

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF REGULAR MEETING
November 16, 2015**

Present: Charles Sheehan, Vice Chairman
Chester Kuras, Secretary
Mark Winne
Mark O’Hara
Ginny Bromage, Alternate
Brendan Malone, Alternate

Absent: Jacek Bucior
Patrick Keane
Gina Pastula, Alternate

Also Present: Bill Hawkins, AICP, Town Planner
Eleanor Binns, Administrative Secretary
Gerry Turbet, Town Engineer
Carl Landolina, Esq., Commission Counsel

The proceedings of this meeting were voice recorded.

I. ROLL CALL

Acting Chairman Sheehan called the meeting to order at 7:00 pm. He then asked Ms. Binns to take a silent roll call. In the absence of Mr. Keane and Mr. Bucior, he appointed Mrs. Bromage and Mr. Malone to act as full members. Mr. Kuras then read the legal notice into the record.

II. INFORMAL DISCUSSION

Four Seasons Farms to discuss a potential commercial greenhouse operation located at 268 Poole Road as well as on the adjacent properties MBL 24-26-91 & MBL 29-26-106.

Mr. Sheehan advised the Commission that the applicant had asked to be moved to the last item on the agenda in consideration of the public hearings going first. With no opposition to this change the item was moved to later in the agenda.

III. PUBLIC HEARING

File # 2015-9: Request for a text amendment to clarify Zoning Regulations Section IV.B – Use Table, Section IV.L.q, and Section V.J.1. pertaining to earth removal. Applicant- Zoning and Planning Commission

Mr. Sheehan stated that the commission had received 25 letters in opposition to the text amendment that were sent out in advance of the meeting. Subsequently four additional letters were received also in opposition.

Attorney Carl Landolina joined the meeting at 7:06 and noted that there were people out in the hallway and due to freedom of information concerns advised the commission that they would need to postpone the hearing or move to a room that could accommodate everyone.

Ms. Bromage moved to adjourn the meeting and reconvene at the Senior Center at 145 Bridge St. at 7:30pm to allow time for everyone to get to this location. Mr. Malone seconded and the motion was carried unanimously 6-0-0.

The meeting was moved to the Suffield Senior Center.

Motion by Mr. O'Hara to reconvene the meeting at 7:30pm. Mr. Malone seconded and the motion was carried unanimously 6-0-0.

Mr. Sheehan asked Attorney Carl Landolina of Fahey and Landolina, who is acting as counsel to the commission to explain the proposed earth removal text amendment and give an update to the court case.

Mr. Landolina gave the history of the earth removal regulations going back to 2003. He explained that at that time, the commission formed an ad hoc committee to review the Town's regulations and this was one of the regulations that they had addressed. As of that time, there were two existing sand and gravel pits in operation and the commission wanted to clarify that only existing operations could go forward but that no new operations could be started.

The recent approval of the permit for Lake Road Materials to again begin operations at the Cannon Sand & Gravel Pit was appealed by Congamond Lake Environmental Protection Organization (CLEPO). When preparing for the brief in this case, Attorney Landolina determined that there were ambiguities in the existing statute and felt that the commission should make clarifications especially to prohibit expansion or intensification of operations onto other properties and reinforce their ability to regulate these uses. With that in mind, he suggested the text amendment that is before the commission.

He noted that since the time that this text amendment process was initiated by the commission the Superior Court has ruled in the case (on November 12, 2015) and upheld CLEPO's appeal ruling the operation of this sand and gravel pit is not permitted. This ruling is now in the appeal period.

He advised the commission that considering this ruling and the fact that they had just approved the application for the only other gravel and sand pit operation in town for two more years, they could put this text amendment on hold for now, or withdraw it. There is no urgency since there would be at least 23 months before another application would be presented for the Phelps road property

Mr. Sheehan asked if there were any questions from the commission for Attorney Landolina. Hearing none he opened the hearing for public comment.

There were no comments in support of the text amendment.

He then opened the hearing for comments against the text amendment.

They were as follows;

