



PLANNING & ZONING COMMISSION

Bethel Municipal Center
1 School Street, Bethel
Connecticut 06801
(203) 794-8578

**PLANNING & ZONING COMMISSION
MINUTES
August 9th, 2016
BETHEL MUNICIPAL CENTER
DENIS J RIORDAN – ROOM D 7:00PM**

R. Legnard called the meeting to order at 7:00 p.m.

Commission members present: R.Legnard; K.Grant; K.Parsons; J.Lennon; L..Valenti; E. Finch; R. Tibbitts and B. Cavagna, Planning & Zoning Official.

PUBLIC HEARING(s) CONT'D :

DR JAMES HATT/LONG MEADOW LANE/SPECIAL PERMIT/REAR LOT

Attorney Peter Olson, Land Use and Conservation Counsel, was present for the applicant. He reviewed a hand drawn concept plan, "Briar Cliff Manor" 8/9/16", which was designed in response to Public comment.

Correspondence:

Memorandum dated 8/5/216 from Jeffrey Dewey, P.E. & Marisuz Jedrychowski, P.E. of Wright Pierce.

Those who spoke:

Attorney Neil Marcus, Cohen & Wolf PC on behalf of Wachneyk & Sullivan Families,
22 & 13 Briar Cliff Manor

David Wachneyk 22 Briar Cliff Manor

Dan Wojtowicz 24 Briar Cliff Manor

Marie Ann Gajdosik Long Meadow Lane

R. Legnard closed the public hearing.

PUBLIC HEARINGS:

WORK SPACE ACADEMY/16-18 TROWBRIDGE DRIVE/SPECIAL PERMIT/USE

R. Legnard opened the Public Hearing and read the legal notice and Staff Report dated 8/4/16 by Beth Cavagna, Planning & Zoning Official.

RECEIVED

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**TOWN OF BETHEL
TOWN CLERK**

Correspondence:

Letter dated 7/21/16 from Mike Boyle, Chair of the Economic Development Commission

Attorney Neil Marcus, Cohen & Wolf, P.C. was present for the applicant and provided the Commission with certification of notification of adjoining property owners.

Attorney Marcus stated that Work Space Academy is seeking a special permit under Sec. 4.3.C.11 of the zoning regulations as a school for training in special occupational skills at 16-18 Trowbridge Drive (the former Cannondale property). He reviewed the various vocational & occupational offerings at Workspace Academy among them: computer science, theater, dance, college review, art, graphic design, etc. He also stated that no changes to the structure were proposed .

Those who spoke:

Pat McCarthy 15 Trowbridge Dr., property owner

R. Legnard closed the public hearing.

KRISTIN JENSEN/ 54 MILWAUKEE AVENUE/SPECIAL PERMIT/PHOTOGRAPHY STUDIO

R. Legnard read the legal notice and Staff Memo dated 8/9/16 by Beth Cavagna, Planning & Zoning Official.

Correspondence:

Letter dated 7/27/16 from Janet Connolly, 7 Kayview Avenue

Note dated 8/2/16 from P. Murtha , 43 Milwaukee Avenue

Note dated 8/2/16 from Jennifer Dohan, 35 Milwaukee Ave

Note dated 8/2/16 from Pat & Sandra Sarracco, 34 Milwaukee Avenue

Note dated 8/2/16 from Steven & Madilla Ferguson, 2 Kayview Avenue

Letter dated 8/9/16 from Daniel E. Casagrande, 58 Milwaukee Avenue

Letter with attachments from Margaret Stratford Kovner & Ron Kovner, 56 Milwaukee Avenue

Attorney Peter Olson, Land Use & Conservation Counsel was represented the Applicant. Applicant Kristin Jensen was present. Attorney Olson explained that the applicant is proposing a photography studio as a major home occupation located in an accessory structure in a single family residence zone. As such, she is requesting a special permit from the Commission under Sec.3.6.B.2.a of the regulations.

Attorney Olson submitted for the record:

- "Square Footage Calculations".

- Sec. 3.6.B of the Bethel Zoning Regulations, “Home Based Businesses”
- U.S. Dep’t of Interior National Park Service “National Register of Historic Places Registration Form, 52 Milwaukee Avenue
- “Project Narrative”, 54 Milwaukee Avenue

Applicant Kristin Jensen gave an overview of her business and it’s history.

Those who spoke:

Joseph Brautigam	8 Kayview Avenue
Ron Kovner	56 Milwaukee Ave.
Dan Casagrande	58 & 60 Milwaukee Avenue
Mr. Pat Sarracco	34 Milwaukee Avenue
Jeffrey Muthersbaugh	former owner, 54 Milwaukee Ave.

R. Legnard closed the public hearing

BUSINESS MEETING

Commission Members present; R.Legnard; K.Grant; K.Parsons; J.Lennon; L..Valenti;
R. Tibbitts; E. Finch.
K. Parsons seated for P. Rist
L. Valenti seated for S. Deuschel

INVOICES

Motion by K. Grant, seconded by J. Lennon to approve payment of **\$2,393.31 to Danbury News Times** for legal noticing, approve payment of **\$1,518.49 to Kleinfelder Engineering** for consulting fees and **\$1,590.00 to Lawlor Graphics** for printing.

Motion approved unanimously.

Motion by J. Lennon, seconded by K. Grant to approve payment of **\$20,000.00 to DPZ Partners** for consulting services.

Motion approved unanimously.

NEW BUSINESS:

Motion by J. Lennon, seconded by R. Tibbitts to schedule a public hearing for Berkshire Industrial Corp., Text Amendment, 4.6 Special Provisions on 9/27/16 and refer out to appropriate departments

Motion passed unanimously.

