

**Planning & Zoning Commission
Unapproved Minutes
September 5, 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

Absent: G. Ploski, Bob Albert

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by A. Havican, seconded by M. Dreher to approve the minutes of 8-15-18 as amended. **Unanimous.**

Correspondence: None

Public Participation:

A general discussion was conducted between M. Barton and M. Dreher with regards to the proposed purchaser, Mark Sweeney of Massachusetts, for the business known as Dollar General at 14 Union City Road.

New Business: None

Public Hearings: None

Old Business:

- *Zone Change Application received from Cathy M. Bochicchio, for a Zone Change of 86 Waterbury Road from a Residential (RA-1) to Business (B) Zone. M. Barton gave the Commission a Resolution of Approval (Schedule A) to review for the Zone Change of 86 Waterbury Road. Chairman Graveline asked the Commission to review the Resolution of Approval for the Zone Change of 86 Waterbury Road advising that the zone change fits within the Town's Plan of Conservation and Development and is within the Northern Gateway of the Rte 69 corridor. Chairman Graveline advised that the zone change also fits in with the surrounding business areas and asked the Commission to decide. Motion made by K. Kemp, seconded by J. Crumb to approve the application received from Cathy M. Bochicchio, for a Zone Change of 86 Waterbury Road, from a Residential (RA-1) to Business (B) Zone. Chairman Graveline asked for comments. A. Havican advised that he did not feel it was fair for the neighbors to have this zone change as the properties were purchased as residential. Chairman Graveline commented that the location is right on the main road of the Town and fits in with the other business properties in the area. J. Crumb commented that he thought the zone change was appropriate. Chairman Graveline asked for other comments. No other comments were made. A vote was taken. **4 Approved/1 Opposed, A. Havican Motion passes.** Effective Date: October 1, 2018.*

- *99 Union City Road, Special Permit Application for a 40,000 sq ft Industrial Building and Property Improvements*

An 8-page Special Permit Resolution of Approval (**Schedule B**) including waivers was given to the Commission and to both Attorney L. Caine and Attorney T. Calkins. *M. Barton* advised of the following: that the site would have septic and public water. "The installation of the driveway, electrical line, waterline and slope reconstruction shall all be completed prior to the construction of the building. A Soil and Sediment Control bond was determined by Prospect Town consultant Gene McCarthy in the amount of \$110,000. The bond shall be in a form acceptable to the Town Attorney and shall be filed with the Town prior to the commencement of any site development activities". The site is within the western gateway but not visible from the street; there will be a residential buffer in place that should prevent the neighbors from seeing the building; the building will be very similar to the adjacent buildings within the Industrial and Business Zones in this area. The lighting will be down lit lighting. *S. Duffany* questioned the tracking pad to which *M. Barton* noted a 50-foot tracking pad on the plan, with more in place as needed. *M. Barton* also commented that dust control measures would be in place; there would be a preconstruction meeting with the applicant, *M. Barton*, the Town's consultant and any one that the applicant appoints. *M. Barton* also stated that weekly meetings will take place between the project manager, *M. Barton*, the Town's consultant and the applicant. *Chairman Graveline* asked for further comments. No other comments were made. *Chairman Graveline* read into the record from the Special Permit Resolution of Approval: "This Special Permit Application was reviewed in accordance with Article 12, Article 4.19 and Article 11 of the Zoning Regulations and is found to be in conformance with those sections and with the underlying IND-1 Zoning District standards". *Chairman Graveline* asked for further comments. No other comments were made. **Motion** made by *S. Duffany*, seconded by *A. Havican* to approve the application with the Special Permit Resolution of Approval for 99 Union City Road, Special Permit Application for a 40,000 sq ft Industrial Building and Property Improvements. **Unanimous.**

