

HARWINTON ZONING COMMISSION MEETING

MONDAY, JUNE 23, 2014

TOWN HALL 7:00 P.M.

Present: Chairman Don Truskauskas, Joseph Marzullo, Anne Marie Buonocore, David Mathes, Lynne Steincamp, Alternate Member Daniel Thurston and Land Use Coordinator Polly Redmond

Also present: Town Atty. Michael D. Rybak

PLEDGE OF ALLEGIANCE

Chairman Truskauskas called the Zoning meeting to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present.

PUBLIC HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Truskauskas called the hearing to order at 7:01 p.m. All Regular Members present are seated for the public hearing.

2. BORGHESI BUILDING AND ENGINEERING – APPLICATION FOR SITE PLAN APPROVAL AND SPECIAL PERMIT/CHANGE OF USE – SCHOOL BUS PARKING ON PORTION OF PROPERTY FORMERLY OPERATED AS JOHNNYCAKE AIRPORT, 529 BURLINGTON ROAD (ROUTE 4). PROPERTY OWNED BY JOHNNYCAKE AIRPORT PROPERTY, LLC.

Alan Borghesi, Chairman and Registered Engineer, Borghesi Building and Engineering, is present. Site plans prepared by Borghesi Building & Engineering titled Site Plan, Sheet No. SP1, revised to 6-19-14, Site Plan, Sheet No. SP2, revised to 6-19-14 and Sheet SPD1, dated 6-19-14 showing cross section detail, parking, signage, catch basin detail, well manhole detail and siltation control fence detail are reviewed by Commissioners. Mr. Borghesi states that upon presenting this application to the Zoning Commission for acceptance on April 28, 2014, Commissioners questioned whether the town's engineer, WMC Consulting Engineers, should be contacted for review of the site plans. WMC Consulting Engineers was contacted by Mr. Borghesi and a site walk of the property was conducted with the applicant and Stephen McDonnell, PE, Vice President, WMC Consulting Engineers, on May 15, 2014. A report prepared by Stephen McDonnell dated June 2, 2014 was received in the Harwinton Land Use office (Exhibit 15). At this time Mr. Borghesi refers to Site Plan SP1 pointing out the area of development which encompasses approximately one-sixth of the entire 15 acre parcel. He notes that an existing office building on the property will be used for employees and areas for employee parking and bus parking for 40 buses are pointed out on the site plan. The Zoning Commission had concern for a buffer along the property line and Mr. Borghesi notes that a green barrier has been provided for along the property line to the east. Curbing within the parking lot to include a green area and trees has also been provided.

At this time, Mr. Borghesi reviews WMC's 6/2/14 comments and explains how those comments have been addressed by Borghesi in a letter to Steve McDonnell dated 6/18/14 from Eben Buso (Exhibit 19).

Mr. Borghesi notes that a Zoning Commissioner had questioned the distances from the fuel island to the property line and to the Sports Complex building on the abutting property to the west. The distance to the Complex from the fuel island is 261 feet and 74.7 feet to the property line to the west.

Mr. Borghesi distributes a copy of a Change of Use application from Torrington Area Health District dated May 9, 2014 (Exhibit 10 in file) that has a condition of approval being that the office space shall be used by two (2) employees.

Mr. Borghesi notes that he informed WMC Consulting Engineers that approximately 390 feet down Route 4 west, facing on-coming traffic, that a “Caution Buses Entering and Leaving” sign is proposed with details of that sign shown on Sheet SPD1. The sign will need to be approved by CTDOT.

Mr. Borghesi also notes that he had contacted the Bristol Water Department informing them of this application who had expressed one concern regarding drainage from the site to a close-by reservoir. The contact person from Bristol Water was out of the office today to obtain further information but Mr. Borghesi distributes a map he prepared (Exhibit 18) that shows the Town of Harwinton and where he has highlighted in yellow the area of Class 1 Watershed that includes Poland Brook. The 529 Burlington Road site is marked on the map showing it to be outside of the Class 1 Watershed. The map is also highlighted in blue depicting the drainage route from the site down toward Rock Brook and eventually down to Lead Mine Brook. Neither the site location nor the drainage route is within the Bristol Watershed area. Commissioner J. Marzullo questions how it was determined that the water does not reach the watershed area with Mr. Borghesi explaining the water flow direction and states that as an engineer, he can certify that this depiction of drainage is correct.

