MINUTES
Guilford Planning & Zoning Commission
Regular Meeting & Public Hearing September 19, 2012
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.

Minutes

Members Present: Ray Bower (Chairman), David Grigsby, Peter Goletz, Michael Sessine (Secretary)
(6 Voting)
Alternates Present: Frank D’Andrea, Greg Muccilli (joined the meeting in progress at 7:40 P.M.)
Staff Present: George Kral (Town Planner); Donnette (Administrative Assistant)

Video:
Shannon Gale
Audio Recording: Digital

There were 2 people in 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: Grigsby (V), Sessine (V), Bower (V), Goletz (V), D’Andrea (alt)(V), Muccilli (alt)(V): Staff: Kral, Donnette. There was no legal notice.

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 – Guilford/Whitfield Room

1. Grow Home Organics: property located at 1200 Durham Road, Map 91, Lot 50B, Zone R-5. Special Permit for Site Plan revision to a nonconforming garden supply retail use to allow food service trailer. 273-13.C. Received 8/15/12. Continued to 9/19/12. Request to waive professionally prepared site plan.

John Daniels – gave the background of the application. There was an issue with the parking when we proposed to add picnic tables.

TP Kral – the applicant met with staff to work out the details of the site plan. The parking requirements have been satisfied. We are recommending that the parking be pushed back further from the road which should be part of a condition of approval. The Director of Health has asked for portable toilets to be included.

John Daniels – there is one behind the barn which is not on the drawing.

Chairman Bower – read a memo from Dennis Johnson, Director of Health and letter in support from the owner of the property, Jeff Hocking.

TO Planning and Zoning Commission
FROM Dennis Johnson, Director of Health
DATE September 19, 2012
SUBJECT Grow Home Organics, 1200 Durham Road, Map 91, Lot 50B

The applicant’s proposed food service trailer will be regulated as an itinerant food vendor facility under the requirements of the Public Health Code. An annual food service license and periodic inspections will be required to assure compliance with sanitary food preparation requirements. Portable toilets for employee or customer use will be available on-site for use by employees or customers.
Based upon site plan review it is recommended that the applicant’s proposed food service trailer and special permit be approved.

Comr. Grigsby – questioned the hours of operation.
John Daniels – hours are still unclear. We would like to serve breakfast. The store will be open when the food service trailer is open.
Comr. D’Andrea – Will there be exterior lighting?
John Daniels – no.
Chairman Bower – there is no lighting shown on the site plan and if you should decide that you need it you would have to come back to the Commission for approval.
Comr. Goletz – what are the dimensions of the parking spaces?
John Daniels – they are 9’x20’.
TP Kral – they are larger than they need to be. They won’t actually line the parking lot but there is plenty of room for enough parking spaces there.

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

The public hearing was continued at 7:45PM.

REGULAR MEETING

APPROVAL OF REVISED AGENDA - Agenda revised 9/19/12

Upon a motion by Mr. Sessine, seconded by Mr. D’Andrea, the Guilford Planning and Zoning Commission voted unanimously to accept the agenda revised to 9/19/12.

A. Deliberation of Public Hearing Items

Grow Home Organics

Upon a motion by Mr. Sessine, seconded by Mr. Goletz, the Guilford Planning and Zoning Commission voted unanimously to waive the requirement for a professionally prepared site plan.

MOTION: P. Goletz
2ND: G. Muccilli

Voted: That the Guilford Planning and Zoning Commission approve a Special Permit for a change in a non-conforming use and a Site Plan revision to allow a food service trailer, and picnic tables for Grow Home Organics at 1200 Durham Road, Map 91, lot 50B as shown on “proposed food trailer with picnic tables with some potential parking spots”, dated 14 Sept. 2012, prepared by the applicant.

This application is approved with the following conditions;

1. That the site plan be revised to shift the parking spaces away from Rt. 77 to the satisfaction of the Zoning Enforcement Officer, maintaining a minimum of 11 spaces.
2. That the food service trailer is approved for a two year trial period, with this Special Permit expiring on October 1, 2014.
3. Portable toilets for employee or customer use shall be made available on-site.

This application is approved based upon a finding that the change in use will not have an adverse impact on the surrounding residential area. The Special Permit is effective on September 28, 2012 and upon filing with the Town Clerk.

