

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF REGULAR MEETING
May 19, 2014**

Present: **John Murphy, Vice Chairman**
 Chester Kuras, Secretary
 Mark O’Hara
 Charles Sheehan
 Ginny Bromage, Alternate
 Jacek Bucior, Alternate

Absent: **Frank Bauchiero, Jr., Chairman**
 Gina Pastula, Alternate
 Mark Winne

Also Present: **Bill Hawkins, AICP, Town Planner**
 Gerry Turbet, Town Engineer
 James Taylor, Zoning Enforcement Officer
 Eleanor Binns, Administrative Secretary

The proceedings of this meeting were voice recorded.

I. ROLL CALL

In the absence of Chairman Bauchiero, John Murphy was acting chairman for the meeting and 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. Bauchiero and Mr. Winne, Mrs. Bromage and Mr. Bucior were appointed as alternate voting members.

II. PUBLIC HEARINGS

For the record, Secretary Kuras read aloud the legal notice that was published in the Hartford Courant on May 8, 2014 and May 15, 2014.

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.

Attorney Joseph Flynn represented the applicant along with Marek Kement, P.E. of Anchor Engineering. Mr. Flynn described the property located west of Copper Hill Road and he submitted the following exhibits to incorporate into the record:

- Exhibit B1 - Site plan by Gary B. LeClair, LLC dated 3-24-03
- Exhibit C - April 22, 2014 correspondence from the Conservation Commission
- Exhibit D - February 26, 2004 Special Use Permit approval from Suffield Zoning & Planning

Exhibit E - Superior Court Decision of January 6, 2005 rejecting certain conditions of approval that the Suffield Zoning and Planning Commission had placed on the application.

Exhibit F - Conditions for the proposed operation of the gravel pit that the applicant is proposing.

Mr. Flynn gave a brief history of the property explaining that the sand and gravel operation on this property began the 1930's prior to the town instituting Zoning Regulations in 1954. A special use permit was not required until 1989 and the use continued through 2004. The property includes a private road running from east to west called Lake Road. In the 1960's, the Cannon family consented to the use of this road as a pass through to adjoining roads. Although the road continues to be a private road, the town plows the snow and periodically re-grades it. Mr. Flynn noted that in 2004 the town approved this same proposal for the sand and gravel operation and the relocation of Lake Road. The applicant did not agree with some of the conditions imposed and appealed the decision to the superior court which ruled in favor of the property owner.

The Applicant is now proposing to implement the plan approved in 2004 and to relocate the road to the south of its current location and excavate the area indicated on the drawings. He noted that earth removal is a permitted use in the regulations and they are basing the conditions of operation on the court decision but also enhancing the current site conditions, safety, maintenance, and grading. It is the applicants' contention that the application must be approved based the previous approval and associated court decision and it is up to the commission to work out how the plan will be implemented and not if it will be implemented. Mr. Flynn emphasized that the proposal will improve the conditions of the site.

Mr. Kement then reviewed the details of how Lake Road would be relocated in phases, at no time impeding traffic on the road. He described the proposed fencing, ground water monitoring and explained that there would be no excavation until the road relocation is complete. He also explained the area of excavation showing it on the site plan.

Mr. Hawkins then read his report into the record. He noted that the Conservation Commission found that their letter of September 9, 2003 would remain in force and a new application to them was not necessary. Mr. Hawkins also reviewed the history of the property reviewing the action of Zoning and Planning commission and the result of the court decision. He has reviewed the application with the attorney for the commission, Carl Landolina, and the resulting opinion is that, even though operations have been dormant since 2005, a lack of use does not constitute abandonment of the gravel pit operation. Mr. Hawkins noted that the plans indicate two phases to be excavated over the next two years. Phase I is located on the northeastern area of the property with Phase II on the northwestern area of the property.

Mr. Murphy asked Mr. Hawkins if more time was needed to evaluate the application and he said replied that it was.

Mr. Turbet then read his report into the record, noting that more detail is needed from the applicant, particularly about test wells and ground water elevations, the level of the road, the details of the equipment storage pad, and the top soil cover for the restoration. There also should be an indication of a bond for restoration as a condition.

Mr. Kement indicated that he will be forthcoming with more information.

Mr. Murphy then opened up the hearing for public input.

No one spoke in favor of the application
He then asked for any comments in opposition.
The following people spoke:

Justin Ayotte, 451 Lake Rd. Asked for clarification on the change to Lake Road and the road that connects to it.

