

**PLANNING AND ZONING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
JULY 1, 2010
PORTLAND PUBLIC LIBRARY
20 FREESTONE AVENUE**

Members Present: Bette Jenak, Bruce Tyler, Alan Kenney, Carl Fitzgibbons

Members Absent: Mike Woronoff, Peder Samuelson (Alternate)

Staff: Deanna Rhodes

1. Call Meeting to Order

Bette Jenak, Chairman, called the meeting to order at 7:01 p.m.

2. Introduction of Members and Seating of Alternates

Members introduced themselves.

3. Accept Agenda

- Date at the top of the agenda isn't correct. It should be 7/1/10. It has been corrected and filed in the Clerk's Office.
- Mr. Tyler would like an update on the Portland Town Center under Staff Report.

MOTION by Mr. Tyler, **SECONDED** by Mr. Kenney to accept the agenda as amended. **VOTE UNANIMOUS. MOTION CARRIED.**

4. Application #09-28: Glastonbury Turnpike. (Property is landlocked. Access is through the gated entrance located across from Isinglass Hill Road over an abutting property owned by the applicant.) Special Permit request for a 2-year renewal to remove up to 562,000 cubic yards of earth material and operate a temporary (3 weeks) screening plant on site to process topsoil. Application and property of Portland S&G LLC. Assessor's Map 119, Lots 2 & 3. Zone R25.

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to open the public hearing for Application #09-28. **VOTE UNANIMOUS. MOTION CARRIED.**

- Andrew Ansaldi, Jr., the applicant, spoke.
- He's requesting a renewal of their permit to remove approximately 562,000 cubic yards of earth material and operate a screening plant on site to process topsoil. As of July 1, no material has been removed because of 2 reasons: 1. They needed to construct the access road, bridge and retaining walls associated with the bridge. They also needed to construct the sedimentation

pond to control the runoff in this area. 2. Due to the economy, the demand for sand and gravel is at an all time low.

- The orange road depicted on the plan presented to the Commission is a temporary haul road to get to the top of the hill where the excavation actually begins. They're scheduled to start this later this summer or early fall. The road will be surfaced by Ammosite Millings. Along the easterly boarder, there will be a substantial berm made for stability and safety. Siltation fences will be installed on both sides of the road to control erosion and sedimentation. Along one side of the road, there will be a paved gutter.
- The water within the excavation site will stay in the site.
- The hauling activity will be done Monday to Friday from 7:30AM to 5:30PM. They usually use 5 to 6 trucks.
- Maintenance procedures are to routinely check siltation and erosion control fences to make sure they're in good repair. Mr. Ansaldi's son, Aaron, is in charge of this.
- The equipment on the site will probably be a pay loader and an excavator.
- Ms. Rhodes had a couple of comments and questions directed to Mr. Ansaldi:
 1. She asked about the status of the required plantings and confirmed that the plantings in the vicinity of the bridge crossing are to be installed prior to any sand and gravel removal and within the appropriate spring and fall planting seasons. Mr. Ansaldi responded that the plantings near the bridge have been installed, but the plantings on slopes still need to be done.
 3. She asked that the applicant review and adhere to aquifer protection best management practices for sand and gravel operations within aquifer protection areas as this area is right outside the aquifer protection area for the Cromwell Gardiner Well. Mr. Ansaldi appeared to have no issue with these items as it was required by the previous approval.
- A waiver request, dated 7/1/10, was submitted and read into the record by Ms. Rhodes. The waiver was related to the requirement to show all large sized trees on the site plan.
- Based on a conversation with the Town Engineer, Ms. Rhodes recommended that instead of filing new plans (because it's costly for the applicant to go back to his engineer just to put a new approval letter on it), only a new cover page would be required which would include the necessary approval letter, Commission signature block, and a reference to the plans that are already on file on the land records.
- Ms. Rhodes is supportive of the waiver for not including the 18" diameter trees or larger on the plan as this was previously approved.
- There have been no zoning complaints or wetlands violations on this property.
- Geoff Jacobson has no objections for a 2-year renewal.
- The public hearing sign was put up in the correct timeframe and the affidavit was signed.

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to close the public hearing for Application #09-28. **VOTE UNANIMOUS. MOTION CARRIED.**

MOTION by Mr. Tyler to approve waiver of ZR Section 10.5.2.B.15 requiring that trees greater than 18” in diameter be shown on the plan for Application #09-28: Glastonbury Tpke. Special Permit request for 2-year renewal to remove up to 562,000 cubic yards of earth material and operate a temporary (3 weeks) screening plant on site to process topsoil. Application and property of Portland S&G LLC. Assessor’s Map 119, Lots 2 & 3. Zone R25.

Reasons: As the proposed area to be excavated is currently heavily forested with a substantial number of trees that meet this criteria, it would be overly cumbersome for the applicant to locate them on the plan.

SECONDED by Mr. Kenney. **VOTE UNANIMOUS. MOTION CARRIED.**

MOTION by Mr. Tyler to Approve Application #09-28: Glastonbury Turnpike. (Property is landlocked. Access is through the gated entrance located across from Isinglass Hill Road over an abutting property owned by the applicant.) Special Permit request for 2-year renewal to remove up to 562,000 cubic yards of earth material and operate a temporary (3 weeks) screening plant on site to process topsoil. Application and property of Portland S&G LLC. Assessor’s Map 119, Lots 2 & 3. Zone R25, as shown on plans prepared by BSC Group, dated May 1, 2007, and revised to July 22, 2008 and subject to the following conditions:

