

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 16, 2009**

Present: Mr. Frank E. Bauchiero, Jr., Chairman
Mr. Chester Kuras, Vice Chairman
Mr. John Conley, Jr.
Mr. Mark Winne, Alternate
Mr. Frank Ravenola
Mr. Glen Vincent

Absent: Mr. John O'Malley, Secretary
Mr. Jeffrey Carboneau, Alternate
Mr. Charles Sheehan, Alternate

Also Present: Mr. Bill Hawkins, Town Planner
Attorney Carl Landolina
Mr. Jim Taylor, Zoning Enforcement Officer
Mr. Gerry Turbet, Town Engineer
Mrs. Karen Doyon, Administrative Secretary

I. ROLL CALL

Chairman Bauchiero called the meeting to order at 7:03 p.m. and asked Vice Chairman Kuras to read the Legal Notice, in the absence of Secretary O'Malley. The Chair recognized Mr. Hawkins, Mr. Turbet and Mr. Taylor present.

II. PUBLIC HEARINGS

File # 55-2009: Special Permit request from Somerset Farms, LLC, for a Farm Stand Permanent [per Section V of Zoning Regulations], located at 709 Mountain Road, Map 21H, Block 26, Lot # 5. Mr. Vincent and Mr. Kuras recused themselves because they have farm stands. Erin Lafontaine of Somerset Farms LLC was present. Representing the applicant was Todd Clark of Aeschliman Land Surveying, of East Hartford. Mr. Clark said the special permit before the Commission is a request to operate the existing farm stand under the newly adopted Farm Stand Permanent regulation [Section V.S.]. Mr. Clark reported that the applicant owns nine [9] +/- acres of land which will be utilized to grow vegetables, etc. He said that the new regulation will help his clients business provide a variety of products for the public, and it allows them to stay open more months throughout the year. Mr. Clark said there are no changes to the site plans [dated 1-6-09], and there are no plans to pave the existing processed stone parking area of fifteen spaces [which includes one handicapped space], therefore there are no changes to drainage or storm water improvements. Mr. Clark requested a waiver for the space between Mountain Road and the parking area, but according to the Zoning Regulations a waiver cannot be granted. Mr. Clark seeks approval to add boulders/large stones to delineate where the patrons are to park [boulder/large stones to be located in front of existing building]. Mr. Clark seeks approval to add two [2] White Pines and two [2] Sugar Maple trees along the north-west boarder of property. Mr. Clark pointed out additional parking behind the existing building that could be utilized on an as needed basis but there are gates that are now closed to keep traffic out. He reported that there is no additional lighting to be added to the building and the hours of operation would be from 7:00 a.m. to 8:00 p.m. seven [7]

days a week. There was a brief discussion with regards to lighting and hours of operation, after which Mr. Taylor reported that if the application is approved there would be a condition of approval from the Zoning Enforcement Officer [ZEO] to enforce appropriate lighting on the existing building. The hours of operation would not differ from the regulations. With nothing further, Chairman Bauchiero asked Mr. Hawkins to read his report.

Mr. Hawkins read from his report dated 3-9-2009, addressed to the Zoning and Planning Commission. He stated that this is the first application submitted to the Zoning and Planning Commission for a Farmstand Permanent [Section V.S.], he gave a brief description of the application, after which he reported on the following:

- 1. Existing Conditions;**
- 2. Proposed Conditions;**
 - Site Lighting:
 - Parking:
 - Utilities/Drainage:
- 3. Analysis;**
 - Parking:
 - Site Lighting:
- 4. Considerations.**

Chairman Bauchiero asked the members if they had any concerns for Mr. Hawkins to address, with none the Chair asked Mr. Turbet if he had a report to give. Mr. Turbet said he did not, but said he had gone to the site to review parking and site distance on Mountain Road; he reported no problems with either. Mr. Taylor reported that, should the application get approved any and all signs would need approval from the ZEO office. There was a brief discussion with regards to future parking situations with any new applications for Farms Stand Permanent. Chairman Bauchiero asked Mr. Hawkins to read in its entirety Section V.S. of the regulation, after which he asked Mr. Ravenola to read into the record a letter written by Becky Clark, dated 3-16-2009. Chairman Bauchiero explained that adding Section V.S. to the regulations was a four [4] month process, and the underlying purpose for adding “Farm Stand Permanent” into the regulations, was to allow farmers a broader use to help them during times when production is down, plus he said it gives the farmer an opportunity to expand. With nothing further Chairman Bauchiero opened up the floor to those who wanted to speak in opposition of the application.

