

**APPROVED 9/14/09**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, August 3, 2009 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

**MEMBERS PRESENT:**

James J. Giulietti, Vice Chairman  
Douglas E. Roberts, Secretary  
Vern E. Carlson  
Brian Cummings  
William D. O'Hare, Alternate

**MEMBERS ABSENT:**

Dominic M. Palumbo, Chairman  
Antoinette Carmody, Alternate  
John H. Vanacore, Alternate

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Giulietti, Acting Chairman, called the meeting to order at 7:05 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Giulietti then explained the procedure for the public hearings. Mr. Giulietti asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, asked to add the following items to the agenda; 396 Washington Avenue under "Change of Use", application #P05-12, Half Mile Road under "Bond Releases & Reductions", and application #P09-15, 288 State Street under "Other".

**PUBLIC HEARINGS:**

Mr. Roberts read the call for the public hearing.

1. #P09-17 Resubdivision application of Kerstin Rigi, Applicant and Owner, for two (2) lots, relative to 320 Kings Highway, (Maps 99 & 98, Lot 1). Plan Entitled: Resubdivision Map of Anderson Sunnyside Farm, 320 Kings Highway, North Haven, Connecticut, Prepared by Conklin & Soroka, Inc., Dated 3/25/09. Scale 1" = 60'. R-40 Zoning District.

Mr. E. Paul Lambert of Lambert Engineering presented the application for a two (2) lot resubdivision referral that builds on the application for a two lot resubdivision that was approved by this Commission on July 6, 2009 per direction of the court. He then described the resubdivision plan. Lot #1 is the approved court decision lot, Lot #2 contains the existing, non-conforming house to be serviced by a new well and Lot #3 is the remaining property, which contains a house serviced by public water. The Inland Wetlands Commission issued a positive referral for this application on July 22, 2009. Mr. Lambert then reviewed the QVHD comments with the Commission.

Mr. Carlson asked about the remaining parcel of land because he is concerned about future subdivision. Mr. Giulietti is concerned about runoff. Mr. Roberts would like to see sidewalks added to the site plan. Mr. O'Hare asked about the 10% slope. Mr. Fredricksen discussed the court approved lot and stated the applicant needs to post the bond and file a mylar. If the mylar for Lot #1 is not filed with the Town Clerk's Office, then the current drawings will have to be revised.

Mr. Giulietti asked for public comment.

Public comment:

1. Jean Weatheral, 1954 Hartford Turnpike, has concerns with neighboring homes that could be affected by this proposal and with septic tanks leaking. She asked about supplying sewers. She feels that the wetland area on this site poses a health issue. She also explained that the existing water on this site already causes flooding issues.
2. Jean Barbaro, 865 Clintonville Road, spoke regarding 1954 Hartford Turnpike. She is concerned about how many houses could be proposed for Lot #3. She is also concerned with wells and septic systems being impacted. She asked about the retention facility and runoff.
3. Steve Nugent, 335 Kings Highway, Inland Wetlands Commissioner, has concerns with the drainage and erosion issues on Kings Highway. He asked that sidewalks be waived for this project to save mature trees that create a calming effect on traffic. He questioned how the existing septic system will function now that it has to carry a three bedroom house. He also has concerns with the change in grade and stormwater control.
4. Robert Tait, 19 Legrand Road, asked about water service to lot #2 and is concerned with the grade. He also asked questions regarding renovations to the existing house.

Mr. Lambert responded to public comment.

Mr. Bodwell, Town Engineer, stated that runoff will now be directed into an underground retention galley.

Mr. Roberts questioned the condition of the existing system. Mr. Lambert stated QVHD considers it a functioning septic system because there was never an issue with the system in the past. However, the Commission has concerns with the existing septic system because it's approximately forty years old.

There being no further comments; the public hearing was closed.

2. #P09-22 Application of Timothy J. Lee, Applicant, proposed amendments to the North Haven Zoning Regulations, to amend Section 5.1.1.65 to permit Adult Rehabilitative and Educational Facilities in IL Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Timothy Lee presented the application to amend Section 5.1.1 of the regulations permitting Adult Rehabilitative and Educational facilities in IL Zoning Districts. Mr. Giulietti asked about the number of people attending this facility. Attorney Lee stated about twenty people. The hours of operation would be from 8:00 a.m. to 5:00 p.m. Mr. Carlson suggested making this application a Special Permit.

There being no comments; the public hearing was closed.

