

**Planning & Zoning Commission
Unapproved Minutes
September 19, 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: G. Ploski, & Mike Dreher

Absent: Bob Albert

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by A. Havican, seconded by S. Duffany to approve the minutes of 9-5-18 as amended. **Unanimous.**

Correspondence: None

Public Participation: None

New Business: None

Public Hearings: None

Old Business:

Rte 69 Auto Sales, 69 Waterbury Rd – Alec Rimer, attorney representing business owner Michael Luisi, appeared and presented before the Commission a site plan modification for Vehicle Retail and Storage Facility, dated August 24, 2018, prepared by Robert Green, 6 Old Waterbury Road, Terryville, CT 06786, LS #12877. A. Rimer commented that at the 6/6/18 the PZC had concerns and at this time his client is in the process of addressing those concerns: previously the site was approved for 35 cars and the two additional businesses on the premise no longer exist. A modification to the original A2 survey has been completed and was received by the applicant 5 days ago. A. Rimer advised that he was waiting for the updated A2 survey to be complete before applying to the STCTDOT for a permit as cars are currently being parked in the State's Right of Way. The A2 survey was given to the Commission showing the proposals: Replace (2) 6' Chain Link fence & 20' double chain link gate; Layout 15' wide emergency access; customer parking; employee parking; 12'x12' stop bar; end & create bit. Curbing; (2) stop signs; vehicle display area; do not enter sign; remove pavement and develop grass island. A. Rimer continued that currently cars are no longer offloaded in front of the business nor around the area; cars are offloaded at Duracore and 12 cars are stored there. A. Rimer advised that cars are also stored at 110 and 104 Waterbury Rd. A. Rimer continued that his client has been in negotiations with the full-service gas station across the street to lease the facility, which if goes through, will cease as a gas station, pulling out the pumps, and will be renovated for use by Rte 69 Auto Sales. G. Ploski questioned the number of parking spaces for the vehicles at the 69 Waterbury Rd address. A. Rimer commented that in the shaded area on the site plan, there will be 110 cars parked to the rear of the building and if the State allows cars to be parked in the Right of Way, then the total of parked vehicles would be 125. G. Ploski asked for the engineer, Mr. Green to mark the parking spaces on the site plan. A. Rimer advised that Mr. Green did not feel it was necessary to mark these spots. Commission members questioned moving and juggling cars from the back to the front when moving vehicles for purchase. A. Rimer commented that some of the vehicles may need to be placed in the 15' emergency access way while vehicles are juggled around. Commission members questioned acceptance of the application to which M. Barton commented would be 65 days. M. Dreher commented on parking cars on the State's property and having too many cars on premise. Comments were made to No parking signs in front of the business, to which A. Rimer stated that his client welcomes these signs. A. Rimer continued that if the full-service gas station approval goes through, then the employee vehicles will be moved across the street. G. Ploski stated that 45 cars could be safely parked to the rear of the building. J. Crumb commented that the applicant would not be here if they were following the rules and regulations and asked what the applicant is actually doing, as to date, no movement of vehicles has been done. J. Crumb commented that the applicant was not following the regulations and raised the concern of safety for the residents and people driving on Rte 69. G. Ploski commented again on parking spaces and stated that it would be more appropriate for the engineer to show the parking spaces. J. Crumb stated that the engineer should be attaching a sheet to the revised site plan showing the parking spaces. G. Ploski commented to have the site plan show the revisions to cars allowed, as the previous site plan showed 35 cars permitted. Mike Palmerie, Prospect, CT commented that he has two children that are firefighters and raised his concern that if there was a fire, the vehicles and surrounding buildings could blow up; M. Palmerie stated that he was pleading to the PZC to do something. Prospect's Fire Marshall, Keith Griffin gave the PZC pictures that were taken of the site, stating that no vehicles have been moved since the last time the applicant came before the PZC. K. Griffin asked how long before cars would be moved, 1 week or 6 months; how long before the 15' wide emergency lane was provided around the building. K. Griffin stated that he will adhere to the

State's Fire code which will allow 30 days and at the end of the 30 days the process will begin. K. Griffin advised that the applicant will be doing his annual inspection of the facility within the next 2 weeks and if the applicant does not comply citations will be given. K. Griffin continued that no cars, wood or fencing has been removed as requested at the previous PZC meeting; these barriers present a hazard to firefighters. K. Griffin asked that after looking at the site plan, where will the applicant be putting the customers. K. Griffin commented that nothing has been done and questioned how long will it take. M. Barton commented that it could take up to 65 days. K. Griffin again stated that this is a safety issue. A. Rimer commented that his client is listening and he will have the 15' wide emergency accessway open this weekend. M. Barton stated that the applicant should review the sq. footage of the building as the regulations call for 12 parking spaces for its use. M. Barton stated that a designated area needs to be made for deliveries. M. Barton also stated that the applicant would need to submit a letter from the property owner, Jim Juliani, to the Commission. Chairman Graveline called for further comments. No other comments were made. **Motion** made by A. Havican, seconded by S. Duffany to accept the submission of the modification to the Site Plan of Rte 69 Auto Sales. **Unanimous.** A. Rimer had also given to the PZC a Change of Use Application for 110 Waterbury Rd, but did not include a signature nor site plan. Signatures were not included on the applications. Chairman Graveline advised that the application was incomplete and would not be accepted at this time.

Public Participation:

Members of the Prospect Gun Club and neighbors of Tress Rd and Rolling Ridge were in attendance. Chairman Graveline asked for comments.