Chairman Truskauskas questions whether the fuel island will contain only diesel fuel with Mr. Borghesi answering, yes. Chairman Truskauskas asks Mr. Borghesi to comment further on Item 16 outlined in a letter dated 6/18/14 by Eben Busa, Borghesi Building & Engineering (Exhibit 19). Item 16 states, “We will be installing “Snout Oil and Debris Stop.” in all of the catch basins.” Mr. Borghesi gives explanation and refers to details shown on Sheet SPD1.

Commissioner J. Marzullo asks Mr. Borghesi to expand on maintenance of the catch basins with Mr. Borghesi stating that the Commission can condition that maintenance be done on an annual basis.

Commissioner L. Steincamp questions what if the catch basin is dry and oil settles in with Mr. Borghesi explaining that catch basins usually contain some water at all times. Chairman Truskauskas states that with nothing there now, it is an improvement with Mr. Borghesi agreeing.

Commissioner D. Mathes questions the placing of millings around the fuel island and notes that water goes through the millings which could be a concern. Mr. Borghesi states that there will be a loading pad at the fuel island and if asphalt were to be placed down instead, any oil spill would also go through asphalt. He expresses his belief that expenses will not be cut back in the work to be done. He notes that the same process was used in Torrington successfully with millings and that it allows for infiltration. Commissioner J. Marzullo questions whether there will be protective posts around the fuel storage area with Mr. Borghesi stating, yes, that 4” concrete-filled bollards at 4 feet high are proposed and upon questioning by J. Marzullo, they are designed to sustain the impact of a car or bus and are actually placed to keep buses away from the area. If there is a serious concern by the Commission, perhaps 6” concrete-filled bollards can be provided and perhaps the four corners of the fuel island can have 6” bumpers. Commissioner J. Marzullo states he feels comfortable with that proposal.

Commissioner L. Steincamp refers to WMC’s 6/2/14 comments, and in particular, Item 13 that suggests limits of the Soil Scientist’s evaluation be extended westerly beyond the existing house location to the outfall of the drainage system and 100 feet beyond the property line. Mr. Borghesi states that in Mr. Busa’s 6/18/14 report it is noted that the owner of the adjacent property, LG Realty, LLC, provided a survey map by Robert Green Associates that depicts the location of the wetlands on the Johnnycake Property land and the LG Realty LLC parcel. A map has been provided via email from Eben Busa to the Land Use office that shows the wetland line. Upon questioning by Commissioner L. Steincamp regarding E&S control measures, Mr. Borghesi points out the area of disturbance and the location of silt fence installation.

Chairman Truskauskas questions how many employees will be working in the office building with Mr. Borghesi stating between three and four. Chairman Truskauskas notes that the TAHD approval was conditioned with only two employees with Mr. Borghesi stating that there will be two employees then.

Discussion ensued regarding the amount of traffic on Route 4 going points east and west, the speed of traffic and the possibility of a traffic light being installed.

Chairman Truskauskas opens the floor to public comment at this time.

Atty. Perley Grimes, Cramer & Anderson, takes the floor on behalf of his client, Richard Miller, principal of Mountain Meadows (land sharing the eastern boundary with Johnnycake Airport Property) and Harwinton Square, LLC (land across the street from the subject property). The land to the east, Mountain Meadows, contains 200 acres located in a Central Business/Residential zone (Burlington street card – Exhibit 21) that Mr. Miller may someday wish to develop with single family residences. He would not like to see any type of negative activity on the Johnnycake Airport Property land that may affect those future neighbors. Atty. Grimes distributes 8.5 x 11 colored photos of what proposed homes could look like (Exhibit 20) on the Mountain Meadows land. He states his client has concerns over buses parking right up to the boundary line without any type of landscape buffer provided. He notes that Zoning Regulation Section 12.1 allows the Commission to require a landscaped buffer when an Industrial zone abuts a Residential zone. He also asks that the Commission review Zoning Regulation 9.1.1a that states buildings and uses should not hinder or discourage the appropriate development and use of adjacent property or impair the value of, Zoning Regulation Section 9.1.1d that states the lot shall be of sufficient size and adequate shape and dimension to permit conduct of the proposed use and placement of buildings should also be reviewed due to all proposed activity being in the front of the property and Zoning Regulation Section 9.1.1e that also calls for landscaping. Atty. Grimes also has concerns with buses being parked within the 35 foot side yard setback and questions why the site plan does not show the entire 15 acre parcel. He also notes that the property has a narrow entrance and that with 210 feet of road frontage it meets the 200 foot street frontage requirement so it is his assumption that there will only be one use of this property. In summary, Atty. Grimes asks, on behalf of his client, that (1) the parking location of buses be relocated, (2) that there be an internal circular bus route within the lot with buses parked facing west, (3) that the applicant show on the site plan how the buses will be fueled and how the fuel tanks will be protected and alarmed, (4) that the applicant provide something in writing from CTDOT concerning the proposed activity and the requirement, if any, for signage on Route 4 and (5) that LID/Stormwater Guidelines should be met. Atty. Grimes refers to Town Atty. Michael D. Rybak's 6/23/14 email to the Land Use office (Exhibit 22) that addresses landscape buffering and states his belief that the Commission can ask for a buffer to an abutter located in an adjacent municipality. Other points that should be addressed include, maintenance of buses, will they be serviced on site? Will there be lighting and will any proposed lighting be shielded? Will there be security, fencing or gates? Where will snow be plowed to and is a snow shelf proposed?