1. Becky Clark, Goodyear Farms, 676 Mountain Road; spoke in opposition with many concerns
2. Allen Clark, Goodyear Farms, 676 Mountain Road; spoke in opposition with many concerns
3. Benny Bielonko, 190 East Street North; spoke in opposition
4. Bernard Zeneski, 4 Hickory Street; spoke in opposition
5. Mona Mastalisz, 1 Pebblestone Circle; spoke in opposition, safety concerns
6. Andra Leavitt, 186 Hickory Street; spoke in opposition
7. Susan Clark-Pothier, 421 Hale Street; spoke in opposition

The Commission revisited the regulations to better explain the use in Section V.S.9 & 2. With no one else to speak in opposition, Chairman Bauchiero opened up the floor to those who wanted to speak in favor of the application.

1. Richard Bixler, 671 Mountain Road; spoke in favor

The Chair asked if anybody else wanted to speak in favor or opposed of the application, with none, the public hearing was closed at 7:56 p.m. *Vice Chairman Kuras and Mr. Vincent were asked to return to the meeting.*

File # 8-05A: Special Permit request from the Zoning and Planning Commission to relocate the Farmers Market, from the Town north green to Town south green; Map 34H, Block 33, Lot # 1. Currently the Farmers Market is located north of Ruggles Way on the north green (Rt. 75, Main Street). Previously, the Farmers Market was held on both sides of Ruggles Way and a second location was on the north green along Rt. 75 facing east. Both locations created a safety problem which is why the market is located where it is today. Although this location is on the Town's Main Street, it has poor visibility due to the low canopy of the trees. A marketing study was done which included relocating the Farmers Market, and it offered six [6] different locations. Evaluating the pros and cons of each location, the south green came out as one of the top choices. Some reasons for this request is to help make it more viable by increasing its' patronage, and for safety reasons. Mr. Hawkins said a special permit request was denied approximately two [2] years ago to relocate to the Town green but would like to see it get approved this time. Chairman Bauchiero asked Mr. Hawkins to read his report dated 3-10-2009, addressed to the Zoning and Planning Commission. Mr. Hawkins reported that the special permit request is for the Town of Suffield to relocate the Farmers' market to the south green from the north green. Then he addressed the following:

- 1. Existing Conditions;**
- 2. Proposed Conditions;**
- 3. Analysis;**
- 4. Considerations.**

Mr. Hawkins pointed out on a map directly adjacent to the south green the [approximate] 12 public parking spaces along High Street; the five spaces in the parking lot of 1 Mountain Road, three spaces on Mountain Road, and at the Second Chance Shop. This prompted a discussion about each of those locations and their availability. Chairman Bauchiero asked Mr. Turbet if he had any comments, and he responded "no". The Chair then asked Vice Chairman Kuras to read into the record a letter written from Sharef Shehemi, Owner of Pilgrim Barber Shop, 11 High Street, date stamped March 16, 2009. There was a brief discussion with regards to redirecting traffic from the public parking area at the Barber Shop. It was recommended that perhaps providing a sign stating, "The Barber Shop is Open" would be necessary. There was a brief discussion with regards to the marketing study done, layout of vendors on the green and the amount of vendors accounted for. With no further discussions, Chairman Bauchiero opened up the floor to those in favor of the special permit request:

- 1. Kathy Dunai-Thibedeau, 1510 North Stone Street; spoke in favor, she asked that the letter from the CT Department of Agriculture be read into the record.**

Chairman Bauchiero asked Vice Chairman Kuras to read into the record a letter sent to the Commission addressed to Mr. Bauchiero, dated March 10, 2009. Mr. Hawkins said its very important to note that under the guideline handbook written in the joint effort of the CT Department of Agriculture, Department of Health, and Consumer Protection a "public restroom is to be located within five hundred [500] feet of the Farmers Market".

