MINUTES
Guilford Planning & Zoning Commission
Regular Meeting & Public Hearing July 2, 2014
Nathanael B. Greene Community Center, 32 Church St.
7:30 P.M. – Menunkatuck Room (2nd floor)

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

Members Present: Walter Corbiere (Secretary), Richard Wallace, Joshua Hershman, Frank D’Andrea, Richard Meier (Chairman)
Members Absent: Ray Bower, Tom Cost (Vice Chairman)
Alternates Present:
Alternates Absent:
Staff Present: Regina Reid, Zoning Enforcement Officer; George Kral, Town Planner; Katie Arbuckle, Administrative Assistant
(5 Voting)
Video:
Shannon Gale
Audio Recording: Digital

There were approximately 15 people in attendance.

Chairman Meier called the meeting to order at 7:34 P.M. and explained meeting procedure to those present.

He then introduced the members of the Commission and staff: Wallace (V), Corbiere (V), Hershman (V), Meier (V), D’Andrea (V); Staff: Reid, Kral, Arbuckle.

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

There was no legal notice to read as the public hearing is being tabled for improper notification to neighbors.

PUBLIC HEARING – 7:30 PM – Menunkatuck Room

1. Patel, Surekha, 2346 Boston Post Road, Map 78, Lot 14, Zone TS2. Special permit retail sale of alcoholic beverages. §273-86

REGULAR MEETING

APPROVAL OF REVISED AGENDA

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

A. DELIBERATION OF PUBLIC HEARING ITEMS

1. Patel
   Upon a motion by Cmsr. Wallace and seconded by Cmsr. D’Andrea, it was unanimously voted to table the application to the 8/6 meeting.

B. SUBDIVISION
1. Andrews Ridge Section 1, Lot 2, revision to subdivision, driveway through conservation easement.

Present for the applicant: Eric Anderson

A driveway was created to Route 77 through the conservation easement. The whole easement is 16,000 sq ft the driveway is 2000 sq ft. The developer forgot there was an easement. There is another access off of Andrews Lane. This new access was created so the construction equipment did not need to go along the neighbor’s nicely paved and landscaped driveway. The neighbors were not happy about that.

Cmsr. Hershman read Environmental Planner Kevin Magee’s letter into the record.

Cmsr. Hershman read Zoning Enforcement Officer Regina Reid’s memo into the record.

Kral: as Mr. Magee’s memo suggests, this subdivision was created when easements were first employed before they were filed on the land records.

Cmsr. Hershman: why not?

Kral: did not not have a procedure to follow up.

Meier: what’s the down side? Just no trees?

Kral: yes

Anderson: you still see woods. The frontage is 230’, 200’ is still wooded.

Kral: Mr. Magee’s letter speaks to an easement on lots 1, 2 and 3. The applicant does not own lots 1&3. The only condition of approval was the easement to be file on the map.

Meier: a scenic highway doesn’t really mean anything other than the state says it is.

Kral: There is a process for doing work on a scenic road.

Neighbor: My driveway is across the street from this. The land trust is not far from this easement, the driveway should not be there. I’m concerned with the water coming into my driveway. There is a designated wetland near it, it is after the fact.

Hershman: how long ago was this done?

Neighbor: not that long ago

D’Andrea: has there been any runoff?

Neighbor: not yet.

Hershman: while required to put on the map, did not violate land records, though it is the original developer.

Reid: the driveway is curved and some engineering could be done to prevent run off. This is 400’ from the wetland review area.

Anderson: for the water issue. The state in reviewing the plan will require the water be contained.

Meier: if the square footage of easement disturbed was replaced some place else on the property would that make you feel better?

Neighbor: No

Corbiere: short of tearing it up and putting the trees back what would be appropriate?

Neighbor: put the trees back. Route 77 is very busy, especially that curve.

Anderson: there are no site line issues.

Hershman: has this happened a lot?

Kral: Conservation easement violations do occur it is not uncommon

Hershman: what is normally done?

Reid: it’s the commission’s decision. It is not recorded in the land records. Typically an area gets cleared and normally the trees are replanted and the understory is replaced with a recorded easement.

Ms. Reid read the request from Eric Anderson.

Meier: do we have to say ok or can we say plant trees?

Kral: a possible third option would approve the incursion and request a contribution to the land acquisition fund.

Wallace: should town counsel look at this?

Meier: I don’t think they need to; it is also costly to do so.

Kral: the map was filed in the land record.

Meier: my concern is the original developer who forgot.

Wallace: town counsel

D’Andrea: hung up since it was not in the land records.

Hershman: sub map filed but not on deed, did not have to.

