

Planning & Zoning Commission
Unapproved Minutes
April 18, 2018

Chairman Graveline 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, Bob Albert and G. Ploski

Absent: None

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by A. Havican, seconded by K. Kemp to approve the amended minutes of April 4, 2018. **Unanimous.**

Correspondence:

1. Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter Spring 22.

2. Ted Merchant, P.E., Land Developer Director, for Toll Bros. Regency at Prospect – A request was made by T. Merchant for a bond reduction for Phase 6 (Letter of Credit #30099464) to the amount of \$179,013.00 from the amount of \$900,793.00. After review by the Town's Engineer, it was determined to approve the new amount of \$201,011 for Phase 6; (\$900,793.00 - \$699,782 = \$201,011). T. Merchant also requested a bond reduction for Phase 5 (Letter of Credit #30004435) to the amount of \$52,952.00 from the amount of \$261,763.00. After review by the Town's Engineer, it was determined to approve the new amount of \$65,892 for Phase 5; (\$261,763.00 - \$195,871.00 = \$65,892.00). **Motion** made by A. Havican, seconded by K. Kemp to accept the bond reduction recommendations made by the Town's Engineer and approve the new amounts of \$201,011 for Phase 6:

(\$900,793.00 - \$699,782.00 = \$201,011) and to approve the new amount of \$65,892.00 for Phase 5 (\$261,763.00 - \$195,871.00 = \$65,892.00). **Unanimous. Motion** made by S. Duffany, seconded by J. Crumb to place correspondence on file. **Unanimous.**

Public Participation:

Robert Chatfield, 25 Cornwall Ave. appeared before the Commission advising that the Sidewalk Task force had previously sent the PZC a letter requesting that they amend their regulations to address sidewalks in commercial areas. R. Chatfield asked Chairman of the Sidewalk Task Force, Carla Perugini-Erickson to continue. C. Perugini-Erickson advised that after reviewing and noting that a recommendation was made in the Plan of Conservation and Development for an evaluation of sidewalk installation in the vicinity of Prospect Municipal and Business Centers, she is advocating for sidewalks along the Rtes 68 & 69 corridors. C. Perugini-Erickson explained that various meetings have been held with the NVCOG, the Planner of the Town of Cheshire, the CTDOT and also with Milone and MacBroom; Milone and MacBroom is currently working on a virtual side walk plan for the Town. C. Perugini-Erickson advised that the Town had won a Road Safety Audit which was performed in 2017 and currently there is an ordinance before the Prospect Ordinance Sub-Committee to consider. C. Perugini-Erickson stated that she would like the PZC to consider a Sidewalk Policy Plan that would ask developers of new properties along the Rtes 68 & 69 corridors to implement sidewalks. G. Ploski commented on the Buttermilk Ruling in Plymouth, where a developer was required to improve an existing road and add sidewalks. C. Perugini-Erickson stated that unless a new road and owned by the developer was built, the Town could not require the developer to improve an existing road with sidewalks. The discussion continued with rights of way. G. Ploski stated that it was not within the PZC authority. C. Perugini-Erickson commented that she would like the Commission to consider a Sidewalk Policy Plan and have conversations with developers to include sidewalks within their areas. R. Chatfield advised that other towns have included a sidewalk plan within their regulations, why not Prospect. C. Perugini-Erickson stated that after conversations with the NVCOG, it became apparent that there is a freeze on Grants. C. Perugini-Erickson was advised to continue with the applications as hopefully once the freeze is off, the Town could move forward. Mayor Chatfield requested that the PZC invite the Sidewalk Task Force back to a meeting in May. M. Dreher questioned where Milone and MacBroom are currently with the study. Mayor Chatfield stated that he will gather this information. The Commissioners questioned where the sidewalks would be placed on Rte 69 to which C. Perugini-Erickson answered along the west side of the road from St. Anthony's Church going north toward Hotchkiss Field. Attorney Jeff Holley advised that he is president of the Prospect Business Association (PBA) which has 80 members; the members have strong interests in the sidewalks and would like to see the plan move forward. Mayor Chatfield thanked everyone for their time.

