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**Planning and Zoning Commission
Regular Meeting 02-13-2020 7pm
Minutes**

Members Present: Joe Ziehl, Walter Birdsell, Tom Lavranchuk, Joe Neizelski

Members Absent: Leon Sloat, Jamie Brennan

Others Present: Mike Marganski, Jim Baldwin, Keith Rosenfeld

1. Call to Order

Meeting was called to order at 7:00pm

2. Pledge of Allegiance

All stood for the pledge.

3. Seating of Alternates

There were no alternates to be seated.

4. Z.E.O Report

The Z.E.O. Report was given to Commission members in their packets. Some of the highlights that Mike Marganski and Bill Pachet have been working on include 33 Mead Farm Road. Last summer there was construction on a garage and now there is an encroachment that has occurred onto an adjoining property. The owner of property has been given a notice and 4 options. They are waiting on his response.

- One option is a smaller parcel of land and then applying for a hardship.
- if he was able to purchase a larger parcel of land and then would be granted the ability to work on some Zoning and map changes.
- The other option is to relocate the garage. Or remove the garage in its entirety.

Over the summer the owner came in and started to go through the application process, however, he never completed the process. The contractor put the garage up and now he is over the setback. They would like to know what his choice is.

A cease and desist order was given for some work that was occurring along a 67 corridor. There was a productive meeting with their building owner, their engineer and our staff anticipating that there should be something in terms of a site plan over the next few weeks.

There was a request for the owner of 31 Silvermine Road after working with them. They will present to the Board tonight.

Over the next few weeks, we will be looking at set backs, site lines and signage on route 67 to get some compliance.

On Tuesday, Elyse hosted a staff meeting with all of the building department staff to hopefully make it easier for applicants and tighten up things on the office side.

An observation that some of the staff has noticed is that reeducation happens at different times. There are a lot of new members on our land use boards. To hopefully give everyone a refresher, on March 26 the NVCOG will present on a Guide for Making Local Land Use Decisions. Hopefully something can be done every 6 months to help us better serve the needs of the public as we go through.

5. Approval of Public Hearing Meeting Minutes; January 9th, 2020

The Chair asked if Commissioner Brennan opposed the closing of the public hearing.

Mike Marganski said that they would review the tape and make the correction if need be.

Tom Lavranchuk made a motion to approve the minutes.

Joe Niezelski seconded.

Walter Birdsell abstained.

3-0-1

6. Approval of Regular Meeting Minutes; January 9th, 2020

- The Chair said that under #8 it should say Affordable Housing Law.
- Also the bottom paragraph should show, "the Commission would have to find that the public".
- Accordance to should be "accordance with"
- The town should be "the people in the room"

Joe Niezelski made a motion to approve the minutes with corrections.

Seconded by Tom Lavranchuk.

Walter Birdsell abstained.

3-0-1

7. Public Comment

Cynthia Zukas attempted to make a public comment on the Affordable Housing application and the site plan but counsel advised the Chair that this is not allowed. She mentioned that she enjoyed coming to the meetings and working with the Board.

8. 31 Silvermine Road; Application for proposed Construction Site Plan

Jesse Judson is representing the applicant of 31 Silvermine Road. He described the site as a review for the Board. The current site has a 5,000 sq ft industrial building. It is currently accessed from Silvermine Road. RolloCover primarily uses the building for warehousing. Most of the fabrication takes place at their Bethany CT facility. The current access in and out of the building is very difficult because the existing driveway intersects at an odd angle on the road. Once you have entered the site, it provides limited spots for parking. They are requesting a 400 sq ft addition added to the building in the rear, as well as lining the driving entrance. They are also proposing widening the driveway parking area for onsite parking. Currently, storm water on the site is collected by 2 existing catch basins and is piped out to the side of the building and will continued to do so. Judson provided a picture of the proposed addition. The material that will be taken out of the front to widen the parking area will be used to fill in the back on the north side of the property, so the majority of the material will not be leaving the site. The applicant has proposed some landscaping in the front. They have received comments from Mr. Nesteriak that they are working on in order to have the revisions done. They are still talking to Wetlands for those approval.

Tom Lavranchuk asked if there was enough room for a tractor trailer to pull in and back up in the that extended parking area. He asked the distance from the corner to the existing parking lot edge.