Edward Rodzen, 831 Mapleton Ave. He formerly operated the sand pit and asked if anyone on the commission was benefiting from this project financially. He was concerned about a conflict of interest.

Hank Brownstein, 231 Griffin Rd. Concerned whether or not the Town will still maintain the road in bad weather, plowing, etc.

Tom Straite, 407 Lakeview Dr., asked who currently owns the property.

Frank White, 374 Griffin Rd. asked if the new road would have the same entrance and exit as the current road.

Ken Kiely, 111 Pilgrim Road, is an abutter and expressed concern about his well and the slope adjacent to his property.

Cindy Nicholson, 385 Lakeview Dr., asked if anyone has been in touch with the Town of Southwick and is concerned about the impact on the Lake. She mentioned the liability associated with owning the property and the current activity that has been going on there.

Marc Davis, 104 Colony Rd, asked for more detail on the material that will be used for the new road.

Barbara Kolnsberg, 189 Colony Rd, asked if there would be an environmental impact analysis.

Bill Jenkins, 440 Lake Rd., asked about the road connection to the other private road.

Kiera Kilosky, 173 Pilgrim Ln., asked about the hours of operation and how soon would the project begin.

Shannon Watson, 333 Griffin Rd, had concerns about the hours of operation and school children walking to the bus stop at Copperhill Road.

Marian Straite, 407 Lakeview Dr., questioned why the site was not considered abandoned.

Justin Ayotte, 451 Lake Rd., asked how much material would be taken out of the property.

Shannon Watson, 333 Griffin Rd., asked how much traffic would be generated and how many truck trips per day were anticipated.

Christine Pepka, 451 Lake Rd. asked how many years would this be going on.

Craig Watson, 411 Lakeview Dr., stated that the other roads in the area can't handle this load and mentioned the noise restrictions for Congamond Lake on the weekends.

Ellen Kiely, 111 Pilgrim Rd., asked if there would be screening of soil on the site and what the plans are after they are finished with the excavation.

Rick Johnson, 146 Jackson Dr., is concerned about noise and dust and stated that there is an active motor cross going on at this property. He wants to know about safety concerns.

Doug Burho, 316 Griffin Rd, questioned the impact on surrounding roads.

Shannon Watson, 333 Griffin Rd, asked about the effect of property values.

Ed Rodzen, 831 Mapleton Ave., asked how high above the water table they will have to stay.

Frank White, 374 Griffin Rd. raised concerns about the emergency vehicles coming through the property.

Craig Watson, 411 Lakeview Dr., expressed concerns about the road safety and the impact on property values.

With nothing further and the need for more information from the applicant, Mr. Murphy called for a motion on continuing the hearing.

Mr. Sheehan moved to continue the public hearing to the June 16th meeting. The motion was seconded by Mr. Kuras and carried unanimously, 6-0-0.

File #2014-13: Request for Special Permit/Site Plan approval for a CVS retail building and associated site work located at 157 Mountain Road. Map 34H, Block 32, Lot 2.
Applicant - TMC New England 2, LLC.

Mr. O'Hara moved to accept the application and schedule the public hearing for the June 16th meeting. Ms. Bromage seconded and the motion was carried unanimously, 6-0-0.

File #2014-14: Request for Special Permit/Site Plan approval for a Package Store located at 14 South Grand St. Map 16H, Block 24, Lot 58.
Applicant - Frank Grillo

Mr. Sheehan moved to accept the application and schedule the public hearing for the June 16th meeting. Ms. Bromage seconded and the motion was carried unanimously, 6-0-0.

III. OLD BUSINESS

File #7-05 – Request from Trademark Builders to reduce the recommended bond from \$384,000 to \$114,000 for the Greendale Village Active Adult Development located off of East Street North. Map 76 H, Block 45, Lot 134A

Mr. Murphy noted that commission members received a letter from some of the Greendale Village residents in their packets.

Mr. Hawkins gave the history of the property, explaining that the original bond required was never posted and the legal opinion is that the bond should be posted now. Mr. Turbet reviewed his report with the breakdown of the work to be done and what has been completed. He was advised to not add any items that were not already on the original bond list. The new bond figure is \$114,000.00, which is based on updated costs. There was discussion that all the units have not been completed yet and the permit will be coming up for renewal in October of 2015. That might be a time to review the progress the developer makes in completing the list of items.

