section 3.5 Industrial – Manufacturing (IND-1) District Section 3.5.12 Miscellaneous Section 3.5.12.3 Delete existing language
New
- 7) Section 3.5.12.3 All Emergency Fire and Safety Access shall comply with the requirement of Article 6 Section 6.10.10
- 8) Section 3.6 Industrial (IND-2) District
- 9) Section 3.6.12 Miscellaneous Section 3.6.12.5 Delete existing language
New
- 10) Section 3.6.12.5 All Emergency Fire and Safety Access shall comply with the requirement of Article 6 Section 6.10.10
- 11) Article 4 Supplementary Regulations
- 12) Section 4.14 Erosion and Sedimentation Control
New
 Purpose:
- 13) Section 4.14.2 Activities Requiring a Certified Erosion and Sediment Control Plan Delete existing language
- 14) Section 4.14.2 Activities Requiring a Certified Erosion and Sediment Control Plan Add new language
New
- 15) Section 4.22 Storm-water Management Standards
- 16) Section 4.22.1 Storm-water Management Policy and Principles
- 17) Section 4.22.2 Definitions
- 18) Section 4.22.3 Site Storm-water Management Plan and Report
- 19) Section 4.22.3.1 Plan Contents
- 20) Section 4.22.3.2 Redevelopment Projects
- 21) Section 4.22.3.3 Plan Note
- 22) Section 4.22.3.4 Waiver of Requirements

- 23) Section 4.22.3.5 Aquifer Protection Area
- 24) Section 4.22.3.6 Design Standards
- 25) Article 6 Off Street Parking and Loading Regulations
New
- 26) Section 6.10.10 Emergency Fire and Safety Access
- 27) Section 6.11.1.4 a. Driveways exceeding 750 ft in length

The Flood Plain plans will be updated at a future date.

Handouts of the amendments were available for the public. An amendment to Section 6.11.1.4 will include a new section and language: ‘Section 6.11.1.4 a. Driveways exceeding 750’ in length shall include, within 75’ from interior end, adequate space or area for turning around of Emergency Medical/Safety vehicles. The layout of all driveways exceeding 750’ in length shall be reviewed and any changes requested by the Town Consultant Engineer and Fire Chief or his designee shall be incorporated into the design’.

‘All driveways and their shoulders shall be constructed with a base and surface adequate to support a 70,000-pound (GVW) firefighting apparatus. All unpaved driveways and aprons shall have, at a minimum, a gravel base of four (4”) inches of bank run gravel containing stone no larger than three and on-half (3 1/2”) inches; plus, four (4”) inches of process gravel, each layer compacted separately’.

‘All paved driveways shall have the preceding gravel base and process gravel plus, in addition, three (3”) inches of Class II compacted bituminous concrete or a suitable alternate material, approved by the Town Consultant Engineer. The layout of all driveways exceeding 750’ in length shall be reviewed and any changes requested by the Town Consultant Engineer and the Fire Chief or his designee shall be incorporated into the design’.

M. Dreher questioned pull offs. *M. Barton* advised that there will be additional pull offs for safety vehicles, oil deliveries and such. *M. Barton* continued that the amendments are in the reviewing stages. *Chairman Graveline* questioned if hydrants were added to the amendments for industrial zones. *M. Barton* advised that they were not, but the public hearing could be kept open. *Chairman Graveline* advised to cover all the zones. A discussion took place on property sites and grades; *M. Barton* advised that depending on the grade, the driveway may not need a pull off. *Fire Marshal, Keith Griffin* commented that he and the Fire Chief are in favor of the revision; in particular to add to the regulations a fire hydrant to industrial property; the revision will be to count the feet from the fire hydrant to the building for the 750’. *K. Griffin* commented that a fire hydrant will be placed on the property of 99 Union City Rd; there will be a waterline with a hydrant; the building will have a sprinkler system. *Chairman Graveline* questioned if Toll Bros had hydrants on premise to which *K. Griffin* advised that they do. *Anthony Dorso, 30A Scott Rd.* commented that he was in favor of this amendment, and stated that the current 6.11.1.4 should be eliminated to allow for the amendment to the new language and requirements (6.11.1.4 a.), but also requested to add ‘recommended’ and not incorporated. *Chairman Graveline* advised that the language should be clarified. *M. Barton* stated she was contacted by L. Farrell who is in favor of this change. *Tom Satkunas, 232 New Haven Rd,* commented on Section 6.10.10 and the elimination of the 15’ emergency access way around all buildings. *M. Dreher* commented that the language ‘takes out safety’. *A. Havican* commented that the amendments would need to be revisited. It was the consensus of the Commission to keep the public hearing open. *Chairman Graveline* continued the public hearing until December 5, 2018 @ 7:10 p.m.

