

**Planning & Zoning Commission
Unapproved Minutes
March 21, 2018**

Vice-Chairman A. Havican called the meeting to order at 7:00 p.m.

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

Alternates Present: Mike Dreher

Absent: Bob Albert and G. Ploski

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by J. Crumb, seconded by A. Havican to approve the minutes of February 21, 2018.

Unanimous.

Correspondence:

a. ***Toll Bros., Regency at Prospect, (2) Letters of Request for Bond Reductions dated 3/14/18:*** Request for bond reduction Phase 5 from original amount of \$900,793 to \$179,013 and a request for bond reduction of Phase 6 from the reduced amount of \$261,763 to \$52,952. Land Use Inspector, M. Barton advised that past Asst. Public Works Director, Gene McCarthy has been notified and will provide a statement for the bond reduction; the PZC has 65 days to reply, as of this meeting, G. McCarthy has not replied. Chairman Graveline continued the decision for bond reduction until the April 4, 2018 PZC meeting.

b. ***Martin J. Rutt, DDS, 108 Cook Road, Prospect, CT letter dated 3/10/18.*** Chairman Graveline read into the record a request for a 90 day extension to file the subdivision mylar with the Town of Prospect for 7 Ridgewood Club Road as at this time the engineer stamp has not been received. M. Barton advised that the original date for filing of the mylar would be on April 20th; the first 90 day extension would be calculated from April 20th; the applicant would be allowed (2) 90 day extensions. After discussion, **Motion** made by S. Duffany, seconded by K. Kemp to approve the 90 day extension for Martin J. Rutt, DDS of 108 Cook Road, for 7 Ridgewood Club Road to obtain an engineer stamp for the mylar; the first 90 day extension will begin on April 20th. **Unanimous.**

c. ***Letter from the Sidewalk Task Force, dated 3/2/18*** – RE: Proposed Amendments to Planning & Zoning Regulations for Sidewalks. M. Barton advised to discuss under the Land Use Inspector's Report.

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

Public Participation:

Kellee McLean, Project Manager, Toll Bros., Regency at Prospect, RE: Affordability Plan. Kellee McLean appeared before the Commission to ask for clarification on the Regency at Prospect's Affordability Plan as the Town's Attorney, Jennifer Yoxall, had been contacted and suggested to have the Commission review. K. McLean explained that a family member would like to purchase an Affordable Unit for their father and asked if the Commission had any problem with the purchase. K. McLean advised that all criteria of the Plan will be met by the occupant. The Commission raised questions as to leasing. K. McLean explained that there is a provision in their contract that the homeowner may lease the unit, providing the "Lessees" meet the criteria of the plan. Chairman Graveline asked for comments; hearing no further comments, **Motion** made by A. Havican, seconded by S. Duffany to approve the purchase of an Affordable Unit, by the family member, providing the occupant meets all criteria of Regency at Prospect's Affordability Plan. **Unanimous.**

New Business: None

Public Hearing:

-7:10 p.m. Capozzi Properties, LLC, 158 Waterbury Road, Special Permit for Existing Building & Parking Improvements and to add a new 2,480 sq ft Storage/Warehouse Facility. Chairman Graveline read into the record the "Notice of Public Hearing" for this special permit application as it appeared in the Republican American on March 9 & 16th, 2018. Chairman Graveline also read into the record a letter from D. Carson, Engineer for Capozzi Properties, dated 3/20/18, requesting an extension of this public hearing until the April 4th PZC meeting. Chairman Graveline asked for comments. No further comments were made. At this time, Chairman Graveline continued the public hearing of Capozzi Properties, LLC, 158 Waterbury Road, Special Permit for Existing Building & Parking Improvements and to add a new 2,480 sq ft Storage/Warehouse Facility until the PZC meeting of April 4, 2018 @ 7:10 p.m.

Due to time allotment, M. Barton gave the Land Use Inspector's Report.

Land Use Inspector's Report:

- **Rte 69 Auto Sales** - M. Barton advised that there have been numerous complaints as to Rte 69 Auto Sales as to vehicles parking in the CONNDOT right of way and after she had contacted CONNDOT she was advised there was no permit filed with the State for parking in the State's Right of Way; the cost for this permit is \$500.00. M. Barton also commented that both she and Fire Marshall, Keith Griffin, have had concerns with access around the building of Rte 69 Auto Sales. M. Barton stated that she would like to have a 15' access-way designating a 'Fire Lane' painted around the building. M. Dreher questioned if there was a limit on the amount of cars one could have on premise. M. Barton stated that per their application and Site Plan, there was not a limit to the cars stored or sold on site; the site was originally to be used as a "Repo" site. M. Barton advised that a Site Plan revision could be requested. M. Barton requested permission for a letter to be sent to CONNDOT regarding the hazard of parking cars in their Right of Way, which the Commission gave their consensus to. Permission was also granted to paint a ground sign designating the 15' access-way for a 'Fire Lane'.

