

**PLANNING and ZONING COMMISSION
Monroe, Connecticut
MEETING MINUTES
December 3, 2020**

REMOTE ELECTRONIC PUBLIC MEETING VIA GO TO MEETING

Via computer, tablet or smartphone at this link: <https://global.gotomeeting.com/join/583388789>
Via phone at: United States: +1 (312) 757-3121 – Access Code: 583-388-789

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

Meeting was Video and Audio Recorded

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

Absent: None

Also Present: Rick Schultz, *Town Planner*
William Agresta, *Planning and Zoning Administrator*
Georgia Contois, *Meeting Moderator*
Sarah Stroud, *Recording Secretary*

OPENING of MEETING

1. CALL TO ORDER

Chairman O'Reilly called the meeting to order at 7:00 p.m. and reviewed the procedures and directions for the virtual meeting.

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

Commissioners were seated on roll call.

3. GENERAL PUBLIC PARTICIPATION PERIOD

John and Roseanne Liggio of 2 Whispering Pines Road said they wanted to make the Commission aware of blasting that took place at the Stevenson Lumber Property sometime ago. Chairman O'Reilly advised that would be in relation to an application that is a public hearing and will be heard later in the meeting.

PUBLIC HEARINGS

Chairman O'Reilly reviewed the instructions for public hearings.

Commissioner Maini joined the meeting at 7:10 pm.

4. SEP-2020-02, File #1622A – 556 Pepper Street – I-2 District

Special Exception Permit / Site Development Plan Application for conversion of a portion of an existing non-conforming single-family home use to a permitted Landscaper business, including related office, driveway, parking, fencing and dumpster improvements. Cesar Rios (owner/applicant).

Adjourned from 09/03/20

Planner Agresta listed the new file exhibits.

Cesar Rios, owner, presented and updated the Commission that he recently received approval from Inland Wetlands Commission.

Commissioner Ambrosey asked the applicant to clarify that the revised Site Plan includes paving of the driveway and dumpster pad areas. Mr. Rios confirmed the areas would be paved.

Planner Agresta reviewed his current and previous comments which remain outstanding, noting that nearly all previous comments, including those of the Town Engineer, were not addressed. He also noted that Wetland Permit approval also required a number of Site Plan changes. He suggested Mr. Rios make the needed changes to his plans to comply with the IWC approval and to address the staff comments with a revised submission to the Commission, adjourning the matter pending that resubmission.

Public Comment: none.

Planner Agresta asked if Mr. Rios will have the revised plans submitted to the Land Use Office by the end of business on December 8 in order to be on the agenda for the December 7 meeting. Mr. Rios stated he is currently working on revising the plans, and he will try to have them submitted by that deadline.

Upon polling of the Commission and hearing no objections, the public hearing was adjourned to the 12/17/20 meeting pending timely resubmission from the applicant by 12/08/20.

5. SEP-2020-01, File #1621A – 390 Monroe Turnpike – B-2 District

Special Exception Permit / Site Development Plan Application for improvements to existing McDonald's Restaurant consisting of a complete façade demolition with new façade design replacement and alteration of drive-through to provide two (2) separate drive-through access lanes each with menu boards, as well as related site and parking modifications. McDonald's Real Estate Company (owner/applicant).

Postponed to 12/17/20 per applicant

At the request of the applicant, Agenda Items #6 and #7 were heard by the Commission in reverse.

6. ZCA-2020-03, File #1016D – 1585 Monroe Turnpike – Proposed SB2 District and Redevelopment Master Plan

Petition by Stevenson Properties, LLC (Kimball Family Investments, LLC/Jill Kimball) for the rezoning of an approximate 40.19 acre property located at 1585 Monroe Turnpike (Assessor Map 150, Lot 1) from a Business District 2 (B-2) to a proposed Stevenson Business District 2 (SB2), which SB2 District is the subject of a separate pending Zoning Text Amendment Petition (RAA-2020-04, File #1011E) also proposed by Stevenson Properties, LLC.

Secretary Condon read the legal notice and Planning Agresta listed the file exhibits.

