Note: Minutes not final until approved at subsequent PZC meeting.

Members Present: Tom Cost (Vice Chairman), Richard Meier (Chairman), Richard Wallace, Joshua Hershman, Walter Corbiere (Secretary), Frank D’Andrea,
Members Absent: Ray Bower

Alternates Present: George Underhill and Philip Johnson

(7 voting members)

Staff Present: Regina Reid, Zoning Enforcement Officer; George Kral, Town Planner; Sally Berezowskyj, Recording Secretary

Others Present: Attorney Charles R. Andres, Esq.

Video: Shannon Gale
Audio Recording: Digital

There were approximately 30 people in attendance.

Chairman Meier called the meeting to order at 7:30 P.M. and explained the meeting procedure to those present.

He then introduced the members of the Commission and staff: Meier (V), Hershman (V), Cost (V), Wallace (V), Corbiere (V), D’Andrea, Underhill (alt), Johnson (V); Staff: Reid, Kral, Berezowskyj. Csmr Corbiere read the legal notice.

Decisions of this meeting are available the day after the meeting by calling the Planning & Zoning Office (203-453-8039) after 9:00 AM.

Csmr Corbiere read the call of the meeting.

Upon a motion by Csmr Corbiere and seconded by Csmr Hershman it was unanimously voted to move site plan to the top of the agenda.
C. SITE PLAN

1. Steven T. Uccello, 25 Water Street, Map 39, Lot 85, Zone C1. Site Plan Revision:
   Change use of first floor space to add personal service establishment and gallery.

   Present for the applicant: Steven Uccello who explained his application. Part of the space
   will be used as a beauty salon with one operator and the other part will be to display items
   for sale. He checked with the Director of Health and there is adequate septic for the use.

   Upon a motion by Csmr Hershman and seconded by Csmr Corbiere it was unanimously,
   Voted: That the Guilford Planning and Zoning Commission approve a change of use for Steven
   Uccello, 25 Water Street, Map 39, Lot 85 as shown on an application dated 1/14/15.

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

2. Guilford Surgery Center, LLC, 246 Goose Lane, Map 75, Lot 53, Zone I-2.
   Installation of generator.

   Present for the applicant: Joseph Wren, Indigo Land Design explained the application and
   showed on the record site plan that the emergency generator will be sited on the north side
   of the building. The generator is needed because they will be performing surgery. The
   generator meets zoning and building setback requirements, it will be run once a week.
   Because it is 100’ away from the pond, they didn’t need wetland approval.

   Upon a motion by Csmr Hershman and seconded by Csmr Johnson it was unanimously;
   Voted: That the Guilford Planning and Zoning Commission approve a Site Plan revision for the
   installation of a generator for Guilford Surgery Center, 246 Goose Lane, Map 75, Lot 53 as
   shown “Site Plan Prepared for Guilford Surgery Center”, dated December 18, 2014 by Indigo
   Land Design.

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

3. Sudesh Kumar, 1795 Boston Post Road, Unit B, Map 79, Lot 36, Zone SCW:
   Change use from Chesley Sleep Center and Guilford Sporting Goods to Veterinary
   Facility.

   Present for the applicant: Sudesh Kumar. Dr. Kumar explained his application for a
   veterinary clinic in the space that used to be occupied by the Chesley Sleep Center and
   Guilford Sporting Goods. They will not board animals overnight, only certain surgery
   patients will stay overnight, they will add sound proofing to the ceiling, there is adequate
   parking, staff will park in the upper parking lot and the clinic works by appointment only.
   When asked if there was a place for the animals to be walked before they went into the
clinic, Dr. Kumar stated there is a grass area next to the parking lot. They are not changing the outside of the building, only interior work is contemplated.

Upon a motion by Csmr Corbiere and seconded by Csmr Wallace it was unanimously,

Voted; That the Guilford Planning and Zoning Commission approve a change of use to veterinary facility for Sudesh Kumar, 1795 Boston Post Road, Map 79, Lot 36 as shown on an application dated January 28, 2015.

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

A. **PUBLIC HEARING** – 7:30 PM – Menunkatuck Room

1. **Guilford Agricultural Society, 111 Lovers Lane, Map 40, Lot 138, Zone R-3.** Special permit modification of original special permit approved May 17, 1989 to allow permanent use of barn & pavilion Article X.

Upon motion by Csmr D’Andrea and seconded by Csmr Cost it was unanimously voted to open this public hearing agenda item.

