

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 19, 2012**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Kevin Dougan, Vice Chairman
Eric Prause
Horace Brown

Alternates: John Chaput (sitting)

Absent: Andy Kidd, Secretary
Anthony Petrone
Susan Shanbaum

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
and Wetlands Agent
Ginger MacHattie, Recording Secretary

Time Convened: 8:11 P.M.

NEW BUSINESS:

EVERGREEN CROSSING, LLC – 325 New State Road – for a 224 unit multi-family residential community with parking, carports and clubhouse/office – PRD Zone Change and Preliminary Plan of Development (2012-069)

PRD Zone Change and Preliminary Plan of Development (2012-069)

MOTION: Mr. Dougan moved to approve the PRD zone change and preliminary plan of development with the modifications outlined in staff memoranda from Renata Bertotti, Senior Planner, dated September 6, 2012 to the Planning and Zoning Commission; from Nick Francione, Civil Engineer, dated September 5, 2012 to Renata Bertotti; and from Bernard Kalansuriya, Design Engineer, dated September 5, 2012 to Renata Bertotti. Mr. Prause seconded the motion and all members voted in favor. The reason for the approval was the proposal meets the Town's Plan of Conservation and Development and maintains the same density as the previously approved preliminary plan.

GATEWAY LAUREN, INC. – 205 Spencer Street – for remediation of approximately 25 cu. ft. of contaminated soil beneath the outfall of a stormwater drainage conduit located in the northeastern portion of the property. – Inland Wetlands Permit – Determination of Significance (2012-079); Inland Wetlands Permit (2012-079)

Mr. Bob Potterson, Senior Vice-President of Fuss & O’Neill, spoke on behalf of Gateway Lauren, owner of the site at 205-239 Spencer Street. The activity will take place in the rear of the facility at a storm drain outlet that drains the majority of the property. Because of the Property Transfer Act, any property that had a dry cleaning operation on it needs to be investigated and cleaned up due to the hazardous materials generated at that type of operation. He said this property housed a dry cleaning operation for eight years, and therefore must be investigated and cleaned up as part of the transfer process. Since 2006 every area of concern has been cleaned up except one, which is the discharge point. The applicant will clear the area to provide access and remove the asphalt fragments by hand; this is a half-day job and the final area of concern.

In response to a question from Mr. Dougan, Mr. Potterson said there was no release of solvents from the dry cleaning operation. He said there was a release from the K-Mart auto service center, but that has been remediated. Other than that the site is in very good condition.

In response to a question from Mr. Diminico, Mr. Potterson said the operation will dig down a few inches to get the asphalt particles.

Mr. Bordeaux said he does not have any concerns. He said this is a minor activity, all handwork with no particular access required. It will be a pretty easy in and out operation.

Ms. Bertotti said the Assistant Town Engineer recommends removal of the shopping carts. Mr. Potterson said he is happy to accommodate that request.

Inland Wetlands Permit – Determination of Significance (2012-079)

MOTION: Mr. Dougan moved to find the proposed activity would not cause a significant impact to the wetlands and will not require a public hearing. Mr. Brown seconded the motion and all members voted in favor.

Inland Wetlands Permit (2012-079)

MOTION: Mr. Dougan moved to approve the inland wetlands permit with modifications as outlined in a staff memorandum from Derrick Gregor, Assistant Town Engineer dated September 18, 2012 to Renata Bertotti. The permit is valid for five years with work within the wetlands upland review area to be completed one year from the beginning of construction. Mr. Brown seconded the motion and all members voted in favor.

WAL-MART REAL ESTATE BUSINESS TRUST – 420 Buckland Hills Drive – to expand the store by an additional 439 sq. ft. including modification to the store entrance and to modify a prior condition of approval to eliminate the one-way requirement for the northern drive aisle at the property’s entrance – CUD Detailed Plan Modification (2012-080)

Attorney John Knuff, speaking on behalf of the applicant, reminded Commission members that they approved the expansion of the Walmart building. That approval contained a condition for one-way traffic in a portion of the parking lot. In addition, there is a request for an additional 439 sq. ft. of space to be added to the store.

Mr. Al Carpenter, P.E. explained that the driveway is located on the north side of the proposed expansion area. It currently exists as a two-way drive and Mr. Jim Mayer, Town Traffic Engineer, requested it be a one-way drive last year due to a concern that the driveway immediately north of the expansion connected to the truck area. Mr. Carpenter revised the plan and made that driveway a “T” so it does not exit into the truck area, allowing the driveway to function as a two way drive. He pointed out the bus route. Modifications have been made to the turning areas to accommodate the bus route and a two-way driveway. Some changes were made to grading along the north side of the site based on geotechnical information received.

