

TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION
Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, May 11, 2015- **7:00 p.m.**

Regular Meeting Minutes and Motions

Members Present: Chair Rick Nassiff, Secretary Robert Powell, Don Schofield, Ernest Jay Starkel, Richard Napolitano, and Tom Currier

Members Excused: Vice-Chair Vera Englert and Walter Tabor (Alternate)

Staff Present: Town Planner Paula Stahl and Board Clerk Linda McDonald

Others Present: First Selectman Carmen Vance, Ann Dunnack, Christopher Ramm, Edward Pelletier from Datum Engineering, Daryl Parker, and Angela Mawson

1. **CALL TO ORDER:** R. Nassiff called the meeting to order at 7:00 p.m.
2. **ROLL CALL AND SEATING OF ALTERNATES:** There was a quorum.
3. **ADDITIONS/CHANGES TO AGENDA:** No additions or changes to the agenda.

4. **APPROVAL OF PZC REGULAR MEETING MINUTES OF APRIL 27, 2015:**

E. J. Starkel MOVED to APPROVE the regular meeting minutes of April 27, 2015 as presented. R. Nassiff SECONDED. MOTION CARRIED 5:0:1 with T. Currier abstaining.

5. **AUDIENCE OF CITIZENS:** No audience of citizens.

SUSPEND REGULAR MEETING: The meeting was suspended at 7:03 p.m.

PUBLIC HEARING FOR PZC-1415-07 (CONTINUED from 4/27/15): Application of Christopher Ramm for proposed regulation amendment/revision to Section 52.7.19 of the Columbia Zoning Regulations (Neighborhood Retirement Housing):

C. Ramm of 21 Route 87 said over the last three meetings the application has been covered and he has requested changes and there has been a lot of flexibility added which, for his specific purposes, he appreciates. One last issue he needed to find additional data for was regarding density.

Edward Pelletier of Datum Engineering distributed site plans of single family subdivisions (Wickford Village in Columbia and Meadowbrook Estates in Mansfield Center, CT) as examples of what can be done with different density levels. He said the regulation before the Board is for multi-family as well as single family dwellings. E. Pelletier stated that scientific data suggest that basically on any site that you have, it's going to be the septic system that's going to control how many units you're going to get on the site. He continued that, in Connecticut, it's the septic that drives the size of the property that you need in order to put the number of units you have. He asked the Commission to increase the density level in the regulation to three (3) building units per 40,000 square feet versus the current regulation of two (2) building units per 50,000 square feet.

R. Nassiff stated that this would be asking for a density which is almost double what was published in the newspaper and he has real concerns about the legal defensibility of such a substantial change to the application. He added the Commission can tweak an application that's been published to the public but a dramatic change opens it up to legal challenges and to reduce the density to that level is almost double to what was published for the legal notice and would be hard to defend legally at this point.

After conferring with C. Ramm, E. Pelletier said their decision was to go back to what the original density language in the regulation.

C. Vance asked if it meets the septic requirements and the objection to trying to build multiple units. R. Nassiff responded there is no objection to building multiple units; it becomes a question of taste, density, livability and design considerations.

R. Powell said PZC should be concerned with setbacks, building height, massing and not septic concerns, which is the purview of the health department. He entertained the density level might be increased if the maximum square footage of the building was reduced as in cluster development.

R. Powell said a change to 3 units per 40,000 square feet would require a new public hearing as it is a drastic change being proposed.

C. Vance questioned why a change in the density level would require another application and a new public hearing. R. Nassiff said the Board cannot do something legally irresponsible and such a dramatic change could be challenged. The Commission has to follow prudent legal procedures.

C. Ramm, as applicant, said he has no interest in starting the application over.

R. Nassiff MOVED to CLOSE the public hearing (7:29 p.m.) for the application of Christopher Ramm for proposed regulation amendment/revision to Section 52.7.19 of the Columbia Zoning Regulations (Neighborhood Retirement Housing). R. Napolitano SECONDED. MOTION CARRIED 6:0:0.