Discussion
Comr. Grigsby – this is an entirely new nonconforming use. It is good that it has a time limit. If we required them to get a variance then it would run with the land indefinitely. By approving this we will be saying that it is a nonconforming garden center and now it is also a nonconforming restaurant. 273-13.C. says that you can change a nonconforming use to a less intense not conforming use by special permit. This is adding a new nonconforming use and is therefore an expansion.

Chairman Bower – one of the ways to look at that is to determine if it will be a bigger impact. This is not going to be a bigger adverse impact to the surrounding residential area. There has been no opposition from the neighborhood. He can vote to approve as long as there is the condition of a time limit.

APPROVED:
OPPOSED:   D. Grigsby
ABSTAINED:  None  Motion carried 5-1-0

B. Mandatory Referral

1. Town of Guilford - Second Amendment to Lease agreement between Town and CTI Towers, Inc. (successor to Comcast of Connecticut, LLC) – 10 Tanner Marsh Road.

Chairman Bower – read the memo from First Selectman Mazza

The Board of Selectmen approved the Second Amendment to Lease subject to mandatory referral to the Planning and Zoning Commission. In accordance with Connecticut General Statutes Section 8-24, I am forwarding the following request to you for your consideration at your next regular meeting.

Mandatory Referral: Second Amendment to Lease with CTI Towers, Inc. (Tenant) of portion of 10 Tanner Marsh Road. This Lease Amendment extends the lease term, authorizes tenant to seek Siting Council approval of a tower extension from 90 ft. to 150 ft. to accommodate additional colocator(s) and to generate additional revenues for Town, increases premises by 375 ft. if additional colocator occupies site, and requires the Tenant to pay increased rent. The increased revenues generated at the site will be deposited in the Town’s Land Acquisition Fund in accordance with current procedures for future land acquisition on behalf of the Town consistent with the Plan of Conservation and Development.

TP Kral – this is the tower project at Tanner Marsh Road that the Town has been working on for many years in an effort to consolidate the two towers into one. This will need Siting Council approval.

MOTION:   M. Sessine
2ND:   P. Goletz

Voted: That the Guilford Planning and Zoning Commission reports favorably to the Board of Selectmen for a Mandatory Referral as follows;

Mandatory Referral for Second Amendment to Lease with CTI Towers, Inc. (Tenant) of portion of 10 Tanner Marsh Road. This Lease Amendment extends the lease term, authorizes tenant to seek Siting Council approval of a tower extension from 90 ft. to 150 ft. to accommodate additional colocator(s) and to generate additional revenues for Town, increases premises by 375 ft. if additional colocator occupies site, and requires the Tenant to pay increased rent. The increased revenues generated at the
site will be deposited in the Town’s Land Acquisition Fund in accordance with current procedures for future land acquisition on behalf of the Town consistent with the Plan of Conservation and Development.

APPROVED:
OPPOSED:   None
ABSTAINED:  D. Grigsby   Motion carried 5-0-1

C.   Coastal Area Management Site Plan


Upon a motion by Mr. Goletz, seconded by Mr. Sessine, the Guilford Planning and Zoning Commission voted unanimously to receive the application for the Town of Guilford and schedule it for public hearing on 10/17/12.

D.   Special Permit


Upon a motion by Mr. D’Andrea, seconded by Mr. Muccilli, the Guilford Planning and Zoning Commission voted unanimously to receive the application for Janet & James Rusconi and schedule it for public hearing on 10/17/12.

E.   Correspondence - None

1.   DEEP Connecticut’s Coastal Jurisdiction Line Fact Sheet

F.   Other


G.   Committees

Planning Committee – October 16, 2012  5:15PM Selectman’s meeting room

Zoning Committee -  October 9, 2012  5:00PM Tuesday, Town Hall South Meeting room

H.   Approval of Bills

W.B. Mason –  142.60
Royal Printing -    12.00
$154.60

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

I.   Approval of Minutes

9-5-12

Upon a motion by Mr. D’ Andrea, seconded by Mr. Grigsby, the Guilford Planning and Zoning Commission voted to approve the minutes of September 5, 2012 as submitted. Mr. Bower recused himself as he was not in attendance.
There being no further business, and upon a motion by Mr. Sessine, seconded by Mr. Grigsby, it was unanimously voted to adjourn the meeting at 8:00PM.

Respectfully submitted,

J. Donnette Stahnke
Administrative Assistant Planning and Zoning Commission