-Joseph Rosetti, 22 Arbor Meadow a Civil attorney and a member of the Prospect Gun Club appeared before the PZC for a follow up of the previous discussion on 7/18/18. J. Rosetti commented that the former 1987 noise ordinance of the Town of Prospect did not apply due to procedural errors. J. Rosetti gave a copy of CGS 22a-74a 'Exemption of firing and shooting ranges from criminal and civil liability for noise and noise pollution' as it is applicable to this case and referenced the Simsbury/Avon case law. J. Rosetti commented that per the CGS 22a-74a there is an exemption for shooting ranges and the CGS could not be overturned.

-M. Barton explained that the only difference is the Prospect shooting range is on Town property and it would be up to the Town. -Chairman Graveline advised to contact Joe Fattore of VibraScience to see what other suggestions he would have for sound mitigation.

-Amita Rosetti, 22 Arbor Meadow also appeared before the PZC and commented that the Prospect Gun Club, which are volunteers, had spent \$13,000+ to hire Joe Fattore of VibraScience to do decibel readings of the noise and was advised that on the average, the traffic levels are higher than the shoots from the guns. Due to his findings, sound mitigation insulation was installed to the roof of the gun stalls.

-Michael Caggiano, exc. range officer, advised that Prospect Gun Club president, J. Williams came to the site of Forest Ridge and Tress Rd and called to gun club members to shoot and listened to the noise, a dog barking and lawn mowing was louder.

-G. Ploski questioned if the readings were done from the street or on the properties to which M. Caggiano replied the readings were done from the street.

-A. Rosetti commented that VibraScience had been contacted for noise mitigation and acoustic expertise.

-A. Havican asked A. Rosetti to contact J. Fattore of VibraScience to come before the PZC to give his suggestions as to how to remedy the situation and to invite the Prospect Gun Club and the surrounding neighbors.

-M. Barton commented that though J. Fattore is not an acoustical engineer, he is very knowledgeable and she would like to see a meeting with him and have everyone present so that they could ask questions.

-Chairman Graveline advised that if necessary a special meeting could be called.

-J. Crumb thanked everyone for their presentations.

-Don Pomeroy, 10 Rolling Ridge, a past Chairman of PZC had received a call from his neighbor regarding the noise from the Gun Club and was asked if he could hear the noise. D. Pomeroy advised that for the most part, he could not hear the noise, but has on two recent occasions. On one of the occasions after hearing the noise he went to the Gun Club to see that the Resident State Trooper and 3 officers were shooting AR15's. D. Pomeroy advised that he was informed that the Trooper and officers had permission from the Mayor to use the gun range. D. Pomeroy advised that he had worked over 47 years in civil construction for NE Utilities and informed everyone that the cement blocks do not block the noise but aggravate it; the blocks had been installed to protect the Town garage from stray bullets. D. Pomeroy questioned the modification of the special permit to which M. Barton stated that statutorily the modification could be overlooked.

- Chairman Graveline commented that the Gun Club set out to get sound mitigation and had used J. Fattore.

- G. Ploski advised that this review went on for months.

- Alice Magnarella, 36 Tress Rd, noted that someone was taking sound measurements on Saturday from the end of D. Reilly's driveway. M. Caggiano advised that there was a shooting match on Saturday, and J. Williams was noting the sound. M. Caggiano advised that all pistols were used with one person shooting at a time. M. Caggiano advised that J. Williams is trying to work with the neighbors. A. Magnarella commented that there is a constant pulsating of fire. M. Caggiano commented that it is the decibels that the neighbors hear. A. Magnarella advised that the Club needs to come to her house to hear the actual noise. M. Dreher commented that it is the constant noise and frequency for 6 to 7 hours a day that the neighbors hear and it doesn't go away.

- Chairman Graveline advised that J. Fattore from VibraScience needs to come before the PZC.
- A. Rosetti commented on paying for a credential specialist.
- J. Crumb asked how much does the gun club pay to have their shooting range on Town property, to which he remarked nothing.
- Brian Evans, 12 Tress Rd extended an extra cordial invitation for the Gun Club to come to his property on his patio and listen to the gun fire. B. Evans explained that he had been a rifle coach, but in this case the extension of hours has become a nuisance. B. Evans stated that now this has become a problem.
- Maria Vieira, 1 Forest Ridge commented that the neighborhood had become used to the original hours; she continued that the Gun Club should be a good neigh and go back to what the time was originally.

A short recess was taken.

Text Amendments:

M. Barton advised that a public hearing will be called for November on the following text amendments:
Stormwater; Driveways – 750 ft; 15 ft. Emergency Access.

Land Use Inspector's Report:

-Dollar General – M. Barton stated that she will not be signing off on a Certificate of Zoning Compliance for Dollar General; The property has not been maintained, there is no vigorous growth to the grass, the lawn in the back was hydroseeded but not maintained; there is trash in the yard with the potential to find its way into the detention system and there is no report schedule of maintenance to the detention system. M. Barton explained that the company plans on placing an Ice Cooler, Red Box and Propane area on the grounds of the store, to which the G.M. will need to come before the PZC for a permit.
Motion made by A. Havican, seconded by K. Kemp to place the Land Use Inspector's Report on file. **Unanimous.**

Executive Session Pending Litigation – 99 Union City Road:

Motion made by A. Havican, seconded by K. Kemp to convene to an Executive Session Pending Litigation – 99 Union City Rd and to invite M. Barton to attend. **Unanimous. Present:** G. Graveline, J. Crumb, A. Havican, K. Kemp, S. Duffany and Mike Dreher. **Absent:** G. Ploski, B. Albert. The meeting convened to an Executive Session @ 8:45 p.m. **Motion** made by A. Havican, seconded by S. Duffany to reconvene to the regular meeting. **Unanimous.** The regular meeting reconvened @ 8:55 p.m. No votes were taken or motions were made.

Adjournment: **Motion** made by A. Havican, seconded by K. Kemp to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:00 p.m.

E. Gil Graveline
Chairman