- Attorney Gregory W. Piecuch of Kroll, McNamara, Evans & Delehanty, LLP representing the abutters to the Cannon property distributed copies of the court ruling in CLEPO vs. Lake Road Materials and the ZPC to the commissioners. He stated that the court case is in the appeal period and it would be inappropriate to amend the regulation at this time. He suggested that in view of the ruling stating the sand and gravel pit is a non-conforming use and not pre-existing it would be appropriate for all parties to do their due diligence. He suggested that the commission should be doing a comprehensive review of their regulations and not just amending this particular one.
- Kevin Maloney, 4016 Mountain Rd. expressed concern that this operation would not have been allowed on the east side of town.
- Ron Najaka, 445 Lake Rd. felt that the current regulations were precise enough and should not be amended.
- Rick Seaman, 80 Sunset Drive – Stated IV.L.q should remain as it is in the regulations to make it clear that mining is not allowed. It causes no harm to leave it in.
- Frank White, 374 Griffin Rd, Section IV.L.q. should remain the same.
- Greg Sikes, 28 Woods Hollow Rd, stated the regulations should remain as is without amendment.
- Marc Davis, 104 Colony Rd. asked that the commission not change the regulation.
- Jerry Crane, 308 Halladay Drive spoke as a member of Citizens Restoring Congamond and asked that this be tabled until the new board comes in.
- Kathleen Mormino, 519 South Stone Street, stated the commission should table or withdraw the amendment.
- Joseph Adams, 333 Griffin Rd, asked for a show of hands in the room of those opposed.
- Scott Graves 535 Forest Rd. Stated that the mining has a detrimental effect on property values.
- Alfred Lesieur, 333 Colony Rd stated that the mining was contrary to the nature of the town. Concerned about ecological factors and changes to Lake Rd.
- Melissa Mack 321 North Main St. asked that the commission not take action on the text amendment in the best interest of all of Suffield.
- Shannon Adams, 333 Griffin Rd. stated that before the commission felt they didn't have a choice about the sand & gravel operation but now they do. Need to wait until court case is completely decided.
- George Rossetti, 321 Lakeview Dr. reviewed details of the letter that he sent that is part of the record.
- Marc Davis, 104 Colony Rd. spoke about investigating the preservation of the Cannon property for wildlife and passive recreation.
- Attorney Gregory Piecuch urged the commission in the interest of closure to withdraw or deny the text amendment, rather than table it.

Mr. Sheehan noted that a letter had also been received from the Citizens Restoring Congamond stating that the commission should not approve the amendment in light of the court ruling.

With no further comments presented, Mr. Sheehan asked for a motion to close the public hearing. Mr. O'Hara made a motion to close the public hearing. Ms. Bromage seconded the motion which passed unanimously 6-0-0.

At 8:25 pm. Mr. O'Hara moved to recess the meeting for 5 minutes. Mr. Winne seconded the motion which passed unanimously 6-0-0

At 8:29 pm Mr. O'Hara moved to reconvene the meeting. Ms. Bromage seconded the motion which passed unanimously 6-0-0

File # 2015-10: Request for a text amendment to add a new section V.X. Large Scale Ground Mounted Solar Photovoltaic Installations to the Zoning Regulations. Applicant- Zoning and Planning Commission

Mr. Hawkins read his letter of explanation for the amendment into the record. Current regulations do not address large scale installations and that would mean if a developer wanted to install such a system the application could not move forward. The recent large solar system on North St. was regulated by the Connecticut Siting Council which has jurisdiction on systems over 1 MW so it did not need the commission's approval. This proposed text amendment would address large scale arrays greater than 250 kilowatts up to 1MW on properties of at least 5 acres in R-45, RR-90, PDIP and I zones by way of a special permit/site plan review.

Mr. O'Hara asked if there should be screening requirements.

Mr. Sheehan opened the hearing to the public and the following comments were made.

- Kevin Sullivan, 1005 North St. was in favor of having such a regulation and felt it would help when projects need to go to the Siting Council.
- Tom Frenaye, 489 Warnertown Rd. asked if solar arrays were allowed on preserved farm land and Mr. Hawkins replied that they were not.

There were no statements in opposition to the text amendment.

Commission members asked that Mr. Hawkins fine tune the amendment and add some additional detail.

Mr. O'Hara made a motion to continue the public hearing to the December 21st meeting. Mr. Malone seconded the motion which passed 5-0-1, with Mr. Sheehan abstaining.

Mr. Sheehan asked if there was an objection to moving a decision on **File # 2015-9** up on the agenda. With no objection, this file was moved to next on the agenda.

IV. OLD BUSINESS

File # 2015-9: Request for a text amendment to clarify Zoning Regulations Section IV.B – Use Table, Section IV.L.q, and Section V.J.1. pertaining to earth removal. Applicant- Zoning and Planning Commission

Mr. Winne moved to withdraw Zoning & Planning's application File# 2015-9 pertaining to earth removal. Mr. Kuras seconded the motion.

Mr. Sheehan asked if there was any discussion on the motion.

Mr. O'Hara noted that the opponents of the sand and gravel operation have done a service to commission and the town by discovering that the clause grandfathering this use over the years was in fact not accurate. He hopes that going forward the Commission can earn the trust of the community back.

Mr. Sheehan stated the commission had thought that the operation was grandfathered and there was little they could do to change it except to approve it with conditions. He also supported withdrawing the text amendment.

With no further discussion, Mr. Sheehan then called for a vote on the motion which passed unanimously 6-0-0.

V. NEW BUSINESS

File # 2015-13: Request for a zone change from PDA to R-25 located at 785 Mapleton Ave. Map 51H, Block 42, Lot 33. Applicant Briarwood Homes, Inc.

Mr. O'Hara moved to accept the application and set the hearing date for December 21, 2015. Ms. Bromage seconded the motion which passed 5-0-1, with Mr. Sheehan abstaining.

