

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF REGULAR MEETING
April 21, 2014**

Present: Frank Bauchiero, Jr., Chairman
John Murphy, Vice Chairman
Chester Kuras, Secretary
Mark Winne
Charles Sheehan
Ginny Bromage, Alternate
Jacek Bucior, Alternate
Gina Pastula, Alternate

Absent: Mark O’Hara

Also Present: Gerry Turbet, Town Engineer
James Taylor, Zoning Enforcement Officer
Eleanor Binns, Administrative Secretary
Attorney Paul Timothy Smith

The proceedings of this meeting were voice recorded.

I. ROLL CALL

Chairman Bauchiero, called the meeting to order at 7:00 pm. He then asked Mrs. Binns to take a silent roll call. In the absence of Mr. O’Hara, alternate, Mr. Bucior was appointed as a voting member for this meeting.

II. PUBLIC HEARINGS

For the record, Secretary Kuras read aloud the legal notice that was published in the Hartford Courant on April 10, 2014 and April 17, 2014.

File #2014-11: Request for a Special Permit for a garden center at 40 Ff Tyler Place, Map 34H, Block 32, Lot 2. Applicant – Lee Corbert.

The applicant, Lee Corbert reviewed the plans with the commission, explaining that the proposal is to have an outdoor retail garden supply business selling mulch, stone, stepping stones and garden material. They will be loading homeowners’ vehicles for them with the material or delivering to their homes.

There are no plans for additional lighting and there is an existing building that they will have access to for rest rooms. The property is fenced in and Mr. Corbert will fix the existing gates so that they can be locked. The site is directly across from the highway department and there is plenty of parking. This will not be visible from Mountain Road.

Mr. Bauchiero asked for the reports from the Town Planner and Town Engineer.

In the absence of the Town Planner, Mr. Taylor read Bill Hawkins's report into the record. The report included recommendations for the hours of operation and limiting the material sold to mulch, plants, stone, and other products typically associated with caring for lawn and gardens as indicated in the statement of purpose on the application. Mr. Hawkins also noted that any proposed permanent signs are subject to Design Review Board review and approval.

Mrs. Bromage asked Mr. Corbert what months he would be operating and he stated that the garden center would be open from April through November. She also asked if pesticides would be sold and he stated that they would not be selling pesticides of any kind.

Mr. Murphy asked Mr. Corbert about the hours of operation and there was discussion to ascertain if he would want to extend the hours of operation originally stated in his proposal, and be open later than 1:00 pm on the weekends. Mr. Corbert stated he would like to have longer hours if that was acceptable to the Commission.

Town Engineer, Gerry Turbet read his report into the record. He stated that the site has more than sufficient area for the intended use and that from an engineering viewpoint, there are no problems with the proposal which is suited for the current condition and location.

With no further comments from the Commission, Chairman Bauchiero opened the hearing to the public.

Mr. Kurt Wiesel of 37 Willow Creek asked to see the map and pictures of the site. He asked if there was any further development planned at this time and was told that there is nothing else for this site for this hearing.

With no other comments, Chairman Bauchiero asked for a motion to close the public hearing. Mr. Sheehan moved to close the public hearing, seconded by Mr. Kuras. The motion was carried unanimously, 6-0-0.

III. NEW BUSINESS

File #2014-12: Request for a Special Permit Renewal for a Sand & Gravel Pit located at Griffin Road Map 7H, Block 3, Lot 22. Applicant – Lakeroad Materials, LLC.

Chairman Bauchiero recused himself from the proceedings of this application and Vice Chairman Murphy chaired this part of the agenda. He called for a motion of acceptance. Mr. Sheehan moved to accept the application and set the public hearing for May 19, 2014. The motion was seconded by Mr. Kuras and carried unanimously, 5-0-0.

Chairman Bauchiero returned to the meeting and chaired the remainder of the meeting.

IV. OLD BUSINESS

File #2014-11: Request for a Special Permit for a garden center at 40 Ff Tyler Place, Map 34H, Block 32, Lot 2. Applicant – Lee Corbert.

Mr. Sheehan moved to approve the special permit with the conditions enumerated in the Town Planner's report of April 10th, with a revision to the hours of operation to be seven days a week from 8:00am to 6:00pm.

Ms. Kuras seconded and the motion was carried unanimously, 6-0-0.

V. REPORTS

Chairman – There was no report from the Chairman

ZEO Report – Mr. Taylor advised that he would have information concerning the letter from the Stursbergs when The Correspondence is discussed.

VI. MINUTES

Mr. Murphy made a motion to approve the March 17, 2014 regular meeting minutes as submitted, seconded by Mr. Sheehan. The motion was carried, 6-0-0.

VII. CORRESPONDENCE

Mr. Taylor asked if all the members had read the letter from the Stursbergs concerning zoning enforcement against their neighbors, the Morminos at 519 South Stone St. Attorney Tim Smith, who is handling this matter on behalf of the commission, joined the meeting to bring everyone up to date on the status of the case. He filed an action in Superior Court against Mr. & Mrs. Mormino to enforce the Cease & Desist order. The Morminos have not yet filed an appearance in the case. There have been settlement meetings between the Morminos and the First Selectman in the past months. The First Selectman has now authorized Mr. Smith to proceed. Mr. and Mrs. Stursberg said that they are concerned that there has not been more progress during the intervening months. They have set a deadline of May 1st and if nothing has happened they plan to go ahead with action against the town.

Mr. Sheehan made a motion to add to the agenda to an executive session and this was seconded by Mr. Winne. The motion was carried, 6-0-0.

Mr. Sheehan moved to go into executive session to discuss the legal action in the pending Mormino case. Seconded by Mr. Winne. The motion was carried, 6-0-0.

VIII. EXECUTIVE SESSION

The commission entered into executive session at 7:35 pm.

Mr. Sheehan moved to come out of executive session at 7:45 pm. Seconded by Mr. Murphy. The motion was carried, 6-0-0.

IX. ADJOURNMENT

With nothing further to come before the commission, Mr. Sheehan made a motion to adjourn at 7:50 p.m.; seconded by Mr. Kuras. Motion carried unanimously 6-0-0.

Submitted,

Chester Kuras, Secretary

cc: Assessor, Building Official, Conservation Commission, Economic Development Director, Selectmen, Town Clerk, Town Engineer, Zoning Enforcement Officer, Commission Counsel, File