Motion by J. Lennon, seconded by K. Grant to schedule a public hearing for Stanley Weston, Special Permit, Excavation on 10/11/16 pending receipt of application fees by 9/15/16, at which time if fees are not received, the matter will be referred to counsel.

Motion approved unanimously.

WORKSESSION:

E. Finch recused.

NEMCO/TEXT AMENDMENT/NEIGHBORHOOD SERVICES OVERLAY DISTRICT

Motion by K. Grant, seconded by J. Lennon to approve an amendment to the Town of Bethel Zoning Regulations Section 5.9 Neighborhood Services Overlay District (NSOD).

The district regulations include a purpose, nature, location, permitted uses, dimensional standards, signage and application procedure as revised on July 26th, 2016.

The Commission recognizes that a provision is needed in the Plan of Conservation and Development to allow modernization, replacement, alteration, and expansion in places of existing, non-conforming, commercial retail and transportation services. The creation of an overlay zone, the Neighborhood Services Overlay District, will provide the Commission with the flexibility to address the town's changing needs by permitting, where the Commission deems it appropriate and in the town's best interest, the foregoing actions, even where the historical and existing use does not conform to the uses permitted in the applicable zoning district.

Effective Date: September 1st, 2016

Motion approved unanimously.

NEMCO/120-122 PUTNAM PARK/ MAP AMENDMENT/ NSOD

Motion by R. Legnard, seconded by K. Grant to approve an amendment to the zoning map to apply the Neighborhood Services Overlay District (NSOD) to property located at 120A-122-124 Putnam Park Road, owned by NEMCO Limited Partnership, in the underlying residential R-10 Zone, as shown on a map entitled "Topographic Survey prepared for NEMCO Limited Partnership, 120a thru 124 Putnam Park Road, Bethel, Connecticut" subject to conditions.

The Commission has carefully reviewed all aspects of the proposed zone change and have determined that designating the property as a Neighborhood Services Zone will allow the owner to renovate and improve the existing uses on the property, and modernize the existing uses to be more compatible with today's economic needs.

Effective Date: September 1st, 2016.

Motion Approved.

Those in Favor: R. Legnard, K. Grant, R. Tibbitts, K. Parsons, J. Lennon

Opposed: L. Valenti

NEMCO/120-122 PUTNAM PARK ROAD/SITE PLAN

Motion by J. Lennon, seconded by R. Legnard to approve a site plan for renovation of an existing gas station including an approximately 2400 s.f. country store, replacement of existing fuel tanks, 5 fuel dispensers and 2 canopies, on property located at 122-124 Putnam Park Road,

Assessor's Map 42, Block 47, Lot 182-183 owned by Nemco Limited Partnership, subject to conditions.

The Commission finds that the proposed expanded and renovated use will improve existing conditions on the property and will not have a detrimental effect on the existing neighborhood.

Motion Approved.

Those in Favor: R. Legnard, K. Grant, R. Tibbitts, K. Parsons, J. Lennon

Opposed: L. Valenti

E. Finch re-seated.

WORK SPACE ACADEMY/16-18 TROWBRIDGE DRIVE/SPECIAL PERMIT/USE

The Commission discussed the merits of the application.

Motion by J. Lennon, seconded by R. Legnard to approve a special permit under Sec. 4.3.C.11 of the Zoning Regulations, offices and classrooms associated with college preparation and occupational skills at 16-18 Trowbridge Drive, Assessor's Map 11, Block 23, Lot 150-19B owned by Work Space Academy

Motion approved unanimously.

KRISTIN JENSEN/54 MILWAUKEE AVENUE/SPECIAL PERMIT/PHOTOGRAPHY STUDIO

The Commission members discussed the merits of the application. A consensus was reached and the Commission requested that Staff draw up a resolution of approval for the next regular meeting on September 13th, 2016.

TOD Master Plan

Motion by J. Lennon, seconded by R. Legnard to accept Amendment to Town of Bethel POCD, "Master Plan Report" dated July 18th, 2016 entitled "Bethel Forward" prepared by DPZ Partners Effective Date: September 1st, 2016.

Motion Approved:

In Favor: R. Legnard, K. Grant, R. Tibbitts, K. Parsons, J. Lennon, E. Finch

Abstain: L. Valenti

Discussion of POCD RFP

Discussion continued to the next meeting on 9/13/16.

PROPOSED TEXT AMENDMENT/SALE OF MARIJUANA

Motion by J. Lennon, seconded by K. Grant to set a public hearing date for September 27th, 2016.

Motion passed unanimously

CORRESPONDENCE:

The Farms, 36 Stony Hill Road, Request for Extension:

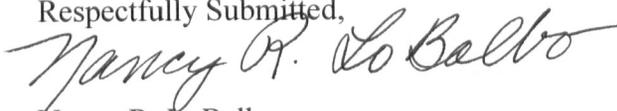
Letter from Andrew Deery, VP Real Estate, 36 Stony Investment, LLC requesting an extension of the date to commence construction for one year, from 10/14/16 to 10/14/17. Also, in contemplation of a sale, to assign the request to "DRA-FEM Stony Hill ,LLC".

Motion by J. Lennon, seconded by R. Legnard to grant an extension of the date to commence construction to October 14th, 2017 and to assign the request to the prospective owner, DRA_FEM Stony Hill, LLC.

Motion passed unanimously.

Motion to adjourn at 10:30 p.m. by R. Tibbitts, seconded by K. Grant

Respectfully Submitted,



Nancy R. LoBalbo
Recording Secretary