

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 7, 2021**

NOTE: Due to technical difficulties, the live stream of the meeting may have been affected.

ROLL CALL:

Members Present: Eric Prause, Chairman (In Person)
Patrick Kennedy, Vice Chairman (Zoom)
Michael Stebe, Secretary (Zoom)
Jessica Scorso (Zoom)
Jessica Poland (Zoom)

Alternate Members: Julian Stoppelman (Zoom)
Teresa Ike (Zoom)

Absent: Bonnie Potocki

Also Present: Megan Pilla, Senior Planner (Zoom)
David Laiuppa, Environmental Planner/Wetlands Agent
(Zoom)
Nancy Martel, Recording Secretary (Zoom)

The Chairman opened the Business Meeting at 8:00 P.M.

PAREDIM ACQUISITION LLC – To add a new Art. II, Sec. 9.14.05 and Art. II, Sec. 24.02.01 (m) to permit conversion of existing hotels or motels in the General Business zone to multifamily use, subject to special exception. – Zoning Regulation Amendment (2021-048)

Zoning Regulation Amendment (2021-048)

MOTION: Mr. Kennedy moved to approve the zoning regulation amendment as presented at the July 7, 2021 Planning and Zoning Commission meeting to add a new Article II, Section 9.14.05 and Article II, Section 24.02.01(m) to permit conversion of existing hotels or motels in the General Business zone to multifamily use, subject to special exception, with the modifications as specified in a Staff memorandum from:

1. John DiBiasi, Assistant Town Engineer, dated July 7, 2021, *except* for the recommendation to strike the word “new” from the proposed Sec. 9.14.05 (c) 6.

Ms. Scorso seconded the motion.

Mr. Prause noted the discussion about Sec. 10 as part of Art. II, Sec. 9.14.05 in reference to landscaping and screening. He questioned if there is language to make it broader.

Ms. Pilla reported that Mr. Stebe is interested in adding the same language that the Commission recently adopted for special exceptions for places of worship in residential zones regarding screening of adjacent properties. She went on to read the previously-referenced section to ensure the Commission members agree to use it.

MOTION: Mr. Stebe moved to amend the motion to include the modification to add the text from the last paragraph of Art. II, Sec. 1.00.02(e) 4 to the end of Sec. 9.14.05(c) 10, as number (iii). Ms. Scorso seconded the motion and all members voted in favor.

A discussion was held between Mr. Prause, Mr. Kennedy and Ms. Pilla about whether “efficiencies” should be added.

MOTION: Mr. Stebe moved to amend the motion to include the modification to insert “or efficiency units” into Sec. 9.14.05(c)8(a). Ms. Scorso seconded the motion and all members voted in favor.

Mr. Stebe, in acknowledging Mr. DiBiasi’s comment, contemplated that the existing water facilities could meet older criteria and we’re updating in order to accommodate the redesign of the interior of the building, which must meet the updated requirements. He assumed it could conceivably turn into a situation where part of the building meets an older requirement but not the newer requirement so part of the building goes by the peak pressure at the service main vs. the peak pressure which the new regulations require on a higher floor. Conceivably, part of the building could have lower pressure than the rest of the building. Perhaps Engineering will have more input in the decision outside of the Commission’s purview. He is not sure retaining it as written would allow Engineering to require updates to an existing item.

Ms. Pilla noted that Mr. Stebe is assuming the intent of the Engineering memo correctly. They are concerned that, if any part of the water facility remains only up to older standards and not the newer standards, it could result in the situation Mr. Stebe described. However, in discussions in Planning, Staff is hesitant because, if the word “new” is stricken, the way it would read is that “all facilities shall be in accordance with the most recent requirements,” which could potentially require a developer to replace infrastructure, possibly negating the intent of the adaptive reuse of the building. Ms. Pilla stated that, in her opinion, the Commission cannot require updating infrastructure that is working sufficiently.

Mr. Kennedy noted that, with these situations, the proposal relates to hotels which have been used by guests and seemingly had enough water pressure adequate for guests. They will transition to an apartment situation with a number of units continuing to use the same water system; if it was adequate before, it will probably still be adequate.

Mr. Prause understood Planning’s point of view, but Engineering wants it to be up to code. He remarked that, unless there is a motion to do that, the Commission can move on.

Ms. Pilla stated that there was the question of the quantity of parking spaces required as per the recent legislation passed by the State, but as was mentioned earlier, she will be making comprehensive revisions to the zoning regulations in response to that legislation.