#### **SITE PLANS:**

3. #P09-19 Site Plan Application of SRJ Holdings, LLC, Applicant and Owner, relative to 50 Leonardo Drive, (Map 59, Lot 23). Plan Entitled: Improvement Location Survey, Existing Site Conditions and Proposed Building Addition, Land n/f SRJ Holdings, LLC, #50 Leonardo Drive, North Haven, Connecticut, Prepared by Winterbourne Land Services, Dated March 20, 2009, rev. 6/16/09. Scale 1" = 40".  
IL-80 Zoning District.

Ms. Rosalind Page with Winterbourne Land Services, presented the application to permit the construction of a 10,800 square feet, single story addition to the southeast portion of the building and change the use of 3,000 square feet of warehouse space to office space on this 6 acre site. Site improvements are also being proposed such as plantings and outdoor storage in the rear of the building for mulch. The existing drainage system will remain. The applicant is requesting a waiver of the sidewalks. Irrigation is not being proposed at this time. Ms. Page then reviewed Land Use and Engineering comments.

Mr. Giulietti suggested having an irrigation system. Mr. Carlson asked about sidewalks. Attorney Lee responded to Mr. Carlson. Mr. Cummings asked about the storage of the mulch. Ms. Page stated that mulch will be stored temporarily and the existing piles of mulch will be removed from the site. The Commission was also concerned with the amount of storage trailers located on this site.

4. #P09-26 Site Plan Application of 491 Washington Avenue Assoc., LLC (Steven Dostie), Applicant and Owner, relative to 491 Washington Avenue, (Map 90, Lot 18). Plan Entitled: Proposed Site Development Plan for 491 Washington Avenue, North Haven, Connecticut, Prepared by John Paul Garcia & Assoc., Dated 6/30/09. Scale 1" = 30'. IL-30 Zoning District.

Mr. John Paul Garcia, engineer, presented the application to permit the construction of two buildings on this 1.35 acre site. The proposed 4,000 square foot front building will contain a deli restaurant and a bank with a drive-thru. The proposed 4,400 square foot rear building will be used for storage. Parking is proposed for 41 vehicles.

Mr. Garcia reviewed the Town's comments with the Commission. Mr. Roberts asked about the type of lighting being proposed. Mr. Garcia stated that they are waiting for the bank to respond with lighting specifications. Mr. Garcia further reviewed Town comments and discussed drainage. Mr. Roberts asked about parking and the traffic pattern. Mr. Giulietti asked about storage. Mr. Garcia stated that there will be no outside storage and sidewalks are proposed.

**BREAK:** 9:25 PM – 9:34 PM

**OTHER:**

#P09-21 355 Washington Avenue – Outdoor Storage

Mr. Fredricksen explained that the height limitation of 4' for outdoor storage is not sufficient so a 14' height limitation is being proposed for outdoor storage.

Mr. Carlson moved to amend application #P09-21, 355 Washington Avenue, to allow 14' height limitation for outdoor storage; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

50 Devine Street – Proposed Cell Tower

Mr. Monty Frank of Phoenix Partnership, LLC presented the proposal for a 120' Cell Tower to be located on a 6.37 acre parcel currently used for commercial purposes. Mr. Roberts asked if this proposed cell tower is necessary because other towers in town are only within a couple of miles from each other so there should not be a gap in service. Mr Keith Coppins, 117 Washington Avenue, stated that Pocket Communications has a gap in coverage. Mr. Fredricksen asked if there are any bonds or violations on this property and asked about the storage containers that are not allowed on this site.

Mr. Giulietti moved to approve the proposed cell tower site at 50 Devine Street; Mr. Carlson seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

Letter from Town Attorney – Acting ZEO Appointments

Mr. Carlson moved to appoint Mr. Bodwell, Town Engineer and Mr. Fredricksen, Land Use Administrator, as Acting Zoning Enforcement Officers in the absence of the Zoning Enforcement Officer, Arthur Hausman; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

#P09-15, 288 State Street

Mr. Dominic Contessa, owner of 288 State Street, submitted a letter to the Commission dated August 3, 2009 requesting to waive the “As Built” requirement from the May 12, 2009 Planning & Zoning approval letter.

Mr. Carlson moved to waive the “As-Built” requirement for application #P09-15, 288 State Street; Mr. Roberts second the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

**DELIBERATION SESSION:**

Mr. Carlson moved to go into deliberations; Mr. Cummings seconded the motion. All were in favor.

