



# PLANNING & ZONING COMMISSION

Bethel Municipal Center  
1 School Street, Bethel, Connecticut 06801 \*(203) 794-8578

## PLANNING & ZONING COMMISSION MINUTES

June 23, 2009

DENIS J RIORDAN – ROOM D 7:00pm

R. Legnard called the Meeting to order at 7:00 p.m.

### Town of Bethel 8-24 referral

TOWN OF BETHEL/127 WALNUT HILL ROAD

Motion by C. Bresloff, seconded by K. Grant to make a favorable recommendation to accept Town of Bethel 8-24 Referral.

Motion passed.

### PUBLIC HEARINGS CONTINUED:

#### BATISTA FAMILY PARTNERSHIP/16 GRASSY PLAIN ST SITE PLAN SPECIAL PERMIT

The following correspondence was entered into the record:

Fire Marshall Report dated 6/9/09 by T. Galliford

Public Utilities memo dated 6/23/09 by A. Morosky, Public Works Dir./Town Engineer

Public Utilities Commission Minutes of Special Meeting dated 6/11/09

Memo from D. Virbickas, P.E., Artel Engineering Group, LLC, Brookfield, CT, dated 6/16/09

Police Commission Minutes of Regular Meeting dated 5/20/09

Mark Kornhaus, P.E., Artel Engineering Group, LLC., Brookfield, CT., was present for the Applicant.

No one spoke.

Motion to close the public hearing by B. Legnard, seconded by J. Shannon

Motion Passed.

#### MURACA/24,28,32 MAPLE AVE & 38 HICKOK RESUBDIVISION

The following correspondence was entered into the record:

**RECEIVED**

JUN 24 2009

TOWN OF BETHEL  
TOWN CLERK

Staff Report dated 6/23/09 by S. Palmer, Planning & Zoning Official  
Public Works Department memo dated 6/23/09 by Bill Dwinells, P.E., Civil Engineer

Mark Kornhaus, P.E., Artel Engineering Group, Brookfield, CT., was present for the Applicant.

Those who spoke in favor of the Application:

Tony Russo, 36 Hickok Avenue  
Pasquale Muraca, 30 Maple Avenue.

Motion to close the public hearing by J. Shannon, seconded by B. Legnard  
Motion Passed.

### **PUBLIC HEARINGS:**

#### **TOWN OF BETHEL/ 127 WALNUT HILL ROAD PUMP STATION**

B. Legnard opened the public hearing.  
K. Grant read the Legal Notice into the record.

The following correspondence was entered into the record:

Staff Report dated 6/23/09 by S. Palmer, Planning & Zoning Official.  
Fire Marshal report dated 5/29/09 by T. Galliford  
Bethel Health Department Report dated 6/3/09  
Inland Wetlands Commission Approval w/ Conditions dated 6/13/09  
DEP Memo dated 2/26/09 from Kim Czapl, Environmental Analyst 2, Bureau of Water  
Protection and Land Use, Aquifer Protection Program

A. Morosky, Dir of Public Works/Town Engineer for the Town of Bethel, presented the  
Application to the Commission.

The Public Works Department is seeking special permit approval to construct a new sewer pump  
station building and perform site improvements on a .26 acre parcel of land located in the  
residential R-40 Zone. The property is intended to be conveyed to the Town of Bethel from a  
larger 4.6 acre parcel which is privately owned and is contingent on this approval. On April 21<sup>st</sup>,  
2009, the Zoning Board of Appeals granted a variance of lot area, minimum width and minimum  
square requirements to create the parcel and granted a front setback variance for the location of  
the proposed building to be less than the 40 ft. required in the R-40 Zone.

The property is located in the 100 yr. flood plain with no base flood elevation determined on the  
FEMA maps. However, the plans submitted show the floor of the building will be at least one  
foot higher than the elevation of Walnut Hill Road which should provide adequate protection  
from potential flooding. Additional flood protection measures will be taken by raising the  
generator above the floor slab within the building.