Judson replied that it was probably about 63 feet. The angles of the truck and the parking, they will be able to get a tractor trailer in there if need be. With the driveway the comes around vehicles will pull in, back up the driveway, pull out and be able to leave that way. They are trying to make it easier because the site is so steep. He stated that all the comments the applicant received from the staff should be in the packets given to the staff at the beginning of this meeting.

Lavranchuk asked if there was a door planning on being in the back of the building.

Judson said there is going to be a garage door just for easy access.

The Chair said that they received comments from the staff were in their packets including one letter dated 2-6 from Bryan Nesteriak, as well as a letter from Keith Rosenfeld. They asked Mr. Nesteriak to speak about his thoughts on the project.

Bryan Nesteriak went over a few concerns on the project;

- At the main entrance, the applicant is talking about moving the southern curb line over, in order to make the movement from Silvermine into the property, however it turns it into a very wide driveway. His recommendation is to move the northern line so that it is a proper perpendicular entrance rather than a skewed entrance.
- Adding a stop bar, a stop sign and a no right turn sign, in order to limit the movement going down the hill.
- He asked if there will be any signs and if so, to have them included on the plan.
- Architectural plans and landscaping plans should be included with the site plan.
- Asking if there is any external lighting to be proposed and if so to include those plans as well.
- What is the largest delivery vehicle and if they have enough room to turn around?
- Maintenance of the detention basin, an access road should be identified so they can get to it and clean and maintain it.
 - There is a large swale behind the building which is a cut off to stop the water from running. He assumes it was put in years ago and hasn't been looked at since. He recommends that it be inspected and cleaned as needed.
- Suggestion to the engineer: the detention basin has 6 outlets, however, in his experience the main flow will be directed into one or 2 of the outlets creating an erosion problem. If he could consider only creating one or 2 of the outlets it would help.
- Clarification of they way they calculated storm water.

The Chair asked if Judson and his client were willing to work on the conditions of approval.

Judson said he would talk to Mr. Nesteriak and work on these things.

The Chair asked for a motion to carry over until next month.

Tom Lavranchuk made a motion to table to next month.

Joe Neizelski seconded.

All were in favor.

4-0-0

9. Bladen's Ridge Affordable Housing Development

- Text Change; Action required by 2/13/2020

Walter Birdsell said that he was not at the meeting last month because he did not receive his packet in the mail until January 24th and the meeting was on the 9th. He said he read through some of the minutes and said anything that (the applicant) provides about the playground is not enough and he wants to know where the kids will play.

The Chair said actually at this point the hearing is closed, so they really cannot discuss.

Walter Birdsell said yes he can talk about it because he is a Commissioner. He was denied his comments last meeting because his packet did not come in until January 24th.

The Chair asked if Birdsell had listened to the tapes.

Birdsell said no he did not.

The Chair asked how he was going to vote on it if he had not listened to the tapes.

Birdsell said that he read the minutes and he can still have a comment.

The Chair said that if he has not listened to the recording, he does not see how he can vote on it.

Birdsell said that he will still give a vote.

The Chair asked for Keith Rosenfeld to give a brief overview of what has been happening over the past month on his end.

Walter Birdsell said he knows he said it at other meetings before but this plan is disgusting. He will be making his decision when it is time to vote.

Keith Rosenfeld said that he would start with the text change.

- He described the text change and where it will now be in the Town's zoning regulations.
- He and the applicant constructed the draft in front of the Commission. One of the main changes that was placed on the text change was focusing on 18AF and discussing the onsite detention drainage. The staff worked together and added the last line in that regulation that focuses on the standards that they have for storm water detention/storm water management. They believe its a good addition and something that will add to the overall working of the text change.
- They put together the motion. It is pretty lengthy. They believe it covers everything.

The Chair said he would be reading the motions and final comments when they are about to take the final vote.

Counsel Pat Sullivan said that they could vote on each separately if they would like.

The Chair made the following motion for text change.

