PUBLIC HEARING – 7:30 PM – Menunkatuck Room


REGULAR MEETING

APPROVAL OF REVISED AGENDA - Agenda revised 11/4/09

Upon a motion by Mr. Bower, seconded by Mr. North, the Guilford Planning and Zoning Commission unanimously to approve the agenda revised 11/4/09.

A. Site Plans – §273-97.B.

1. Anthony’s Restaurant (Bob Mangino 453-4578) property located at 2392 Boston Post Road, Map 78, Lot 16, Zone TS2. Request to revise Site Plan for new entrance with drive-thru canopy and enlargement of existing banquet hall. Capacity of banquet hall to remain the same. §273-97.B. Receive 10/21/09. Request to take action.

Upon a motion by Mr. North, seconded by Mr. Richard, the Guilford Planning and Zoning Commission unanimously voted to take action on an application for Anthony’s Restaurant 2392 Boston Post Road.
Robert Mangino AIA – as representative for the applicant he explained that they would like to build an addition on the left side of the building to expand the existing dining area to include a banquet facility that will accommodate weddings of up to 100 people. There will be a canopy drive-up drop-off area for brides. The occupancy will stay the same. He explained the traffic flow of the property. There is no additional parking required. There will be restroom facilities off of the new hall for service of that area. The new hall is basically an extension of the existing dining room. The Design Review Committee has approved the proposal with conditions.

Chairman Girioni – read the memo from Dennis Johnson, Director of Health – no conflicts. She also read a joint memo from Jim Portley, Town Engineer and Kevin Magee, Environmental Planner – approval with conditions.

Neil Valleea, Engineer – paved areas already exist with the exception of the area under the canopy. He understood that the stormwater management system was already installed. He will verify that it has been and if not, it will be. The Town Engineer’s concerns will be addressed.

Chairman Girioni – outlined the conditions of the Design Review Committee.

Exhibit A, plan revised to 11/04/09, was provided for the Commission’s review.

Comr. Cost – what is the square footage increase?

Robert Mangino AIA – 1,000SF.

Comr. Richard – are there any changes in the signage?

Robert Mangino AIA – not at this time. We will have to come back to Design Review if the name changes.

Comr. Richard – will there be additional lighting?

Robert Mangino AIA – no. There will be soffet lights on the canopy.

Comr. Cost – when this is not being used as a banquet hall, will it be an expansion of the restaurant?

Carlo Ciacca – at this time we do Sunday brunches that get very crowded so that area will be used to provide more room as it will for dinner on the weekends but the number of tables and chairs, the capacity, will not change.

MOTION: R. Bower

2ND: T. Cost

VOTED: That the Guilford Planning and Zoning Commission approve a Site Plan revision for Anthony’s Restaurant, 2392 Boston Post Road, Map 78, Lot 16 as shown on;

- “Site Plan Proposed Addition PDC. LLC” prepared by N.A. Velleca Engineering, dated October 1, 2009, revised to November 4, 2009 and

This application is approved with the following conditions;

1. That prior to issuance of a Building Permit;
   a. A storm water management plan be approved by the Town Engineer
   b. A landscape plan be approved by the Design Review Committee
   c. All other recommendations of the Design Review Committee be incorporated into the final design.

This application is approved based upon a finding that it conforms with the Zoning Code.

Discussion

Comr. North – argued that adding clause “C” was over stepping the purpose of the Design Review Committee.

Comr. Richard – the clause is there because the changes are not reflected on the plan. There hasn’t been time for them to be added.

Robert Mangino AIA – they asked us to consider changing the color of the building and we agreed to think about it.

APPROVED:


OPPOSED: None

ABSTAINED: Motion carried 7-0-0
B. **Special Permit**

1. **Paul & Janet Bouchton**: property located 316 Little Meadow Road, Map 86, Lot 2, Zone R-5. Special Permit to allow music school §Table 2A Line 22, accessory apartment and home office in a detached structure §273.19 and guest accommodations in detached structure §273.36A. Receive and schedule public hearing for 12/2/09.