Planner Agresta inquired as to submission of the certified mail receipts. The project engineer noted these had been emailed to staff earlier in the day and he shared a copy on the screen. The mail receipts were acknowledged as received and were added to the list of exhibits.

John Kimball for the applicant presented by reviewing the current state of the property and location for the site. He noted the staff comments were received and a formal response would be prepared. The screen was shared with the applicant for their presentation. Larry Edwards, PE, Professional Engineer for the applicant presented the current condition of the site and highlighted six proposed parcels dividing the buildings onto separate lots. He noted the nine existing buildings will be maintained. He reviewed the improvements that are proposed to the existing access points on the property. Mr. Edwards noted a private access driveway that would be constructed to access and be shared with the overall parcel. Mr. Edwards reviewed the plans to maintain any large truck traffic on the site. He noted a DOT permit will be sought after approval from this Commission for these plans. Mr. Edwards reviewed the utility plans for the site that include bringing several lines underground. He noted the existing septic systems, and reviewed the septic systems that will be added for the four buildings that currently do not have a septic system. Mr. Edwards reviewed the stormwater drainage plan that will improve upon the existing system. Mr. Edwards highlighted several interior driveways that would be eliminated and revegetated. He reviewed the reduction in impervious area planned. Mr. Edwards detailed the existing buffers on the site.

Tracey Chalifoux, Landscape Architect for the applicant reviewed the goals of her landscaping plans for the property. She highlighted the goal of pedestrian connectivity to connect buildings 3 and 4. Ms. Chalifoux reviewed the planting plans for the Commission. She noted a berm and densely planted area the owners would like to create in a later phase to aid in screening the possible future vehicle storage use and future buildings on the site.

Chris LaVigna, Architect for the applicant reviewed a computer model of the site showing potential imaging of changes to the site and buildings (noting these are just possible ideas and not specifically proposed changes or uses).

Commissioner Maini asked what parts of tonight's presentation will be started first. Mr. Kimball advised the plantings along the front of the site and the placing some of the utility lines underground would be the first steps. He advised there are several interested tenants for the mill building, so that building is currently a priority. Commissioner Maini asked if Mr. Kimball believes there will be suitable septic at each of the buildings. Mr. Kimball confirmed that he does believe after their research and testing that they would be able to accommodate adequate septic systems for each building.

Commissioner Condon asked if there is a plan to pave behind the upper building. Mr. Kimball advised there is pavement all the way around this building already. He does not plan to expand the parking lot or anything in that area or add to the paved area.

Commissioner Ambrosey asked if there are plans to subdivide the property in the future. Mr. Kimball explained that he would be willing to sell off the lots to interested parties, and noted in his opinion the entire property is already divided into four separate parcels. Commissioner Ambrosey expressed concern about the commercial parking use being proposed in the tandem application being used on lots that are sold off at some point. He was concerned about this use being implemented on a lot on frontage of a main road that border this property. Mr. Kimball advised there is a setback regulation being proposed for that use. He also noted the use would be a Special Exception Permit, so this would give the Commission a good deal of discretion.

Commissioner Westlund asked if additional screening would be added to the frontage on Route 111. Mr. Kimball explained this area is covered in some dense plantings, and there is not room to plant any meaningful plantings for additional screening. Commissioner Westlund asked if storm water treatment would be added for the area that could possibly be used for commercial parking. Mr. Kimball advised that a stormwater treatment system would need to be added if that use is pursued.

Commissioner Schneider asked if there are any current plans to bring in a tenant that would be a type of commercial brewer. Mr. Kimball advised there isn't a potential user yet, but he hopes to use this application as a marketing tool to get a business excited to move into the building.

Commissioner Lupo asked if there are any current pictures of the frontage on Route 111 that show the view with all the leaves off the trees. Mr. Kimball didn't have any current pictures that depicted the current winter view.

Commissioner Lupo noted there are no fire hydrants in the area. She asked what plans they had to address this issue. Mr. Kimball advised that they would most likely need to build a water storage tank and use fire suppression systems. Commissioner Lupo asked if any structural inspections have been done of the buildings on the property. Mr. Kimball reviewed the section of one of the buildings that would need a portion removed to allow tractor trailer access. He noted all the other buildings are structurally sound, but many of the buildings will need new roofs.

