Minutes
Guilford Planning & Zoning Commission
Public Hearing June 2, 2010 Regular meeting
Nathanael B. Greene Community Center, 32 Church St.
Menunkatuck Room (2nd floor), 7:30 P.M.

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

Members Present:       Tom Cost (Vice Chairman), Ray Bower (Chairman), Robert Richard, David Grigsby, Kimberly Bailey-Madelung
(7 Voting)
Alternates Present:      Michael Sessine, Peter Goletz
Staff Present: George Kral (Town Planner) and Donnette Stahnke (Recording Secretary)

Video: Shannon Gale - Visual Clarity
Audio Recording: Tape recorder

Approximately 20 people in the attendance.

Chairman Bower called the meeting to order at 7:35 P.M. and explained meeting procedure to those present.

He then introduced the members of the Commission and staff: Cost (V), Bower (V), Bailey-Madelung (V), Richard (V), Grigsby (V), Sessine (Alt) (V), Goletz (Alt) (V); Staff: Kral and Donnette.

David Grigsby read the legal notice for the meeting.

Decisions of this meeting are available the day after the meeting by calling the Planning & Zoning Office (203-453-8039) after 10:00 AM.

Public Hearing – 7:30 PM – Menunkatuck Room

   Received May 19, 2010.

Kelly Clark, applicant – there is an existing carriage house at the rear of the property that they would like to convert to an accessory apartment.

Chairman Bower – ZEO Reid has signed off on this. He read a letter from the Director of Health, Dennis Johnson.

TO : Planning and Zoning Commission
FROM : Dennis Johnson, Director of Health
DATE : June 2, 2010
SUBJECT : Clark, Steven and Kelly; 215 State Street, Map 46, Lot 117

Soil tests conducted on the applicant’s proposed lot revealed suitable conditions for installation of septic systems to serve both the main dwelling and accessory apartment.
Based upon soil test results and site plan review it is recommended that the applicant’s proposed accessory apartment be approved.

Comr. Cost – Questioned the parking and the location of the driveway.

Steven Clark – clarified the location and that there would be adequate parking, three parking spots. He also showed the Commission the location of the new septic system that is being installed. Removal of the drywell will allow more room for the parking and will let them move the driveway farther to the right.
Chairman Bower – asked for public comment and there was none.

The public hearing portion of the meeting was closed at 7:43 P.M.

2. Ballou’s (Steven Kaye): property located at 51 Whitfield St. Map 39, Lot 86, Zone C-1. Request to allow music via speakers for outdoor patio seating area until 11:00 P.M. 7 days a week and live music on Thursday, Friday and Saturday nights no later than 10P.M. Request approval until 2014. Article X and §273-99. Received May 19, 2010.

Chairman Bower – this application is under the new regulation.
Steven Kaye, applicant – the music on the speakers will only be on until closing, not to exceed 11 P.M. As far as the outside live music, they had the police test twice for the noise ordinance and they were under the limit.
Chairman Bower – read the memo from Craig Maturo, property owner/manager for 51 Whitfield St. approving the music at Ballou’s
Comr. Grigsby – what is the reason for 2014? It should be specified that this is seasonal.
Steven Kaye – of course it would be seasonal, possibly June through October. 2014 is the length of the lease.
Comr. Grigsby – is wary of granting a 4-year approval. Is there some way to waive the fee when they come back each year?
TP Kral – yes the Commission can waive fees.
Donnette Stahnke, Recording Secretary – the DEP portion of the fee cannot be waived. That would be $60.
Comr. Grigsby – have we had complaints on this?
TP Kral – not that he is aware of.
Steven Kaye – has heard rumors that there have been complaints but no one has ever complained to him.

Chairman Bower – asked for questions from the public but there were none. He asked for comments in support.
Craig Maturo, Managing Member of Whitfield St., LLC – spoke in support. He did have some tenants who expressed concern and he has worked it out with them. He has committed to being a good neighbor. Music downtown is desirable.

Chairman Bower – asked for questions in opposition and there were none.

The public hearing portion of the meeting was closed at 7:54 P.M.

3. Guilford Housing Authority (Boston Terrace): property located at 41 Boston Terrace, Map 41, Lot 9-1, Zone R-3. Special permit, Coastal Area Management Review and site plan revision to allow construction of 9 additional apartment units and a modification of the number of required parking spaces. Request to waive $500 site plan fee. §273-44 Received May 19, 2010.