Upon a motion by Mr. Richard, seconded by Mr. Cost, the Guilford Planning and Zoning Commission unanimously voted to receive an application for Paul and Janet Bouchton, property located at 316 Little Meadow Road, and schedule it for public hearing on December 2, 2009.

2. **John & Michele Van Epps**: property located at 1442 Durham Road, Map 97, Lot 2, Zone R-5. Request to allow deviation of number of permitted livestock for 10.8 acres from 10 to 20 horses. §273-243 and to allow a riding academy and boarding stables, Table 2A, Line 21. Receive and set public hearing for 12/2/09.

Upon a motion by Mr. North, seconded by Mr. Richard, the Guilford Planning and Zoning Commission unanimously voted to receive an application for John and Michele Van Epps, property located at 1442 Durham Road and schedule it for public hearing on December 2, 2009.

C. **Municipal Coastal Site Plan Review §273-91**


Upon a motion by Mr. Richard, seconded by Ms. Bailey-Madelung, the Guilford Planning and Zoning Commission unanimously voted to receive an application for Julie Schaffer, property located at 119 West Lane, and schedule it for public hearing on December 16, 2009.

D. **Mandatory Referral – Section 8-24**

1. **Town of Guilford** - Mandatory Referral: Easement Agreement with the First Church of Christ Scientist where they will provide the Town with one permanent nonexclusive parking and driveway easement and one permanent exclusive driveway easement on the Church property located at 45 Park Street, adjacent to the Library. CGS §8-24. Receive and take action.

Upon a motion by Mr. Richard, seconded by Mr. Jelley, the Guilford Planning and Zoning Commission unanimously voted to receive and take action on a mandatory referral for the Town of Guilford, easement agreement with the First Church of Christ.

TP Kral – this is an easement to provide parking and driveway use on the church property for the town library. It has been approved by the Board of Selectmen and with Planning and Zoning approval, this will go to Town meeting.

Comr. Cost – what is the issue with the septic systems?

Chairman Girioni – They were on the Town property, underneath the library parking lot. They were all separated when the library was redone. The problems have been corrected. She introduced Tom Ginz (building committee) and Sandra Ruoff (head librarian).

TP Kral – the Church and the Town worked together throughout the whole renovation and resolved a number of issues between the properties.

Chairman Girioni – it was of mutual benefit to the Church and the Town to resolve these issues.

Comr. Cost – what is the benefit to the Church?

Sandra Ruoff – we improved their parking lot in exchange for use of the parking.

Tom Ginz – we improved the parking lot and the driveway into it as well improvement to the Church’s septic system.
MOTION: R. Richard
2ND: T. Cost

VOTED: That the Guilford Planning and Zoning Commission approve a Mandatory Referral regarding an Easement Agreement and Side Letter Agreement between the Town and the First Church of Christ Scientist as explained in a letter from the First Selectmen dated November 3, 2009. This Mandatory Referral is approved in accordance with Section 8-24 of the Connecticut General Statutes and based upon a finding that it is in conformance with the Plan of Conservation and Development 2002.

APPROVED:
OPPOSED: None
ABSTAINED: Motion carried 7-0-0

E. Correspondence

1. Letter from Town Engineer, Jim Portley re: Pine Grove Subdivision.

Chairman Girioni – read a letter from Jim Portley, Town Engineer into the record.

To: Planning & Zoning Commission
From: James A. Portley, P.E., Town Engineer
Date: October 21, 2009
Re: Pine Grove Subdivision
Tanner Marsh Road

A condition of approval of the referenced subdivision required the developer to construct a “6’ wide processed stone pathway along Tanner Marsh Road” as shown on the attached Site Development Plan. The location of the path was planned before the actual construction of the homes on the “Franklin’s Landing” lots on the westerly side of Tanner Marsh Road. Attached is a copy of a letter from the residents to relocate the path to the east side.

A second condition of approval stipulated that the developer contribute to a water tank fund for fire protection. Wayne Vetre agreed to a sum of $20,000 for the subdivision. We now have money for a water tank but no money for its installation.