The Planning and Zoning Commission resolution application for SHC Seymour Springs LLC

PLANNING AND ZONING COMMISSION RESOLUTION

Application of SHC Seymour Springs, LLC – Text Change,

Amend Section 3.0 of the Zoning Regulations of the Town of Seymour to add a new subsection (6) “The Affordable Housing Zone (AHZ)” as a floating zone that may be permitted within the MF and R-18 zoning districts and to establish an addition to Section 18 to the Zoning Regulations of the Town of Seymour “Section 18A” to establish regulations governing the new Affordable Housing Zone (AHZ) as shown on the document entitled “Proposed Text Amendment – Revised, SHC Seymour Springs, LLC” dated December 9, 2019.

And that the following is a statement of its findings:

WHEREAS the Planning and Zoning Commission has reviewed the application for a Text Change to the Zoning Regulations of the Town of Seymour to add a new subsection (6) “The Affordable Housing Zone (AHZ)” as a floating zone that may be permitted within the MF and R-18 zoning districts and to establish an addition to Section 18 to the Zoning Regulations of the Town of Seymour “Section 18A” to establish regulations governing the new Affordable Housing Zone (AHZ) as shown on the document entitled “Proposed Text Amendment – Revised, SHC Seymour Springs, LLC” dated December 9, 2019.

WHEREAS the Planning and Zoning Commission conducted duly called public hearings on October 10, 2019, November 14, 2019 and December 12, 2019 and has considered the submitted comments of the Applicant, other interested Town agencies, officials and the general public; and

WHEREAS the Planning and Zoning Commission makes the following special findings:

The proposed Text Change furthers the goals and policies of the Plan of Conservation and Development of the Town of Seymour by:

- o Contributing to housing diversity to meet the needs of the community;**
- o Facilitating the construction of more sustainable affordable housing options; and**
- o Requiring the provision of a substantial amount of open space within a development parcel.**

- **The proposed Text Change is consistent with the goals and policies of Section 8-30g of the Connecticut General Statutes;**
- **Only 5.75% of the housing stock in the Town of Seymour is classified as affordable housing as defined by Section 8-30g of the Connecticut General Statutes;**
- **The proposed Text Change will facilitate the construction of affordable housing units as defined by Section 8-30g of the Connecticut General Statutes in a manner that is consistent with soil types, terrain and infrastructure capacity, as well as adjacent residential uses; and**
- **The proposed Text Change will not adversely impact a substantial public interest in health, safety or other matter which the Planning and Zoning Commission may legally consider, and any such interest that may exist does not clearly outweigh the need for affordable housing in the Town of Seymour.**

THEREFORE, the Planning and Zoning Commission APPROVED AS MODIFIED at its regular meeting held on February 13, 2020 the proposed Text Amendment and the approved language will now read as follow:

Add the following text to § 3.0 of the Zoning Regulations:

3.0. – Zoning district and map.

a) The Town of Seymour is hereby divided into the following zoning districts:

g) The Affordable Housing Zone (AHZ) is a floating zone that may be established within the MF and R-18 zoning districts. Requirements and standards are contained in Section 18A.

A. Add the following new section as “Section 18A” to the Zoning Regulations:

18A.0. – Affordable Housing Zone (AHZ).

18A.1 Intent and Purpose. The purpose of this Affordable Housing Zone regulation is to establish regulations governing the development of a residential community that will provide the Town of Seymour and the region with multi-family market-rate rental units and rental units that are subject to long-term restrictions that will ensure their accessibility for moderate income and low-income households. This regulation establishes standards to facilitate such development on selected parcels on which construction will be consistent with soil types, terrain, and infrastructure capacity.

18A.2 Definitions.

a) “Affordable Housing Development” means a housing development, including but not limited to Garden Apartments, Town Houses, and Dwellings, in which not less than 30% of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in § 8-30g of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent (80%) and sixty percent (60%) of the area median income, for at least forty (40) years after the initial occupation of the proposed development.

18A.3 Eligible Zoning Districts and Parcels. Parcels may be zoned AHZ upon satisfaction of the following requirements:

- a) Existing zoning designation of Multi-Family (MF) District or R-18 District; provided however, no more than two (2) acres can be zoned R-18.
- b) Satisfaction of the Site Requirements of Section 18A.4; and
- c) Satisfaction of the Development Standards of Section 18A.7.
- d) An AHZ parcel may utilize noncontiguous property across a road for drainage and utility purposes, only. Such site area shall not count towards calculation of lot area as provided in Sections 18A.4 below, and shall not count toward compliance with any required development standard provided in Section 18A.7.

