

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 20, 2008**

ROLL CALL:

Members Present: David Wichman, Chairman
Eugene Sierakowski, Vice Chairman
Joseph Diminico, Secretary

Alternates: Eric Prause (sitting)

Absent: Salvatore Mancini
Kevin Dougan
William Cherry

Also Present: Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:07 p.m. The Secretary read the legal notice for the application when the call was made.

EVERGREEN CROSSING, LLC – 325 New State Road – construction of a 266-unit multi-family residential community – PRD Zone Change and Preliminary Plan of Development (E-45)

Frank Hubeny, FLB Architecture, submitted his resume for the record and spoke on behalf of the applicant. He displayed a map showing the New State Road corridor and orientated the Commission with the property. The property is surrounded by industrial uses, rural residential uses, a cemetery, driving range, ball fields, linear park, and open space. The property is 29.9 acres with 427 feet of frontage on New State Road. Historically the property has been used for agricultural purposes and is vacant except for two barns in the middle of the field. The topography consists of a gentle slope, with two small depressed areas on the southern portion that are considered wetlands and two small wetland areas to the north of the property. In total, 2.54 acres are wetlands and are actively farmed now.

Mr. Hubeny explained that the applicant is requesting a zone change to the PRD zone which is in accordance with the Plan of Conservation and Development. The applicant proposes a PRD zone because of its fairly secluded location, is the best and most appropriate use of the land, and is in synergy with the other uses in the area.

The preliminary site plan consists of a main drive through the open space that leads to a town green setting with circular drive accesses to the buildings and parking lots. The second loop, to the east, will most likely be built as the second phase. The drive will be to the outside of the buildings. Open space consists of 192,000 square feet (172,000 square feet required) and does not include landscaped areas, wetlands, or the buffer upland area. The development will consist of 19 buildings and a clubhouse. Each building will hold a maximum of 14 units. Approximately 30% will be one-bedroom units, between 822 square feet and 1,025 square feet;

55% will be two-bedroom units, between 985 square feet and 1,418 square feet; and 15% will be three-bedroom units, between 1,447 square feet and 1,496 square feet, with a total rentable area of 303,000 square feet. There will be a clubhouse, community facilities, a patio and a pool area.

Mr. Dan Delaney, Senior Engineer with Fuss & O'Neill, stated that the site is 29.9 acres with 427 feet of frontage. The property slopes gently from north to south with a maximum elevation of 100' and a minimum elevation of 80'. The majority of the site is currently being used for agricultural farming. There are four wetland areas totaling 2.54 acres. The largest two are in the southwest corner of the property; one is 1.5 acres and one is 0.4 acres. These wetlands are in good shape and provide several principal values and functions. The applicant is not planning on encroaching upon the largest two wetlands in the southwest area of the property. Wetland #3 is at the northwest corner of the site and is 0.4 acres and wetland #4 is 0.22 acres. Wetlands #3 and #4 provide limited function and value and have been compromised over the years. The plan calls for filling wetland #4, which is a wetlands based on soil type but is cultivated land, he said.

Mr. Delaney stated that site utilities are available from New State Road and will be brought into the site through a utility corridor on the north side of the access drive. Sanitary sewer will be accessed on Adams Street through a utility easement. Storm water management will include infiltrating as much clean storm water as possible in two general ways: in the center of the site - underground, and on the perimeter - discharged to basins. Storm water drainage from the paved areas will be routed through storm water quality basins through a combination of biofilter structures and ultimately discharged into the wetlands.

The landscaping plans maintain a 15' landscape buffer around the site using existing trees where applicable or new plantings. Larger shade trees will be planted along the roadways and parking areas. He said the applicant plans to leave as much undisturbed area as possible.

Dr. Clarence Welti, a geotechnical engineer, was asked to summarize the soil characteristics and why residential development is an appropriate type of development in this location. He said the site is part of a large glacial lake, deposits of which consist primarily of medium to fine sand, he said. The public water supply wells have been impacted by the salt from the highway and solvents from industrial uses. The water tables are within 10 feet and may be as high as five feet. Soils are suitable for development, although probably not for basements. He said the wetlands in the vicinity of the Hockanum River are part of the larger wetlands system. The isolated wetlands #3 and #4 are from localized silt deposits. He submitted a copy of a letter he wrote to Alan Lamson for the record.