Old Business:

Rte 69 Auto Sales: Attorney *Alec Rimer*, 21 Brass Lantern Way, Waterbury, representing Rte 69 Auto Sales appeared before the PZC and stated the following: 1) the 15’ accessway has now been cleared of fire wood and the fence has been removed, giving access around the building; the ‘blocking’ car to prohibit vandals, will be removed at night; 2) the revised site plan given to the Commission shows parking spaces for 107 vehicles; 3) the owner of Rte 69 Auto Sales was actively pursuing purchase of 68 Waterbury Rd (Sunoco station), but it was not as hopeful and there are some concerns with numbers; 4) there will only be one way in and one way out to the facility; 5) the client will encourage ST of CT “No” parking signs along Rte 69 as these were the past concerns of the Fire Marshal and M. Palmerie. *A. Rimer* continued that once the PZC approves the site plan, he will apply to the ST of CT DOT for an encroachment permit. *A. Rimer* referenced creating a parking space for a delivery truck; addressed snowplowing; addressed signs for entrances and exits. *M. Barton* commented on the site plan revision of 9/26/18 and removal of the asphalt island. *A. Rimer* commented that the area will become grass for vehicles to be parked. *M. Barton* added that the site plan would need to be amended to show this area. *Chairman Graveline* commented on storage of cars to which *A. Rimer* commented that the client needs to have enough of the same