In response to a question from Mr. Brown, Mr. Carpenter said the landscaped island will remain with some trees being retained and additional landscaping provided.

In response to a question from Mr. Diminico, Mr. Carpenter said the applicant has coordinated with the bus company, which has accepted the location of the proposed bus stop.

In response to a question from Mr. Diminico, Mr. Pellegrini pointed out that Ms. Bertotti’s memorandum explains the differences between the previous approval and what is being proposed with this application.

Mr. Carpenter explained that the previous approval allowed for parking along the entry drive. The revised approval takes the parking out so there will be no backing movements along the entry drive. The parking area on the north side of the building is now separated by a landscape island. It is now configured for two-way traffic.

Mr. Pellegrini further explained that the driveway comes in and was to be one-way going to the west. That drive was to serve traffic, including buses, coming in off of Buckland Hills Drive. Between the landscape island median and the building there was another double loaded row of parking. Mr. Mayer was concerned that if it was two-way traffic, cars would be coming in off of Buckland as well as coming out from two different areas of the parking lot. After the previous approval, Town staff met with the applicant and arrived at a solution by eliminating the parking at the eastern end of what was the double drive aisle to create the island. This will provide added control of the traffic flow and will satisfy Mr. Mayer’s concerns.

Mr. Brown expressed concern about the white pines in the island as that is a timber tree, made for logging. If placed against a building, those types of trees must be clipped to keep to a manageable size. He suggested that choice be revisited.

Mr. Carpenter explained that those three pines are existing and will be left and supplemented with other plantings. He was trying to save what he could but does not have to; the applicant can plant new trees.

In response to a question from Mr. Prause, Mr. Carpenter explained that the entrance to the garden center will be placed on the other side of the building; the groceries will be on the north side of the building.

Mr. Dan Baxtron, an architect, explained that the existing building has a notch cut out that collects windblown dirt and debris. His client felt it would be best to close off the area and continue the store front instead. Materials will not be changed and colors will match. By filling in the notch, the plane of the building will be consistent.

In response to a question from Mr. Prause, Mr. Baxtron said he is not sure about the reason for the notch originally. He confirmed there will be no issue with utilities if that notch is filled in. Ms. Bertotti said Town staff have reviewed the application and did not have any significant comments. She said revised plans arrived in the Planning Department very recently and need to be reviewed by Town staff. Ms. Bertotti requested that the Commission table this application until a proper review has been completed.

Mr. Pellegrini added there were changes to the type of construction of the retaining wall and the Engineering Department needs to review the plans.

Mr. Prause said he would like to see an indication that there will be a stop sign placed at the island in the parking lot before the next meeting.

CUD Detailed Plan Modification (2012-080)

MOTION: Mr. Prause moved to table this item. Mr. Brown seconded the motion and all members voted in favor.

WAL-MART REAL ESTATE BUSINESS TRUST – 205 Spencer Street – to redevelop the property with a new retail store and associated parking and site improvements – Inland Wetlands Permit – Determination of Significance (2012-081)

Inland Wetlands Permit – Determination of Significance (2012-081)

MOTION: Mr. Prause moved to table this item. Mr. Brown seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Mr. Bordeaux said he administratively approved an Inland Wetlands Permit for minor activity in the upland review area at a residence at 132 Lake Street. An 18’ x 13’ shed was installed in the rear yard within the upland review area of a pond. It was placed on a slab after minor excavation and there was no clearing. He said a building permit must be filed with the Building Department.

APPROVAL OF MINUTES:

August 6, 2012 – Business Meeting

MOTION: Mr. Brown moved to approve the minutes with a correction on page 5 to read “is over the bar area only and not attached and extending from the building”. Mr. Chaput seconded the motion and Mr. Brown, Mr. Chaput, Mr. Diminico and Mr. Prause voted in favor. Mr. Dougan abstained. The motion passed 4 to 0.

RECEIPT OF NEW APPLICATIONS:

BRUCE R. & ROSEMARIE T. CHIRICO – Zoning Map Amendment (2012-099) – to change the zone from Residence AA (RAA) zone to Rural Residence (RR) zone at 571 Porter Street and the westerly portion of 599 Porter St.

The Chairman closed the business meeting at 9:15 p.m.

I certify these minutes were adopted on the following date:

January 7, 2013
Date

Joseph Diminico, Chairman

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.