Present for applicant: Attorney Thomas E. Cronan, also present for Kathy Mack was Attorney Marjorie Shansky.

A discussion ensued about the use of the pavilion. Attorney Marjorie Shansky recommended certain conditions. Attorney Andres stated that conditions must be reasonably related to the application. Attorney Cronan stated that conditions must only be subject to the pavilion. There was much discussion on what conditions would be appropriate. The meeting was then opened to public comments.

Barbara Hammerlund, 130 Crooked Hill Road stated as a member of the Agricultural Society she is in favor of the use of the pavilion. Ms. Hammerlund read letters in favor of the use of the pavilion from Charles Herrschaft, Fire Chief and Tammy DeFrancesco, Social Services, and the Guilford Keeping Society.

Peter Palumbo, 120 Lovers Lane stated he is in favor of the use of the pavilion; it fits into the landscape and is a very positive use of the area.

Michael Bowen, 184 Stonehouse Lane, stated he is in favor of the use of the pavilion; it enhances the property while saving on costs of ten rentals. He prefers the use of the property as an alternative to additional home sites.

Craig Helmrich, 35 Boston Street, stated he is in favor of the use of the pavilion. Mr. Helmrich is a fair volunteer, Lobster Fest volunteer and feels it would be a big contribution to the town. He urged the commission to approve.
Martha Lombard, 33 Lovers Lane, stated she is in favor of the use of the pavilion. Ms. Lombard is a member of the Agricultural Society and feels the fair makes a good neighbor.

Ed Lombard, 33 Lovers Lane stated he is in favor of the use of the pavilion. Mr. Lombard feels the pavilion cleans up the fairgrounds.

Todd Raskin, 35 Lovers Lane, stated he is in favor of the use of the pavilion.

Dixie Sanderson, 18 Paddock Lane, stated she is in favor of the use of the pavilion. Ms. Sanderson is a member of the Agricultural Society. She stated the buildings make it safer for people with disabilities.

Brian McGlone, Economic Development Coordinator, 622 Mulberry Point Road, stated he is in favor of the use of the pavilion. Mr. McGlone stated he thinks the Commission should focus on the buildings and the use of the fairgrounds as a whole.

Joseph Farrell, 166 Lovers Lane, stated he is in favor of the use of the pavilion. Mr. Farrell said he sees the buildings everyday and thinks they are fantastic and good for Guilford.

Patti Bohan, 184 Stonehouse Lane, stated she is in favor of the use of the pavilion. Ms. Bohan said she passed by them every day and in support of the use of the pavilion.

Mary Joe Kestner, 131 Boston Street, stated she is in favor of the use of the pavilion. Ms. Kestner said the fair makes a great neighbor.

Pete Perigini, 200 Old Whitfield Street, stated he had concerns with the intensity of use and would like to see clarity defined in the 1989 approval’s “similar activities” clause.

Derek Streeter, 196 Whitfield Street, stated the pavilion is a conduit for additional activities. Mr. Streeter said he felt the application should not be addressed without potential use of the building included.

Kathy Mack, 212 Old Whitfield Street, stated the fact that a special permit’s use is to access nuisance value to the neighborhood. Ms. Mack would like music restricted to within a structure, not open air.

There was extensive discussion on whether the conditions and frequency of use of the pavilion was within the Planning & Zoning Commission’s purview. There was discussion on vegetation buffer in the area of the pavilion, between the fairgrounds and the neighbors on Whitfield Street.

Csmr Corbiere asked if the Agricultural Society is looking to expand the events at the fairgrounds. Ms. Hammerlund explained that all the fairground work is done by volunteers and does not foresee the ability to expand due to the limited resources.

A break took place to change the tape recording.
Attorney Cronan suggested putting 3 walls on the pavilion.

Mary-Ellen Sullivan, 138 Whitfield Street, expressed her concern on the expansion of use and a lack of boundaries for events.

Martha Lombard, 33 Lovers Lane stated that time restrictions does exist and if the permit is changed to allow the Planning and Zoning Commission to approve individual events, it would be onerous.

Barbara Ennis, 8 Hunter Drive stated she is in favor of the pavilion.

Csmr Cost read a letter from Nancy Elderbaum in favor of the use of the pavilion, a letter from Susan Weady in favor of the use of the pavilion and a petition of 45 signatures. Csmr Cost read a letter from Mark Nadeau opposed to the use of the pavilion and a letter from Philip Schaeffer to table approval of the use of the pavilion.

