PLANNING & ZONING COMMISSION

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

PLANNING & ZONING COMMISSION MINUTES
January 14, 2014
BETHEL MUNICIPAL CENTER
DENIS J RIORDAN – ROOM D 7:00pm

PUBLIC HEARINGS CONTINUED:

COMMISSION INITIATED/MAP AMENDMENT /87 & 91 WOOSTER ST
INDUSTRIAL TO RR-10

P. Rist opened the continued public hearing. Property owners Clay Pierce, 87 Wooster St and Tim Draper, 91 Wooster St were present. A staff report dated 11/26/13 by S. Palmer Planner was submitted for review. The Commission initiated proposal is to amend the official zoning map to change the designation of the existing properties from industrial to residential RR-10.

T. Draper voiced concerns over the loss of value from the proposed change industrial to residential and how does the Town compensate a property owner for that loss. C. Pierce spoke about the history of his property and concerns over the existing allowed uses and the effect of the proposed changes. S. Palmer, Town Planner said that the Commission has broad authority in its legislative capacity to make changes to the zoning map. The proposed change is not a taking of property rendering it valueless while value is a consideration for the Commission it is not the number one determining factor in making a decision. Discussion followed with the Commission. The Commission requested that the property owners submit more information regarding the valuation between residential and industrial uses. The hearing was continued until the 1/28/14 meeting.

PUBLIC HEARINGS:

LUCIENE D SANTO /10 NASHVILLE ROAD/SPECIAL PERMIT/CHURCH

P. Rist opened the public hearing.
The following correspondence was submitted:

Staff report dated 1/10/14 by S. Palmer, Planner.
Memo dated 1/10/14 Fire Marshall's Office
Letter dated 1/14/14 from Luciene Santo

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TOWN OF BETHEL
TOWN CLERK

The proposal is for a special permit to conduct services on the first floor of a Commercial building. The existing site has 15 spaces and should be noted that 4 trucks, a trailer and a mobile home are presently on the site. Robert Araujo, Fairfield reviewed with the Commission the proposed hours of operation and attendees. S. Pomazi, property owner was present and stated that the vehicles listed in the Planner's report will be removed. No one spoke in favor or against the proposal. P. Rist closed the hearing.

D & B REALTY/2-8 LIBRARY PLACE/SPECIAL PERMIT/SIGN

P. Rist opened the public hearing.

The following correspondence was submitted:
Staff memo dated 1/14/14 from S. Palmer, Town Planner.

Dr. D. Boylan, property owner presented a request to replace an existing shopping center sign with a replacement in the same location. The new sign is proposed to be internally illuminated. A special permit is necessary in order to grant the requested changes to the signage. Landscaping and more attention to detail are being proposed as shown in a drawing prepared by Bursco Signs submitted by the applicant. No one spoke in favor or against the application. P. Rist closed the hearing.

HAMLIN CYCLES LLC/TEXT AMENDMENT/2.2 DEFINITIONS/4.3 PERMITTED USES

J. Lennon recused

P. Rist opened the public hearing. The following correspondence was submitted for the record:

Staff report dated 1/4/14 by S. Palmer, Planner
HVCEO acknowledgement dated 12/17/13
Informational Zoning Map of area dated 1/14/14
Petition received 1/10/14 (5 pages)
Letter dated 1/6/14 Jenny Morta, 60 Hoyts Hill Rd
Letter dated 1/7/14 ??? 74 Knollwood Drive

Attorney P. Olson was present for the application. An amendment is proposed to the Zoning regulations to allow for the sales/ repairs of motor vehicles 3 wheels or less in the Commercial Zone. The Commercial Zone comprises parcels on Rte 53 from Danbury line to 302 east to Beach Street.

Those who spoke:

John MAsonitti	Darien CT
Harold Alderman	Fairfield Ct
Kevin Dee	Oven Rock Rd
Adam Zuckerman	Deer Trail
Tim ?	Whitney Rd

Bob Terroni	Pleasant St
Dave Rosen	Hebron Ct
Jim Hamlin	
Matt D	Newtown

No one spoke against the application. P. Rist closed the hearing.

BERKSHIRE INDUSTRIAL CORP. /TEXT AMENDMENT
4.4. C.1 DEMENSIONAL STANDARDS

P. Rist opened the public hearing. The following correspondence was submitted:

Staff report dated 1/14/14 by S. Palmer Town Planner
HVCEO acknowledgement of receipt

Attorney P. Olson was present for the applicant. R. Steiner was present for the owners of Berkshire Industrial Park. The application is a request to increase the building coverage allowed in the IP Zone. Presently 30% is the allowed maximum. The applicant is requesting an increase to 35%. No one spoke in favor or against the application. P. Rist closed the hearing.