In an effort to solve two problems a conversation was initiated with Ed Fusco, who bought the Pine Grove Subdivision from the Goss family, which would involve trading the requirement for construction of the pathway for installation of the fire protection tank. A verbal agreement has been reached subject to the approval of the Planning & Zoning Commission and the Board of Selectmen.

Last years Town budget provided no funds for capital improvements and forecasts are bleak for next year’s budget. Construction of the fire protection tank is a long way from being completed with Town funds therefore it is recommended that the September 17, 2003 approval of the Pine Grove Subdivision be amended. Condition #1 requiring the construction of the pedestrian path should be deleted and the condition requiring the applicant to enter into an agreement with the Board of Selectmen to “provide fire suppression water supply” be revised to require the applicant to contribute to the purchase of a fire water tank and install the tank to Guilford Fire Department specifications.

Chairman Girioni – there is a list in the packet of residents of the subdivision who do not want the walk way.

TP Kral – gave the history behind the plan for the stone pathway. The residents do not want it. The developer is offering to use the money he would have spent on the pathway to fund the installation of the tank. It is
generally agreed that the walkway would be good to have but since we cannot have both, the water tank is more important because of the safety factor.

**MOTION:** M. Sessine  
**2ND:** D. North

**VOTED:** That the Guilford Planning and Zoning Commission approve a revision to the Pine Grove Subdivision approval by deleting condition #1 requiring the construction of a pedestrian path and substituting a new condition requiring that the developer contribute to the purchase of a fire water tank and install the tank to Guilford Fire Department specifications.

**Discussion**

Chairman Girioni – it sounds like a pragmatic solution. The residents don't want it and it is important that they have a fire suppression facility.

Comr. North – if and when the opportunity arises to install the walk, it should be on the other side of the road.

Chairman Girioni – installation on that side would cause too much disturbance because there are so many large trees and there are stone walls that would be an obstacle.

**APPROVED:**
**OPPOSED:** None  
**ABSTAINED:** R. Richard. Motion carried 6-0-1

2. Guilford Food Center, property located at 77 Whitfield Street. Request approval to place 48’ refrigerated trailer at rear of parking lot from approximately November 19 – December 26, 2008.

Chairman Girioni – read the letter from Guilford Food Center into the record. We have approved this in the past with the agreement that the access be kept open to Breakwater Books and Celantro. Crates being used for steps can't be allowed to block vehicular and pedestrian traffic flow.

Upon a motion by Mr. Cost, seconded by Mr. Richard, the Guilford Planning and Zoning Commission unanimously voted unanimously to approve the request by Guilford Food Center, 77 Whitfield St, to place a 48' refrigerated trailer at the rear of the parking lot from approximately November 19 – December 26, 2009. Vehicular and pedestrian traffic is not to be blocked.

F. Other

1. **Guilford Center for Children** (Andrew Benner) – property located at the Woodruff property, Stone House Lane. Request to revise lighting plan. HDC approved.

Chairman Girioni – noted the Historic District Commission has already approved this.  
Andrew Benner – they originally planned to minimally light the face of the building but they have since discovered that the licensing board for day care centers requires one foot candle per square foot be provided in all parking areas and approaches to the building. Working closely with the Historic District Commission, they determined that the best way to accommodate this was with 9-16' tall pole lights that are full cut off fixtures with house-side shielding. This will direct light only on the site.  
Chairman Girioni – these will be on, only when the day care is in operation?  
Andrew Benner – yes, they are triggered by photo cells but they are shut off by a timer to be on only during the hours of operation. A copy of the photometric study was provided with the application.  
Chairman Girioni – there is a letter of approval from Will Thompson, Chairman of the Historic District Commission in the Commissioner's packets.

**MOTION:** P. Jelley  
**2ND:** T. Cost
VOTED: That the Guilford Planning and Zoning Commission approve a revision to the Site Plan for the Guilford Center for Children to modify the lighting plan as described in a memo from Andrew Benner to George Kral dated October 22, 2009 with attached plans.

This revision is approved with the following conditions;
1. That the lights be on a timer and active only during hours of operation of the facility.

