



PLANNING & ZONING COMMISSION

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

PLANNING & ZONING COMMISSION AGENDA JULY 24TH 2007 – 7:00PM GENERAL PURPOSE ROOM

BUSINESS MEETING:

Commission members present: P. Olson Chairman, R. Schweitzer, G. Reynolds, and D. Shannon

MINUTES

Motion by G. Reynolds to approve minutes of the 7/10/07 meeting. Motion passed unanimously.

INVOICES

Motion by R. Schweitzer to pay invoices in the amount of \$1,040.31 to Bethel Beacon, \$2,412.50 to SEAConsultants for review of Brighton Place and News Times \$102.67. Motion passed unanimously.

NEW BUSINESS

GREENE / 232 OLD HAWLEYVILLE ROAD/ SUBDIVISION

Motion by D. Shannon to schedule a public hearing for 9/11/07 and refer item to appropriate department for review. Motion passed unanimously.

PLAN OF CONSERVATION & DEVELOPMENT

The final draft of the POCD was submitted to the Board of Selectmen on 7/23/07 and the HVCEO. Motion by G. Reynolds to schedule a public hearing on 10/2/07 in Meeting Room D in order to fulfill statutory requirements. Motion passed unanimously.

BOND RELEASES

CVS – LIBRARY PLACE

Motion by G. Reynolds to release bond in the amount of 179,946.00 and hold the balance of \$70,054.00 for landscaping and offsite work until the final review of work is completed. Motion passed unanimously.

Motion by D. Shannon to table work session items until later in the evening. Motion passed unanimously.

RECEIVED

JUL 26 2007

TOWN OF BETHEL
TOWN CLERK

PLANNING & ZONING OFFICIAL REPORT

Vanderbilt Chemical – 31 Taylor Ave

The Department will deal the request administratively.

Motion by R. Schweitzer seconded by G. Reynolds to add Chelsea Heights to the agenda. Motion passed unanimously.

CHELSEA HEIGHTS/ODIFICATIONS

S. Palmer reported that SEA has reviewed the changes proposed and have reported that they are not substantial and can be combined with the final construction review.

Commission recessed.

Commission reconvened with the following members present:

P. Olson, Chairman, R. Schweitzer, G. Reynolds, D. Shannon, P. Rist, J. Lennon, K. Grant, C. Bresloff

R. Schweizeter recused.

BRIGHTON PLACE/33-41 GRASSY PLAIN ST/VERDI PROPERTIES,LLC ZONE CHANGE

Commission members seated: P. Olson, K. Grant, P. Rist, D. Shannon, J. Lennon, G. Reynolds. R. Schweitzer, B. Legnard recused. P. Rist stated that she had reviewed tapes of missed meeting. C. Bresloff stated that he had not reviewed tapes.

P. Olson stated that a super majority of members were needed for approval of the zone change, 5 out of 6 members.

Discussion followed on the merits of the proposal.

Motion by K. Grant seconded by D. Shannon to deny plot 1, the reason being we need more clarity on the access to Fleetwood Park knowing that they could never use that access to that street. The reason is that the Commission does not believe that it's appropriate to allow a Commercial parcel to gain access to a residential street whereas the current map (current zoning map of the Town) would not allow that access. Motion failed 3-3 Favor- K. Grant, D. Shannon, G. Reynolds Opposed – P. Olson, J. Lennon, P. Rist.

Motion by P. Olson seconded by J. Lennon to approve a map amendment for plot 1, the reason that changing that zone to Commercial is in accordance with our Plan of Development in that the Commission believes that it is in appropriate to bisect single lots with zone lines. The adjacent properties a Commercial including along Grassy Plain Street and Fleetwood Ave, we refer to section 10.2 of the Plan of Development for discussion on the Commercial intent along Grassy Plain Street. Motion Failed 3-3 Favor-P. Olson, J. Lennon, P. Rist Opposed K. grant, D. Shannon, G. Reynolds.

Due to the verification of a petition requesting a super majority of the Commission to approve the application for a change in zone, the request for a zone change is denied.

Motion by D. Shannon seconded by K. Grant to deny Plots 2 and 3, because it is not in harmony with the neighbors.