Mr. Murphy stated that although this is not a public hearing, he would allow the residents in attendance to comment on the application.

Michael Katz, 40 Greendale Dr. asked for the commissions help in having the items completed by the developer and to reevaluate the bond request. He was concerned that the costs listed on the bond estimate did not reflect the costs needed to complete the project as promised to the residents and the bond that was required was not posted for eight years.

Mr. Sheehan suggested that Mr. Turbet again review the figures on the bond and make sure that all items are addressed with current prices.

Mr. Turbet explained that the bond will not necessarily increase the schedule for completion.

The more important leverage is with certificates of occupancy or with the renewal of the permit.

Mr. Hawkins has been in contact with the developer who has stated that he was planning to do some of the planting and items on the list. Commission members indicated that they would like to see some progress and instructed Mr. Hawkins to ask the developer for a schedule of when the items on the list for the bond are going to be completed.

Richard Kissel, 12 Greendale Dr., raised concerns about the bond figures that have been used and would like to have them looked at again. He also raised concerns about drainage.

Mr. Sheehan moved to table the request until the June 16th meeting.

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

File #2013-8A– Request from Krystal Woods Developers to revise the bonding and construction of the approved Brushwood Estates Subdivision located off of Bridge Street into two phases. Map 55 H, Block 47, Lot 14C

Mr. Hawkins reviewed the request to phase the bonding and construction of the subdivision. He explained that there is no language in the current regulations prohibiting this.

He showed the commission the site plan proposal indicating the two phases. It was noted that all the open space would be included in the first phase. All forty lots would become taxable because this is already an approved subdivision but the lots in phase II could not be sold or transferred without causing the bond for that phase to be posted. Notes would have to be placed on the plans and in the deeds for all lots in phase I. However, the cul-de-sac on Helen Circle would be over the 1200 foot regulation but this can be waived for no more than fifteen lots. Also, allowing the Helen Circle cul-de-sac to be built would eliminate the need for a temporary cul-de-sac on Dylan Drive.

Mr. Sheehan asked if phase I can stand on its own and the Mr. Hawkins confirmed that it could.

Mr. Murphy had concerns about approving this now, instead of having it as the original application. He questioned the retroactive phasing. Commission members discussed looking at amending the regulations to clarify this and allowing phasing of developments.

Mr. Sheehan moved to grant a waiver per Section 905C to permit the cul-de-sac length as indicated on the revised drawing dated 05/13/14.

Mr. O'Hara seconded and the motion was carried unanimously, 6-0-0.

Mr. Sheehan moved to permit Brushwood Estates Subdivisions to be bonded and constructed in two phases with the provision that wording is added to the plans and deeds indicating this.

Mr. O'Hara seconded and the motion was carried unanimously, 6-0-0.

Files # 5-03 & 6-03 – Discussion and possible decision on a five year extension request from Eastwoods Associates, LLC for the Eastwoods Active Adult Development located off of East Street South. Map 78H, Block 47, Lot 91

Mr. Hawkins explained that the original approval on this was extended by virtue of State legislation until May 19, 2012 and they are asking for a retroactive extension to May 19, 2017. There is currently no bond in effect and a bond cannot be required because it is a private development.

Mr. Sheehan moved to approve a five year extension to May 19, 2017.

Mr. O'Hara seconded and the motion was carried unanimously, 6-0-0.

IV. REPORTS

Chairman – Mr. Bauchiero was not in attendance and there was no report from the Chairman
Town Planner – Mr. Hawkins reviewed with the commission a preliminary proposal by a developer to put a 40,000 square foot grocery store and a 15,000 square foot office building on Ffyer place. The developer would purchase the Town property where the Highway Garage is located as part of the deal and this would involve moving the town garage. Commission members felt the proposal would need a lot of reworking to be a mixed use development and not have the parking in front and such heavy coverage. The idea was to have this area be a more walkable mixed use development with more green space.

Mr. Hawkins also advised the commission that there is a new equine rescue facility to be built on eleven acres on Sheldon St. across the street from the high school. This is a non-profit organization and would not be a commercial horse farm so would not be subject to a special permit.

V. MINUTES

Mrs. Bromage made a motion to approve the April 21, 2014 regular meeting minutes as submitted, seconded by Mr. Bucior. The motion was carried, 6-0-0.

VI. CORRESPONDENCE

There was no correspondence to review.

VII. ADJOURNMENT

Mr. Sheehan made a motion to adjourn at 10:20 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