PUBLIC HEARING – 7:30 PM – Menunkatuck Room

   Present for the applicant: Eric Anderson
   This is for minor revisions. There will be a new deck in the front and one in back and the deck on the south side is narrower.
   Cmrs. Bower read Health Director Dennis Johnson and Environmental Planner Kevin Magee’s letter into the record.
   Eric Anderson read John Gaucher, Environmental Analyst 3, Office of Long Island Sound Programs letter into the record.
   The hearing closed at 7:45 pm

2. Guilford Center for Children, Map 33, Lot 15, Zone R-3. Special permit for free standing sign at preschool in a residential zone.
   Present for the applicant: Ashley Hillier, Executive director
   The sign is 10’ from the road. She read her letter dated February 18th requesting a waiver for the fee.
   Corbiere: the view lanes for traffic, is there a problem?
   Hillier: it is 10’ from the pavement and does not obstruct the view.
   Cost: Does it fit the sign requirement?
   Reid: there are no requirements for residential. The most restrictive of the commercial zones is used, which is 48 sq ft. They are asking for half that at 24 sq ft.
   The hearing closed at 7:51
3. Amity Construction, Benton’s Knoll Colonial Road, Map 8, Lot 24, R-5. Revision to special permit for installation of in-ground pools and surrounding paver patio’s.

Present for the applicant: Russ Smith, Gail McTaggart

We are asking for approval for swimming pools to be allowed.

Corbiere: is this for all the homes?

Reid: yes

Smith: Swimming pools would be on a case by case basis if a client wanted one but subject to town approval.

Cmsr. Bower read Health Director Dennis Johnson and Environmental Planner Kevin Magee’s letter into the record.

Smith: water is not going to flow up hill. There will be a small mesh fence along the bottom of the main fence and a no discharge filter is being used. This particular pool is for unit 12. Mr. Magee’s letter speaks of the conservation easement, if a rain garden is moved into the conservation easement then approval is needed to come back to the commission.

Grigsby: if the site plan is integral to the special permit how do we approve a blanket special permit without a global plan?

McTaggart: the original PRD text had no approval for a pool. We are asking specifically for lot 12 and for pools to be allowed. If a rain garden gets moved into the conservation easement then it would need a special permit. Pools will need a site specific location. We would like to allow pools in general and then a site plan would come back each time. Michael Klein (soil scientist) could not come but has no problem with a rain garden in the conservation easement, it would be an enhancement.

Meier: Why have a global permit, if you have to come back on a case by case basis.

McTaggart: it is helpful in marketing to say that a pool is possible just the exact location needs to be approved.

Grigsby: do pools and patios count towards impervious surface?

Reid: yes, pools are lot coverage the patio would not be.

In opposition

Greg Comen- water flow, noise and layout of property.

Edith Fisher- water issues, lights on pool, fence

Hugh Duffy read his letter dated April 2, 2014 into the record.

Ann Merriam- wetlands down hill from pool, if want a pool, should be allowed

Cmsr. Grigsby read a letter from Alayne Reed into the record.

Gus Iacobellis- impact of pool on septic, contaminate vernal pool

Smith: the well separation is from the septic. No pool at unit 5 would be fine. Duffy is at a higher elevation.

Pre-blasting of lots 11 and 10 has been done. A Fence is required per the building code. A small mesh fencing for the small critters will be installed. The pool will be 250-300’ from Reed’s home. All lighting is down lighting. Pools are for enjoyment. It is not a community septic. About 50% has been cleared. The vernal pool has not been touched. In this day and age leaking pools are a rarity. There is lots of distance to the vernal pool and the soil will have a natural cleaning effect just like for a septic.

Ms. McTaggart read Brain Baker, Civil 1, Civil Engineering’s letter dated April 1, 2014 into the record.

Comen: The hill is eroding, having a letter from the engineer that works for them is great, but there is a problem.

Smith: there are historical problems, but there is no increase in that area.

D. Comen: have they done measurements.

Smith: used state and town standards. Water is going to run down hill but has not increased.