OPEN PUBLIC HEARING FOR PZC-1415-08: Special Permit Application of Daryl Parker and Angela Mawson (Midstate Excavation & Landscaping LLC) pursuant to Section 31.3 (Commercial & Manufacturing Districts – Uses of Land) and Section 52 (Special Permits) for proposed contractor/landscape use at 168A Route 66 East, Columbia, CT, Assessors map 7, lot 8 in the manufacturing zone. Property owner is GRC LLC.

Angela Mawson of 30 Lake Road, Coventry, CT stated it came to their attention there was a lack of information in the building department file and they are trying to rectify that. She explained the excavation and landscape business has been operating for four years, unknowingly, without proper permit. Responding from a question from R. Nassiff, A. Mawson stated that it is an equipment storage yard, but not full-time, equipment could be stored on site when not being used on a job.

P. Stahl commented this was an oversight from several years ago when D. Parker's partner informed him that everything was all set with the building department. It is an existing building and nothing is being changed and A. Mawson has updated a previous plan showing where things were stored.

P. Stahl said the plan has administrative approval from the wetlands agent.

Hearing no additional comment, R. Nassiff MOVED to close the public hearing for the Special Permit Application of Daryl Parker and Angela Mawson (Midstate Excavation & Landscaping LLC) pursuant to Section 31.3 (Commercial & Manufacturing Districts – Uses of Land) and Section 52 (Special Permits) for proposed contractor/landscape use at 168A Route 66 East, Columbia, CT, Assessors map 7, lot 8 in the manufacturing zone. E J. Starkel SECONDED. MOTION CARRIED 6:0:0.

RESUME REGULAR MEETING: The regular meeting was resumed at 7:35 p.m.

6. UNFINISHED BUSINESS (Discussion/Possible Action)

6.1 PZC-1415-07: Application of Christopher Ramm for proposed regulation amendment/revision to Section 52.7.19 of the Columbia Zoning Regulations (Neighborhood Retirement Housing)

P. Stahl reviewed a sample motion for the Commission with the outstanding issue being the density level.

Discussion followed on determining number of maximum dwelling units for density.

R. Napolitano said a greater density would allow this type of housing (55+) to survive.

R. Powell asked the Board to keep in mind that the minimum site in this regulation would be 10 acres. He said he leans toward a little more density over the existing 2 units per 50,000 square feet to encourage cluster housing and more open space.

E. J. Starkel proposed 2 units per 40,000 square feet.

D. Schofield said he agrees with R. Powell.

T. Currier said he has no problem with the three units per 40,000 square feet but agrees that this change would cause a legal problem based on what was originally published.

R. Nassiff said if the Commission were to approve a much larger density, there would need to be more control over design, including setbacks.

P. Stahl suggested adding a line in the regulation to strongly suggest to the applicant that they come before the Commission for a pre-application meeting.

R. Nassiff said he comfortable with 2 buildings on 40,000 square feet, believing it would be in harmony with the Plan of Conservation and Development (POCD).

R. Nassiff MOVED to APPROVE the application of Christopher Ramm for proposed regulation amendment/revision to Section 52.7.19 of the Columbia Zoning Regulations (Neighborhood Retirement Housing) with the following changes:

- The phrase 'single family' be deleted throughout
- 52.7.19.5 B to revise the maximum number of dwelling units to two (2) per 40,000 square feet
- 52.7.19.5.C to revise the living area minimum to 600 square feet and to delete a maximum square footage requirement; and to substitute 'Complex' for 'tract'

- Add 52.7.19.5 J.4 “Guest parking shall be provided throughout the complex in small lots or pull-off areas in close proximity to dwelling units and other areas such as near a community building or passive/active recreation areas.”
- Delete 52.7.19.5 M , and renumber section accordingly
- Revise 52.7.19.5 N to replace ‘single family dwelling units’ with ‘buildings’; insert ‘dwelling’ in last line
- Revise 52.7.19.5 R First sentence to: “A minimum of 15% of the lot shall be preserved in perpetuity as dedicated open space for conservation, recreational or agricultural use (where appropriate).”
- Revise 52.7.19.8 to include ‘and the verification of occupancy qualifications.’
- Add a line to 52.7.19.2 “A pre-application review with the Commission is strongly encouraged.”