Proposed amendment:

Motion to amend by P. Olson seconded by K. Grant to deny on the grounds that it's not in accordance with the neighborhood and amend to delete the reason that its not in accordance with the neighborhood and to add a reason that the 2 parcels plot 2 and 3 can not stand on their own as a Commercial development because the 10 foot buffer area renders the rear portion to narrow.

Vote on amendment (5-1) D. Shannon opposed. Amendment passed.

Vote on motion to deny zone change for Plot 2 and 3 (6-0) unanimous.

Motion by P. Olson seconded by J. Lennon to deny proposed map amendment for Plot 4 for the reason that absent the changes for lots 123 there is no practical reason to change Plot 4 from its current residential zone. Motion passed unanimously.

WORK SESSION

UNITED REALTY/28 STONY HILL ROAD/SITE PLAN SPECIAL PERMIT

Motion by G. Reynolds seconded by J. Lennon to approve an application for a Special Permit in accordance with Section 118-38 of the zoning regulations, to permit a new 1 story, 20,500 S.F. retail building and bank with drive-thru service, and to permit excavation and fill activity on a 2.78-acre parcel of land located in the Commercial CI Zone, at 28 Stony Hill Road, owned by United Realty of Connecticut, bearing Map #71, Block #109, Lot #11, subject to the following stipulations:

Except as modified by this approval, the special permit shall be completed in accordance with the plans entitled "28 Stony Hill Road, Bethel, CT, prepared by Peder Scott, of P.W. Scott Engineering, CT License #12174, dated January 4, 2007, and last revised on June 27, 2007.

Except as modified by this approval, the building shall be constructed in accordance with the approved building plans, sheets A1 and A2, dated February 5, 2007, in the approved plan set.

The excavation and fill activity shall be carried out in accordance with the approved plans and the permit shall be valid for (1) year from the commencement of operations as per Section 118-44I(1) of the zoning regulations, and may be extended at the discretion of the Commission for a period of (6) months. Activity shall only take place on weekdays Monday through Friday from 8 am to 5 pm, no weekends or holidays.

The Commission acknowledges an agreement dated July 10, 2007, between United Realty of Connecticut and Bethel Consolidated Water Company to extend water service from Benedict

Road to subject parcel. Prior to connection to the extended main line, the applicant shall obtain the proper connection permits.

The Commission acknowledges the Inland Wetlands request on April 9, 2007, that due to the loss of a mature Sycamore tree in the center of the property, two (2) disease resistant Elm trees be planted as compensation for the loss in the frontage corners of the site. They indicated the trees should be of substantial growth (20 ft. or more).

The Commission acknowledges that an agreement has been made with United Realty of Connecticut owner of 28 Stony Hill Road and Ida Krueger and Robert Talarico Trustee, owner of 32 Stony Hill Road to rectify drainage issues. Prior to the issuance of a zoning permit, the applicant shall forward a draft copy of the proper easement to Town Counsel for review. Upon acceptance, the easements shall be filed on the land records in the Town Clerk's office. A mylar map shall also be submitted to the Planning & Zoning Official illustrating the easement area, prior to filing on the land records in the Town Clerk's office.

Prior to the issuance of a zoning permit, the applicant shall return to the Public Utilities Commission will detailed plans addressing all concerns related to connection to the Town sewer system.

Prior to the issuance of a Zoning Permit, the applicant shall obtain approval from the Connecticut Department of Transportation for a driveway curb cut.

The project shall conform to the following reports and requirements as set forth by the following Town Agencies:

The Town Engineer's memos dated May 8, 2007, June 25, 2007, and June 26, 2007, concerning site construction including storm water management, grading, and erosion and sedimentation controls, and utility connections.

The **Health Department's** report dated April 25, 2007, with conditions.

The **Fire Marshall's** memos dated April 24, 2007, with conditions.

The **Building Official's** memo dated April 18, 2007, with conditions.

Site lighting poles shall be no higher than 20 feet in height and shall be timed to turn off at close of business. All parking lot fixtures shall be down directed to avoid glare. Lighting necessary for safety and security shall be permitted to remain on as needed. Decorative street lighting in accordance with the approved plans shall be installed along Stony Hill Road.

Concrete sidewalks, five (5) feet in width shall be installed in accordance with the approved plans.