1. That this approval will expire on July 1, 2012.
2. That the plan be revised in accordance with Item #1 of the Planning Department Memo dated 06/24/10. Two copies of the revised cover sheet and mylar must be submitted to the Planning Department for endorsement then filed on the land records within 180 days, per ZR Section 10.5.2.F.2.a.
3. That the Town Engineer determine if the existing E&S bond and Site Restoration bonds are sufficient. Any increase in the bond amount must be submitted by the applicant prior to endorsement of the plan.
4. That all E&S controls be installed by the applicant and inspected by Town Staff prior to the start of activity under this permit.
5. That the applicant apply and receive a Zoning Permit prior to the start of activity.
6. That the applicant submit monthly reports to the Zoning Enforcement Officer indicating amount removed from the site, status of E&S controls and status of restoration.
7. That the applicant excavate no deeper than the proposed contours shown on the approved plans.
8. That limits of clearing be flagged by a licensed land surveyor. Once these limits are located, they shall be delineated by orange fence and inspected by Town Staff prior to any land disturbance activities.
9. That this approval does not include the hauling of off-site material onto the subject property or stockpiling of off-site material.

10. That the applicant install and maintain a 50 ft. paved entrance/egress as per ZR Section 9.5.3.C.9. This must be inspected by Town Staff for adequacy prior to issuance of a zoning permit.
11. That the applicant install re-vegetation plantings on the slopes as per the plan presented to the Commission on 07/10/08 for the original application PZC #07-27.
12. The proposed plantings in the vicinity of the bridge crossing be installed prior to any sand and gravel removal and within the appropriate spring and/or fall accepted plantings seasons.
13. That the applicant review and adhere to the CT DEP'S Aquifer Protection Best Management Practices (BMP's) for "Sand and Gravel Mining in Aquifer Protection Areas".

Reasons: The proposal conforms to Section 9.5, 10.4 & 10.5 of the Zoning Regulations.

SECONDED by Mr. Kenney. **VOTE UNANIMOUS. MOTION CARRIED.**

5. Staff Report:

- Enforcement/Administrative Update: Discuss whether a recommendation should be made to the BOS to consider adopting a Citation Ordinance to deal with zoning violations. – Ms. Bransfield passed out some information during the last PZC meeting for the Commission to look at. The statutes haven't change in regards to the person issuing a citation for a zoning violation and still state that any zoning enforcement officer who issues a citation pursuant to an ordinance adopted under the Statutes shall be liable for treble (triple) damages in any civil action if the court finds that such citation was issued frivolously or without probable cause. For this reason, Ms. Rhodes is reluctant to support an ordinance without the Town taking on the responsibility to pay for damages should they be awarded instead of the enforcement officer being held personally liable for performing enforcement required as part of their job duties. Ms. Bransfield, First Selectwoman, is inquiring about this issue with CIRMA, the Town's liability insurer. Ms. Rhodes will report when she hears back from Ms. Bransfield.
- Mr. Fitzgibbons then inquired whether the Town requires contractors to show that they are licensed when they are taking a permit out. Ms. Rhodes said that they must submit a copy of their license or submit a form that was provided by the State that the home owner will act as the general contractor, and will make sure that the contractor is licensed.

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons that the PZC's recommendation to the BOS is to adopt an ordinance that allows the Zoning Enforcement Officer to levy fines. **VOTE UNANIMOUS. MOTION CARRIED.**

- TCVD Reviews – None. The fees as of July 1 have increased as follows: from \$75 to \$100 for Tier 1; from \$225 to \$250 for Tier 2; there is no change for Tier 3. Ms. Rhodes will be looking into available grants that may be used to cover the TCVD review fees.
- Incentive Housing Zone Updated – Ms. Rhodes received an email from the Portland Historical Society, dated 7/1/10, that provided general information that there are a few houses on Commerce Street that have history relative to quarrying and asked that the Commission keep this in mind when considering the IHZ zone and design elements. They also mentioned 595 Main Street which was once a tobacco barn. Ms. Rhodes passed on the email to the IHZ Consultant, Karen Cullen.
- Public Notice Registry – No new additions to the list.
- Bond Reductions & Extension Requests – None. She will be presenting approvals to be expired at the August PZC meeting. They include the Post and Beam Project on Route 66, 80 Main Street, and about 3 others that have not been completed within the required 5-year time frame.
- Mr. Fitzgibbons requested an update on the Victorian Rooms project. Ms. Rhodes suggested he come into her office to see the approved plans.
- Portland Town Place – Ms. Rhodes stated that she recently spoke with Andrea Krawicki, Agent for the Developer. She informed her that they are still trying to find an anchor tenant but have many other smaller tenants committed to the development. She told Ms. Rhodes that CVS is very interested to be in the freestanding pharmacy as Walgreens is not expanding store locations at this time. Ms. Rhodes shared that there is a ferrell cat issue that the animal control officer is aware of. She has been told that they usually handle this by spade/neutering the animals and then releasing them back into their environment. There are no new updates from the State Traffic Commission. No demolition permits have been issued yet, but Ms. Rhodes understands that they may be forthcoming for demo of buildings in the rear of the property and perhaps along Perry Avenue.
- Budget Update for FY 2010-2011 from Ms. Rhodes: Court transcriptions - \$1,000; Conference meetings and dues for the Commission - \$300; Midstate Regional Planning Agency – budgeted \$6,294. The bill was \$6,304; CT River Assembly - \$500; Planning Dept. (Not PZC budget) includes money for planning consultant - \$6,000.
- Ms. Rhodes stated that there is a fairly significant meeting on July 15 with three applications. She asked that as many members as possible please attend.

6. Approval of Minutes: 6/17/10

MOTION by Mr. Tyler, **SECONDED** by Ms. Jenak to approve the minutes for 6/17/10 as read. **VOTE UNANIMOUS. MOTION CARRIED.**

7. Adjourn

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to adjourn the meeting at 7:45 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

TC, FS, BOS, PZC, Clerk, Planning, ZEO, Book, Library, CC Chair