Meier: How can a pool be zero run off? I used to have a pool and it would fill up and run over.

Smith: normally there is 6-8 inches from the water level to the edge of the pool.

Corbiere: a fair amount of blasting has been done. And unit 5 isn’t particularly suitable for a pool.

Smith: 9 and 8 are built, 14, 3 and 4 are not of sufficient size. Not having a pool on lot 5 is fine. There are probably 6 units that would be potentially applicable. 1, 2, 13, 11, 10, 7 and 12

Grigsby: are we approving pools yet not?

McTaggart: We are asking for pools to be allowed with the specific location by PZC. There are state statute limitations on what can be represented in a sale.
Fisher: 13 and 11 have been blasted but 1, 2, 10 and 7 have not been. There have been problems from blasting, an oil tank cracked, the rock wall on my property moved and crushed a fence on my property. It has cracked the road.

D. Comen: we were told there was minimal blasting, yet there were 5 weeks straight of blasting the first year.

Smith: a pre blast survey and subsequent is done.

McTaggart: there is strict liability, there is focused blasting, it a surgical science these days.

Bower: have there been any claims?

Smith: no claims have been made.

Corbiere: so lot 11, 12, and 13 have already been blasted, blasting is done?

Smith: to the best of my knowledge, probably a hydraulic hammer for the rest.

Corbiere: lot 1, 2, 7 & 10, will there be lots of blasting?

Smith: don't know until testing is done.

Merriam: the level of the pool is constantly being adjusted, is a truck going to be called in to remove an inch of water? How will owners know?

McTaggart: it will be a part of the sales contract. Reggie would be called for enforcement.

D’Andrea: is the truck for an inch or the whole thing?

Comen: the enforcement is not going to happen.

Tom Gunno, Gunno Pools: The pool has an auto cover with a pump that pumps it into the pool for 2” of rain. There is no skimmer so the level of the water is not a concern. The chlorine level is low. I have had many pools where DEEP allows the pool to be drained to wetlands as long as the chlorine level is less than 1ppm. If there was a skimmer here the water level would be a concern but that is not the case here.

Cost: I know the technology has changed drastically, what about salt pools?

Gunno: it is pretty much a salt water pool. The salt level is 3000 ppm which is the same salinity of a tear drop. There are no chemicals on site with this type of pool.

The hearing closed at 9:05 pm

4. Guilford Agricultural Society, 111 Lovers Lane, Map 40, Lot 138, Zone R-3. Revision to Special
permit granted May 26, 1989 for events held at fairgrounds. Table 4, Line 16. Request to table to
May 21, 2014.

Upon a motion by Cmsr. D’Andrea and seconded by Cmsr. Corbiere, it was unanimously voted to table the application to the May 21, 2014 meeting.

REGULAR MEETING

APPROVAL OF REVISED AGENDA

Upon a motion by Cmsr. Cost and seconded by Cmsr. D’Andrea, it was unanimously voted to approve the revised agenda.

A. DELIBERATION OF PUBLIC HEARING ITEMS

Weady

Upon a motion by Cmsr. Hershman and seconded by Cmsr. Cost, it was unanimously voted to approve the application.


This application is approved with the following conditions;
1. All conditions of an approval granted November 06, 2013, remain in effect.

This application is approved based upon a finding that with the variance granted it conforms with the Zoning Code and is consistent with the Coastal Management policies of the State of Connecticut.

Discussion
Bower: the sight lines are improved
Corbiere: the porch towards the road is not a nuisance, I’m in favor.

The motion carried 7-0-0

**Guilford Center for Children**

Upon a motion by Cmsr. Cost and seconded by Cmsr. D’Andrea, it was unanimously voted to approve the application.

VOTED: That the Guilford Planning and Zoning Commission approve a revision to a special permit for a preschool in a residential zone to add a free standing sign for the Guilford Center for Children, 47 Stone House Lane, Map 33, Lot 15, Zone R-3.

This Special Permit revision to add a free standing sign is approved based upon a finding that it conforms with the Zoning Code. The Special Permit is effective on April 11, 2014 and upon filing with the Town Clerk.