Barbara Hammerlund refuted the letter from Marc Nadeau, Real Estate Appraiser and Consultant. Ms Hammerlund stated that a $1M+ house sold within the last 6 months on Whitfield Street and challenged Mr. Nadeau’s statement that the properties in the general area of the fairgrounds would suffer a diminution in value ranging from 15% to 20%.

Hearing no more persons wishing to speak in favor or in opposition to the application, and upon a motion by Csmr Corbiere and seconded by Csmr Cost, it was unanimously voted to close this public hearing.

A. Deliberation of Public Hearing Items

Attorney Andres stated that his proposal is not to revisit all aspects of the 1989 approval. Csmr Corbiere read Attorney’s proposal at length.

George Kral asked what the process would be for events booked before 7/30/15. The review would be 60 days for those events within the 6 months.

Upon a motion by Csmr Corbiere and seconded by Csmr Hershman, it was unanimously voted,

Resolution of Guilford Planning and Zoning Commission

Guilford Agricultural Society

111 Lover’s Lane

WHEREAS, the Guilford Agricultural Society (“Agricultural Society”), is the owner of property located at 111 Lover’s Lane, Guilford, Connecticut (“the site”);
WHEREAS, the uses and activities allowed on the site are governed by a Special Permit granted by the Planning and Zoning Commission (“Commission”) to the Agricultural Society on May 17, 1989 (“the 1989 Special Permit”), which contained the following condition restricting the uses allowed on the property:

That the uses of this property be limited to agricultural fairs, crafts shows, auto shows and similar activities of a non-profit nature and that musical events including concerts are expressly prohibited except as accessory to one of the above activities.

WHEREAS, on September 4, 2013, following a public hearing, the Commission approved a modification of the 1989 Special Permit to allow for the construction of two barns (identified as New Building 2013 and New Pavilion 2013) as shown on, “General Location Survey for Guilford Agricultural Society Stone House Lane & Lovers Lane Guilford Conn.”, dated September 3, 2013 (and later revised on 7-1-14 to show proposed buildings), prepared by Anderson Engineering and Surveying Associates, with the condition that “This special permit is effective for events currently booked until the end of the 2013 season, with the exception of storage which is permanently approved” (hereinafter “the 2013 Special Permit modification”);

WHEREAS, on September 3, 2014, following a public hearing, the Commission approved a further modification to the 2013 Special Permit modification to allow a one-time use of the barn/pavilion for the duration of the Guilford Fair including set-up and take-down time for the September 2014 season;

WHEREAS, by application dated November 17, 2014, the Agricultural Society has requested a further amendment of the 2013 Special Permit modification to delete the condition limiting the time when the barn and pavilion could be used so as to allow their use on a permanent basis, and also requesting a waiver of the requirements for a site plan and landscaping and architectural plans;

WHEREAS, the Commission has held a public hearing on this requested amendment on January 7, 2015 and February 4, 2015;

WHEREAS, during proceedings on the 2013, 2014, and 2015 applications, some of the residents living the vicinity of the area have objected to certain activities that have taken place on the site;

WHEREAS, the Commission has recommended that the Agricultural Society meet with objecting neighbors to see if they may be able to reach a consensus as to additional modifications or conditions to the 1989 Special Permit that would address the concerns of both the Agricultural Society and the objecting neighbors;

WHEREAS, the Commission understands that, despite a series of meetings between representatives of the Agricultural Society and objecting neighbors, the parties have been unable to reach a consensus as to revised conditions to the 1989 Special Permit;
WHEREAS, the Commission acknowledges that the Agricultural Society has sponsored many civic, social and recreational activities on the site that have been in accordance with the 1989 Special Permit and that have enhanced our community;

WHEREAS, the Agricultural Society has authorized at least one activity on the site, i.e., the Renaissance Faire, in violation of the 1989 Special Permit and the Zoning Enforcement Officer issued both a cease and desist order and fines for that activity;

WHEREAS, the Commission acknowledges that there could be questions as to whether a particular activity is permitted on the site under the 1989 Special Permit;

WHEREAS, the Commission finds that it would be beneficial to both the Agricultural Society and to surrounding neighbors to know, in advance, whether any particular activity is allowed under the terms of the 1989 Special Permit;