- **16 Old Log Town Rd** - A. Havican questioned 16 Old Log Town Rd and removal of debris from this property. M. Barton stated that she will attend to this matter again once the weather breaks.

- **70 Salem Road** – M. Barton advised that the oil truck is no longer on premise, the Town’s Attorney, Jennifer Yoxall is working on rectifying the Inland Wetlands issue.

Motion made by S. Duffany, seconded by K. Kemp to place the verbal report of the Land Use Inspector on file. **Unanimous.**

At this time, the public hearings resumed:

-7:30 p.m. Application for Zone Change - Linda Marie Ploski, Trustee - G & G Trust, for a Change of Zone Designation from Residential (RA-1) to Business District (B) for 114 Clark Hill Rd.

Chairman Graveline read into the record the “Notice of Public Hearing” for this special permit application as it appeared in the Republican American on March 9 & 16th, 2018. *Chairman Graveline* also read into the record a referral letter from Joanna B. Rogalski, Regional Planner, NVCOG dated 2/22/18 and Eugene Livshits, Senior Regional Planner of the South Central Regional Council of Governments letter dated 3/19/18. Additionally, letters were mailed to all abutting municipalities per State statute requirements and abutting property owners - certificate of mailings received. *Linda Marie Ploski, Trustee – G & G Trust*, presented before the Commission for a Change of Zone Designation from Residential (RA-1) to Business District (B) for 114 Clark Hill Rd. *M. Barton* stated that the parcel is within the Western Gateway Zone; the request for Zone change was not “Spot Zoning” though the lot is small, .68 acres, it does fit within the Plan of Conservation and Development, which is in the Rte 68 corridor; the Gateway District calls for a mix of uses of retail and office use. *M. Barton* commented that this location will have a low impact use and could be used for either retail or office. *M. Dreher* questioned the requirements for the Gateway Zone. *M. Barton* commented that the uses in the Gateway Zone are influenced by the underlying zone, in particular Section 3.1 of Uses by District and Articles 11 for Site Plan Approval Requirements and Article 12 for Special Zoning Permits. The applications are more stringently reviewed by the Commission for the Gateway Zone, in particular for the buildings to be more aesthetically pleasing to fit within the Town. *Chairman Graveline* asked for comments. *Tom Satkunas, 232 New Haven Rd*, advised that he felt this was a good fit as it fell within the Plan of Conservation and Development and would bring in more tax dollars and the buildings would be more aesthetically pleasing. *Ron Strumski, 172 Union City Rd* and *Ron LaLiberte, 13 Clark Hill Rd* commented on the affect to the neighborhood and their concerns for traffic. *Mike Accousti, 176 Union City Road*, commented that the traffic in this area had only increased and raised his concerns with protecting the neighbors and any future development. *Monique Houle, 83 Clark Hill Rd* stated that she was opposed to this Zone Change and again commented on the increase of traffic. *Chairman Graveline* asked for other comments; no other comments were made. *Chairman Graveline* continued the public hearing Application for Zone Change - Linda Marie Ploski, Trustee - G & G Trust, for a Change of Zone Designation from Residential (RA-1) to Business District (B) for 114 Clark Hill Rd until the April 4, 2018 of the PZC at 7:30 p.m.

7:45 p.m. Proposed amendments to the Prospect Zoning Regulations:

Chairman Graveline read into the record the “Notice of Public Hearing” for this special permit application as it appeared in the Republican American on March 9 & 16th, 2018. *Chairman Graveline* also read into the record the referral letters from Joanna B. Rogalski, Regional Planner, NVCOG, dated 3-16-18 and David White, Chairman of Regional Planning Commission of the South Central Connecticut Regional Planning Commission letter dated 3/14/18. Additionally, letters were mailed to all abutting municipalities per State statute requirements and abutting property owners – certificate of mailings received: *M. Barton* advised that the only complaint she has received is of Roosters, with no problems of Chickens. *M. Barton* stated she had submitted to the Commission recommendations for “Quiet” Chickens but not “Guinea Hens” as they are a type of “watchdog” chicken. *Chairman Graveline* read the following changes into the record:

-Article 4 Supplementary Regulations- Section 4.7 Agricultural Uses: Amendment – Chickens - Section 4.7 Agricultural Uses: a) Keeping, Breeding & Raising Livestock – **Existing:** Section 4.7.6 -Small Animals (rabbits, etc) or fowl (chickens, ducks, geese, etc) or a combination totaling not more than ten (10) on a lot of (3) acres or more is necessary for keeping, breeding and raising of small animals for domestic, non-commercial use. All items listed in Section 4.7.2 shall be required. A lot of three (3) acres or more is necessary for the keeping, breeding and raising of swine.