Mr. Steve Mitchell, F.A. Hesketh & Associates, prepared the traffic impact study for this proposed development. He said the development will have a single access off of New State Road and a secondary emergency access off of Adams Street through an easement. New State Road is 24' wide with a 100' wide right of way. The posted speed limit is 35 mph and the road is striped with a double yellow line. Traffic counts consist of approximately 3,700 vehicles per day, with an a.m. peak of 250 vehicles and a p.m. peak of 400 vehicles. To predict potential traffic created by this development, he said the rates of a single family development were used to come up with conservative estimates. The p.m. peak estimate was 260 vehicles, with 35% headed north and 65% headed south. Levels of service at the intersections and traffic lights in the area are mostly A's and B's with a couple of C's. Mr. Mitchell said additional traffic from this development will cause no change to these levels of service. He said the applicant is proposing some widening of New State Road on the east side to create a left turn lane. This

would require relocating one utility pole. He said there are adequate site distances calculated using the actual travel speed of 46 mph. There is hourly bus service at this location, with a direct commute to the Buckland Area and a commute to Hartford with one change, he said.

Mr. Hesketh reviewed site circulation and noted that individual parking areas dead end. Emergency apparatus can make all turns around the buildings. The applicant is requesting a reduction in visitor parking. The regulation calls for 598 total spaces and the applicant is proposing 549 spaces instead. Parking spaces for occupants will not be assigned. The reason for the reduction is the desire to limit unnecessary impervious areas.

In response to a question from Mr. Wichman, Mr. Mitchell stated that traffic studies did include Saturday trips. It appears this development is far enough away from the mall area that Saturday counts were not critically affected, he said.

Mr. Hubeny reviewed the architectural plans for the development which include an efficient layout with a good combination of elevations. The development will have a traditional New England design with clapboard, shingles, trim, traditional building materials, and bay windows. The design he presented was a preliminary plan to show conceptual elevations. The project will have four or five color pallets that will be mixed throughout the project. The buildings will have no basements, will be two stories each and have 7 units on each level. Every unit will have a direct entrance from outside, with no central corridor. Each building will have all unit types. Mr. Hubeny stated that this development is a well-designed attractive project with a moderate cost.

In response to several questions from Mr. Diminico, Mr. Steve Guttman of the development team explained the team has not determined the rents. They will be less than the luxury units in the area; most likely between \$800 and \$1,400, he said. There are closets available for storage.

In response to a question from Mr. Wichman, Mr. Hubeny stated that Evergreen Crossing LLC owns the land. In response to a question from Mr. Prause, Mr. Delaney stated storm water will not go into the sanitary sewer. Between 95% and 98% of the storm water will stay on site and be infiltrated into the aquifer.

In response to a question from Mr. Prause, Mr. Hubeny reviewed the open space areas in the plan.

In response to several questions from Mr. Wichman, Mr. Delaney stated that the sanitary sewer pump station will be privately owned. He further explained that five buildings are within the upland review area of the pocket wetland in the center of the site that the applicant is planning to fill as part of the project. He said the other four are located on the periphery of the site.

In response to a question from Mr. Diminico, Mr. Delaney stated that phase one soil testing was completed at the site. Mr. John Hankins, Fuss & O'Neill, explained that because this was former tobacco land, there was a concern about the potential presence of agricultural pesticides. His testing confirmed trace levels of agricultural pesticides. All 20 samples met the residential direct exposure criteria, meaning the soil is safe. He also tested for lead and arsenic and found the levels to be safe.

In response to several questions from Mr. Diminico, Mr. Hankins said it was his understanding that the wells had been contaminated with industrial solvents. He is not familiar with a pesticide problem in the wells. It is Mr. Hankins' opinion that the chemicals found on site do not pose a danger to the aquifer protection area, because pesticides bond to shallow soils and do not tend to leech out.

Ms. Bertotti said that Town staff has reviewed this application and related several small comments.