WHEREAS, under Section 273-80 D of the regulations, the Commission, when reviewing a special permit application, must review whether “the lot on which the use is to be established is of sufficient size and dimensions to permit conduct of the use and construction and maintenance of buildings, structures and facilities, including sanitary facilities, in a manner that will not be detrimental to the neighborhood or adjacent lots;”

WHEREAS, the Commission understands that the uses for the barn and pavilion will be associated and part of the uses occurring on the entire lot, and that uses occurring within the barn and pavilion will require use of the remainder of the lot, such as the parking lot, bathroom facilities, and fields;

WHEREAS, the Commission finds that the barn and pavilion would be appropriate for the site on a permanent basis provided that the uses of the barn and pavilion are in accordance with the uses authorized for the site by the 1989 Special Permit or any amendments to the 1989 Special Permit that may be approved by the Commission;

NOW THEREFORE, the Commission APPROVES the request to amend the condition of the 2013 Special Permit modification to delete the condition limiting the time frame for the use of the buildings, and grants the waivers sought for a site plan, landscaping plan, and architectural plan, subject to the following findings and conditions:

1. All uses and activities on the site, including the uses and activities for the barn and pavilion, shall be in conformance with the conditions imposed on the 1989 Special Permit.

2. In order to ensure that all activities on the site, including activities in the barn and pavilion area, are in accordance with the 1989 Special Permit, the Agricultural Society shall submit to the Planning and Zoning Commission a description of all events or special activities that are proposed on the site at least six months in advance of the proposed event. It is anticipated that the Commission will review the proposed activities and inform the Agricultural Society if any proposed use is not in accordance with the
condition imposed by the 1989 Special Permit. The Commission may, but shall not be required, to hear comments from the public as to whether any particular proposed event is in conformance with the 1989 Special Permit. Any party aggrieved by the Commission’s decision shall have the right to appeal its decision to the Superior Court.

3. Walls shall be installed on three (3) sides of the pavilion, leaving the eastern side of the pavilion, facing the fair ground property, open.

4. Nothing herein shall be construed as prohibiting the Agricultural Society from seeking a modification of the conditions of the 1989 Special Permit

5. The Agricultural Society shall submit a description of currently booked proposed events, which will occur before July 30, 2015, at least 60 days prior to the event.

IN FAVOR: Cost, Meier, Hershman, Corbiere, Wallace, D’Andrea and Johnson
OPPOSED: None
ABSTAINED: None
This motion passed 7-0-0


Ali Church distributed the Draft Plan of Conservation and Development to each of the Commission members. The future land use plan is not yet finalized. A draft schedule was reviewed highlighting two (2) formal opportunities for the Commission to make changes to the plan.

Any proposed changes to the draft plan should be forwarded to George Kral in writing. George stated that the plan is simply advisory and does not prohibit future changes.

D. Applications to be received

1. Town of Guilford, Uncas Point Road, Maps 3 & 4, Zone - Sachem’s Head Association, Coastal Area Management Site Plan; Replace culvert under Uncas Point Road and reset stone headwalls. § 273-91.

Upon motion by Csmr D’Andrea and seconded by Csmr Hershman, it was unanimously voted to receive and set public hearing date of 3/18/15.

2. Erin Flynn, 124 Neck Road, Map 25, Lot 5, Zone R-6, Coastal Area Management Site Plan; Demolition and construction of a new residence, related construction activities, stormwater system and new septic system within 100’ of coastal resource. §273-91.

Upon motion by Csmr D’Andrea and seconded by Csmr Hershman, it was unanimously voted to receive and set public hearing date of 3/18/15.
H. Approval of Bills

Upon motion by Csmr Hershman and seconded by Csmr Corbiere it was unanimously approved to pay Shore Publishing $63.60

I. Approval of Minutes

Upon motion by Csmr Hershman and seconded by Csmr Wallace, it was voted to approve the minutes of January 7, 2015 as revised.

IN FAVOR: Meier, Hershman, Corbiere, Wallace, D’Andrea and Johnson
OPPOSED: None
ABSTAINED: Cost
This motion passed 6-0-1

Upon motion by Csmr Hershman and seconded by Csmr Wallace, it was unanimously voted to approve the January 21, 2015 minutes with the revised year of 2015 in the date.

Adjourn

With no further business before the Commission and upon a motion by Csmr Corbiere and seconded by Csmr D’Andrea, it was unanimously voted to adjourn this meeting of the Guilford Planning and Zoning Commission at approximately 10:55 p.m.

Respectfully submitted,

Sally J. Berezowskyj
Recording Secretary PRO TEM