**PUBLIC HEARINGS:**

1. #P09-17 Resubdivision application of Kerstin Rigi, Applicant and Owner, for two (3) lots, relative to 320 Kings Highway.

Mr. Carlson moved to continue the deliberations for this application to the September 14, 2009 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

The Commission also requested input from the Town Attorney regarding the following:

1. A requirement to test the existing septic system.
  2. Clarify installing sidewalks, sewers and water service, in light of the court decision.
  3. Need clarification from QVHD regarding the existing septic system's testing.
2. #P09-22 Application of Timothy J. Lee, Applicant, proposed amendments to the North Haven Zoning Regulations, to amend Section 5.1.1.65 to permit Adult Rehabilitative and Educational Facilities in IL Zoning Districts.

Mr. Carlson moved to approve the amendment to Section 5.1.1.65 of the North Haven Zoning Regulations permitting Adult Rehabilitative and Educational Facilities in IL Zoning Districts with the additional requirement of a Special Permit. Mr. Roberts seconded the motion. The effective date is September 1, 2009

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

**SITE PLANS:**

3. #P09-19 Site Plan Application of SRJ Holdings, LLC, Applicant and Owner, relative to 50 Leonardo Drive.

Mr. Cummings moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

The application was approved with appropriate conditions.

4. #P09-26 Site Plan Application of 491 Washington Avenue Assoc., LLC (Steven Dostie), Applicant and Owner, relative to 491 Washington Avenue.

Mr. O'Hare moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

The application was approved with appropriate conditions.

**INFORMAL PRESENTATION:** None

**EXTENSIONS:** None

**BOND RELEASES & REDUCTIONS:**

#P08-54, 278 Maple Avenue

Mr. Cummings moved to release the entire bond for #P08-54, 278 Maple Avenue, in the amount of \$13,000.00; Mr. Carlson seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

#P08-24, 92 State Street

Mr. Andy Ciaccio, Art's TV spoke regarding the requirements for his bond release. He explained that the dumpster will need to be removed from its location frequently so he would like to amend the application by showing no dumpster enclosure and include revisions to the handicap ramp on the site plan.

Mr. Roberts moved to amend the site plan for application #P08-24, 92 State Street; Mr. Carlson seconded the motion. All were in favor.

Mr. Cummings moved to release the entire bond for #P08-24, 92 State Street, in the amount of \$30,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

#P05-84, 69 & 80 Defco Park Road

Mr. Carlson moved to release the entire bond for #P05-84, 69 & 80 Defco Park Road, in the amount of \$10,000.00; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

#P08-61 & #P05-89, 319 Washington Avenue

Mr. Cummings moved to release the entire bond for #P08-61 & P05-89, 319 Washington Avenue, in the amount of \$36,000.00; Mr. Carlson seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare - aye

#P05-12, Half Mile Road/North Hill Road

Mr. O'Hare moved to reduce the bond for #P05-12, Half Mile Road/North Hill Road, from \$450,000.00 to \$285,000.00; Mr. Carlson seconded the motion. The Commission voted as follows:

Giulietti – nay Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

#P09-15, 288 State Street

Mr. Carlson moved to release the entire bond for #P09-15, 288 State Street, in the amount of \$5,000.00; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

#### **CHANGE OF USE:**

396 Washington Avenue

Ms. Peg Tolman, lessee, explained that she would like to use this building to sell artwork and then eventually a tattoo business. Mr. Giulietti explained that this application needs site plan approval. Also, a tattoo business is not allowed in this zone so an amendment would be required. Mr. Fredricksen stated that there are wetlands on this site so wetland approval is also needed.

Mr. Carlson moved to require a site plan application in accordance with Section 10.1; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

**CORRESPONDENCE:** Pharmacia & Upjohn Status Report dated July 16, 2009  
Pond View Estates letter dated June, 18, 2009

Mr. Giulietti is concerned that there are still no sidewalks at Pond View Estates. He would like Art Hausman, Zoning Enforcement Officer, to send a letter to Mr. Rick Vizziello asking him why sidewalks are not installed and when they will be completed.

Mr. Giulietti asked that Circuit Wise submit a Change of Use for this site by the next Planning & Zoning meeting.

**MINUTES:**

July 6, 2009

Mr. Carlson moved to approve the minutes of the July 6, 2009 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts – aye Carlson –aye Cummings – aye

**PUBLIC COMMENT:** None

**ADJOURN:**

There being no further business, Mr. Carlson moved to adjourn; Mr. Cummings seconded the motion. The meeting was adjourned at 11:07 PM.