18A.4 Site Requirements.

- a) Each dwelling unit shall be served by the municipal sanitary sewer system and a public water supply system.
- b) Developments containing twenty four (24) or more dwelling units shall have at least two connections to a public road. One connection shall have a pavement width of at least twenty four (24) feet and a lot area width of at least fifty (50) feet. The second connection may be for emergency vehicles only. Developments of less than twenty four (24) units shall have at least one connection that meets the 24-foot/50-foot standard described above.
- c) Parcels shall have a minimum lot area of four (4) acres and such size and shape that a two hundred (200) foot square will fit totally within its boundaries.

18A.5 Permitted Uses.

- a) **Affordable Housing Development.**
- b) **Uses customary incidental and subordinate to the above uses when located on the same lot, such as tenant amenities and facilities management office.**

18A.6. Affordable Units. The purpose of the AHZ is to facilitate a residential development containing both market-rate and price-restricted units that comply with Section 8-30g of the Connecticut General Statutes. Such price-restricted, a/k/a “affordable” units, are referred to herein as “Affordable Units.” The following requirements shall apply to Affordable Units in an Affordable Housing Development.

- a) **Affordable Units shall be of a construction quality that is comparable to market-rate units within a development.**
- b) **Affordable Units shall be built on a pro rata basis as construction proceeds.**
- c) **Calculation of the maximum monthly payment for an Affordable Unit, so as to satisfy General Statutes § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development (a) for a rental unit, as in effect on the day the lease is signed; and (b) for an ownership unit, as in effect on the day a bond for deed or similar contract for sale is accepted by the seller.**
- d) **The maximum payment that the occupant for an Affordable Unit shall not be greater than the amount that will preserve such unit as “affordable housing” as that term is defined in General Statutes § 8-30g, and shall include the following:**
 - a. **For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a common interest community, if the tenant is directly responsible; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.**
 - b. **For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.**
- e) **Affordable Units shall be occupied only as a tenant’s or purchaser’s principal residence. Subletting by tenants or renting by owners of Affordable Units shall be prohibited.**

f) At the same time that the market-rate units in an AHZ development are advertised to the general public, notice of availability of the Affordable Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Seymour, and providing notice to the Seymour Board of Selectmen, the Seymour Town Clerk, and the Seymour Planning and Zoning Commission.

g) Each deed or lease for an Affordable Unit will contain substantially the following provision:

This unit is sold or rented as an “affordable housing unit” as defined in Connecticut General Statutes § 8-30g, and is available only to persons or families whose income is at or below eighty percent (80%) or sixty percent (60%), as applicable, of the area median income for Seymour or the statewide median income, whichever is less, as annually determined by the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the Town of Seymour based in part on the condition that a defined percentage of the units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

h) The forty (40) year affordability period shall be calculated separately for each Affordable Unit in an AHZ development, and the period shall begin on the date, as defined at closing, or initial occupancy of the Unit.

i) In conjunction with an application for approval of a site plan for an AHZ development, the applicant shall submit an “Affordability Plan,” which shall describe how the regulations regarding affordability will be administered. The Affordability Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable units, identification of those units which are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements.

j) A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

18A.7. Development Standards.

- a) **Development in the AHZ shall be exclusively governed by the provisions of this Section 18A, and not those contained in the body of the zoning regulations, unless otherwise provided in this Section 18A.**
- b) **Density. The parcel shall have a minimum lot area of 4,750 square feet for each dwelling unit.**
- c) **Open Space. At least fifty percent (50%) of the lot area shall be reserved as open space for the benefit of the residents of the Affordable Housing Development only. Open space shall include all pervious lot area, provided however, it shall specifically exclude parking spaces, drive aisles and vehicular access areas. Open Space shall be designated on the site plan and distributed throughout the project in a reasonably uniform manner so that all residents may benefit.**
- d) **Yards and Setbacks. Principal buildings shall be set back at least twenty (20) feet from each other or from the curb of any internal roadway. The required front yard shall be sixty (60) feet from the property line, the required rear yard shall be seventy five (75) feet from the property line, and the required side yard shall be thirty five (35) feet from the property line. Side and rear yards that abut a residential zone shall contain a landscaped or natural buffer area of at least fifteen (15) feet in width. The buffer shall provide a reasonably opaque barrier to a height of at least six (6) feet. Provided, however, the foregoing landscaped or natural buffer area requirement shall not apply to the first one hundred (100) linear feet on either side of a vehicular accessway.**
- a) **Coverage. There shall be no limit to the number of principal buildings. Total building coverage shall not exceed twenty percent (20%) of lot area. Total impervious coverage shall not exceed fifty percent (50%) of lot area.**
- b) **Building Height. Principal Buildings shall be no more than three (3) habitable stories, excluding basements and garages, and no more than forty five (45) feet high. Accessory structures shall not exceed a height of twenty-five (25) feet. Building height is measured as the vertical distance from the average finished ground surface elevation to the roof's highest point.**
- c) **Parking. Parking shall be provided at a minimum of 1.75 spaces per dwelling unit. Parallel parking is permitted on internal roadways but parking spaces shall be located at least twenty (20) feet from any property line.**