Corbiere: it is half the size of what is allowed and there are no lights.
The motion carries 7-0-0

Upon a motion by Cmsr. D’Andrea and seconded by Cmsr. Cost, it was unanimously voted to waive the $105 application fee.
The motion carries 7-0-0

**Amity Construction**

Upon a motion by Cmsr. Hershman and seconded by Cmsr. Cost, it was voted to approve the application.

VOTED: That the Guilford Planning and Zoning Commission approves a PRD Special Permit Revision, to include in ground pools and surrounding paver patio systems for Benton’s Knoll, LLC, Colonial Road, Map 8, Lot 24, Zone R-5 as shown on a typical pool location drawing dated, “Received Feb. 28, 2014 Guilford Planning & Zoning Commission” and “Site Plan Benton’s Knoll 215 Colonial Road and Old Sachem’s Head Road”, dated 30 Sept. 2009, prepared by Civil 1.

This application is approved with the following conditions:

1. The applicant shall install a vertical barrier to prevent the vernal pool species from entering the swimming pool.
2. The pool pump shall be a non discharge style.
3. If at any time the pool needs to be drained the water shall be pumped into a tanker and be properly disposed of.
4. Pools could be allowed at units 12, 1, 2, 13, 11, 7, and 10

This PRD Special Permit revision to include in ground swimming pools is approved based upon a finding that it conforms with the Zoning Code. The Special Permit is effective on April 11, 2014 and upon filing with the Town Clerk.

Discussion
Corbiere: there is a significant amount of popular disapproval. The application should be referred to Inland wetlands for hydrology even though there is no activity in the 100’ review zone.
Cost: can’t vote for this, there is no such thing as a blanket permit. Some of the houses might need IWC approval. Unit 12 is 250 to nearest neighbor. A pool for 12 is ok but no others.
D’Andrea: unit 12 is ok but not a blanket.
Bower: we could approve 12 and leave the rest for IWC review. 12 has no issues and each other has to come back anyway.
Cmsr. Hershman withdrew the motion. Cmsr. Cost withdrew his second.
Reid: There is a stonewall between the pool and wetland.
Upon a motion by Cmsr. Corbiere and seconded by Cmsr. Grigsby, it was voted to refer the amendment to the planning and zoning special permit to the inland wetlands commission for review.

INFAVOR: Meier, Grigsby, Hershman, Corbiere
OPPOSED: Cost, D’Andrea, Bower
ABSTAINED: none
The motion carries 4-3-0

B. SITE PLAN

1. Rancheros LLC, 63 Whitfield Street, Map 30, Lot 94, Zone C-1. Site plan modification for outdoor patio with pergola. Receive and take action
Upon a motion by Cmsr. Cost and seconded by Cmsr. Corbiere, it was unanimously voted to receive the application.
Present for the applicant: Will Thompson
We are requesting a waiver of the A-2. The map is a compilation of the existing A-2. The existing patio will increase 4’x8’ and be approximately 8” above grade. It will be built in three modules if major site work is needed there will be access. There will be a pergola above. We are also requesting a waiver for the parking standard for 1 space. The deck access is on grade to the main floor. There are two emergency exits and it will have a gas fed fire pit.
Upon a motion by Cmsr. Corbiere and seconded by Cmsr. Hershman, it was unanimously voted to approve the application.

VOTED: That the Guilford Planning and Zoning Commission approves a site plan modification to increase the outdoor patio and add a pergola to the Rancheros restaurant located in the rear of the building at 63 Whitfield Street, Map 30, Lot 94, Zone C-1 as shown on “Rancheros, LLC, 63 Whitfield Street Guilford, CT.”, dated 3/25/14, prepared by William Thompson, AIA & Associates, LLC, Sheets C-1, A-1, A-2.

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

The motion carries 7-0-0

Upon a motion by Cmsr. Cost and seconded by Cmsr. Hershman, it was unanimously voted to approve the waiver for the requirement of a professionally prepared site plan.

The motion carries 7-0-0

Upon a motion by Cmsr. Cost and seconded by Cmsr. Hershman, it was unanimously voted to approve the waiver for one parking space.