Upon a motion by Mr. Cost, seconded by Mr. Richard, the Guilford Planning and Zoning Commission voted unanimously to waive the Site Plan $500 fee.

Chris Widmer, AIA – Their request for a modification of the parking standards would allow 1-1 instead of 1.5-1 as most people do not drive. There are currently 43 spaces and there are only 23 cars. This is one of the Housing Authority’s three sites for the elderly or disabled. There is a waiting list of 50 applicants. This proposal will add 9 more units. The new units are all wheelchair accessible and they are zero energy, green and sustainable units. The Community building will also be expanded. The community room will be expanded 207 SF and the laundry room 48 SF for a total increase of 255 SF. He explained the solar energy potential of the structures.
Robert Grabarek PE – Gave the details of the proposed septic system and the stormwater management. He and Dennis Johnson, Director of Health will be working out the details of the septic system. There is public
water on the site and the utilities are underground. They currently allow sheetflow of runoff on the site but are exploring the possibility of reuse of the rainwater for irrigation.

Larry Appleton, Landscape Architect – Explained how the parking and plantings were developed as a result of a meeting with Town Engineer, Jim Portley and the neighbors.

Comr. Grigsby – they are very specific about which fence they would like to have. Is this agreeable to the applicant?
Larry Appleton – yes.
Chairman Bower – read a letter from Betty Augustyn, Chair of Guilford Housing Partnership, in support.
He read a letter from John Gaucher, DEP

Kevin,
We have reviewed the above-referenced proposal to construct additional housing for consistency with Connecticut Coastal Management Act policies and have no comments for the Planning & Zoning Commission's consideration. Please let me know if you have any questions or if you need any additional information.

John Gaucher
Environmental Analyst 3
Office of Long Island Sound Programs

Comr. Grigsby – read the memo from Jim Portley, Town Engineer

To: Planning & Zoning Commission
From: James A. Portley, P.E., Town Engineer
Date: June 2, 2010
Re: Application for Coastal Area Management Review and Site Plan Revision
Guilford Housing Authority
41 Boston Terrace

There appears to be adequate area on the site to accommodate the nine additional dwelling units. The number of paved parking spaces does not comply with standards but there is sufficient space on the site to add to the additional six spaces that will be built under this project; my observation is that the current parking lot is greatly under utilized and as long as there is demonstrated potential for building additional spaces there is no need to install pavement at this time.

The storm water collection system is schematic and will require further design to satisfy Town standards and the Storm Water Management criteria. There is sufficient information provided however to provide assurance that the project can achieve an acceptable design.

There are no objections to the proposed Guilford Housing Authority expansion subject to the condition that prior to issuance of building permits that Site Plan be revised to provide a Storm Water disposal plan and Storm Water Management program acceptable to the Engineering Department.

Chairman Bower – read the memo from Dennis Johnson, Director of Health

TO : Planning and Zoning Commission
FROM : Dennis Johnson, Director of Health
DATE : June 2, 2010
SUBJECT : Guilford Housing Authority, 310 State Street, Map 41, Lot 9-1
The detached housing units are proposed to share a common leaching system for wastewater disposal. This shared arrangement is defined as a community septic system and is regulated by the Connecticut Department of Environmental Protection (DEP). The DEP considers total wastewater flow from the entire site in the design and layout of community wastewater systems.

Soil testing and ground water monitoring at the site have revealed suitable conditions for installation of septic systems. At this time, approval of the applicant’s proposed use could only be considered with a condition that the Connecticut DEP approves a final wastewater system prior to issuance of a building permit. Depending upon the final approved location of this septic system, modifications to the site plan pertaining to storm water treatment and wetland impact may be required.

Comr. Grigsby – read the memo from Kevin Magee, Environmental Planner

June 2, 2010

To: Guilford Planning & Zoning Commission
From: Kevin Magee, Environmental Planner

RE: Coastal Area Management Review
Boston Terrace
Guilford, Connecticut 06437
Assessor Map 41 Lot 9-1

I have reviewed the Coastal Area Management Application and the Coastal Area Management Plans for Boston Terrace. The proposed work is for three additional buildings, associated drainage and a sanitary system. No coastal resources are located at or adjacent to the subject property. However, the southern portion of the property contains a fresh water wetlands which flows into East Creek. All site work appears to located a minimum of 100 feet away from the on-site wetlands.