- 2. Elaine O'Brien, 38 Harmon Drive; spoke in favor**
- 3. Jennifer Symne, 121 East Road, Broadbrook, [member of the Farmers Market]**

Chairman Bauchiero opened up the floor to those opposed of the special permit request:

1. Nancy Hess, 15 High Street; spoke in opposition
2. Timothy Murphy, 21 High Street; spoke in opposition

Mr. Hawkins reported that Patrick McMahon, Director of Economic Development was in agreement with the proposed application. Chairman Bauchiero opened up the floor again to those who wished to speak in favor or opposition, which prompted the audience both for and against to speak. With nothing further the public hearing was closed at 8:40 p.m. *Chairman Bauchiero called for a 10 minute recess. The meeting re-convened at 8:46 p.m.*

Mr. Taylor asked Chairman Bauchiero if the Commission would make a motion to change the order of the agenda to take-up the “discussion and possible decisions” of File # 55-2009 and File # 8-05A, and set the public hearing date for File # 58-2009, under “New Business”. Mr. Vincent made the motion to change the order of the agenda as requested by Mr. Taylor, seconded by Mr. Conley. The motion was approved 5-0-0.

Vice Chairman Kuras and Mr. Vincent recused themselves from the meeting. **File # 55-2009: Special Permit request from Somerset Farms, LLC, for a Farm Stand Permanent [per Section V of Zoning Regulations], located at 709 Mountain Road, Map 21H, Block 26, Lot # 5.** There was a brief discussion on the verbiage of the word “accessory” used in Section V.S.9. of Farm Stand Permanent and it being used in Section II, [Definition] of the zoning regulations. The members discussed their interpretation of the definition of accessory use, and the reason for incorporating it into the regulations. With nothing further, Mr. Conley made the motion to approve File # 55-2009, Special Permit request for a Farm Stand Permanent from Somerset Farms LLC with the following conditions:

1. All lighting is subject to approval by the Zoning Enforcement Officer;
2. All signage must be approved by the Zoning Enforcement Office prior to placement of ALL signs;
3. Special Permit shall expire three years from the date of this approval [March 16, 2009].

Seconded by Mr. Ravenola. The motion was approved 4-0-0. *Vice chairman Kuras and Mr. Vincent were asked to return to the meeting.*

File # 8-05A: Special Permit request from the Zoning and Planning Commission to relocate the Farmers Market, from the Town north green to Town south green; Map 34H, Block 33, Lot # 1. There was a brief discussion with regards to the site plan, distance of abutting properties, the possibility of monitoring the Barber Shop, and the term for the special permit if approved. Mr. Conley made the motion to approve File # 8-05A, Special Permit request to relocate the Farmers Market from the Town north green to Town south green, with recommendations from Staff and for a one [1] year trial period, seconded by Mr. Vincent. Motion was approved 5-0-0.

III. NEW BUSINESS

File # 58-2009: Special Permit Renewal for Sutton Swim School, located at 500 North Main Street, Map 42H, Block 45, Lot 323. Applicant: Jean & Paul Sutton. After a brief discussion, the Commission waived the fee per the applicant’s request, due to financial hardship. Mr. Ravenola made

the motion to set the public hearing date for File # 58-2009 for April 20, 2009, regular meeting date, seconded by Mr. Conley. Motion was approved, 5-0-0.