In addition to the flood plain, the parcel contains wetlands and is in the Aquifer Protection area and there is high groundwater present on the entire site. To adequately prepare the site for improvements, filling of the wetlands and in the flood plain will be necessary. Because the site design is compact, the Engineering Department proposes that no more than 350 cubic yards of material be used on the site to minimize potential impacts. The Inland Wetlands Commission reviewed each of these aspects and approved the proposal with conditions at their April 13<sup>th</sup>, 2009 meeting.

The site itself will consist of a paved driveway, a one story pitched roof building, and an underground utility chamber. It will be surrounded by chain link fencing six feet in height and while landscaping is intended, a specific planting plan has not been submitted. High groundwater on the site will limit what can be installed and it may not support traditional evergreen trees.

Those who spoke:

Ferdinand Miller – 1 Farmview Drive

Motion to close the public hearing by R. Legnard, seconded by K. Grant  
Motion Passed.

BLACKSTONE INDUSTRIES/16 STONY HILL ROAD/4 GARELLA ROAD  
2-LOT SUBDIVISION

R. Legnard opened the public hearing.  
K. Grant read the Legal Notice into the record.

The following correspondence was entered into the record:

Staff Report dated 6/23/09 by S. Palmer, Planning & Zoning Official  
Public Works Department Report dated 6/23/09 by B. Dwinells, P.E., Civil Engineer.

Attorney Neil Marcus, Cohen & Wolf, P.C., Danbury, CT. was present for the Applicant.

The Applicant is requesting a subdivision of a 3.7 acre parcel of land into two lots in the Commercial "CI" Zone. The property is currently developed with an industrial building fronting on Stony hill Road and a new commercial office building fronting on Garella Road.

On February 17<sup>th</sup>, 2009, the Zoning Board of Appeals granted a variance of lot area to allow a 25,398 sf. lot (Lot#1) where 40,000 sf. is required in the CI Zone. Lot #2 will be oversized, consisting of 108,723 sf. or 2.49 acres. The proposed subdivision meets all other dimensional requirements of the zoning regulations and parking for each building has been properly separated by lot lines so no sharing of parking will be required.

No site work is proposed as a part of this subdivision. The buildings on each lot are connected to the public sewer and water systems.

No one spoke.

Motion by B. Legnard, seconded by J. Shannon to close the public hearing.  
Motion passed.

## **BUSINESS MEETING**

Commission members present: B. Legnard, Vice Chairman, D. Shannon, J. Lennon, K. Grant C. Bresloff. H. Karl was seated for P. Rist, L. Valenti was seated for E. Finch

Minutes

Motion by K. Grant, seconded by J. Lennon to approve minutes of the June 9, 2009 meeting.  
Motion passed unanimously.

## **INVOICES**

Motion by K. Grant seconded by C. Bresloff to approve payment of \$621.63 to SEA Consultants, Inc for Professional Services and Reimbursement.  
Motion Passed

Motion by C. Bresloff, seconded by K. Grant to approve payment of \$601.26 to The News-Times for payment of Legal Noticing fees.  
Motion Passed

At this time Motion by B. Legnard, seconded by K. Grant to add Worksession to the agenda.

## **WORKSESSION:**

### **BATISTA FAMILY PARTNERSHIP/16 GRASSY PLAIN ST SITE PLAN SPECIAL PERMIT**

The Commission reached a consensus to request Staff to draft a resolution of APPROVAL for Batista Family Partnership, 16 Grassy Plain Street for a Site Plan Special Permit.

### **MURACA/24,28,32 MAPLE AVE & 38 HICKOK RESUBDIVISION**

The Commission reached a consensus to request Staff to draft a resolution of APPROVAL w/ Conditions for Muraca, 24,28,32 Maple Ave & 38 Hickok for a Resubdivision.