In order to make sure that the on-site wetlands and the coastal resources are protected the Town of Guilford Zoning Enforcement Officer should be notified to inspect the sedimentation and erosion control measures prior to any site construction. Soil stock piles should be contained by silt fencing and or hay bails. Construction fencing should be installed at a minimum of 100 feet away from the sites inland wetlands. Soil erosion and sedimentation control measures shall be maintained until vegetation is established or suitable material is installed to the satisfaction of the Zoning Enforcement.

In addition, the site engineer should look into installing recharge basins to capture and infiltrate the first inch of rain from the buildings roofs. Locations and details for the recharge basins should be provided with any buildings plans submitted for a permit.

Chairman Bower – asked for questions from the public and there were none. He asked for comments for or against. There were none.

Irene Kubitsky – read her letter outlining their agreement.

Planning and Zoning Meeting 6/2/2010

Statement from Matt and Irene Kubitsky, 317 Boston Street, Guilford, CT 06437, 203-453-6672

We have shared a 300 foot boundary with Boston Terrace since 1987. Our interest is in a long term solution that is mutually beneficial

SUMMARY OF CONDITIONS FOR AGREEMENT:
1. Build the 2 fences and plant bushes per Site Development Plan and Landscape Plan dated 6/2/10.
2. Install the 2 fences before construction starts.
3. Plant a minimum of 5 green arbor vitae, 6-7’ high when construction conditions allow.
4. Boston Terrace assumes ownership, maintenance and insurance of fence.
5. The open space between the 2 fences will remain a grassy "park" and not ever be used for parking.
6. In current facility replace building F, H flood lights and three lamp posts with non glare design.

HISTORY

Up to now, Boston Terrace has never invested in any privacy barrier (at least for us) despite its growing size as multi-unit housing. Our investment was in a row of hemlocks that served well until they became diseased and were cut down. When we saw how intrusive Boston Terrace parking was without the hemlocks, we immediately installed a fence in front of the cars about 5 years ago because cars pointed headlights at our house from a distance of 30 feet. Since then, we have painted both sides of the fence twice. We also planted 23 bushes but it will be many years before they contribute as a privacy barrier.

The initial Boston Terrace expansion plans which were shown to us May 18, 2010 added more parking aimed at our house despite our specifically written requests not to do so going back to 2006. (See letter to Edelstein January 11, 2006 and letter to Widmer August 29, 2008). With this expansion, there is also expected to be more automobile and service vehicle traffic in addition to more parking spaces. Thus, the need for more privacy became evident.

RESOLUTION

We find the current Site Development Plan and Landscape Plan dated 6/2/10 acceptable. As shown in the plans, the boundary between our property and Boston Terrace will continue to be a combination of fence and open space with about 1/2 of the boundary fenced. The new design retains existing privet bushes and adds some new arborvitae bushes. The new fence replaces our existing fence, adjacent to parking areas and will be 8ft high. The fence will be on the property line and will be owned and maintained by Boston Terrace.

The new site plans includes new and improved non-glare lighting for the road and courtyard. We approve of this. However, we are, concerned about reducing the glare from the existing facility lighting as well. The glare from five specific lights affects our property presently. We would like this agreement to include the change to non-glare of those 5 lights.

Chairman Bower – so the plans submitted tonight reflect the agreement between you and Chris Widmer?
Irene Kubitsky – yes, we are very grateful.
Chris Widmer – we are in agreement.
The public hearing portion of the meeting was closed at 8:38 P.M.

**REGULAR MEETING**

**APPROVAL OF REVISED AGENDA - Agenda revised 6/2/10**

Upon a motion by Mr. Grigsby, seconded by Mr. Richard, the Guilford Planning and Zoning Commission voted unanimously to approve the agenda revised to 6/2/10.

A. Deliberation of Public Hearing Items

Clark

**MOTION:** T. Cost

**2ND:** R. Richard

**VOTED:** That the Guilford Planning and Zoning Commission approve a Special Permit for Steven & Kelly Clark for an accessory apartment in an accessory structure at 215 State Street, Map 46, Lot 117 as shown on an application dated 5/20/10 and as heard at a Public Hearing on June 2, 2010.