All landscaping shall be installed in accordance with the approved plans. This includes the rear buffer, the streetscape and parking islands.

All signage shall be in conformance with the zoning regulations and administrative permits shall be obtained prior to installation.

The Commission recognizes that the applicant has showed a potential future accessway to property located at 32 Stony Hill Road as shown on sheet SY1 dated 6/27/07 in the approved plan set.

Prior to the initiation of any construction on the site all erosion and sedimentation control measures shall be installed according to notes on the drawings and in conformance with the **2002 CT Guidelines for Soil Erosion and Sediment Control**. E & S measures shall be maintained throughout the construction process and until the site is fully stabilized. The commission and/or its designated agent may require additional E & S measures as needed throughout the construction.

A Bond, in an amount to be determined, shall be posted for the following activities prior to the issuance of construction permits:

Site improvements including drainage structures facilities.
Parking improvements
Landscaping
Erosion and Sedimentation Controls

10.10.07 The bond estimate shall be submitted and reviewed by the Town Engineer. The bond amount 10.10.07 must be posted in the form of cash, a certified bank check, and irrevocable letter of credit.

10.10.07 Upon completion of construction and prior to the issuance of any Zoning Certificate of 10.10.07 Compliance, an "as-built" survey of the construction, certified by a licensed land surveyor shall be submitted to the Planning & Zoning Official and must be reviewed and approved by the Town Engineer.

Any subsequent revisions to the approved plans shall be subject to review by the Planning & Zoning Commission.

Work shall commence within (1) year of this approval date and shall be completed within 5 years.

Reasons: In granting this approval, the Planning & Zoning Commission states that the proposed plan is in substantial compliance with the Zoning Regulations and the Plan of Development of the Town of Bethel, and the project, if constructed according to the referenced plans and stipulations will not exert a detrimental effect on the neighboring properties or the development of the surrounding district. Motion passed unanimously.

REGULATION AMENDMENT/PLANNING & ZONING COMMISSION

Motion by P. Olson seconded by J. Lennon to approve an amendment to the Zoning Regulations under section 118-26aG(2) as follows, with an effective date of 8/19/07:

At the applicant's request, some or all of the dwelling units required by

subparagraph (a) of this section to be deed-restricted dwelling units maybe approved as unrestricted dwelling units, as follows:

i. The applicant shall pay to the Town of Bethel the amount of \$80,000 for each deed-restricted dwelling unit that is to be approved as an unrestricted dwelling unit, to be used for the express purpose of assisting in the construction new affordable housing and renovation existing housing into affordable housing in the Town of Bethel.

ii. Any such payments shall be made, in good funds, prior to the issuance of any zoning permits for the development or in accordance with such other schedule that the Commission, in its sole discretion, shall determine.

iii. Any such payments shall be deposited into, and held in, a separate account administered by such entity as the Board of Selectmen may designate.

iv. No expenditure of any funds received under this section may be made without the approval of the Commission. Any such expenditures must be consistent with the Plan of Conservation and Development.

v. Any such payments shall be secured by a lien on the property, which shall be filed in the Land Records on or after the effective date of the approval of the application. The Commission may, in its sole discretion, waive or modify this requirement.

vi. The provisions of this section shall be within the sole discretion of the Commission to exercise. Nothing contained herein shall grant to an applicant the right to make a payment in lieu of providing some or all of the deed-restricted units which may be required by this section.

vii. The provisions of this section shall not apply an affordable housing application, as that term is defined by Conn. Gen. Stat. § 8-30g (a) (2).

Motion passed unanimously.

PUBLIC HEARINGS CONTINUED

**BRIGHTON PLACE/VERDI PROPERTIES LLC/37 – 39 GRASSY PLAIN STREET
SITE PLAN SPECIAL PERMIT**

Letter of withdrawal received dated 7/24/07 from Attorney Ward Mazzucco. Withdrawal accepted by the Commission.

PINE ACRE/NASHVILLE ROAD EXTENSION/SUBDIVISION/SPECIAL PERMIT

Letter of extension of conclusion of public hearing by Attorney Robin Kahn received.
Extension is granted until 9/11/07.

Respectfully submitted

Beth Cavagna

Beth Cavagna
Land Use Coordinator