### **TOWN OF BETHEL/ 127 WALNUT HILL ROAD PUMP STATION**

Motion by R. Legnard, seconded by K. Grant to unanimously APPROVE a special permit to construct a sewer pump station facility and related site improvements on a .26 acre parcel of land located at **127 Walnut Hill Road**, in the residential R-40 Zone, Assessors Map, Block, Lot, subject to the following Conditions:

Unless modified herein, the project shall be constructed in accordance with plans entitled "Stony Hill Sewer Extension Contract No. 3, Sanitary Sewage Pump Station, Demolition, SECS, and Grading Plan ", prepared by URS Corporation, dated August 2008, and last revised on March 10, 2009.

Prior to the initiation of any construction, the .262 acre parcel of land shown as Parcel "Z" on a map entitled "Subdivision Map prepared for The Town of Bethel, Bethel Connecticut", prepared by, Matthew Reynolds of New England Land Surveying, dated May 27, 2009, shall be conveyed to the Town of Bethel, as evidenced by a recorded deed and survey map filed on the land records in the Town Clerk's Office.

The Commission acknowledges a variance of Section 118-24F(1) for a reduction in the 40 ft. required front setback granted by the Zoning Board of Appeals on April 21, 2009.

The applicant shall adhere to an approval with conditions granted by the Inland Wetlands Commission on April 13, 2009.

Prior to the issuance of a zoning permit to begin construction, the applicant shall prepare a landscape plan to be reviewed and approved by the Planning & Zoning Official and Inland Wetland Agent.

The proposed utility chamber area and building shall be separately fenced in with 6 ft. height black coated chain link fencing. The gates for each area shall be facing each other and not the road. The fenced in areas shall be the minimum necessary to provide access and perform maintenance.

Prior to the issuance of a zoning permit the Town Engineer shall prepare a plan to manage the stormwater runoff created by new impervious surfaces.

Prior to the issuance of a Certificate of Zoning Compliance, an A-2 "as-built " survey must be submitted to the Planning & Zoning Official to confirm compliance with conditions of the setback variance for the pump station building.

Prior to the initiation of any construction on the site, all erosion and sediment control measures shall be installed according to notes on the drawings, and in conformance with the *2002 CT Guidelines for Soil Erosion and Sediment Control*. E&S measures shall be maintained throughout the construction process and until the site is fully stabilized. The Commission and/or its designated agent may require additional E&S measures as needed throughout the construction.

Reasons: The Commission stated upon its records that the development is a necessary component of the Town sewer expansion project and its improvements will not exert a detrimental effect on neighboring properties or the surrounding district.

Motion passed.

## BLACKSTONE INDUSTRIES/16 STONY HILL ROAD/4 GARELLA ROAD 2-LOT SUBDIVISION

The Commission reached a consensus to request Staff to draw up a resolution of APPROVAL And resolve sidewalk issues to Planning & Zoning Official's satisfaction.

## OLD BUSINESS

### 28 STONY HILL RD EXT. OF SPECIAL PERMIT

Motion by J. Lennon, seconded by C. Bresloff to APPROVE the extension of Special Permit for 21 Stony Hill Road for 1 year.

**CORRESPONDANCE**

S. Palmer, Planning & Zoning Official provided the Commissioners with copies of Bethel Zoning Regulations, 2009 Update Draft for PZC Review dated June 19<sup>th</sup>, 2009.

**BOND RELEASE**

HIGHVIEW ESTATES  
25 NASHVILLE ROAD EXT

Motion by K. Grant, seconded by J. Lennon to table until next regular meeting.  
Motion passed unanimously.

**REPORT BY THE PLANNING & ZONING OFFICIAL**

13 DIAMOND AVENUE  
ENFORCEMENT ACTION

The Planning & Zoning Official reviewed recent enforcement action against 13 Diamond Avenue.

Motion to adjourn by R. Legnard, seconded by K. Grant. Motion passed unanimously.

Respectfully submitted,



Nancy LoBalbo  
Planning & Zoning Department Secretary