This application is approved based upon a finding that it conforms with the 273-19 of the Zoning Code. The Special Permit is effective on June 11, 2010 and upon filing with the Town Clerk.

**Discussion**

Com. Grigsby – there is no opposition and Dennis Johnson has approved it.

Com. Cost – expressed concern over the driveway access.

Chairman Bower – this is really not an issue.

Com. Grigsby – there is most likely access to the property even without that existing access.

**APPROVED:**

**IN FAVOR:** R. Richard, T. Cost, D. Grigsby, R. Bower, P. Goletz, K. Bailey- Madelung, M. Sessine,

**OPPOSED:** None

**ABSTAINED:** Motion carried 7-0-0

Ballou’s

**MOTION:** T. Cost

**2ND:** D. Grigsby

**Voted:** That the Guilford Planning and Zoning Commission approve a Special Permit for outside music for Ballou’s at 51 Whitfield St., Map 39, Lot 86, in accordance with the following standards and requirements;

1. Live music outdoors - Thursday, Fridays, and Saturdays until 10pm.
2. Electronic music via speakers – 7 days a week no later than 11pm.
3. Music to be allowed seasonally from May 1st – October31st.

This Special Permit is approved based upon a finding that it conforms to 273-99 of the Zoning Code. The Special Permit expires on October 31, 2011. This Special Permit is effective on June 11, 2010 and upon filing with the Town Clerk.

**Discussion**

Com. Grigsby – would like to see seasonal approval May 1st to October 31st. There should be some option to the expiration date of 2014.
Comr. Cost – doesn’t want to see it go until 2014 but maybe a two-year approval would be better so the applicant doesn’t have to keep coming back.
Comr. Goletz – we need to support businesses as much as possible. No one is here in opposition.
Comr. Sessine – his concern is the seasonality and the duration of the special permit. Seasonality is fairly self regulating. If they add outdoor heaters they would require a site plan revision. He proposed waiving the town’s portion of the fee but still requiring a special permit application every year because of the potential for a change in tenant or change in venue.
Comr. Bailey – Madelung – agreed with waiving the fee. Seasonality will control itself but is concerned about the hours going to 11PM. Should follow the hours of operation.
Comr. Grigsby – the background music from the speakers is very quiet and only drowns out the noise of the parking lot and the road.
Comr. Cost – added to the motion that the season would be from May 1st to October 31st.
Chairman Bower – agreed with the times and the season. There is experience with this applicant and no complaints have been brought to P & Z’s attention. He would feel comfortable waiving the fee and granting it for two years. There is no one present in opposition and the owner has spoken in favor. Four years is too long.
Chairman Richard – is agreeable with either of the options proposed, every year or every two years.
Comr. Cost – if the approval went to October 31st, 2011 that would be two full seasons.
Comr. Grigsby – agreed. Fees may be waived at future applications but that can’t be included in the motion.

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

Guilford Housing Authority

MOTION: D. Grigsby
2ND: R. Richard

Voted: That the Guilford Planning and Zoning Commission approve a Special Permit, Coastal Site Plan, Site Plan, and parking plan modification for the Guilford Housing Authority, Boston Terrace at 41 Boston Terrace, Map 41, Lot 9-1 as shown on the following;

• Site Development Plan, Boston Street Elderly Housing, prepared by Osprey, dated 4.20.10 revised to 6.2.10;
• Landscape Plan, Guilford Housing Authority Zero Energy Housing, dated “received June 1, 2010,” prepared by Laurence Appleton;
• Architectural Plans, Guilford Housing Authority Zero Energy Housing, dated 2.10.10, 3 sheets, prepared by Christopher Widmer, AIA.

This application is approved with the following conditions;
1. That prior to issuance of a Building Permit
   a. The fences along the northerly property line be installed.
   b. A stormwater disposal plan and Stormwater Management program be submitted to the Town Engineer and the Environmental Planner.
   c. Connecticut DEP approve a final wastewater system plan if required by DEP.
2. Construction fencing be installed a minimum of 100 feet away from the site’s inland wetlands and sedimentation and erosion control measures be in place prior to beginning construction.
3. That prior to issuance of a Certificate of Occupancy all site work including landscaping be completed or in lieu of completion of landscaping a bond be provided.
4. That the existing wall packs on Building F and H be replaced with full cutoff lights and the two lampposts immediately to the northeast of the community building be replaced with full cutoff lights and a third lamppost to be removed.