Mr. Prause moved to a vote for those in favor of moving to approve the zoning regulation amendment as presented at the July 7, 2021 Planning and Zoning Commission meeting to add a new Art. II, Sec. 9.14.05 and Art. II, Sec. 24.02.01(m) to permit conversion of existing hotels or motels in the General Business zone to multi-family use subject to special exception, with the modifications as specified in a Staff memorandum from John DiBiasi, Assistant Town Engineer, dated July 7, 2021, but removing the recommendation to strike the word “new” from the utility regulations; and with the amendment to add the paragraph from the end of Art. II, Sec. 1.00.02(e)4 to the end of the new Sec. 9.14.05(c)10(b); and to add the words “or efficiency” after the words one bedroom in the last sentence of Sec. 9.14.05(c)8(a).

All members voted in favor of the amended motion.

The reason for the approval is that the proposed zoning regulation amendment is consistent with the Plan of Conservation and Development Growth Management Principle 3, Goal B, Objective 1, which states: “Incentivize adaptive reuse of vacant and underutilized sites/buildings,” and Objective 2, which states: “Require building and site design that facilitates reuse and mix of uses.”

The zoning regulation amendment will be effective on August 1, 2021.

DANIEL SMITH – For new home construction at 547 Birch Mountain Road. – Inland Wetlands Permit (2021-049)

Mr. Daniel Smith, 547 Birch Mountain Road, introduced himself. Mr. Smith stated that he is proposing to build a 2,100 sq. ft. ranch at 547 Birch Mountain Road.

The site plan was displayed and Mr. Prause inquired where the wetlands are located on the property, which Mr. Smith pointed out. Mr. Prause questioned whether there will be work in the wetlands or if it will be in the upland review area.

Mr. Smith stated that, to his knowledge, the work will be just in the review area.

Mr. Prause referred to the site plan with the upland review area, the erosion and sedimentation controls, the temporary stockpile, and the proposed driveway. He questioned when construction will begin.

Mr. Smith reported that the site work should be done in September or October. He hopes to frame the house before winter.

Mr. Stebe noted that the application is talking about grading, leveling and filling. From the site plan, it looks like the grading will need to be on the north end of the building. He questioned whether the grading will be to the rear of the lot and Mr. Smith concurred.

Mr. Prause questioned where the curtain drains will be and Mr. Smith stated that the main curtain drain will be on the south side, which will drain to the northwestern corner. There is also a footing drain to the same location. Mr. Andrew Bushnell would require rip rap to the point where the drain exits.

Mr. Prause assumed the property is served by Town Water and Sewer, which Mr. Smith confirmed. He added that the site disturbance would be about 0.5 acres.

Mr. Laiuppa reported that, at the Determination of Significant Impact meeting, the considerations were direct impact from the project or permanent indirect impact. As has been determined, there is not a significant impact. The topics to consider are those impacts that could be indirect or temporary impact to the wetlands. He added that the site plan as presented appears to show that there will not be any significant indirect impacts because the drainage structures are well enough removed from the wetlands. Mr. Laiuppa reported that most of the work will occur within the upland review area.

Inland Wetlands Permit (2021-049)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for regulated activities associated with the construction of a new single-family home at 547 Birch Mountain Road. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the wetlands by significant impact or major effect.

The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

DANIEL E. PENNINGTON – 30-40 ft. extension of underground drainage to the east of the driveway to allow for filling of the valley in the front yard at 26 Hampton Drive. – Inland Wetlands Permit – Determination of Significance (2021-054)

Mr. Daniel Pennington introduced himself. Mr. Pennington reported that they are trying to gain yard space on their property where there currently is no flat area. He stated that he plans to move some of the elevation to the south of the house in the back and use some of that material in the front.

Mr. Pennington explained the 21” RCP under the driveway and said he would like to extend that 30 to 40 ft. further to level the section east of the driveway to gain yard space. The impact should be minimal and he referred to the site plan for the details.

After questioning from Mr. Prause, Mr. Pennington reported that it is a stream with a continuous, small flow. The valley is extensive and he plans to remove as few trees as possible. He stated

that his goal is to extend the watercourse with no changes in direction. When the work is done, it will be somewhere between 30 and 40 ft. Mr. Pennington shared photos of the area depicting the watercourse.

Mr. Prause sought confirmation that Mr. Pennington intends to extend a concrete pipe, which Mr. Pennington described in detail. Mr. Prause referred to an easement in the area.

Mr. Pennington stated that he is aware of the easement, although if there is something required because of the easement, he is unaware of it.

