

**TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, April 27, 7:00 p.m.

**Regular Meeting Minutes
Virtual Meeting via Zoom**

Members Present: Chairman Rick Nassiff, Richard Napolitano, Thomas Currier, Alex Bothell, Larry Preston (Alternate),

Members Excused: Vice-Chair Vera Englert, Robert Powell, E.J. Starkel

Staff Present: Town Planner Paula Stahl, Board Clerk Flo Polek

Others Present: Ann Dunnack, Melissa Harris

1. **CALL TO ORDER:** R. Nassiff called the meeting to order at 7:00 p.m.
2. **ROLL CALL AND SEATING OF ALTERNATES:** L. Preston was seated for Bob Powell.
3. **ADDITIONS/CHANGES TO AGENDA:** None
4. **APPROVAL OF PZC REGULAR MEETING MINUTES of February 24, 2020.**
5. R. Nassiff **MOVED** to **APPROVE** the 02/24/2020 meeting minutes as presented;
L. Preston **SECONDED**; R. Napolitano **ABSTAINED**; **MOTION CARRIED 3:0:1**
6. **AUDIENCE OF CITIZENS:** None
7. **UNFINISHED BUSINESS (Discussion/Possible Action):**

6.1 PZC 1920-08 – Application for Michelle Martineau for a home occupation for equine and canine therapeutic activities at 113 Pine Street, Assessor’s Map 33, Lot 3B – Extension of Statutory Time Limit

P. Stahl stated that M. Martineau provided a note to P. Stahl formally extending the time of her application due to Covid-19. By State Statutes, normally the public hearing would be required to open no later than May 13, which will not take place. The Governor extended the time limit by 90 days and can be used any way the Town or applicant would like it to be allocated.

T. Currier joined the meeting at 7:04 p. m.

M. Harris joined the meeting at 7:04 p. m.

R. Nassiff **MOVED** to **EXTEND** the statutory time to open the public hearing on Michelle Martineau home occupation application to no later than August 11, 2020, per the Governor’s executive order number 7-I, Section 19; R. Napolitano **SECONDED**; **MOTIONED CARRIED 5:0:0**

7. **NEW BUSINESS (Discussion/Possible Action):**

7.1 PZC 1920-09 – BelleFree Farm LLC, 86 Hennequin Road, Site Plan Modification for off-site drainage mitigation.

P. Stahl stated that this application has been an enforcement issue for a long time. About a year ago the Town, the applicant, and the abutting neighbor came into a verbal agreement regarding the issue. Just recently, all parties agreed in writing on March 11, 2020. The next day the application was submitted by BelleFree Farm to the Town.

P. Stahl reviewed the site plan of BelleFree Farm. The first application was approved in 2001. The site plan indicates the area of the wetlands and the topography of the area. The natural drainage flows perpendicular to the topography and the swampy area drains toward the corner of Hennequin and Rte 66. The applicant used an engineering firm for drainage in 2002 and came back to PZC for a slight change to the orientation of the building. This is traditionally a wet site and paddocks should not be wet. BelleFree Farm hired Buck and Buck to complete the remediation plan that included putting in surface drainage, there was no application submitted for changes to the approved site plan. Then, in 2011, a drainage pipe was installed to further drain water from the farm. This site plan is an annotated plan dated 2/25/2020 changing the word install to existing as the drainage plan was not submitted to the Town, but has been implemented.

Mrs. Sanford lives next to the farm, and the water flows to her property and her basement now floods. She noticed this as of 2011. Mr. Lesage, another abutter, has also complained about the flooding. The town's zoning enforcement began.

Last year, once the verbal agreement was reached, the Town's engineer reviewed and made suggestions to the area to divert the water with an underground drain on the Sanford property. The agreement includes that BelleFree Farm would pay for the work to be completed; the Town Attorney is holding a check in escrow.

R. Nassiff questioned if there was a statement from the engineering firm that came up with the solution that would categorically eliminate the issue. P. Stahl noted there is an agreement between Mrs. Sanford and Bellefree Farm. It was noted that the Town incurred engineering and attorney's costs. R. Nassiff would have hoped the applicant would have borne the cost.

Atty. Harris, representing BelleFree Farm, pointed out that this issue has been ongoing with many attempts for resolution with associated costs themselves. This is the solution from a third party that everyone agreed to. R. Nassiff's concern is if the solution will remedy the situation. Atty. Harris provided the letter from the engineering firm Nathan L. Jacobson and Associates. R. Nassiff has every confidence in Jacobson's work, but the question is "would the firm be responsible if the solution does not mitigate it sufficiently?"

T. Currier questioned one item in the agreement on ensuring that the swale does not get filled or regarded in the future. R. Nassiff stated that this would become a zoning compliance issue with a modified site plan that is altered counter to what the approved site plan. P. Stahl stated that the swale is on the neighbor's property. She also stated that the Wetlands Agent would be involved if the swale were filled in. A. Bothell asked if there was any gravel in the grassy swale. P. Stahl stated that there is gravel at the base but it does not hold water, just moves it down to a catch basin on Route 66.

Atty. Harris provided the agreement to the Commission members. R. Nassiff questioned who would be responsible if the problem is not solved, the Town's engineer, the contractor? Atty. Harris stated that Mrs. Sanford would or should have had her engineers look at the plan before the acceptance of the agreement. P. Stahl said she believed that Mrs. Sanford had an engineering firm look at the plan. She would not have signed the agreement if she were not comfortable. Atty. Harris feels comfortable with the agreement but cannot speak for the town. R. Nassiff would like to have the engineers to be responsible if the solution does not work and defend their work.

Atty. Harris stated we do not all agree with the facts that have been transpiring since the drainage was done in 2009. She stated that at this time that all parties agree that this is the solution to the existing water conditions. R. Nassiff stated that he appreciated all the information Atty. Harris provided. He also thanked P. Stahl and F. Polek with the platform provided to hold a meeting. R. Nassiff asked Commission members what their perspectives are on this issue. T. Currier stated he is

comfortable with the limitations at hand. R. Napolitano stated that many factors that go into the work, the contractors, the engineers, and it appeared to him that there was a good-faith effort between all parties. R. Nassiff stated that there is a clause in the agreement that Mrs. Sanford secured legal advice for the future to guide her from a legal standpoint. T. Currier stated with the clause in the agreement Mrs. Sanford will take any responsibility in the future.

R. Nassiff **MOVED** to **APPROVE** the Site Plan Modification for off-site drainage mitigation at BelleFree Farm LLC, at 86 Hennequin Road, T. Currier **SECONDED; MOTIONED CARRIED 5:0:0.**

7.2 Corso Subdivision – Extension Request for Filing of Final Plans

R. Nassiff **MOVED** to **GRANT** the 90-day extension to file the Corso-Hoar subdivision Mylars on the Town's Land Records per Section 4.13 of the Columbia's Subdivision Regulations; T. Currier **SECONDED; MOTIONED CARRIED 5:0:0**

8. REGULATION REVISIONS: None

9. COMMUNICATIONS AND REPORTS: None

10. COMMISSION OPEN DISCUSSION: None

11. AUDIENCE OF CITIZENS: A. Dunnack thanked the Commission for their work.

12. ADJOURNMENT:

R. Nassiff **MOVED** to **ADJOURN**; T. Currier **SECONDED; MOTION CARRIED 5:0:0.**

The meeting was **ADJOURNED** at **7:43 p.m.**

Respectfully submitted by Flo Polek, Board Clerk

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