R. Napolitano SECONDED. MOTION CARRIED 6:0:0.

- 6.2 PZC-1415-08:** Special Permit Application of Daryl Parker and Angela Mawson (Midstate Excavation & Landscaping LLC) pursuant to Section 31.3 (Commercial & Manufacturing Districts – Uses of Land) and Section 52 (Special Permits) for proposed contractor/landscape use at 168A Route 66 East, Columbia, CT, Assessors map 7, lot 8 in the manufacturing zone. Property owner is GRC LLC.

There was no discussion as the Commission was in agreement on this application.

D. Schofield MOVED to APPROVE the Special Permit Application of Daryl Parker and Angela Mawson of Midstate Excavation & Landscaping LLC for a contractor/landscape use at 168A Route 66 East, Columbia, CT, per the application and site plan submitted and statements made by the applicant at the hearing. T. Currier SECONDED. MOTION CARRIED 5:0:1 with R. Powell abstaining.

7. NEW BUSINESS

8. REGULATION REVISIONS

- 8.1** Rte 6 Corridor / Commercial Regulations: No report.
- 8.2** Implementation of Columbia Lake ADHOC Committee recommendations: R. Powell said a sub-committee has been formed on LMAC to review the nutrient allocation plan with Dr. Kortmann. Recommendations should be determined in a few months.

Discussion followed the intent of the regulation to require a nutrient allocation plan whenever a building permit is pulled.

P. Stahl said she and D. Schofield met with Dan O’Neill to discuss defining height and story. Discussion followed on how to measure height. R. Nassiff said he has no problem with the revised “height” definition.

Discussion followed on the revised definition for “story” and the addition of a definition for “habitable story”.

R. Nassiff said the current regulations work for the most part and any changes made have to be an improvement over the regulations. He said unless relatively simple language can be proposed, not to make changes. R. Nassiff suggested the Commission consider positive incremental changes and have 3 habitable stories in the regulations, period, and using an increase in setbacks or acreage to be able to allow four stories and come up with a height definition based on the walk-out basement measurement.

Discussion followed on lot coverage language in Section 10.3.2 of the Zoning Regulations and allowing 15% lot coverage by special permit.

R. Nassiff would like a comprehensive discussion on the campground in future discussion of the Implementation of Columbia Lake ADHOC Committee recommendations.

9. COMMUNICATIONS AND REPORTS

9.1 POCD Update: P. Stahl provided a timetable leading to sending the POCD to the Office of Policy and Management (OPM) in March 2016. R. Nassiff commented he is impressed with the CRCOG website and asked P. Stahl to convey this to CRCOG. P. Stahl will email the CRCOG MapGEO GIS link to the members.

9.2 CT Federation of Planning & Zoning Agencies Spring 2015 Newsletter

9.3 Correspondence from CTDOT regarding Rehabilitation of CTDOT Bridge No. 04620 Detour

9.4 Permit Comparison Report

10. COMMISSION OPEN DISCUSSION: R. Powell said it might be beneficial for the Board to analyze the number ZBA applications that were approved for increase in lot coverage.

11. AUDIENCE OF CITIZENS: No audience of citizens.

12. ADJOURNMENT: R. Nassiff MOVED to ADJOURN the regular meeting at 9:01 p.m.
E. J. Starkel SECONDED. MOTION CARRIED 7:0:0.

The next regular meeting is scheduled for Monday, May 18, 2015.

Respectfully submitted by Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.