

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF REGULAR MEETING
November 18, 2013**

Present: Frank Bauchiero, Jr., Chairman
Chester Kuras, Vice Chairman
Charles Sheehan
John Murphy
Mark O’Hara, Alternate
Gina Pastula, Alternate
Mark Winne, Alternate

Absent: Frank Ravenola, Secretary

Also Present: Bill Hawkins, AICP, Town Planner
Gerry Turbet, Town Engineer
Jim Taylor, Zoning Enforcement Officer
Carl Landolina, Commission Counsel
Eleanor Binns, Administrative Secretary

The proceedings of this meeting were voice recorded.

I. ROLL CALL

Chairman Bauchiero called the meeting to order at 7:00 pm and announced the resignation of Eleanor Binns as a member of the commission as she is now employed by the Town of Suffield as the administrative secretary to the Zoning and Planning Commission (ZPC). Chairman Bauchiero then asked Mrs. Binns to take a silent roll call. In the absence of two regular members, Mr. Bauchiero appointed Mr. Winne and Mrs. Pastula as the alternate voting members. For the record, Vice Chairman Kuras read aloud the legal notice that was published in the Hartford Courant on November 7, 2013 and November 14, 2013.

II. PENDING CLAIMS AND LITIGATION

Theodore Paulding, et al v. Suffield Zoning and Planning Commission, et al HHD LND CV13-6044034 S

Attorney Landolina brought the Commission up to date on the appeal that was brought to the Superior Court. Mr. Paulding is seeking assurance that the approval of the Krystal Woods subdivision will include an access to his property should it be developed in the future. There will be access to Helen Circle from his property with a right away of way between the two lots at the end of the cul de sac adjoining the Paulding property that will be deeded to the Town of Suffield. Although deeding this area to the town is the normal course of action, Attorney Landolina agreed with the attorneys for Mr. Paulding and Mrs. Blanchette that there will be a clarifying note placed on the mylar which will settle the case.

Mr. Sheehan brought up the possibility of having grading rights reserved for the property owners on either side of the temporary cul de sac and the adjacent road, so that this will not be an issue in the future if the adjacent land is developed.

Attorney Landolina will suggest this to Mrs. Blanchette but it is not a requirement.

This was not a public hearing, but the commission wanted to provide an opportunity for public comment, so the Chairman opened this up for public comments and there were none.

Mr. Sheehan moved to authorize Attorney Landolina to negotiate the stipulated agreement on behalf of the Town to complete the case and that he will ask to have the grading rights for the properties adjacent to the 50 foot right of way on the Krystal Woods subdivision plan.

Motion was seconded by Mrs. Pastula

Motion was approved 6-0-0

Attorney Landolina also made the Commission aware of a recently settled court case making it clear that ambiguous zoning regulations cannot be waived by the ZPC itself and they need to go before the Zoning Board of Appeals (ZBA). He will review the current regulations with Mr. Hawkins to determine if there are any regulations that will need to be clarified to comply with this ruling.

III. PUBLIC HEARINGS

File #2013-14: Request for a 3-lot re-subdivision located at 840 South Street. Map 28H, Block 37, Lot 1 – Applicant – MHI Properties Inc.

Chairman Bauchiero recused himself from this public hearing and asked Vice Chairman Kuras to take over.

Representing the applicant was David Palmberg of William Palmberg & Sons, professional land surveyors, 264 Hazard Ave, Enfield, CT.

Mr. Palmberg explained that this is substantially a reconfiguration of the existing lots owned by Dewhirst Properties to be purchased by M.H.I. Properties. The parcel being reconfigured borders on South Street, Austin Street and Firestone Drive. In addition to lot A, the plan will create two new parcels B and C with frontage on South Street and Marketing Drive. No building or construction of any kind is being proposed at this time.

Mr. Palmberg addressed comments from the town engineer and they will add a zone line to the map as requested, and also request a waiver for the plan scale. All proposed lots have access to public water and sewer.