File # 2015-14: Request for a special permit for a commercial building at the corner of Bennett Rd and East Street South. Map 71H, Block 52, Lot 11-2. Applicant- CS Landscape Design & Construction.

Mr. O'Hara moved to accept the application and set the hearing date for December 21, 2015. Mr. Kuras seconded the motion which passed 5-0-1, with Mr. Sheehan abstaining.

The commission then returned to the remaining OLD BUSINESS on the agenda

IV. OLD BUSINESS

File # 11-04B: Request from Krystal Woods Developers, LLC to release the remaining bond for work completed at the Bramble Ridge Active Adult Development located off Bridge Street; Map 44H, Block 47, Lot# 14.

Mr. Turbet had submitted a report to the commission at the last meeting and all the work has now has been completed per his current report.

Mr. Kuras moved to release the remaining bond for Bramble Ridge Active Adult Development. Mr. Malone seconded the motion which passed unanimously 6-0-0

File# 7-05B: Request to reduce the remaining construction bond for the Greendale Village Active Adult Development. Map 76H, Block 45, Lot 134A. Applicant – Matthew Falkowski.

Mr. Hawkins read letters into the record pertaining to the application. One letter was from Carole Katz, 40 Greendale Dr. who asked that the commission delay the vote until the new board of directors for the development had reviewed it. The other letter was from Matthew Falkowski stating he had met the requirements to have the bond reduced and asked that the Commission not table the request.

Mr. Turbet detailed the work done at the development and showed in his report that a remaining bond of \$22,460.00 would cover the remaining work needed.

Mr. O'Hara moved to reduce the bond for Greendale Village Active Adult Development to \$22,460.00. Mr. Malone seconded the motion which passed unanimously 6-0-0

VI. REPORTS

Chairman - None

Town Planner – None

Mr. Sheehan then asked for the presentation from Four Seasons Farms that was delayed from the beginning of the meeting.

Four Seasons Farms to discuss a potential commercial greenhouse operation located at 268 Poole Road as well as on the adjacent properties MBL 24-26-91 & MBL 29-26-106.

Mr. Jay Ussury from J. R. Russo & Associates presented the proposed green house project that is being designed for the Baker Nursery property at the end of Poole Rd. The three parcels total approximately 125 acres which is currently being used for nursery stock and there are hoop houses already on the property. The intent is to build green houses and grow tomatoes on 45 to 50 acres which would mean a smaller foot print and he stated there would be less truck traffic than is currently on the road for the nursery.

Their plan is to submit a formal application to the appropriate commissions in about 6 weeks.

Mr. Sheehan said that water supply and run-off issues would be important.

Mr. Ussury noted that they would need 3,000 gallons of water per acre and hope to use Connecticut Water as a supply if possible or deep wells would be needed. This would not affect the water supply to the neighborhood.

The applicant has selected Suffield for the project because of the nature of the property, there are greenhouse regulations already in effect and they consider that the town is "farm friendly".

VII. MINUTES

Mr. O'Hara made a motion to approve the October 19, 2015 regular meeting minutes as submitted. The motion seconded by Mr. Malone and approved unanimously, 6-0-0.

VIII. CORRESPONDENCE

There were two letters received in relation to the amendment to chicken keeping passed at the last meeting. One letter was from Kathleen Mormino and the other was from Tom Frenaye.

Both letters pertained to the predator alarm language that was part of the amendment and the way that was put into the regulation at the last minute. They felt that the public process was not adhered to properly.

Discussion ensued and Mr. Hawkins was directed to begin the process of submitting a text amendment for the predator alarms and go through the legal notice process to set up a public hearing on this one sentence of the new regulation.

Ms. Mack complimented Mr. Sheehan and Mr. Kuras on their years of service to the commission.

Mr. Frenaye also expressed his gratitude and wished them well in their retirement from the Commission

Mr. Sheehan called for a motion to add an executive session to the agenda to discuss pending claims and litigation in the CLEPO vs. ZPC case, Docket No. LND CV-14-6052619-S.

The motion was made by Mr. O'Hara and seconded by Mr. Malone and passed unanimously 6-0-0.

Mr. O'Hara then moved to go into executive session which was seconded by Mr. Malone and passed unanimously 6-0-0.

The commission entered into executive session at 9:25 pm with all present commission members and Attorney Landolina. All others left the room.

There were no votes taken in executive session and at 10:10 pm Mr. O'Hara moved to come out of executive session and reconvene the regular meeting. The motion was seconded by Malone and passed unanimously 6-0-0.

Mr. O'Hara then moved that the Commission will take no action to file an appeal in the Congamond Lake Environmental Protection Organization vs. the Suffield Zoning and Planning Commission. The motion was seconded by Mr. Malone and passed unanimously 6-0-0.

IX. ADJOURNMENT

With nothing further to come before the commission, Ms. Bromage made a motion to adjourn at 10:12 pm; seconded by Mr. O'Hara. 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