Upon a motion by Cmsr. D’Andrea and seconded by Cmsr. Hershman, it was voted to approve the application.
Voted: That the Guilford Planning and Zoning Commission approve a revision to the 75 foot Conservation Easement for Lot #2 of the Andrew Ridge Section 1 Subdivision as shown on “Improvement Location Survey, Lot 2 Andrew Ridge”, dated May 28, 2014, prepared by Anderson Assoc. to locate a driveway in the easement area.

This revision is approved with the following condition;
   1. A formal conservation easement document be filed in the Town land record for subdivision lot #2 and if possible lots 1 and 3 (based on the agreement of the owners of lot 1 and 3). The language of the conservation easement shall be in accordance with the standard easement document of the Town of Guilford. The terms of the conservation easement shall be made a restrictive covenant running with the land binding on successors and assigns. If a conservation easement is not approved by Town Meeting, the applicant shall file a deed restriction with similar language.
   2. A revision to the subdivision map showing the driveway location through the conservation easement area be filed in the Town land records.
   3. No certificate of occupancy shall be issued for a house on lot #2 until the conservation easement has been filed as required above and the conservation easement area has been properly marked with iron pins and signage.

This application if approved based upon a finding that it conforms with the zoning and subdivision codes of the Town.

Discussion
Corbiere: I’m not sure planning and zoning would have approved this the first time.
Meier: would not have approved at that time. Neighbors could have had a say.
Corbiere: original developer forgot, should have known.

Infavor: Wallace, D’Andrea, Hershman
Opposed: Meier, Corbiere
Abstained: None
The motion carries 3-2-0

C. SITE PLAN

1. Guilford Savings Bank, 1 Park St, Map 40, Lot 11, Zone CD. Site Plan modification, rebuilding and moving the existing drive-up canopy, new walkways to new public entrance, new egress exit and moving of existing HVAC condensers from ground level to new roof canopy. Request to table to August 6, 2014

Upon a motion by Cmsr. Wallace and seconded by Cmsr. Corbiere, it was unanimously voted to table the application to August 6, 2014.

D. APPLICATIONS TO BE RECEIVED

a. Special Permits


Upon a motion by Cmsr. Corbiere and seconded by Cmsr. D’Andrea, it was unanimously voted to receive the application and set a public hearing July 16, 2014.

b. Coastal Area Management Site Plan


Upon a motion by Cmsr. Corbiere and seconded by Cmsr. D'Andrea, it was unanimously voted to receive applications 1&2 and set a public hearing date of August 6, 2014.

**c. Site Plan**

1. DDR Guilford, 1919 Boston Post Road, Map 79, Lot 34, 35, 36A, Zone SCW. Modification to site plan. Receive and set meeting date of July 16, 2014, hear preliminary presentation

Upon a motion by Cmsr. D'Andrea and seconded by Cmsr. Wallace, it was unanimously voted to receive the application and set a meeting date of July 16, 2014.

A preliminary presentation was done by John Knuff, Attorney, and Frankie Campione, Architect. The project is virtually unchanged; the buildings were split into two and about 10,000 sq ft less than the 2008 approval. The architecture has been updated. The drainage and septic is the same. Some revisions made are based on the original conditions of approval. The significant improvements to Route One are still the same.

**d. Zoning amendments**

1. Receive and discussion of Adult Oriented Facilities regulations

Upon a motion by Cmsr. Hershman and seconded by Cmsr. Wallace, it was unanimously voted to set a public hearing date of August 20, 2014.

Mr. Kral went over the draft language. The definition from the Federal Trade Commission should be used. Meier: do we have to give such a large swath or can it be restricted down.

Kral: The key concerns are concentration and proximity to residences. TS does not have many residences, it would be more likely in TS than TS2. The south side of Boston Post Road is still pretty restrictive with the proximity to residences.

Meier: could we say 1000 instead of 500.

Kral: it was typical to other towns but is an arbitrary number. If you have a public hearing you can make it more restrictive not less.

Meier: let’s change it to 1000 to start.

Hershman, punctuation needs to be corrected in the definition, after primarily

Corbiere: For alcohol restrictions, I thought CT followed NY and allowed regulations at these places.

Kral: town counsel needs to be asked.

Hershman: right now it is allowed everywhere. This restricts it.

Tony Cafiero: It has been bandied about to meet federal law and also prohibit the activity, it is a lot of land. I would like to see a map to visually see where this might be allowed. I believe Sullivan Farm North would be a possible location, as this is written. Why wouldn’t this board look at industrial?

Meier: it can not be restricted to any place that it couldn’t survive.

Corbiere: I1&I2 think meet the requirement realistically because they are so close to exit 59. Just not sure if they together meet the necessary land area.

Kral: all three exits have I1 or I2. Most are small parcels but some are larger. It might be more objectionable as it is the gateway to the town.

