



TOWN OF MONROE

PLANNING & ZONING COMMISSION

7 Fan Hill Road
Monroe, CT 06468
Phone: 203-452-2809 or 2812

www.monroect.org

September 2, 2021

Meeting: Planning and Zoning Commission
Regular Meeting
7 Fan Hill Road, Monroe, Connecticut

Meetings are Video and Audio Recorded

Present: Michael O'Reilly, *Chairman*
Bruno Maini, *Vice Chairman*
Ryan Condon, *Secretary*
Leon Ambrosey, *Commissioner*
Robert Westlund, *Commissioner*
Domenic Paniccia, *Alternate*
Nicole Lupo, *Alternate*

Absent: *None*

Also Present: *Donna Suszynski, Office Manager*
Rick Shultz, Town Planner
Barbara Schellenberg, Special Council
Sarah Stroud, Recording Secretary

OPENING of MEETING

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman O'Reilly called the meeting to order at 7:02p.m. and reviewed the procedures for this virtual meeting.

2. ROLL CALL & SEATING OF ALTERNATES (if required)

Commissioners were seated on roll call.

3. GENERAL PUBLIC PARTICIPATION PERIOD – Please see end of agenda for participation guidelines.

Peter Metropolis of 36 Timothy Hill Road was present to discuss some photos he took of 64 Cambridge Ave while he was in town. He explained the owner of this site is selling native natural materials from the site. He is concerned about this because that owner is currently seeking a permit to fill the site with clean fill. The Commission noted his concerns.

Ms. Suszynski advised a 90-day time extension request, to submit final plans, was added to the agenda under item 10.

The Commission heard and discussed item 11 before moving on with the remainder of the agenda.

PUBLIC HEARINGS

4. SEP-2021-08, File #1633A, 169 Enterprise Drive (I-2)

Special Exception Permit Application for construction of 2 buildings for R. Stone's production and office facilities at a
Monroe, Ct Planning and Zoning Commission

property located at 169 Enterprise Drive (Assessor's Map 064, Lot 015/24). Rudy Mobillo, R. Stone Co. LLC, owner, R. Stone Co. LLC, applicant.

The public hearing was continued to the 9/16/2021 meeting.

5. SEP-2018-03-A2, #1598A, 205 Monroe Turnpike (LOR)

Application for Permit Approval Amendment Modification to change previously approved square footage of 4,950 sf to a 3,482 sf restaurant with an accessory drive-through use located at 205 Monroe Turnpike (Assessor's Map 006, Lot 10/00), Two Hundred Five Monroe Turnpike, LLC, owner, Solli Engineering, LLC, representative.

Commissioner Condon read the public notice for the record.

Mr. Schultz read the exhibits for the record.

Kevin Solli of Solli Engineering was present on behalf of the applicant. He gave an overview of the original approval for the site.

Mr. Solli highlighted the changes proposed to the original approval. He noted the bypass lane that will lead to the rapid pickup window, and he noted this second lane should satisfy the regulations for the drive-thru bypass lane. He reviewed the parking lot plans, including the rapid pickup parking spaces. He reviewed the drainage plan that will connect to the existing Noble Gas drainage system. He advised the septic system will go through the proper approval process with the Town Health Department and the Department of Public Health.

Mr. Solli mentioned the landscaping and lighting plans.

Mr. Solli advised a positive referral from the ARB was received.

Mr. Solli noted the differences between this Panera Café and the originally proposed Panera Bread.

Mr. Solli reviewed the elevations on the site.

Mr. Solli responded to the Town Engineer's comments. He advised the comment requesting a guide rail along the 3:1 slope that occurs at the end of a parking space. Mr. Solli explained they do not feel this is necessary because it's the end of a parking space not an area a car will be driving along. The Commissioners agreed the rail wasn't necessary.

Commissioner Condon asked if the use changes with this application. Mr. Solli explained the drive-thru use is expanded, but otherwise no changes to the use.

Chairman O'Reilly opened the hearing to comments from public. There was no response. He read comment letters that were received by the Commission for the record.

Darlene Musial of 33 Captains Hill Road wrote in support of the application.