Public Comment

- Wade Alix, speaking on behalf of his father, the owner of the property across the street from the site. He stated they are excited about the revitalization of the property, but he is concerned about the amount of paved area in front of the buildings. He expressed concern about the commercial parking of tractor trailers. He asked how his father can use his fifty acre property across the street to help and enhance the vision of this development.
- William Wiley, 1609 Monroe Turnpike expressed concern about the lack of screening in the corner of the property that abuts his residential property. Mr. Kimball explained there is a 75-foot buffer planned to help screen this area from the residential properties.
- John Liggio, 2 Whispering Pine Road expressed his approval of the presentation but noted concerns about the blasting that took place in the area where this site abuts his property sometime ago. He asked if this area will be remediated. Mr. Kimball explained the application process for the developments on the property, and advised Mr. Liggio would have a chance in one of those future applications to address this concern.

Mr. Kimball requested the public hearing be adjourned to the next meeting.

Upon polling of the Commission and hearing no objections, the public hearing was adjourned to the 12/17/20 meeting pending timely resubmission from the applicant by 12/08/20.

7. RAA-2020-04, File #1011E – Proposed Stevenson Lumber SB2 District

Petition by Stevenson Properties LLC (by Kimball Family Investments LLC its sole member) proposing Zoning Text Amendments to existing §1.9.11, existing §2.2.1, new §5.2.1 - §5.2.9, existing §8.2.3, existing §10.1 and existing §10.2, establishing locational and regulatory land use standards for a potential new Stevenson Business District 2 (SB2) to eventually be applied over the lands of the former Stevenson Lumber Company at 1585 Monroe Turnpike (Assessor Map 150, Lot 1) presently zoned Business District 2 (B-2) following a separate application for rezoning to said new SB2 District.

Adjourned from 11/05/20

Planner Agresta listed the new file exhibits.

John Kimball present on behalf of the applicant. He reviewed the overview of the text amendment for the Commission. He noted a change to the proposal to allow fleet vehicle parking on the site in conjunction with the commercial vehicle parking.

Planner Agresta asked for clarification on this change and what use Mr. Kimball had in mind that requires the change. Mr. Kimball explained the way the regulation is written would not allow for the moving company that is interested in becoming a tenant to park their fleet vehicles on the property.

Planner Agresta advised there are similar uses in Town that are allowed to park their vehicles on their properties, so he does not believe it to be an issue. Mr. Kimball asked the Commission if they feel the hearing needs to be renoticed based on this change. Chairman O'Reilly advised he didn't believe it was necessary.

Planner Agresta raised concern about the Master Plan component as to whether or not this should be a separate Special Exception Permit or not, and also if all the uses should be a Special Exception Permit. To which, Commissioner Maini indicated he thought it should be a Special Exception Permit application for all development. Commissioner Ambrosey agreed with this as well. Planner Agresta explained the benefits to using SEP as opposed to a mix of Site Plan and SEP.

The Commission discussed sending the Text Amendment (and Zone Change) petition to legal counsel for review and comment. The Commission consensus was to seek legal opinion.

Commissioner Lupu advised she would like to see the definition of commercial parking fleshed out a little more.

Public Comment: None.

Upon polling of the Commission and hearing no objections, the public hearing was adjourned to the 12/17/20 meeting pending timely resubmission from the applicant by 12/08/20.

8. RAA-2020-05, File #1013E – Outdoor Display

Petition by Eastern Jungle Gym, Inc. (by Scott Honigsberg) proposing Zoning Text Amendments to existing §2.2.1, §10.1, and §10.2 to expand the definition and use of Outdoor Sales of Accessory Play Equipment and Sheds as allowed in a Business District 1 (B-1), Business District 2 (B-2) and Limited Office District (LOR)

Secretary Condon read the legal notice and Planning Agresta listed the file exhibits.