-Industrial Storage LLC, 99 Union City Road – Application for Earth Excavation, Deposition and Regrading Activities. *M. Barton* presented and submitted into the record the documents from Attorney Leonard Caine, III, dated 9/5/18: 1) G & G Trust and Gregory Ploski Position Statement in Opposition to the Applicant’s 2017 Application regarding real property; G & G Trust and Gregory Ploski Position State in Opposition to the Application’s 2018 application for an Earth Excavation Permit for the abovementioned real property; 3) Copy of Writ, Summons and Complaint and Exhibits in a fraudulent conveyance civil action involving the abovementioned real property. Also submitted into the record, to the Commission and to both Attorney L. Caine and Attorney T. Calkins: Zoning Permit Application for Earth Excavation, Deposition and Regrading Activities Resolution of Approval. *M. Barton* commented that according to Attorney Caine, this application for earth excavation, deposition and regrading activities ‘does not meet the requirements of Article 4 of the PZC’s regulations’. *M. Barton* referred the Commission to **Section 4.11.2.2. Activity Requiring a Zoning Permit** Section (1) to the last sentence “Quantities of earth material exceeding an allowed maximum volume shall require a permit from the Planning & Zoning Commission as required per Section 4.11’, as the material was well over 2,000 Cu Yd. *M. Barton* asked *Roland Desrosiers* Land Surveyor and agent for *J. Gallagher* to comment. *R. Desrosiers* stated that the average truck could hold 20 yards; there is 112,000 Cu Yd to be moved off site; an excavator will be moved to the site, on a good day, the project will continue with 40 trucks per day, 5 trucks an hour loaded; the project could have 2 excavators to double the output; the applicant will talk with the STCTDOT to see what they will allow. The project should take approximately 140 days @ 5 days a week for 28 weeks, but could take up to one year to complete, weather permitting. At this time, there is no destination for the material, but the applicant has some venues in mind. *R. Desrosiers* stated that it is noted on the plan; the first 100 ft of driveway will be paved with a binder course until project is completed. *S. Duffany* questioned crushing boulders on site. *R. Desrosiers* stated that boulders will be crushed and the material will be used on site for process; other boulders will be used along the driveway for safety so vehicles do not veer off down the slope. *J. Crumb* commented on the noise from the hammer drills, which due to the project being down in a ‘hole’ the noise would travel down toward the valley. Questions were raised as to hours of crushing operation. *M. Barton* advised that the hours of operation for crushing per the Zoning Regulations was between 7:00 a.m. and 6:00 p.m., Monday through Friday. *M. Barton* advised that she will add and amend this Resolution of Approval (**Schedule C**) to include **Section 4.11.3.1** Sections (2) through (6) and to add the trucks and loads should be “covered and secured”. *M. Barton* commented that per item #12 of the Resolution of Approval, she will require signage for “Trucks Entering” into the construction area and she will require item #13 “someone to have a detailed log of the trucks entering and exiting from the site and quantities of earthen materials removed off site shall be maintained by the Applicant’s agent and a bi-weekly copy of this log shall be provided to the Land Use Office”. *M. Barton* again noted there will be only one bond in the amount of \$110,000 for Erosion and Sedimentation Control for this site. *Chairman Graveline* asked for further comments. *K. Kemp* questioned if there had been any environmental issues to which *R. Desrosiers* stated that there was not. *Chairman Graveline* asked for further comments. No other comments were made. **Motion** made by *J. Crumb*, seconded by *K. Kemp* to approve the Resolution of Approval for 99 Union City Road, Application for Earth Excavation, Deposition and Regrading as amended with additional items. **Unanimous.**

-58 Plank Rd – Religious Education Classes – Did not show. *Chairman Graveline* advised a public hearing would be necessary for this Home Occupation as traffic could become an issue and asked *M. Barton* to review the Home Occupation with the applicant.

*- Text Amendments – Handouts of proposed text amendments were given to the PZC. A general discussion took place regarding Section 3.4.12 Misc. -Section 3.4.12.2 B Zone and Sections 3.6.12.3 IND-1 Zone and 3.6.12.5 IND-2 Zone: ‘15 ft wide unobstructed emergency access way ...’ to ‘15 ft unobstructed fire lane...’; also discussed 6.11.1.4: No driveway access onto a lot shall exceed 750 ft in length from street line to the primary structure – **to proposed** – No driveway access onto a lot shall exceed 750 ft in length from street line to the primary structure unless there is the following: a) a hydrant; b) a driveway designed by a land surveyor/ professional engineer that will be able to provide a width sufficient to permit two way traffic with appropriate turnoffs and to permit full fire apparatus and ambulance to access the driveway; providing a specification similar to a road standard. Other text amendments included Section 4.22 Storm-Water Management Standards were given to the PZC. *M. Barton* advised that she will address other text amendments at the next PZC meeting.*

Land Use Inspector’s Report:

*-Dollar General, 14 Union City Rd, is looking to be sold; a temporary certificate of zoning compliance had been given as long as the property was safe; and as part of the final plan, Dollar General would need to complete the requirements of landscaping, maintenance of the stormwater drainage system and property cleanliness. *M. Barton* stated that the white pine trees had not been added to the back of the building behind the white vinyl fence and she had contacted the adjacent neighbor who advised that she was happy with having the fence, no plantings were necessary. *M. Barton* advised that she is worried that the trash will eventually go into the stormwater drainage system and as of yet, she had not received a stormwater report. *M. Barton* stated that she did not want to signoff on the property in the condition that it was. The PZC advised that unless the following requirements were met 1) maintenance of the stormwater drainage system and reports to *M. Barton* every 6 months; 2) landscaping maintained; there would be no issuance of a final certificate of zoning compliance; therefore, the title will not be transferred. **Motion** made by *A. Havican*, seconded by *S. Duffany* to place the Land Use Inspector’s Report on file. **Unanimous.***

Public Participation: -*Alice Magnarella, 36 Tress Rd* read into the record her letter “Comfort, Convenience and Noise Mitigation” regarding her concerns with the noise and sound mitigation of the Prospect Gun Club. *A. Magnarella* referenced hours, usage of high caliber guns (muzzle loaders, 50 caliber guns) and the burden that it is putting on health and day to day living. *A. Magnarella* also referenced **Section 12.10 Special Findings** noting **Sections 12.10.4 and 12.10.7** of the Prospect Zoning Regulations. *A. Magnarella* asked *Chairman Graveline* to rescind the PZC’s decision to approve new hours given as of 7/18/18 for the Prospect Gun Club. *M. Barton* advised that there is a future meeting planned for the Prospect Gun Club and the surrounding neighbors to appear at the next PZC meeting of 9/19/18.

Adjournment: **Motion** made by *A. Havican*, seconded by *K. Kemp* to adjourn the meeting. **Unanimous.** The meeting adjourned @ 8:22 p.m.

E. Gil Graveline
Chairman