Proposed: Section 4.7.6 – Small Animals (rabbits, etc) or fowl (chickens, ducks, geese, etc) or a combination totaling not more than ten (10) on a lot of three (3) acres or more is necessary for keeping, breeding, and raising of small animals for domestic, non-commercial use **except 3 female chickens of any breed except Guinea Hens may be kept on a lot less than one acre in size. Male chickens (roosters) are prohibited on less than 3 acres. On one acre to three acres, five female chickens except Guinea Hens are permitted. All items listed in Section 4.7.2 shall be required.** A lot of three (3) acres or more is necessary for the keeping, breeding and raising of swine. A question was raised as to the distance a ‘Chicken Coop’ should be from the neighbor. *M. Barton* will review and bring before the Commission at the next meeting.

-Section 4.19 Gateway Overlay District- Section 4.19.4 Gateway Overlay District Site Development Standards: Deletion-Façade:

Existing: a. **Facades** and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

Proposed: a. **Rooflines** shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

-Article 12 Special Permits Proposed – Section 12.7.4 Notice: Delete Certified Mailing - Add Certificate of Mailing: Existing: Notice of the public hearing shall be mailed by the applicant by **certified mail** with return receipt requested no later than ten (10) days before hearing to all owners of property as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. **Proposed:** The applicant shall mail notice of the public hearing by **certificate of mailing** no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property, which is the subject of the application.

-Article 14 Zone Changes and Amendments – Section 14.3 Notice: Delete Certified Mailing - Add Certificate of Mailing: Existing: Notice of the public hearing shall be mailed by the applicant by **certified mail** with return receipt requested no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. **Proposed:** The applicant shall mail notice of the public hearing by **certificate of mailing** no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property, which is the subject of the application.

-Article 15 Zoning Board of Appeals – Section 15.1.2 Variances: Section 15.1.2.3: Delete Certified Mailing; Add Certificate of Mailing; Delete Commission - Add Board: Existing: Surrounding property owners within one hundred (100) feet of the boundaries of the property that is the subject of the pending application shall be notified by **certified mail** by the applicant of the time, date and place of

the impending public hearing. Said **certified mailing(s)** shall be mailed between ten (10) and fourteen (14) days prior to the public hearing date. The applicant or the applicant's agent shall execute an affidavit of the certified mailings and file said affidavit at least three (3) business days prior to the hearing with the Land Use Office and provided evidence at the time of the public hearing of *certificate of mailing* receipts or returned receipts to the **commission** as part of the applicant's record. **Proposed:** Surrounding property owners within one hundred (100) feet of the boundaries of the property that is the subject of the pending application shall be notified by mail by the applicant of the time date and place of the impending public hearing. Said mailing(s) shall be mailed by *certificate of mailing* between ten (10) and fourteen (14) days prior to the public hearing date. The applicant or applicant's agent shall provide evidence at the time of the public hearing of certificate of mailing receipts to the *Board* as part of the applicant's record.

Chairman Graveline asked for comments: *Paul Dahlman, 7 Terry Lane* commented would like to see the Zoning Regulation changed to allow chickens under (3) acres as he had chickens, with a fenced-in coop for his children and was asked by the Town to remove the chickens or be fined; he would like to get the chickens back. *Jim DeCosta, 239 Cook Rd*, commented that he felt it was foolishness not to be allowed to have chickens under (3) acres and would like to see the regulation changed. *Shawn Bauman, 8 Juggernaut Road*, commented that she had felt it was absurd not to allow chickens on property under (3) acres and she agreed with lowering the zoning regulations to allow chickens. S. Bauman also asked the Commission to consider rabbits. Chairman Graveline asked for other comments; no other comments were made. Chairman Graveline continued the public hearing of the **Proposed** amendments to the Prospect Zoning Regulations until the PZC meeting of April 4, 2018 @ 7:45 p.m.

Old Business: None

Public Participation:

Sidewalk Task Force - Letter from the Sidewalk Task Force, dated 3/2/18; RE: Proposed Amendments to the P&Z Regulations-Sidewalks. A general discussion took place regarding adding an amendment for sidewalks to the Zoning Regulations. *M. Barton* stated that there should be a plan in place before an actual amendment was added. *M. Barton* noted that Milone and MacBroom were currently conducting a conceptual study for the Town of Prospect. After discussion, it was the consensus of the Town to invite the Prospect Sidewalk Task Force to attend the PZC meeting of April 18, 2018.

Adjournment: Motion made by A. Havican, seconded by S. Duffany to adjourn the meeting. **Unanimous.** The meeting adjourned @ 8:45 p.m.

E. Gil Graveline
Chairman