2. Big Y Supermarket, 850 Boston Post Road, Map 47, Lot 22B, Zone SC. Revision to Site Plan; additional propane tank cage in front of store, to be provided by Pinnacle Propane Express for storage of small propane tanks for sale, property of Guilford Plaza Associates LTD aka Brooks Properties Inc.
Cmsr. Grigsby read an email from the Fire Chief to Cmsr. Corbiere.

Upon a motion by Cmsr. Cost and seconded by Cmsr. Hershman, it was unanimously voted to deny the application based on the comments from the Fire Chief.
The motion carries 7-0-0

3. Vigliotti Construction Co, 770 Boston Post Road, Village Walk Suite 921, Map 47, Lot 21-9, Zone TS. Site plan modification to change existing suite and storage area into two 1 bedroom apartments.

Receive and take action.

Present for the applicant: Frank Vigliotti

I would like to change commercial space and storage area on the second floor into two 1 bedroom apartments.

Cmsr. Bower read Health Director Dennis Johnson's letter into the record.

Upon a motion by Cmsr. Corbiere and seconded by Cmsr. Cost, it was unanimously voted to approve the application.

VOTED: That the Guilford Planning and Zoning Commission approves a site plan modification to convert second floor commercial space in Units 921 & 922 into two 1-bedroom apartments for Vigliotti Construction Co, 770 Boston Post Road, Village Walk Units 921 & 922, Map 47, Lot 21-9, Zone TS as shown on, "Apartment Conversion Village Walk Guilford, Connecticut", dated 3/24/2014, prepared by Plans Ahead LLC and two drawings entitled, "Existing Second Floor Plan Bldg 9" dated Received Mar 26, 2014 Guilford Planning and Zoning Commission.

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

Discussion

Cost: more apartments are needed, this is appropriate

Corbiere: apartments are getting snapped up.

The motion carries 7-0-0

C. APPLICATIONS TO BE RECEIVED

a. Special Permits

b. Coastal Area Management Site Plan

c. Site Plan

1. Walmart, 900 Boston Post Road, Map 47, Lot 22B, Zone SC. Site plan modification outdoor display area. Receive and set meeting date of May 7, 2014.

Upon a motion by Cmsr. Cost and seconded by Cmsr. D’Andrea, it was unanimously voted to receive the application and set a meeting date of May 7, 2014.

d. Zoning amendments

D. CORRESPONDENCE

E. OTHER

Election of Officers

Cost: the nominating committee did not meet.

Upon a motion by Cmsr. Corbiere and seconded by Cmsr. Grigsby, it was voted to approve the slate nominated from the floor.

Chair - Richard Meier

Vice Chair - Tom Cost

Secretary - Walter Corbiere

Discussion

Corbiere: there are term limits in place and since Ray has served for so long in honor of the spirit of that, have someone else be chair. Ray has done a great job.

Cost: I am against this. Ray has done a great job.
INFAVOR: Grigsby, Hershman, Meier, Corbiere
OPPOSED: D’Andrea, Bower, Cost
ABSTAINED: Cost
The motion carries 4-3-0

F. COMMITTEES

Zoning Committee
Planning Committee
They met and came up with ideas of items to review.
Grigsby: the committee should be getting direction from Planning and Zoning

G. APPROVAL OF BILLS

1. Shore Publishing –$239.72
Upon a motion by Cmsr. Corbiere and seconded by Cmsr. Grigsby, it was unanimously voted to pay the bills.

H. APPROVAL OF MINUTES

3/19/14 regular meeting
Upon a motion by Cmsr. Corbiere and seconded by Cmsr. D'Andrea, it was unanimously voted to approve the minutes.

Adjourn
Then, with no further business before it, upon a motion by Cmsr. Grigsby and seconded by Cmsr. Corbiere, it was unanimously voted to adjourn the meeting of the Guilford Planning and Zoning Commission at approximately 9:55 p.m.

Respectfully submitted,

Katie Arbuckle
Administrative Assistant, Planning and Zoning Commission