vehicle on site to have inventory for customers. Questions were raised as to parking spaces for customers and employee; the dimensions should be 9'x18', the client currently has parking spaces that are 9'x15'. *Chairman Graveline* read the letter from Fire Marshal Griffin dated 11/7/18 stating 'the access way is to be located from the front street line to and around the structure and to further keep free of all obstructions including parked vehicles.' *Chairman Graveline* questioned if the client addressed this issue. *A. Rimer* commented that the 15' access way around the building will be free of the 'blocker' vehicle and clear for emergency vehicles. *Chairman Graveline* advised that the facility went from a primary use of auto sales to vehicle storage. *A. Rimer* commented that the client would need enough vehicles to show potential customers. *A. Rimer* also advised that additional vehicles are on the properties of 110 Waterbury Road and Duracore. *M. Palmerie*, 19 Amber Court commented on vehicles being offloaded on Orchard Dr. *A. Rimer* and *M. Luisi* both denied this advising that the vehicles are being off loaded at Duracore. *M. Luisi* commented that *M. Palmerie* had a strong dislike for M. Luisi and noted that the vehicles come into Town twice a week from Terryville Auto. *M. Palmerie* commented that as early as yesterday, the vehicles were offloaded onto Orchard and driven across the street; on several occasions he had to deal with box trucks and vehicles parked on Rte 69 while there was a funeral procession. *Chairman Graveline* asked for comments. *M. Barton* sited the client as to violations in the following areas: setbacks from all property lines; buffers; 9'x15' parking spaces instead of 9'x18'; cars parked in the ST of CT ROW; site line parking for abutting neighbors; no offloading area. *M. Barton* advised that prior to 2010 the previous owner had repossession storage which allowed temporary storage of 15 days. *B. Albert* and *M. Dreher* commented on parking in front of the garage doors. *Chairman Graveline* commented that the site plan would need to be amended to meet the zoning requirements. *Chairman Graveline* questioned if D.O.T. visits the premise. *A. Rimer* commented that it was DMV which passed the facility except for one Title to a vehicle which could not be found; their certificate was renewed. *A. Rimer* requested recommendations. *Chairman Graveline* advised to follow the zoning regulations. *M. Barton* explained that the process to apply to the State of CT DOT takes 30 days and the decision is made within 2 to 3 months. *Chairman Graveline* commented that there is a concern with too many cars on site as the primary use has become storage and auto sales. *M. Dreher* commented on stacking of vehicles. *A. Rimer* commented that there are 4 to 5 rows with room enough to get into the vehicle but not comfortably. Commission members advised that the original permit was for 35 vehicles and now the request is for 107 vehicles. *M. Dreher* stated the client has 3.5 times more vehicles than what was approved. *M. Dreher* stated that the use currently is to store vehicles with the site holding 100+ vehicles; the original permit allowed the 35 vehicles. *B. Albert* commented that 75 vehicles could be on premise comfortably. *A. Rimer* commented that the client could have 107 vehicles, but *B. Albert* advised that the cars are too tightly parked. *B. Albert* also commented that cars are parked in front of the three garage doors. *A. Rimer* advised that these vehicles could be moved. *M. Palmerie* commented on *T. Satkunas'* car lot being very appealing. *M. Luisi* again noted that there would be nothing he could do to make *M. Palmerie* happy. *A. Rimer* commented that they are here to comply. *M. Barton* advised that the Commission would need to make a decision by November 22nd and noted that the Commission had previously canceled the November 21st meeting. *A. Havican* commented that the applicant could withdraw their application. *M. Barton* stated that the applicant could make an adjustment; submit a revised site plan and resubmit their application. *A. Rimer* asked if a new application was submitted, would there be a fee to which *Chairman Graveline* advised that there would not be a fee. *A. Rimer* asked to have a moment with his client. *M. Barton* asked that *A. Rimer* put his request for a withdrawal of the application in writing. Commission members asked to which site plan the client was operating under to which *M. Barton* stated was the 2010 site plan permitting 35 cars. *M. Barton* also advised that the owner had a change of use application for 110 Waterbury Road. *Chairman Graveline* suggested to wait until the owner had a site plan.

Land Use Inspector's Report:

-Brewery, a Prospect resident would like to build a 20,000 sq. ft building in the business zone with a tasting room and outside seating with the owner giving the patrons a list of surrounding area restaurants. *M. Barton* asked the Commission if they would be willing to amend the zoning regulations. *Chairman Graveline* advised to stay a step ahead, the regulations would need to grow. *M. Barton* stated that she had checked with the State as to distances between liquor stores and breweries to which there is no limit, unlike liquor store to liquor store. *M. Barton* also stated that there is no distance between church and schools. *M. Barton* asked if the Commission would like to propose an amendment to which *Chairman Graveline* advised to proceed.

-80-84 Scott Rd, Special Permit for Hardwood – wood mulch has been sold to Scott Holdings, LLC; a division of Cherry Hill; Robert Sacks is the Manager. *M. Barton* advised that a Special Permit is like a variance it goes along with the land; she has spoken with R. Sacks who advised that they agree to abide by the Special Permit.

-HOA of Toll Bros – A resident of Toll Bros had contacted Land Use to advise that they would like to expand trails to interconnect with their neighbors within Toll Bros. The resident questioned if the trails needed to be ADA compliant to which both *Chairman Graveline* and *M. Barton* stated no. *M. Barton* stated that there will be no winter maintenance. *M. Barton* advised that the IWC will also be made aware of this plan.

-Sherwood Dr. – Two separate residences - A pickup truck and a RV have been moved to be compliant; a dishwasher is on premise to be moved.

-*M. Barton* will send a request to have a playscape moved from a property that the playscape is overlapping onto the neighbors.

-Change of Use – A general discussion took place on the application and fees.

Motion made by *A. Havican*, seconded by *S. Duffany* to place the Zoning Inspector’s report on file. **Unanimous.**

Public Participation: None

Adjournment: **Motion** made by *A. Havican*, seconded by *K. Kemp* to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:40 p.m.

E. Gil Graveline
Chairman