This application is approved based upon a finding that it conforms with the Zoning Code.

APPROVED:
OPPOSED: None
ABSTAINED: Motion carried 7-0-0

G. Committee Reports
Planning Committee – next meeting is November 16, 2009.
Zoning Committee – next meeting is November 9, 2009.

H. Approval of Bills
There were none.

I. Approval of Minutes
10-7-09 table to 11-4-09

Upon a motion by Mr. Richard, seconded by Mr. Sessine, the Guilford Planning and Zoning Commission voted to approve the minutes of 10/7/09 as submitted. Mr. Cost abstained as he was not present for the meeting.

Upon a motion by Mr. Jelley, seconded by Mr. Sessine, the Guilford Planning and Zoning Commission voted to approve the minutes of 10/21/09 as amended. Ms. Bailey-Madelung, Mr. Sessine and Mr. Richard abstained as they were not present for the meeting.

Adjourn

There being no further business, and upon a motion by Mr. Richard and seconded by Mr. North, it was unanimously voted to adjourn the meeting at 8:17 P.M.

Respectfully submitted,

J. Donnette Stahnke
Administrative Assistant Planning and Zoning Commission
TO: Planning and Zoning Commission  
FROM: Dennis Johnson, Director of Health  
DATE: October 20, 2009  
SUBJECT: Anthony Restaurant; 2392 Boston Post Road, Map 78 – Lot 16

The applicant’s proposed banquet hall renovation will not result in an increase in waste water flow from the facility. The proposed addition does not conflict with existing septic system or well water facilities currently existing on site.

Based upon soil test results and site plan review it is recommended that the applicants proposed use be approved.
First Church of Christ Scientist
Attention: Board Members
45 Park Street
Guilford, CT 06437

Dear Board Members:

This is to confirm (1) various improvements to the property of First Church of Christ Scientist (the “Church”) and (2) other agreements, both performed or to be performed in connection with the expansion and renovation of the Guilford Free Library (the “Library”) located at 67 Park Street in Guilford, adjacent to the Church’s property.

1. The Town has paved the driveway and parking lot (the “Church Driveway” and the “Church Parking Lot”) located on Church property to the south and east of the Church building, at the Town’s sole cost.

2. The Town has constructed a concrete walkway (the “Walkway”) connecting the Church Parking Lot to the adjacent parking lot of the Library, at the Town’s sole cost.

3. The Town has, at the Town’s sole cost, removed two trees from, and landscaped with low-maintenance green plantings and crushed stone, the area adjoining the Walkway.

4. The Town has paved both the area covered by the Access Easement Area (defined below in Paragraph 6) and the area between the Access Easement Area and the north side of the foundation of the Church Building, at the Town’s sole cost.

5. The Town has installed a separate septic system for the Church, on Church property, replacing the former cess pool for the Church that was located on Town property, at the Town’s sole cost.
6. The Church agrees to grant to the Town of Guilford on or before September 25, 2009 two easements in perpetuity. The first easement is a permanent nonexclusive easement, in the form attached hereto as Exhibit A and as shown on a copy of the map attached thereto, for employees of the Library to use the parking spaces in the Church Parking Lot, and to use the Church Driveway and “Walkway,” described below, for ingress and egress, at all times except when the Church has scheduled services or special events. At present, Church services are scheduled for Wednesday nights and Sunday mornings.

The second easement is a permanent exclusive easement over a triangular portion of the Church’s property which constitutes a portion of the Library driveway ("Access Easement Area"), which Access Easement Area is also more particularly described on Exhibit A attached hereto and is shown on the copy of the map attached thereto.

If the foregoing is acceptable to the Church, please sign and return to me one copy of this letter, at which time this letter agreement shall become a contract between the Town and the Church.

Sincerely yours,

TOWN OF GUILFORD

By: ____________
    Carl A. Balestracci, Jr.
    Its First Selectman

Accepted and agreed to, this __ day of __________, 2009

FIRST CHURCH OF CHRIST SCIENTIST

By: ____________
    ____________
    Title: ____________