Mr. Hawkins read his report into the record. All lots meet the requirements for a Planned Development Industrial Park Zone. He stated that this property is located in an industrial zone and the policy is not to require open space in these zones so a waiver is appropriate. He also recommended that waivers be granted for sidewalks, curbs and gutters, streetlights and street trees, since there is no building proposed at this time.

Mr. Turbet read his report into the record. He indicated that the plan should have each parcel labeled

“Not a Building Lot” and the plan should indicate the section on Austin St. that is zoned for R-25. The Flood Hazard Area Note should be changed from “6” to “5”. Iron pins and monuments

should be indicated and installed if not present. He also stated that a change from the 40 scale required to 200 scale would be appropriate at this time as a waiver on the approval.

With nothing further, Mr. Kuras asked if there was anyone that wanted to speak in favor of the proposed re-subdivision, with none, he asked if anyone wanted to speak opposed to the proposal, and there were none.

Mr. Kuras asked for a motion to close the public hearing. Mr. Winne made a motion to close the public hearing, seconded by Mr. Murphy. The motion was carried unanimously, 5-0-0.

Chairman Baucherio rejoined the meeting for the remainder of the agenda.

File #2013-15: Request for a 4-lot subdivision located at the corner of Ratley Road and Oak Street. Map 14, Block 16, Lot 2-B. Applicant – Lisa & John Phillips.

Representing the applicant was David Palmberg of William Palmberg & Sons, professional land surveyors, 264 Hazard Ave, Enfield, CT.

The applicants are proposing the creation of three lots for residential homes which will be serviced by private wells and septic systems. The parcels have been approved by the North Central Health District. One of the parcels has a barn on it and presently is in agricultural use and there is no proposal to change this at the present time. They will provide an agricultural buffer for the property to the south, and limits of clearing to the plans, and have no objection to the addition of trees for the front of the property. They are requesting a fee in lieu of open space, however two of the lots are planned for family members which would mean they would be exempted from the fee. This will be addressed when the property is transferred.

Mr. Sheehan questioned the lack of agricultural buffer on the lots adjacent to the farm lot and discussion ensued. It was suggested that the buffer be placed on the farm lot itself and if that lot is later changed to a building lot the buffer could be removed.

Mr. Hawkins read his report into the record. He explained that there is no land of suitable area or dimension that should be designated as open space. Therefore, a fee in lieu of open space is recommended and the limits of clearing should be indicated on the plans for each of the lots. Mr. Hawkins recommends that waiver requests be granted aside from the street tree waiver which should remain.

Mr. Turbet read his report into the record. He explained that there are drainage considerations that may need to necessitate culverts under the driveways and the discharge point for lot 2 does not seem low enough for the basement elevation. He agrees with the waivers requested and has no problem with the proposed subdivision if the drainage issues mentioned are addressed.

With nothing further, Mr. Bauchiero asked if there was anyone that wanted to speak in favor of the proposed subdivision. Applicants John and Lisa Phillips both stated that they were in favor. He asked if anyone wanted to speak opposed to the proposal, and there were none.

Mr. Bauchiero asked for a motion to close the public hearing. Mr. Sheehan made a motion to close the public hearing, seconded by Mr. Winne. The motion was carried unanimously, 6-0-0.

File #2013-18: Special permit request to convert to 63 High Street (First Church parsonage) to professional offices. Map 34H, Block 30, Lot 111. Applicant – First Church of Christ. Mark O’Hara recused himself from this public hearing.

Representing the applicant was Tom Wardell, member of First Church and manager of the project for the Church. The building had been used as a parsonage since 1908 until the 1990’s when their pastors have chosen not to use the parsonage. The Church has rented it as a home, but has had trouble finding long term tenants and as a result the house has been vacant for long periods of time and recently had the plumbing freeze up. The Church does not want to sell the property and has decided to refurbish the building retaining many of the features and to seek the necessary approvals to convert it to professional office use. They are now ninety percent complete with the refurbishment project. The plan calls for a parking lot for off street parking with eleven spaces and the building will be made handicapped accessible.