New Business: None

Public Hearings:

-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, Cont'd: Dave Carson representing Dr. Ken Capozzi of Capozzi Properties, began the discussion explaining that the proposal included an extension of trees and shrubbery into the right of way on Greenwood Dr. D. Carson continued by giving Chairman Graveline a sketch of the elevator shaft to be added to the existing building; the enclosed elevated shaft will also consist of a stairwell. The elevator shaft and the proposed large 2 car storage garage will be sided to match the existing building. G. Ploski questioned the overall square footage of floor space to which M. Barton replied was 15,250 sq ft. G. Ploski also questioned parking spaces. D. Carson commented that the parking spaces for commercial use is 1 space per 250 sq ft of gross floor area, while the storage garage is should have 1 parking space per 750 sq ft of gross floor area. D. Carson advised that there are 46.4 parking spaces; 3 included in front of the existing garage which are not striped. M. Barton commented that she had spoken to the previous Asst. Public Works Director, Gene McCarthy. G. McCarthy advised that as to the parking lot in Phase 2, laying process was not an option as this could eventually drain into the wetlands. M. Barton continued that the Phase 2 driveway should be paved and one catch basin placed for drainage from the road. D. Carson included that sidewalks would be placed to allow access to the elevator shaft from the parking area; the sidewalk and elevator

shaft will be concrete; current stairs and retaining wall will be removed. J. Crumb commented that he had asked D. Carson to add sidewalks to the front of the property to which D. Carson respectfully declined. D. Carson continued that security lighting as wall packs over the door will be installed; M. Barton commented that the wall packs need to be shielded to prevent light trespass. Chairman Graveline questioned if the wall packs would provide adequate lighting; D. Carson advised that due to existing tenants, a single pole light to the parking area was added. The Commission questioned lights from vehicles shining into the neighbors windows to which D. Carson advised that shrubbery would be placed in the right of way. Chairman Graveline asked for further comments. No other comments were made. **Motion** made by J. Crumb, seconded by A. Havican to close 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*. **Unanimous.**

G. Ploski recused himself from the meeting.

-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, Cont'd: Linda Ploski, Trustee of G & G Trust cont'd; A zone/location map was placed at the entrance of the room for the public to view. After a review of the map, Chairman Graveline asked the public for comments. Joe Simoes, 106A Clark Hill Rd commented that he did not think this was a good idea for the neighborhood and was not in favor of the zone change. Theresa Murphy, 20 Peach Orchard and Corrine Lacey, 23 Peach Orchard stated they would like the Commission to take into consideration the existing traffic problems in this area including exiting driveways. T. Murphy questioned the type of business that would be going into this location. Chairman Graveline advised that the proposed use could be anything that meets the criteria for a business zone and that could fit within the property size. The overlay zone of the Gateway, dictates the architecture to which the Commission has more discretion with. Jim Simpson, 7 Spring Rd raised his concerns as to the accidents that occur at this intersection. J. Simpson questioned why the applicant did not consider a variance instead of requesting a zone change. Rich VanAllen, 27 Smoke Rise, stated that due to traffic, tiered grading and bad site lines, there was much difficulty getting out of Clark Hill Rd. R. VanAllen commented on a traffic study of this intersection, showing 10,700 vehicles a day, more during mornings and rush hour; again he commented that this zone change would only make a bad situation worse. Rosemarie Legen, 69 Morris Rd commented that the Town was becoming overdeveloped and hoped that the Commission would keep the Town a beautiful small town. James McGrath, 45 Clark Hill Rd commented that he is vehemently opposed to the zone change and hopes that the Commission makes the right decision. Anne Stein, 22 Cook Rd questioned why the sudden change from residential to commercial zone, in particular on this busy road. A. Stein commented on the Gateway. Chairman Graveline advised that the Gateway is an overlay zone that stretches from the western part of the town, from the Naugatuck border up Rte 68 to the Town Center and north down the Rte 69 corridor to the Waterbury border. Chairman Graveline commented that the Commission has more control over the commercial properties as to appearance. Chairman Graveline continued that the Commission had previously hired a professional planning company to help refine the Gateway as there had been some missed opportunities prior. A. Stein continued that she felt the Town was setting a precedent from residential to commercial zones. Bonita Casertano, 39 Clark Hill Rd commented that she felt Prospect was one of the most beautiful towns and felt that "this was taking paradise to put up a parking lot". Anthony Dorso, 30 Scott Road commented that the Gateway was designed to address this issue and felt that G. Ploski was utilizing this type of move. Clark Parkhurst, 165 Union City Road stated that he was against this change and commented that snow removal could be more difficult on this corner with more work and hours if there was a zone change to this intersection. T. Murphy, 20 Peach Orchard questioned if G. Ploski was on the Commission when the overlay zone became effective and asked if he had planned this zone change with the approval of the Gateway. B. Albert commented that this property is not on Rte 68. Commission members stated that this property is still within this zone. T. Murphy stated that she felt this was a conflict of interest and thanked the Commission for their time. Linda Ploski, 114 Clark Hill Rd, owner of G & G Trust, stated that it was no concern of the public what transpired two years previous with the creating of the overlay zone. Mike Dreher commented on the Plan of Conservation and Development that was approved in 2013 and with the revision as of 2014. Mike Accousti, 176 Union City Rd commented that he was still concerned as to the safeguards the Commission would be giving to the surrounding neighbors and questioned what the future use of this property would be. M. Accousti questioned "Protest, Section 14-24". M. Barton explained the procedure for a Protest and commented that due to the public hearing needing to close this evening, there may not be enough time for the 20% or more of owners of the area of lots to respond. J. Simpson, 7 Spring Rd commented on the 200 ft abutters list, yet for a Protest the requirement is 500 ft and wanted to know why he was not notified and suggested to amend the regulations from 200 ft to 500 ft for notification to abutters. M. Barton advised that the Town's Attorney was notified regarding 200 ft to 500 ft and the Attorney advised M. Barton that per the regulations 200 ft was fine due to the Statutes being silent and do not require notifying anyone. C. Perugini-Erickson questioned why the notifications to the abutters within 500 ft were not notified. M. Barton explained that due to the notification for the Legal Notice and the 200 ft abutters notified, the Town's Attorney advised that it was not necessary as the Statutes only call for 500 ft notice to abutters within the 'protest'. Chairman Graveline asked for further comments. No other comments were made. **Motion** made by A. Havican, seconded by K. Kemp to close the public hearing of *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, Cont'd: Linda Ploski, Trustee of G & G Trust*. **Unanimous.**