Franci Tartaglino, 500 Burlington Road, states that her home and business are across the street from the Johnnycake Airport Property land and that she is not here to oppose the application but attests to the traffic on Route 4 that makes it very difficult to get in and out of her driveway.

George Werner, 591 Litchfield Road, questions what the speed limit is on Route 4 and states that whatever it is, the cars are exceeding it. With the allocation for parking 40 school buses and 40 employees who will drive those buses, he sees a large increase in traffic in that area. He also notes that there is no stop sign proposed for the driveway and questions why only one sign is proposed for Route 4 west and not east also. His last question is what would prevent the number of buses to increase over time?

Debbie Kovall, 789 Hill Road, states that she grew up on Town Line Road, the road across Route 4 to the north, and remembers when she first got her driver's license, and the terror she felt when exiting out of that road due to the sight line issues. She also notes that the area is a fog area and where snow drifts accumulate. She now travels Route 4 every day and attests that the speed of cars is in the range of 55-60 mph. She states that coming up from the west, cars could come upon a bus turning in to the property and at those speeds there would be no time to stop and no place to pull off.

Atty. Grimes states that with Special Permits, the Commission has the discretion to ask the applicant to furnish a traffic consultant study and that this should be addressed while the public hearing is open so that it is the applicant's responsibility to provide this information.

Mr. Borghesi addresses comments made by Atty. Grimes stating that on 15 acres, there is no need for a snow shelf as snow can be piled up on the remaining 13 acres of land. Regarding the narrow entrance, it is in accordance with state highway regulations which require 25 feet. There will be no other owners of the property. Buses always back in when parking in order to face the direction they will be leaving. He assures that headlights from the buses will not shine on to neighboring land. He states that the Town of Harwinton's engineer, WMC Consulting Engineers, gave comment and that is the only thing this Commission should listen to. As for Mountain Meadows possibility of development, Mr. Borghesi states that the property next door could have a number of uses and any proposal could be denied by the Town of Burlington including any residential proposal.

Atty. Rybak states that he has not seen WMC Consulting Engineer's 6/23/14 report and was in fact asked only one question which was in regard to the landscaping buffer against an adjacent municipality. Section 12.1 specifies the zones where it is required to have a buffer of 50 feet. Section 12.1 does not state in "residential zones generically", but only where Industrial or Retail zones abut a residential zone and that the regulation only applies within the Town of Harwinton zones. After hearing testimony tonight, Atty. Rybak states that Zoning Regulation 6.2 allows for more than one non-residential use on a lot in a commercial or industrial zone. He agrees that traffic can be an issue on Route 4, especially with wide-turning vehicles into the property, and he is not sure if the sight lines are adequate. He addresses the parking setback requirement which is 15 feet from the side property line and states that internal traffic is a good point that was made. He corrects an earlier statement of his that this property is located in the Poland Brook watershed which it is not. Finally, he recommends to the Commission to keep this public hearing open.

Atty. Grimes states that the buffer requirement is designed to protect adjacent property as stated in Zoning Regulation 9.1 and 12.1. Second, the consultant, WMC, is a civil engineer which is different from a traffic engineer which is what the Commission should ask the applicant to provide for, a traffic study and one for interior circulation.