Kevin Solli, PE presented on behalf of the applicant, summarizing first the purposes of the petition. He also reviewed the site location where his client intended to utilize the text amendment with a subsequent application. Mr. Solli explained the definition expansion that is being sought in the application. He highlighted the changes to the parking requirements that is being sought because of the type of display and sales this type of business provides. Mr. Solli reviewed the parking assessment that was performed on the business.

Planner Agresta explained concern about the wording of the expanded definition that could open a possibility to someone taking advantage of this definition to create an outdoor hardscaping use for contractors rather than a retail use selling outdoor fixtures. Mr. Solli suggested adding a line that states excluding specific types of uses. Planner Agresta explained his review comments which offered changes to the text.

The Commission discussed these and the consensus was to include the expanded definition language suggested by staff.

Public Comment: None.

Mr. Solli requested the public hearing be closed with agreement to adding the expanded definition language as proposed by staff.

Upon polling the Commission and hearing no objections, the hearing was closed.

9. RAA-2020-05, File #1012E – Mixed Use Development

Planning and Zoning Commission proposed Zoning Text Amendments to allow residential apartments for rent above commercial uses, thereby providing for a mixed-use development, affecting certain B-1 and B-2 District parcels having direct street frontage and access via Main Street (Route 25) within a B-1 District or B-2 District between the southerly Town Boundary shared with the Town of Trumbull and south of Knollwood Street

Planner Agresta listed the new file exhibits. Planner Agresta reviewed the revisions incorporating into the text amendment as requested by the Commission.

Chairman O'Reilly read a public letter from the law firm of Ganim, Ganim, and Ganim, as well as a public comment letter from Patrick O'Hara who opposes the text amendment.

Chairman O'Reilly advised he feels this text amendment shows a consensus among the public and the Commissioners.

Planner Agresta addressed the concerns that were expressed in the public comment letters, noting that he had also discussed the amendment with the Town Assessor who noted that apartments above commercial would actually generate better property values than retail and would be on par with office uses. He also noted that the number of bedrooms relates directly to potential school aged children and it is not until you move to 3-bedroom units do you see many school aged children. He also noted from an environmental point of view, since the apartments would be on the upper floors, no different than presently permitted office or other uses, the impact to the environment would be the same.

Planner Schultz commented that the text amendment was consistent with the current POCD as well as the discussions for the updating of the POCD.

Public Comment

- Karen Burnaska, Chair of the Monroe Conservation and Water Resources Commission said the Commission tried but was unable to meet prior to the hearing; and that even if the hearing is closed they would discuss this matter at its next meeting as she understands mixed use is intended to be phased into other areas of the Town in the future.

Upon polling the Commission and hearing no objections, the hearing was closed.

DELIBERATIONS and DETERMINATIONS

10. PENDING MEETING MINUTES

- **Minutes – November 19, 2020** – Tabled

11. TIME EXTENSION

Time Extension – EFP-2019-02, File #103E – 7 and 15 Main Street

MOTION: WESTLUND – To grant 90-day time extension to comply with conditional approval conditions.

Applicant/Property Owner:

SECOND: CONDON

VOTE: 5-0 – Approved – Motion Passed

Ayes O'Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

12. PENDING APPLICATION DELIBERATIONS / DETERMINATIONS

- **RAA-2020-05, File #1013E – Outdoor Display**

Chairman O'Reilly reviewed the application with the Commission, noting the applicant's agreement to the expanded definition as recommended by staff. The Commission directed staff to prepare a draft Approval Resolution for consideration at its next meeting.

- **RAA-2020-05, File #1012E – Mixed Use Development**

The Commission directed staff to prepare a draft Approval Resolution for its consideration at its next meeting.

OTHER BUSINESS

13. REGULATIONS REVIEW/AMENDMENT WORK SESSION

None

14. CORRESPONDENCE / OTHER RECEIVED

None

15. COMMISSION REPORTS

- Chairman's Report – None
- Commissioner's Reports – None
- Land Use Staff Reports – Planner Schultz reminded the Commission of the scheduled POCD Work Meeting for Monday, December 7, 2020 at 7:00 PM via GoToMeeting.

16. MEETING ADJOURNMENT

Upon polling the Commission and hearing no objections, Chairman O'Reilly adjourned the meeting at 10:48 pm.

PENDING