Frank Dipietro of 348 Spring Hill Road wrote in concern of the application. He advised that since the opening of Noble Gas at the same property his neighboring home has been disturbed by the noise, lighting, and traffic. Commissioner Ambrose asked to see the property in relation to Spring Hill Road. Mr. Solli reviewed additional plantings that will provide screening, and he noted the change in elevation that will put the site about 20 feet below the elevation of Mr. Dipietro's home.

The Conservation Commission wrote a letter regarding the plantings proposed being 35% non-native species. They are requesting the non-native plants be replaced with native species. The plants in question are considered invasive in other states, but are not currently banned in Connecticut.

Commissioner Paniccia advised that he believes the Commission should closely consider the comments regarding the non-native plantings.

Mr. Solli explained that he does not believe these plantings to be an invasive threat because they will be contained within islands in the parking lot.

Commissioner Condon advised he does not believe this is an issue because these plantings are not currently banned in Connecticut.

Mr. Solli requested the public hearing be closed and moved to deliberations.

6. SEP-2021-10, File #1635A, Housatonic Valley Rail-Trail Section II III (I-3, RF-1 & RF-3), Project No. LO884-0001

The proposed project consists of design and construction of the Housatonic Valley Rail-Trail Phase II in Monroe, CT. A 10' wide stone dust trail will begin at the southerly side of the existing pedestrian bridge over the West Pequonnock River (just Planning and Zoning Commission Meeting Agenda Page 2 of 3 Meeting Date: 9/02/2021 south of Maple Drive), and will continue north behind the Public Works Facility, across Purdy Hill Road, and through portions of Wolfe Park, until it reaches the existing trail segment located at the north end of the Wolfe Park entrance drive off Purdy Hill Road. The total trail length is approximately 4,600 linear feet.

This public hearing was continued from the previous meeting.

There were no new exhibits.

Scott Schatzlein, Town Engineer, was present on behalf of the Town as the project manager for this application. He gave an overview of the project. He noted the purpose of the project, and he advised the project is currently in preliminary design.

Mr. Schatzlein advised this project is 100% funded by Local Transportation Capital Improvement Program (LOTICIP) and a grant from the Connecticut Recreational Trails Program.

Antonio Dicamillo of Stantec Consulting Services was present on behalf of the application. Mr. Dicamillo detailed the path of the trail and their plans to limit impact to the surrounding wetlands. He noted the drainage plans for the trails.

Mr. Dicamillo provided details for the cement block walls being proposed along the trail. He advised they are still working out the final design and details with Mr. Schatzlein.

Mr. Dicamillo advised an archaeological consultant has been hired to protect the areas near the bridge. He noted the environmental investigation being completed.

Mr. Dicamillo advised there should be no impact to the floodplain. He reviewed the drainage improvements proposed.

Mr. Dicamillo stated they anticipate beginning construction by March 2022.

Mr. Schatzlein added that all trails will be ADA compliant.

Commissioner Condon asked if this trail will replace the section of the Blue Trail it crosses. Mr. Schatzlein confirmed that section of the Blue Trail will be replaced by this trail.

Commissioner Westlund asked if the trail will be passable during construction. Mr. Schatzlein advised it would not be passable, but accommodations for through traffic will be made for the small section near maple drive.

Commissioner Lupo asked if pedestrian crossing warnings be added to the entrance of the trail. Mr. Dicamillo advised that a flashing light system would be more for a roadway, but signs could be added to the area.

Chairman O'Reilly opened the hearing to comments from the public. There was no response.

The public hearing was continued to the October 1, 2021 meeting.

DELIBERATIONS and DETERMINATIONS

7. PENDING MEETING MINUTES

- August 5, 2021

MOTION: WESTLUND: To APPROVE with typo correction on page 2

SECOND: Ambrosey

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

8. PENDING APPLICATION DELIBERATIONS / DETERMINATIONS

- **Selected items from this Agenda** – as determined by the Commission
- **SEP-2018-03-A2, #1598A, 205 Monroe Turnpike (LOR)**

Mr. Schultz read the drafted approval.