Mr. Murphy asked if there were going to be changes to the side of the building and Mr. Wardell responded that changes to the outside of the building will be made in the back with no visible changes to the front of the building and that the plan that is being presented to the ZPC has been approved by the Design Review Board (DRB) and the Historic District Commission.

Mr. Wardell also stated that there will be a sign which will need to be approved by the DRB.

Mr. Sheehan asked if the fire truck would be able to access the building and Mr. Turbet confirmed that it could.

Mrs. Pastula asked if the building would have special tax exempt status and Mr. Wardell responded that as soon as it became income producing for the Church it would be taxable and it would only be exempt if rented to a non-profit organization.

Mr. Hawkins read his report into the record. He stated that this property was added to the Town Center Village District in 2008 and office use is allowed in this zone. The eleven parking spaces and one handicapped space are more than adequate for the 2,500 square foot building. The photometric data shows that the lighting planned for the property will not spill on to adjoining properties. The building has public water and sewer.

Mr. Turbet read his report into the record. He stated that the application meets site plan requirements, but more information is needed to compare the pre and post peak flows and determine how the grading and paving will impact the drainage on adjacent properties. There will need to be measures to mitigate the drainage impacts.

Discussion ensued about the possibilities of improving the drainage and a number of possibilities were talked about. The Commission and the Town Engineer concurred that the applicant should work with their engineer and Mr. Turbet to resolve any drainage issues and to be sure the post development drainage on to adjoining properties is not any greater than the present drainage.

With nothing further, Mr. Bauchiero asked if there was anyone that wanted to speak in favor of the proposed application, with none, he asked if anyone wanted to speak opposed to the proposal, and there were none.

Mr. Bauchiero asked for a motion to close the public hearing. Mr. Sheehan made a motion to close the public hearing, seconded by Mr. Winne. The motion was carried unanimously, 6-0-0.

Mr. O’Hara returned to the meeting.

IV. NEW BUSINESS

File #2013-19: Special permit request to create an Active Recreation Facility on property at 714 North St. Map 40H, Block 42, Lot 47. Applicant – Michael Kaplan.

Mr. Hawkins said that Mr. Kaplan was asked by a western Massachusetts youth soccer league to use this property for their fields. The property is located in back of Zera Equipment has been used for farming.

The site would require regrading and parking. Mr. Kaplan had asked if the commission would consider waiving the fee. There was discussion and the consensus of the commission was that this was not a nonprofit undertaking and the fee should stand.

Mr. Sheehan moved to approve the application and put it on the agenda for the December meeting.

Seconded by Mr. Kuras. The motion was carried unanimously, 6-0-0.

V. OLD BUSINESS

File #2013-14: Request for a 3-lot re-subdivision located at 840 South Street. Map 28H, Block 37, Lot 1 – Applicant – MHI Properties Inc.

Vice Chairman Kuras took over from Mr. Bauchiero who had recused himself for this application.

Mr. Sheehan moved approval on the waivers requested for sidewalks, curbs and gutters, streetlights, street trees, open space, and the scale of the drawing.

Mr. Winne seconded. The motion was carried unanimously by members voting, 5-0-0. Mr. Bauchiero did not vote on this application.

Mr. Sheehan moved approval on the application with the conditions 1 through 4 set forth in the town engineer's report of November 14, 2013.

Mr. Winne seconded the motion. The motion was carried unanimously by members voting, 5-0-0. Mr. Bauchiero did not vote on this application.

File #2013-15: Request for a 4-lot subdivision located at the corner of Ratley Road and Oak Street. Map 14, Block 16, Lot 2-B. Applicant – Lisa & John Phillips.