Mr. Laiuppa reported that is a Town drainage easement. There is an outlet structure; he looked at the Town GIS and there is storm drainage feeding the watercourse. He described the Town storm drain system, which passes through Mr. Pennington's yard as well as all the neighboring yards. Ultimately, it flows to the southeast and outlets into Town-owned open space. He added that, although it is a Town drainage easement, it is still owned by the property owner.

Mr. Pennington reported that the project is not very complicated, and there will be negligible, if any, impact. The ultimate goal is to gain flat yard space.

Mr. Prause stated that the decision must be based on whether the work impacts the wetland to a degree that would require a public hearing.

Mr. Pennington stated that he will be working in the area, but will have zero impact on the flow of the watercourse whatsoever.

Mr. Stebe questioned Mr. Laiuppa about the drain line where the street level storm water collection comes off of Hampton Drive and goes generally left to right. His understanding is that the developer installed an extension of the drain line to go underneath the driveway. The wet area is everything from the terminus of that 20" pipe going across the property. The applicant will essentially be relocating and moving 40 ft. of what is a rainwater fed wet area and getting rid of it completely by extending the pipe and adding the fill.

Mr. Laiuppa reported that the proposed plan would be an alteration of a watercourse. Whether the watercourse is intermittent or perennial, it is still defined as such and regulated under the wetland regulations. Additionally, there is a wetland edge to the watercourse so any fill deposited would be fill over the top of an existing watercourse and over the top of existing wetlands. He continued that the extension of the pipe is essentially a stream diversion by changing the layout of the channel, technically considered a fill in wetlands and diversion to a watercourse. While the volume and velocity may not be altered by these actions, it is still considered to be fill and alteration to regulated resources.

Mr. Laiuppa noted that the application has just been accepted and has not gone through full Staff review. There is enough information available to make a determination of significance with the understanding that, at the following meeting, when making the decision, the application will have been reviewed and commented on by Staff. Mr. Laiuppa added that, for the determination

of significance, he referenced and detailed items to be considered and highlighted those that are relevant to this application.

Mr. Pennington clarified that the water flows from east to west.

Mr. Kennedy noted that it does not appear to be a major stream but there is a definite diversion of the channel and significant moving of fill material from one side of the property to the other. He did not view this as a major application, though it meets the public hearing requirement.

Inland Wetlands Permit – Determination of Significance (2021-054)

MOTION: Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2021-054 may have a significant impact on the wetlands and, therefore, will require a public hearing. Ms. Scorso seconded the motion and all members voted in favor.

Mr. Prause informed Mr. Pennington that Staff will reach out and inform him what needs to be covered for the public hearing. The ruling is not prejudicial, he added, but because of the impact to the wetland area, a public hearing is required.

ADMINISTRATIVE REPORTS

Ms. Pilla reported a lot line revision that was approved administratively. It was a lot line revision at Collingridge Drive, which was heard recently as a PRD modification. Once the PRD modification was officially approved, the lot line revision was finalized.

She reminded the Commission that, after discussion at the last meeting, meetings will be moved to a hybrid format beginning July 19. Ms. Pilla explained that masks are not required if an individual is vaccinated, though if unvaccinated, they are still required.

Ms. Pilla informed the members that there are new iPads for the Commissioners, which will need to be set up. It is felt that anyone who attends the next meeting in person can bring the old iPad with them. Perhaps a couple of members could come in a little early to make the changeover, and other members could do it after the meeting.

Ms. Pilla reported that the public may attend in the Hearing Room. They can continue to participate remotely. She added that there is the option, if they request it, with 24-hours' notice, to set up the electronic equipment if needed.

APPROVAL OF MINUTES

June 7, 2021 – Business Meeting

MOTION: Mr. Kennedy moved to approve the minutes as written. Mr. Stebe seconded the motion and all members voted in favor.

June 21, 2021 – Public Hearing/Business Meeting

MOTION: Mr. Kennedy moved to approve the minutes as written. Mr. Stebe seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

1. **PPF WE 1339 TOLLAND TURNPIKE LLC – Special Exception Modification (2021-052); Erosion & Sedimentation Control Plan (2021-053)** – For conversion of existing vehicle parking lot to tractor trailer parking at 1339 Tolland Turnpike.
2. **DANIEL E. PENNINGTON – Inland Wetlands Permit (2021-054)** – 30-40 ft. extension of underground drainage to the east of the driveway to allow for filling of the valley in the front yard at 26 Hampton Drive.

MOTION: Mr. Kennedy moved to adjourn the business meeting. Mr. Stebe seconded the motion and all members voted in favor.

The business meeting was closed at 9:15 P.M.

I certify these minutes were adopted on the following date:

July 19, 2021
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.