G. Ploski was reseated to the meeting.

7:45 p.m. Proposed text amendments to the Prospect Zoning Regulations, Cont'd: M. Barton stated that after the last meeting she had again spoken with Shawn Bauman regarding a "Chicken Permit". M. Barton stated that she had also spoken with Maura Esposito, Director of Chesprocott and was asked by M. Esposito to include cleanliness. M. Barton stated that the permit will allow for enclosures with coops 25 ft from side and back, no front yard coops. M. Barton also stated that the coops would be allowed on .50 acres, for single family dwellings, no multi-family properties. G. Ploski advised to address residential and commercial lots. Theresa Graveline, 20 Corrine Dr questioned roosters. M. Barton advised roosters are will be allowed on 5 acres or more.

New Business:

a. **Section 8-24 of the CGS for the Town of Prospect Highway Safety Program 2018** to repair and improve town roads. **Motion** made by A. Havican, seconded by J. Crumb to accept and approve Section 8-24 of the CGS for the Town of Prospect Highway Safety Program 2018 to repair and improve Town roads. **Unanimous.**

b. Sign Change for Toll Bros for single pier sign for ‘Residents only’ at Tamarack Court:

M. Barton advised that per Kellee McLean, Project Manager for Toll Bros., Regency at Prospect, there has been a proposal for a smaller, single pier sign to be placed at the entrance of Tamarack Court designating that the entrance is for ‘Residents Only’ with a directional arrow delineating where the main entrance is. M. Barton stated that this sign will be smaller than the original plan showed. Chairman Graveline asked for comments. Carmine Accousti, 77A Clark Hill Road questioned if the PVFD would need a new code to enter into Tamarack Court. M. Barton advised that she will speak with the Fire Marshal, Keith Griffin. No further comments were made. **Motion** made by A. Havican, seconded by S. Duffany to amend the original sign plan and to accept the proposal for a smaller, single pier sign to be located at the entrance to Tamarack Court for ‘Residents Only’ with a directional sign to the main entrance. **Unanimous.**

Old Business:

At the previous meeting of PZC, two applications were approved but no motions were made.

a. Motion made by S. Duffany, seconded by K. Kemp to approve the Accessory Living Unit for 19R Salem Rd, as all requirements were met. **Unanimous.**

b. Motion made by A. Havican, seconded by K. Kemp to approve the Change of Use – Retail for Good Will Industries at 34 Waterbury Road. **Unanimous.**

Inspector’s Report:

M. Barton reported on the following:

- M. Barton prepared a Common Driveway Easement, Right of Way and Maintenance Agreement to be added to applications; a note will be added to the appendix of the regulations to alert developers to this responsibility.
- A letter was sent to the owners on 8 Old School House Road Re: over expanded shed – no permits
- Flag Poles; Chairman Graveline had no problem with Flag Poles, but to watch for ‘fall’ zones
- Habitable Floor Space – Accessory Living Unit exceeding floor space by 1.6% for utility room; M. Barton advised the homeowner would like to seek a variance; no hardship. M. Barton also advised that the homeowner currently uses basement for play area for children. The Commission advised to either remodel basement for habitable floor space and acquire permits from Building Official or make foot print smaller to Accessory Living Unit; otherwise, the homeowner would be in need of a variance.

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

Public Participation:

M. Accousti, 176 Union City Rd, questioned why the Town’s website was not updated with links to the Town’s Zoning Regulations including on the PZC page. A suggestion was made to attach a link to the PZC page.

Adjournment:

Motion made by A. Havican, seconded by J. Crumb to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:24 p.m.

E. Gil Graveline
Chairman