Mr. Sheehan moved approval on the waivers requested for sidewalks, curbs and gutters, and streetlights and to allow a fee in lieu of open space. The request to waive street trees was not granted.

Mrs. Pastula seconded. The motion was carried unanimously, 6-0-0.

Mr. Sheehan moved approval of the application with the conditions set forth in the Town Engineer's report of November 14, 2013 with the standard subdivision conditions of approval (1-7, 9 and 11) and with the addition of thirty foot agricultural buffers to be indicated on the plan on the agricultural lot on both the north and south sides.

Mr. Winne seconded the motion. The motion was carried unanimously, 6-0-0.

File #2013-18: Special permit request to convert 63 High Street (First Church parsonage) to professional offices. Map 34H, Block 30, Lot 111. Applicant – First Church of Christ.

Mr. Sheehan asked Mr. Turbet if he was comfortable with the commission going ahead with the approval of the application with the drainage to be worked out before a building permit would be issued and he responded that he was.

Mr. Sheehan moved approval of the application subject to the conditions on the town planner and town engineers report with the additional requirement that the applicant submit pre and post

drainage peak flow data work with the town engineer to mitigate any additional drainage on to adjacent properties

John Murphy seconded the motion. The motion was carried unanimously, 6-0-0.

VI. REPORTS

Town Planner – Mr. Hawkins showed a map of a proposed expanded parking lot for the West Suffield Congregational Church on the corner of Mountain Road and North Grand Street. The Church will be submitting an application for an additional sixty spaces but was requesting that they be allowed with the approval of the town planner, town engineer and conservation commission to temporarily have some additional spaces immediately adjacent to the existing lot for the Christmas holiday. There was discussion and the commission consensus was that this was acceptable as long as they understood that any work that was done might need to be redone when the final plan is considered.

Mr. Hawkins distributed two documents to the commission members to consider.

One was a text amendment on accessory buildings to be put on the agenda for a subsequent meeting.

The other was a rough draft of a proposed regulation dealing with having chickens on less than five acres that was drafted over a year ago. He has been doing his due diligence and will have a more appropriate regulation for the commission to review in the very near future.

Mr. Sheehan was at the regional CRCOG meeting and asked that they forward information that they have in other towns dealing with zoning for chickens.

Mr. Hawkins and Mr. Bauchiero both received inquiries about there being a committee formed to draft a regulation, but commission members did not intend that a committee would be needed for this.

Mr. Kuras stated his intent when speaking of a committee was that there might be a committee if there were problems with keeping chickens or livestock when the regulation is in place not to draft the regulation. Also, there was discussion on how to address 4H projects and if that would be a special permit or just left as it is now with no specific regulation or have some kind of waiver.

CRCOG – Mr. Sheehan attended their quarterly meeting and he reported on what was discussed and has shared the information with the Town Planner. There is no conflict with our Town Plan of Development and what they are working on for the region.

VII. MINUTES

Mr. Sheehan made a motion to approve the October 21, 2013 regular meeting minutes as submitted, seconded by Mr. Murphy. Motion carried unanimously 5-0-0 with Mr. Bauchiero abstaining because he was not at the October meeting.

VIII. CORRESPONDENCE

Mr. Taylor read the letter of November 14th from Karl and Sarah Stursberg addressed to the Commission asking for enforcement of the Cease and Desist order issued to Mormino of 519 So. Stone St. The Stursberg's are questioning if leasing the additional three acres makes the property a five acre parcel if the ownership is different and if the land that is leased is suitable for the

chickens that are being raised on the property. The commission members discussed the history of the Cease and Desist Order and what the options might be if they decide to move forward. After a brief discussion it was decided to invite the attorney that handles zoning enforcement for the Town to the December meeting to discuss further, possibly in executive session.

IX. ADJOURNMENT

Mr. Sheehan made a motion to adjourn at 9:23 p.m.; seconded by Mr. Winne. Motion carried unanimously 6-0-0.

Submitted,

Francis Ravenola, Secretary

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