Mr. Borghesi states that the adjacent property seems to be a big concern so he offers that an 8 foot high picket fence be placed along the property line. He notes that signs and sight lines were discussed in WMC Consulting Engineers' report. He also states that there will be no lighting on the property and maintenance of the school buses will take place off site.

Commissioner David Mathes questions how far south the millings go with Mr. Borghesi stated he is not sure but that they go beyond the hangar building.

Atty. Rybak states that Zoning Regulations requires parking 15 feet from a side property line but that the Commission can ask for more of a buffer. Commissioner Mathes suggests a 35 foot setback for parking and that instead of doubling up on spaces that parking be extended south, eliminating the center parking.

Chairman Truskauskas asks if Mr. Borghesi will look at moving the parking spaces for buses to 35 feet from the side property line allowing for a landscaped buffer. Commissioner Steincamp states that shrubbery is preferred over fencing for buffering pollution and noise. Atty. Rybak agrees stating that a fence may not hold up to strong winds and that hemlock trees could be planted on a berm in order to raise them up for further buffering.

3. CONTINUE OR CLOSE HEARING.

With no further comments, Commissioner L. Steincamp **motioned** to continue the hearing to Monday, July 14, 2014 at 7:00 p.m. in the town hall and that the applicant provide a traffic study to include internal circulation within the parking lot, provide an LED lighting plan, provide information on the alarm system for the fuel area, add notation to the site plan that only diesel fuel will be stored in the fuel tanks, that 6 inch bollards be shown on the site plan at the four corners of the fuel tank area, that notation be added to the site plans that state maintenance of the buses will be off site and also notation that there shall be annual maintenance of the catch basins on site. Motion seconded by D. Mathes and passed unanimously. The hearing adjourned at 9:05 p.m.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Truskauskas called the meeting to order at 9:10 p.m. The same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 6/9/14 REGULAR MEETING AND 6/10/14 SPECIAL MEETING

J. Marzullo **motioned** to approve the minutes of 6/9/14, seconded by L. Steincamp. Motion passed unanimously with D. Mathes refraining from vote due to his absence at that meeting. J. Marzullo **motioned** to approve the minutes of 6/10/14 Special Meeting, seconded by L. Steincamp. Motion passed unanimously with A. Buonocore and D. Mathes refraining from vote due to their absences at that meeting.

3. PUBLIC COMMENT.

None.

4. ROBERT SANTAMARIA – APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT A SECOND ENTRY AND THREE-CAR GARAGE TO THE NORTH SIDE OF EXISTING HOUSE, 50 CEMETERY ROAD.

No one is present to represent.

5. DISCUSSION/POSSIBLE DECISION – BORGHESI BUILDING AND ENGINEERING – APPLICATION FOR SITE PLAN APPROVAL AND SPECIAL PERMIT/CHANGE OF USE – SCHOOL BUS PARKING ON PORTION OF PROPERTY FORMERLY OPERATED AS JOHNNYCAKE AIRPORT, 529 BURLINGTON ROAD (ROUTE 4). PROPERTY OWNED BY JOHNNYCAKE AIRPORT PROPERTY, LLC.

No discussion.

D. Mathes **motioned** to add to Phil Bregonzio, Dolphin Pools, LLC for Richard Bierce, 66 Green Acres Road, application for 15' x 27' inground pool, seconded by A. Buonocore. Motion passed unanimously.

Mr. Bregonzio is present and is requesting a waiver from the requirement of an engineered site plan. Request letter remains on file. A sketch is provided showing the location of the pool being 100 feet to the left side property line, 80 feet to the right side property line and 100 feet plus to the rear property line. IWWC and TAHD approvals have been received. J. Marzullo **motioned** to accept the request for waiver of an engineered plan, seconded by D. Mathes.

6. **INFORMAL DISCUSSION – ZONING REGULATION CHANGE PROCEDURES.**

Tabled until the next Zoning meeting on July 14, 2014.

7. **COMPLAINTS/ENFORCEMENT ACTIONS.**

Letters sent by ZEO David Perkins include a letter to Brett Stone/Silano Realty for work being done on Silano Drive and a letter to Brian Nedley regarding drainage issues on property at 40 Harmony Hill Road.

8. **ANY OTHER BUSINESS.**

None.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

None.

11. **ADJOURN.**

A. Buonocore motioned to adjourn the meeting at 9:30 p.m., seconded by J. Marzullo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-25-2014 AT 12:38 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK