

**TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, January 11, 2016 – 7:00 p.m.
Regular Meeting Minutes

Members Present: Chair Rick Nassiff, Vice-Chair Vera Englert, Don Schofield, Larry Preston, Richard Napolitano, Secretary Robert Powell, Ernest Jay Starkel, Walter Tabor (alternate)

Members Absent: Tom Currier

Staff Present: Town Planner Paula Stahl, Board Clerk Kelly McGuire, Town Administrator Natasha Nau
Others Present: Ann Dunnack, Bryon Bailey, Wes Wentworth, Paul Pelletier, Nelson Petrone

1. **CALL TO ORDER**
2. **ROLL CALL AND SEATING OF ALTERNATES:** R. Nassiff seated Larry Preston as a voting member
3. **ADDITIONS/CHANGES TO AGENDA:** none
4. **APPROVAL OF PZC REGULAR MEETING MINUTES OF December 14, 2015:** V. Englert MOVED to APPROVE the Regular Meeting Minutes of December 14, 2016 as presented. R. Nassiff SECONDED. E. Starkel abstained. MOTION CARRIED 6:0:1.
5. **AUDIENCE OF CITIZENS - none**

SUSPEND REGULAR MEETING

R. Nassiff **REOPENED PUBLIC HEARING FOR: PZC-1516-04** Re-subdivision Application for Paul Pelletier of Lot 7 Foxboro Estates, 15 Latham Hill Road, Assessor's Map # 31-7

Wes Wentworth P.E./Soil Scientist distributed a satellite view of the proposed subdivision. He verbalized the orientation of the lots and details relating to drainage and wetlands areas, as well as the Ten Mile River in the top right hand corner. He specifically addressed Mr. Bryon Bailey's concerns (as were expressed at last meeting) relating to the storm water which currently flows onto Mr. Bailey's property. W. Wentworth explained that there is 8.5 acres that currently flow into two culverts. Mr. Bailey and W. Wentworth met on Mr. Bailey's property, and discussed the possibility of adding a swale uphill from the wetlands which will divert additional water flowing into the two culverts uphill from him. The new swale would direct the water behind Mr. Bailey's property and into the Ten Mile River, and would reroute approximately 2.5 acres. This proposed swale would reduce peak flows by 20%-25%. Per W. Wentworth, this plan would improve things significantly down slope.

Wes Wentworth circulated the revised site plan and outlined the lots, proposed homes, easements and wetland areas. He explained that there is an interior stonewall at the rear of lot 7B which serves as the drainage ridge line. There is an area-to-grade at 7C which will direct the drainage behind the house. The stone-bottom swale that was approved by Columbia Inland Wetlands Commission, will need to go through an existing stonewall so that it can drain into a large stable area. According to W. Wentworth, it is an ideal location for drainage. This swale will pick up 2.5 acres of Mr. Pelletier's property, all of lot 7B and the driveway to 7C up to the high point. W. Wentworth explained that he and Mr. Bailey met for a second time and Mr. Bailey seemed to be satisfied with this proposal.

R. Nassiff asks about the drainage culverts in the northeast corner, and asked for clarification of draining during peak times versus all times.

P. Stahl expressed concern that when a lot is sold, frequently the homeowner wants to change the location of the house on the lot. Per W. Wentworth, the swales are the key features and not interior changes within the lots. P. Stahl then asked about the requirement of maintenance of the swales. P. Stahl and other Members expressed the need for specifics on the topic of maintenance. W. Wentworth explained that some maintenance work was needed for the swale especially periodic cleaning debris.

R. Nassiff expressed that he would feel most comfortable as a condition of approval having the swale already constructed before the lots are conveyed to a new owner. Also, to have a formal deed restriction preventing alteration of the swale without Planning and Zoning approval. This restriction should outline a detailed explanation as to the maintenance required, and who is responsible for the maintenance. As he explained, this is to give a negatively impacted neighbor some recourse if the responsible party does not maintain the swale properly. R. Nassiff acknowledged the efforts made by Mr. Pelletier and W. Wentworth to improve the drainage problems that currently exist.

Many Members discussed their concerns over the driveways and the easement that is necessary for the lot with the shared driveway.

Bryon Bailey introduced himself, and acknowledged that he met with Wes Wentworth twice, and said he is more than satisfied with the proposed solution; he he had planned to request what R. Nassiff has outlined as a conditions of the approval.

Ann Dunnack asked about the ability of a fire truck to turn around. P. Stahl said that Planning and Zoning regulations do not require fire department approval; however once a site plan is submitted as part of a building permit, the fire marshal approval is required. A subdivision site plan only needs to show that it is possible to build a house and driveway that would meet the regulations. N. Nau said though it's not mandated, she suggests it is given some consideration to prevent a future issue.

P. Stahl submitted for the record that Bryon Bailey sent a letter dated December 18, 2015. R. Nassiff said for the record that he also received a letter at his home but did not read it because it was outside of the public hearing. P. Stahl also explained that she spoke with George Murphy and he is concerned that there is no drainage calculation on the plan and he would need that information to see if it were feasible to connect to the Latham Hill stormwater system, he was also concerned that the new driveways would add runoff onto the Road. P. Stahl also stated that she received a written communication with the Wetlands Agent that the revised plan received Administrative wetland approval.

R. Nassiff asked P. Stahl to work on a draft for a motion. He gave specifics as to what he wants it to include, which are: deed restrictions prohibiting modification of the swale without first an approval from Planning and Zoning, specific schedule of maintenance and which lots are responsible for it as well as any easements that may be necessary to accomplish this and drainage easements verbiage. P. Stahl clarified that the conditions would outline the goals of an easement, then if approved, the developer's attorney would write the easement language subject to approval by the Town Attorney. R. Powell suggested the drainage calculation be incorporated into this also. R. Nassiff hopes to act on this at the next meeting.

W. Wentworth said in closing that he appreciates all of the thoughts and concerns. He asks that the Commission keep in mind that these offerings were all done to improve a down-stream situation, and he asks Members not to create an increased burden on Mr. Pelletier. R. Nassiff explained that his goal is to make it very clear to everyone up front as to what the expectations are.

R. Nassiff MOVED to CLOSE the PUBLIC HEARING. E. Starkel SECONDED. MOTION CARRIED 7:0:0.

RESUME REGULAR MEETING

6. UNFINISHED BUSINESS (Discussion/Possible Action):

6.1 PZC-1516-04: Re-subdivision Application for Paul Pelletier of Lot 7 Foxboro Estates, 15 Latham Hill Road, Assessor's Map # 31-7

D. Schofield said he's concerned because of the amount of wetlands and the design of the driveways, and said if only one new lot were being created, he would have a different opinion. R. Powell agreed and said that he believes that having fewer lots would make the overall property much more marketable and valuable. R. Napolitano said that he believes that people are free to make their own mistakes. R. Powell said that he believes the applicant has the authority to decide on the number of lots, and this should not be an issue that the Commission decides upon. D. Schofield expressed that he doesn't believe this is the best use of the land. R. Nassiff confirmed our regulations do allow the Commission to weigh in as to what is the best use of the land.

6.2 PZC-1516-06: Site Plan Application for Hometown Builders LLC for 117 Route 66 East, Columbia, CT Assessor's Map # 10-82 - **WITHDRAWN.**

P. Stahl said that Hometown Builders is in the process of receiving approval from Inland Wetlands. There was a pipe that needed to be moved and the wetlands agent determined that it would require IWWC approval because it drains a watercourse. The statutory time limit for the PZC to decide on the application will run out soon, and P. Stahl asked them to withdraw the application and that she would waive the reapplication fee. R. Nassiff said his understanding is that there is no legal right to waive the fee. P. Stahl said the Commission cannot waive a fee, but staff can, and fees have been waived before in similar circumstances. They will be resubmitting the same application with a minor change, and no outside costs have been incurred to date, and limited additional staff time will be needed. She felt waiving the fee was appropriate as the delay was caused when it was determined after they submitted the PZC application that IWWC approval was required and PZC cannot act before IWWC. N. Nau will check with the Board of Selectmen at the next meeting.

7. NEW BUSINESS (Discussion/Possible Action)

7.1 Waiver request for the requirement of an A-2 survey for an application for a roadside stand at 468 Rte 87.

W. Tabor recused himself at 8:00 pm, and moved to sit with the audience. He explained he has been working with of Connie Kisluk, Zoning Enforcement Officer, with to receive approval for a roadside stand, and wishes to have a winery in the future. P. Stahl explained that the regulations require a special permit for a roadside stand, and the special permit regulations require an A-2 survey. C. Kisluk has indicated to P. Stahl that she may need a surveyor to verify a setback, but would not need an A-2 survey of the entire parcel. W. Tabor said this process shows that there is a need for modifications to the regulations, and he will be coming forth at some point to address those. R. Nassiff encouraged him to

approach the Planning and Zoning Commission about the modifications as he feels it is important to assist the agricultural community in Columbia.

W. Tabor wished to go on record to explain his hesitance in seeking the alternate chair on the Planning and Zoning Commission. He said he plans to be coming to the Commission with requests or modifications that benefit him and his property relating to the future winery and their farm. He did not want to find himself in the midst of a conflict of interest or accused of such.

P. Stahl explained that the regulations in section 52 allow the PZC to grant a requested waiver.

R. Napolitano MOVED to APPROVE the waiver request for the requirement of an A-2 survey for an application for a roadside stand at 468 Rte 87 of the A-2. D. Schofield SECONDED. MOTION CARRIED 7:0:0.

8. REGULATION REVISIONS

8.1 Rte 6 Corridor / Commercial Regulations: none

8.2 Implementation of Columbia Lake ADHOC Committee recommendations: none

8.3 Other zoning regulation revisions –

Update to list of Priorities: P. Stahl suggested that agricultural business regulations to be moved to the list of priorities and to consider a tiered system allowing staff approval for certain uses, site plan approval for other uses and special permit when there could be neighbor concerns. R. Nassiff and other Members agreed.

Review draft of Section 10: P. Stahl circulated and reviewed the draft of section 10 of the zoning regulations and was discussed amongst Members. Her goal is to come up with regulations that are easy to interpret. P. Stahl also circulated a map to Members which depicts the nonconforming lots in Columbia. R. Nassiff and other Members agreed that the draft is much clearer than then current regulations. R. Nassiff would like for ZBA to be able to allow certain changes to a nonconforming use if it didn't negatively impact the public, and asked P. Stahl to suggest appropriate language. (V. Englert left at 8:40 pm)

9. COMMUNICATIONS AND REPORTS

9.1 POCD: Update on progress and PZC dates for chapter review

P. Stahl distributed the status of the POCD. The status update indicates the chapters, what she has completed (draft), and what is remaining and/or who next needs to review the chapter. Chapters 4,5,6, and 10 are ready for PZC review, she will be emailing to Members as a PDF file. R. Nassiff suggests that Members make hand written notes and review the notes at the next meeting.

9.2 BUDGET REPORT

P. Stahl emailed Members the budget report as was requested last meeting.

10. COMMISSION OPEN DISCUSSION: none

11. AUDIENCE OF CITIZENS: none

12. ADJOURNMENT

E. Starkel MOVED TO ADJOURN the regular meeting at 9:04. R. Napolitano SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Kelly McGuire

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