Mr. Pellegrini added that the review staff addressed this application in terms of the current zoning regulations. He noted the 2008 amendment to the Plan of Conservation and Development addresses the fact that this area will be designated an aquifer protection area. The plan recognizes that moving out of industrial use may pose less risk to the aquifer area. He explained that even if the zoning were to remain industrial, once the aquifer regulations are in place a number of activities will be prohibited in this location.

In response to a question from Mr. Diminico, Mr. Pellegrini stated that the Buckland Traffic Study does include the New State Road/Adams Street area. Mr. Diminico said he believes that with the 300 units being constructed on the Hayes property and the 266 units proposed with this application, there is bound to be more of a negative impact on traffic in this area.

Chairman Wichman asked anyone wishing to speak in favor of or in opposition to the application to come forward.

Ms. Bertotti said the Town received a letter in support of this application from Raymond Damato, and summarized it for the Commission. Mr. Damato believes this application represents the best possible use of the property.

Ms. Bertotti said the Town received an e-mail from Dave Doreau of ProMark, an abutting property owner, summarizing a recent meeting with the parties involved in this application. The neighbor expressed concerns with foot traffic crossing onto their property and the applicant agreed to install a fence. Mr. Doreau explained his operation involves a procedure that, on rare occasions, may produce an odor. The applicant looked into prevailing winds and did not think this would be a problem. Mr. Doreau noted he operates 24 hours each day and wondered if noise would be a problem. The applicant tested decibel levels and they are below the regulated level. It was suggested that the applicant construct wooden fencing or install noise deadening devices along the existing chain link fence.

Mr. Al Gionet, 631 North Main Street, cautioned the Commission that the traffic study was done in July. There are two schools, East Catholic and Cheney Tech, just at the end of this road that produce traffic, he said. There will be cars from 549 parking spaces travelling on New State Road.

Mr. Mitchell responded that the State of Connecticut had the same issues and the counts from the Buckland Traffic Study, which do include school traffic, were used instead.

Mr. Diminico said he would like to keep the public hearing open and requested input from the Town's water department regarding this application. He also requested options for moderate

industrial uses. Mr. Diminico noted there are a large number of units proposed and asked that the Superintendent of Schools prepare a report on the impact on school system enrollment.

MOTION: Mr. Diminico moved to keep the public hearing on this application open and Mr. Sierakowski seconded the motion. Mr. Diminico, Mr. Sierakowski, and Mr. Wichman voted in favor and Mr. Prause voted in opposition.

The Planning and Zoning Commission took a brief recess at 9:00 and returned at 9:07 p.m.

COMMUNITY BAPTIST CHURCH – 585 East Center Street – construction of a one-way service drive and entrance pad to allow handicapped accessibility to building – Special Exception (C-220)

Mr. Frank Hubeny, FLB Architecture, spoke on behalf of the applicant. He said the reason for the application is to allow for handicap accessibility to the building. The elevator would be located at the front of the building inside of the church which would require creating a new driveway. The applicant intends to take the existing sidewalk area out and create a small drop-off area for handicap accessibility only.

Mr. Jim Dutton, Engineer, explained that the proposed access will run in front of the church's main entrance. He said the grade in front of the building has less than a 2% slope and then begins to get a little bit steeper. The applicant will need to install a short section of retaining wall, which will be 3' at the maximum height and 0' at its lowest. The fence will need to be 42" high with a maximum of 4" between pickets. The total area to be disturbed is 0.16 acres, including stockpiles. No modifications are being proposed for the parking lot and the request to use light blocking fence on the south side of the parking area seems to be out of the scope of this project. Mr. Dutton believes construction will take place in the spring. It was brought to his attention that the box turtle is an endangered species living in the area. Mr. Dutton submitted a report done by Mr. Logan for another project in the area that reports the viable habitat for the box turtle is located across the street from this property.

In response to a question from Mr. Prause, Mr. Dutton responded that the traffic flow will be from north to south.

The Chairman asked for anyone wishing to speak in favor of the application to come forward.

Mr. Horace Brown, a member of the Building Committee of Community Baptist Church, explained that there is currently no construction schedule as the funds for the project need to be raised.

Ms. Bertotti related all outstanding staff comments to the Commission and agreed that the fencing is out of the scope of this project.

The chairman closed the Public Hearing portion of the meeting at 9:23 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1001, 1002, 1003