This application is approved based upon a finding that it conforms with the Zoning Code and the Coastal Management policies of the State. The Special Permit is effective on June 11, 2010 and upon filing with the Town Clerk.
Discussion
Comr. Grigsby – questioned the lighting actually related to #4.
Chris Widmer – clarified that the lights that will be changed are the wall packs on F and H and the lampposts located to the northeast of the community building.
Comr. Richard – regarding modifications that may be required due to condition #4, the Inland Wetlands Commission has a standard condition that says that any modification to the plan will need to come back before the Commission.
Comr. Cost – wouldn’t it make sense to change all of the lights in the parking lot to match, with cutoff lights? Chris Widmer – they are considering this.

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

B. Subdivisions §272


Upon a motion by Mr. Richard, seconded by Ms. Bailey-Madelung, the Guilford Planning and Zoning Commission voted unanimously to continue the application for Tom Stanish/DiCicco to 7/7/10.

C. Correspondence

1. American Promotional Events, Inc., dba TNT Fireworks: property located at 655 Boston Post Road, Map 48, Lot 10, Zone TS. Request to use property for temporary fireworks sales. §273-97.B. Request to receive and take action.

Upon a motion by Mr. Richard, seconded by Mr. Cost, the Guilford Planning and Zoning Commission voted unanimously to receive the request for TNT Fireworks.

Chairman Bower – read the letter of request into the record.

From: Melissa Goduti [GodutiM@tntfireworks.com]
Sent: Wednesday, June 02, 2010 2:24 PM
To: Planning Zoning
Subject: TNT Fireworks

To whom it may concern:

American Promotional Events, Inc., dba TNT Fireworks is looking for permission to be granted for temporary retail sales at 655 Boston Post Rd, Map 48, Lot 10. Zone TS.

The purpose is to sell from June 14, 2008 to July 5, 2008 state allowed sparklers and sparkling devices. The hours of operation will be 9:00 AM – 10:00 PM Monday – Thursday, 9:00 AM – 11:00 PM Friday - Sunday.

There will be two fire extinguishers readily accessible. “No Smoking” and age limit signs will be posted and enforced.

If you have any questions please let me know.

Thanks,
Melissa Goduti  
Connecticut ~ Area Manager

Melissa Goduti – has already contacted the fire department for their approval. All merchandise will be inside in the old show room of the Guilford Tire building. There will be nothing outside. Wilber and King used this space last year for seasonal flower and plant sales. This will only be for two weeks.

Comr. Sessine – does this have to have a site plan revision?

TP Kral – no, this is being handled the same way the temporary Wilber and King request was handled. What about the signs?

Melissa Goduti – we have already applied for a temporary sign.

Chairman Bower – there will be no change to the building. It is a permitted use, retail sales.

The Planning and Zoning Commission voted to approve the request by American Promotional Events, Inc., dba TNT Fireworks for temporary retail sales at 655 Boston Post Rd.

D. Committee Reports

Planning Committee – meeting moved to Monday 14th.

Zoning Committee – meeting is Monday 14th.

Public Information Committee – may have a chairman to start this committee.

Plan of Conservation and Development – Wednesday, June 9th there will be an update for the all of the members of the PCDC. The Commission is encouraged to attend.

E. Approval of Bills

Mason - $10.95

Upon a motion by Mr. Richard, seconded by Mr. Goletz, the Guilford Planning and Zoning Commission voted unanimously to approve payment of bills as submitted.

F. Approval of Minutes –

5-5-10

Upon a motion by Mr. Cost, seconded by Mr. Richard, the Guilford Planning and Zoning Commission voted to approve the minutes as submitted. Mr. Grigsby abstained.

Adjourn

Ray Bower, Chairman

There being no further business, and upon a motion by Mr. Richard and seconded by Mr. Grigsby, it was voted to adjourn the meeting at 9:15 P.M.

Respectfully submitted,

J. Donnette Stahnke
Administrative Assistant Planning and Zoning Commission