IV. OLD BUSINESS

File # 56-2009: To discuss and act on a proposal between the Commission, the Town of Suffield, TDN Properties, LLC, and Grace Alampi Properties, LLC, to settle a lawsuit between the parties relating to the use of 1186 South Street, Suffield; Map 29H, Block 37, Lot # 18A, as a valet parking facility and to review a proposed site plan for valet parking at that location. *This application was tabled from March 9, 2009 Special Meeting.* Attorney Carl Landolina of Fahey, Landolina & Associates, of 487 Spring Street, Windsor Locks, introduced himself and stated that he represents the Zoning and Planning Commission for the above referenced proposal. Attorney Landolina handed out to the members a revised “Stipulation For Judgment” dated, 2-23-2009. Attorney Landolina stated that the new Request for Site Plan Approval was revised on 2-17-09 [sheets one through eleven]. A traffic study was obtained, dated 12-11-2008 [Landolina questioned date] prepared by Bruce A. Hillson, P.E., of Traffic Engineering Solutions, PC which is on file with the ZPC. Attorney Landolina stated that TDN Properties LLC and Grace Alampi Properties LLC will have conveyed their respective ownership interests in Assessor’s Lot 18 and 18a to a new successor entity, 1186 Associates, LLC and that 1186 Associates LLC is to be deemed to have been made a substituted plaintiff in this action, replacing the original plaintiffs. Attorney Landolina reviewed Section IV and Section V of the Stipulation; after which there was a brief discussion with regards to the language of the Option Agreement between the Town of Suffield and the Plaintiff. Chairman Bauchiero asked Attorney Landolina if the Plaintiff was satisfied with the Stipulation presented, he said, “They were”. The Chair asked if there were any questions for Attorney Landolina from either the Staff or the Commission. Mr. Winne asked Attorney Landolina if there is an Option Agreement, and he said, “Yes” but the Town of Suffield and Mr. Piccolo have not looked at it, when he does he said, it would need to be negotiated with the Town of Suffield, not the ZPC. With nothing further, Chairman Bauchiero asked if the Commission would like to entertain a motion. Mr. Conley made the motion to approve File # 56-2009, proposal between the Commission, the Town of Suffield, TDN Properties LLC, and Grace Alampi Properties LLC to settle a lawsuit between the parties relating to the use of 1186 South Street, Suffield, Map 29H, Block 37, Lot # 18A, as a valet parking facility and to review a proposed site plan for valet parking at that location with the following conditions:

1. The parties shall enter into a written Stipulation for Judgment to be filed in the Hartford Superior Court, which said Stipulation provides for the approval of your site plan for a Valet Parking facility at 1186 South Street. Said Stipulation shall include the following provisions:
 - A. Plaintiff shall abandon the current valet parking use located 1353 South Street within thirty days of receiving a Certificate of Occupancy for the new facility subject to the right of the Plaintiff to erect temporary signs at the old location as set forth in the Stipulation;
 - B. Plaintiff shall enter into an Option Agreement with The Town of Suffield offering an easement to the Town as more fully described in the Stipulation.
 - C. No further expansion of the new Valet Parking facility will be permitted without a text amendment to the Suffield Zoning Regulations.

Mr. Vincent seconded the motion. With no further discussion the motion was approved 5-0-0.

V. REPORTS – Town Planner, Mr. Hawkins

Mr. Hawkins had nothing to report, but asked the Commission to mark their calendar for this Saturday's [3-21-2009] Special POCD meeting, beginning 8:00 a.m.

VI. MINUTES

A motion was made by Mr. Conley to approve the minutes from the February 23, 2009, regular meeting with no changes, seconded by Mr. Ravenola. Motion was approved 5-0-0.

A motion was made by Mr. Conley to approve the minutes from the March 9, 2009, special meeting with no changes, seconded by Mr. Ravenola. Motion was approved 5-0-0.

VII. ADJOURNMENT

With nothing further, a motion was made by Mr. Conley to adjourn the regular March 16, 2009 regular meeting at 9:33 p.m., Mr. Vincent second. The motion was approved 5-0-0.

Respectfully Submitted,

John O'Malley, Secretary

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