MOTION: CONDON: To APPROVE SEP-2018-03-A2, #1598A, 205 Monroe Turnpike

SECOND: AMBROSEY

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

OTHER BUSINESS

9. SUBDIVISION #07-4, FILE #1242C, MOUNT LAUREL ESTATES, 82 COTTAGE STREET & 42 SANDBAR ROAD: Discussion of BridgeCor arch bridge

The applicant has requested the discussion be postponed to the 9/16/2021 meeting.

10. REQUEST FOR EXTENSION

SDP-2020-05, File #145/195, 201 and 211 Main Street

Request for 60-day extension to submit final Site Plan to November 3, 2021.

Chairman O'Reilly read the extension request for the Commission.

MOTION: Maini: To APPROVE 60-day Extension as requested

SECOND: WESTLUND

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

SEP-2021-02, File #1627A, 98 Enterprise Drive

Request for 90-day extension to fulfill condition "A" of Approval to December 3, 2021.

Mr. Schultz reviewed the extension request for the Commission.

Commissioner Maini asked if there were still violations on the property. Mr. Schultz confirmed there are still violations, but noted that is a separate issue.

Mr. Schultz advised that Staff is recommending the Commission grant the approval.

MOTION: CONDON: To APPROVE 90-day Extension as requested

SECOND: WESTLUND

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

SUB-2021-01, File #1627A, 515 and 528 Cutlers Farm Road

Request for 90-day extension to file the final plans

Mr. Schultz advised this is a second request for an extension to file the mylar for the property.

MOTION: MAINI: To APPROVE 90-day Extension as requested

SECOND: AMBROSEY

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

11. DISCUSSION on Fill Exemptions, Legal opinion from Land Use Counsel and report from staff.

Chairman O'Reilly explained to the Commission that the language of the Fill Exemption paragraph in the regulations is unclear and the intent needs to be decided by the Commission this evening.

Attorney Schellenberg explained the when the language of a regulation is clear and unambiguous then there is no room for interpretation. She noted in this case there appears to be two sentences that contradict each other, and she explained the law states that in these cases it is up to the Commission to set the interpretation of this regulation.

Chairman O'Reilly read the wording from 6.4.15b that is in question. He asked the Commission if stockpiling of materials be exempt from requiring a fill permit.

Commissioner Ambrosey advised he believes any materials dug up from the site would be exempt, as stated in 6.4.15a.

Commissioner Paniccia asked if there is a history of the intent for the regulation available. Mr. Schultz explained that he believes the intent was to regulate any materials brought to the site by requiring a permit. Commissioner Paniccia advised he believes there should be no exemption from the fill permit.

Commissioner Maini stated he believes the regulation is stating there is an exemption with approval from the Commission.

Commissioner Westlund advised if the material comes from the site then it should be exempt, but any other materials would not be exempt. Chairman O'Reilly advised the Commission is not rewriting the regulation tonight. Commissioner Westlund advised he believes there should be no exemption.

Commissioner Lupu advised she believes there should be no exemption.

Commissioner Condon advised he believes the regulation is stating there is a stockpile permit the Commission has not been utilizing. He advised an approval from the Commission is necessary regardless of if a permit is issued or not.

The consensus of the Commission was fill piles are not exempt.

The Commission returned to the public hearings portion of the agenda.

MOTION: CONDON: To CHANGE item 12 on the agenda to 8-24 Referral, Housatonic Valley Rail-Trail

SECOND: AMBROSEY

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

12. 8-24 Referral, Housatonic Valley Rail-Trail, Recommendation by the Commission

Mr. Schultz read the letter for the Commission.

MOTION: CONDON: To Make a Positive referral to Town Council

SECOND: MAINI

VOTE: 5-0–Approved–Motion Passed

AYES: CONDON, AMBROSEY, O'REILLY, MAINI, WESTLUND

NAYS: NONE

13. COMMISSION REPORTS

- Chairman's Report
- Commissioner's Reports
- Land Use Staff Reports

Mr. Schultz reviewed his report for the Commission.

14. MEETING ADJOURNMENT

Polling the Commission and hearing no objections, Chairman O'Reilly adjourned the meeting at 8:50p.m.