Meier: is it our opinions that it could be viable, who will challenge us if to restrictive.

Kral: if it’s too restrictive we could be sued. Currently no retail is allowed in I1 & I2, this would be an exception.

Elssa Green: There was discussion about allowing some residences to be used as commercial would that affect this?

Kral: If it is in a residential zone the 500’ would still apply. A map for the next meeting would be helpful.

Victor Anatra: this is sucking up tremendous amounts of time. Federal regulations regulate free speech, to narrow this down is not going to stand the test of the courts. We all agree with you but legally playing with a serpent. It is a non issue no one wants to put one in. Other stores are undesirable a Guns R us or abortion clinic, if there is no need there will be no success. Free speech works both ways; we could boycott and picket if one were to come in. Why waste the time.
Corbiere: What towns in CT was this modeled on? Do any of the towns not have this development?
Kral: Orange and Old Saybrook. Don’t know if Old Saybrook has any.
Meier: This will negatively impact our community I’m going to keep pushing and spending the time.
Deborah O’Neil: a porno shop is not a concern but a bar with lights is what we don’t want.
Corbiere: Orange had a regulation that was too obscure and was thrown out and now they have what they have.
Kral: Flashing signs are not allowed anyway.
Meier: For the hearing change the 500 to 1000 and also include I1& I2 zones.

e. Subdivision

E. CORRESPONDENCE

1. Member for Regional Counsel of Governments
   Mr. Kral is going to find out when the meetings are held.

2. Mandatory referral conservation easement for 110 Leatherman Road, Lot 8 Bearhouse Hill Estates.
   Upon a motion by Cmsr. Hershman and seconded by Cmsr. D’Andrea, it was unanimously voted to approve
   the mandatory referral.

Voted: That the Guilford Planning and Zoning Commission approve a Mandatory Referral for a
Conservation Easement for 110 Leatherman Road, Lot 8, Bearhouse Hill Estates as requested in a letter
from the Board of Selectmen, dated June 16, 2014. This action is taken in accordance with Section 8-24 of
the Connecticut General Statutes.

Meier: I saw a letter about the difficulty of enforcing these. Is there a problem?
Kral: Once it is filed on the land records then the town has the ability to enforce. The zoning enforcement
officer.

Cmsr. Hershman read a letter to the editor in the Guilford Courier June 5, 2014 “Protect the Gateway” by
Selectman Cindy DeMatteis Cartier.
Meier: I’m concerned with letters written but this one is from a Selectman, a former chairman of P&Z. I
would like to invite her to come discuss concerns at a meeting.

F. OTHER

1. Design Review Committee
   Meier: don’t see a solution; they are the front line defense for things that are not a good plan. Don’t think can
   really grant more authority they are advisory. Keep as is, what’s working still works.
   Victor Anatra: There are 10 members on DRC and only 7 on PZC. All of them are architects, building or
   landscape, the 10 architects want their 2 cents so you have 20 cents to scramble to fix. All of the
   members except one’s term have expired. PZC has 2 meetings a month they only have 1. They want
   you to come more than once. A developer should be on the board. A developer pays an architect to
design it and 10 others rip it apart. Maybe meet more than once a month.
   D’Andrea: they have no legal authority, with or without their blessing can go to PZC. You have to go once but
don’t have to go a second time.
   Meier: architects make a lot of money per hour and these members are giving that to the town. Sometimes
   there are problems but overall they provide a service.
   Anatra: If they only want this type of window or door that’s one thing.
   Meier: if you have a book of designs the town is going to look like that book without there is more diversity.
   D’Andrea: we should look at how many people and who. I can look at this.

2. Tent request, Shift Cycling October 4-6, 2014
   Cmsr. D’Andrea read the letter of request.
Upon a motion by Cmsr. Hershman and seconded by Cmsr. D’Andrea, it was unanimously voted to approve the use of tents October 4-6, 2014.

G. COMMITTEES
   D’Andrea: Food trucks
   I met with Brian and Joe, there are ordinances they are rudimentary. We are going to meet again in a couple weeks to look at other towns.

H. APPROVAL OF BILLS
   1. Shore Publishing – $ none

I. APPROVAL OF MINUTES
   6/4/14 regular meeting
   Upon a motion by Cmsr. Hershman and seconded by Cmsr. Wallace, it was unanimously voted to approve the minutes.

Adjourn
Then, with no further business before it, upon a motion by Cmsr. D’Andrea and seconded by Cmsr. Hershman, it was unanimously voted to adjourn the meeting of the Guilford Planning and Zoning Commission at approximately 9:44 p.m.

Respectfully submitted,

Katie Arbuckle
Administrative Assistant, Planning and Zoning Commission