BUSINESS MEETING

Commission members present: P. Rist Chairman. Hancock, L. Valenti, J. Lennon, B. Legnard, K. Grant, S. Forman, E. Finch. S. Forman was seated for D. Brown, J. Hancock was seated for S. Deuschle.

MINUTES

Motion by K. Grant seconded by B. Legnard to approve minutes of the 12/10/13 meeting. Motion passed unanimously.

INVOICES

Motion by J. Lennon seconded by J. Hancock to approve News Times invoice in the amount of 182.80. Motion passed unanimously.

NEW BUSINESS

BERKSHIRE INDUSTRIAL CORP /PARKLAWN DRIVE/PARCEL Y1/B COMBINED, PARCEL 26/27 COMBINED/MAP AMENDMENT/SITE PLAN SPECIAL PERMIT

Motion by J. Lennon seconded by B. Legnard to accept 2 Applications from Berkshire Industrial Corp for a map amendment/site plan/special permit for excavation and schedule a hearing for

2/25/14, refers items to the appropriate agencies for review and waives the notification fee as stated in the applicant's letter of 1/9/14. Motion passed unanimously.

WORK SESSION

Motion to add RMS signage and Old World Estates to the next item on the agenda. Motion passed unanimously.

RMS

Representatives submitted proposed marketing signage for the proposed development. After reviewing the plans it was the consensus of the Commission to allow the signage for a 12 month period, subject to review and renewal at the conclusion of 12 months.

Old World Estates – Open space

The Commission had a discussion with Attorney P. Olson on the concept of the Town granting an easement to itself for conservation and the complications that have arisen. The Consensus of the Commission was that if it is simpler to give the property to the Bethel Land Trust it would agree to do so at a future date if asked.

J. Hancock recused

DELMONACO/39 TURKEY PLAIN RD/SPECIAL PERMIT/ACCESSORY APARTMENT

The Commission discussed the proposed use in relation to the regulations for an accessory apartment and found that they were not compatible. The Commission requested a draft resolution of denial be presented for review at the next meeting.

BOND RELEASE

J. Lennon recused

52-54 WEED RD

Motion by B. Legnard seconded by S. Forman to reduce bond from $25,100.00 to $6,600.00 pending completion of the driveway. Motion passed unanimously.

J. Lennon seated

GABRIELLA COURT

Motion by B. Legnard seconded by S. Forman to reduce bond from 29,479.65 to 14,930.35 for completion of fire tank. Motion passed unanimously.

WORK SESSION CONTINUED

LUCIENE D SANTO /10 NASHVILLE ROAD/SPECIAL PERMIT/CHURCH

The Commission discussed the merits of the application.
Motion by K. Grant seconded by B. Legnard to approve the application with the condition that permits for signage are applied for prior to the issuance of a Certificate of Occupancy and all vehicles including campers is removed for the property. Motion passed unanimously.

D & B REALTY/2-8 LIBRARY PLACE/SPECIAL PERMIT/SIGN

The Commission discussed the proposed sign and the regulations in the VC Zone.

Motion by B. Legnard seconded by J. Lennon to approve application for D & B Realty for a shopping center directional illuminated sign in the Village Center Zone due to the location of the property in relation to Greenwood Ave intersection with the stipulation that the sign be lit from Dusk to 12am only. Motion passed (6-1). S. Forman – no.

HAMLIN CYCLES LLC/TEXT AMENDMENT/2.2 DEFINITIONS/4.3 PERMITTED USES

J. Lennon recused

The Commission discussed the Zone that would be affected by this change, acknowledging that there was presently a motorcycle repair in the area that has not received any complaints. It was also noted that although a petition and letters were received there was no one in attendance at the hearing opposed or representing the petitioners.

Motion by B. Legnard seconded by K. Grant to approve text amendments for section 2.2 definitions and 4.3 permitted uses of the Town of Bethel Zoning regulations reason for change is that it is in substantial compliance with the Plan of Conservation & Development, the uses is consistent with the surrounding area and it will promote additional economic development activity. Text amendment will be effective February 15th 2014. Motion passed unanimously.

J. Lennon seated

BERKSHIRE INDUSTRIAL CORP./TEXT AMENDMENT 4.4.C.1 DEMENSIONAL STANDARDS

The Commission discussed the proposed amendment and where it would apply; FJ Clarke Park and Berkshire Industrial Park.

Motion by S. Forman seconded by K Grant to approve Text amendment to section 4.4.C.1 from 30% to 35% , regulation is in substantial compliance with the Plan of Conservation & Development, effective February 15th 2014. Motion passed unanimously.

Motion to adjourn by K. Grant seconded by B. Legnard. Motion passed unanimously.

Respectfully submitted,

Beth Cavagna

Beth Cavagna
Land Use