d) **Signs.** Two freestanding signs having an area not to exceed fifty (50) square feet identifying the development are permitted. In addition, there may be one ground sign or wall sign per building, not to exceed an area of ten (10) square feet except that a sign identifying a community building may be up to thirty (30) square feet. Street name and directional signs are allowed as needed.

e) **Landscaping.** All areas not covered by either a principal or accessory building or pavement shall either be left in its natural state or shall have a ground cover of grass or planting sufficient to prevent wind or water erosion and present a pleasing appearance.

18A.8. Utility and Driveway Requirements.

a) There shall be a public water supply and municipal sewer system adequate to meet the needs of the development.

b) All utilities shall be installed underground.

c) Detailed utility structures such as dumpsters, air conditioning units, transformers and the like shall be enclosed by buildings, embankments, fences, walls, plantings, or otherwise screened from pedestrian view. There is no maximum height for retaining walls.

d) All common areas are to be maintained by the property owner, if a rental community, or by an association of unit owners, or a designee.

e) All internal roads and driveways shall be private and have an unobstructed travel lane of at least ten (10) feet in width for each direction of travel. Maximum grade shall be twelve percent (12%), except that grades of up to fourteen percent (14%) may be permitted for distances of less than one hundred (100) feet.

f) There shall be a storm drainage system which shall collect, carry off and dispose of surface water runoff. On-site detention shall be required only if the increase in storm water runoff cannot be accommodated by the storm drainage system as it exists or may be improved by the applicant. All work shall conform to the recommendations and criteria set forth by the Seymour Storm Water Post Construction Ordinance including its design, management and maintenance.

18A.9. Application Procedures and Requirements. An affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their

arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

Tom Lavranchuk seconded.

Walter Birdsell said that under 18A they talked about a grassy area, but there is no playground area for the kids. There are 90 units and there should be a designated area for the playground. If they do not have that there will be trouble.

Tom Lavranchuk said that it had been added to the plan.

Walter Birdsell said that it says open space, but it does not say designated playground. It should say a playground or a basketball court or a swingset.

Tom Lavranchuk said that when the plan comes in that is when he can address that.

The Chair asked for other comments. He said that they had gone over other comments last meeting and they were all in the record. He spoke to staff over the past about in the event that there were to be a vote to deny the application, the reason would have to be a substantial reason of health and safety that outweighs the need for affordable housing.

Counsel Pat Sullivan said that he was correct they could put that request in the site plan, but if they put it in the text it would be a requirement as opposed to a situation where it was not necessary.

The Chair said as far as he is concerned he is ready to vote on it.

Joe Ziehl- yes Tom Lavranchuk- yes Joe Niezelski- yes
Walter Birdsell- no

3-1-0

The Chair asked what the grounds were for Walter's opposition.

Walter Birdsell said he gave his reason. It is the children's safety. The grassy area does not give a designated area for these kids to play. It is a hazard for the children of this area.

The Chair said they have 3 in favor and 1 opposed so they can move on.

- Map Change; Action required by 2/13/2020

Keith Rosenfeld said that in order to have a floating zone, they must have a zone in which the floating zone is going to land. The applicant had put forth an application for a zoning map

change and the change will be a new district that is an affordable housing zone district. This is consisting of properties of 10.6 plus or minus acres of property. The land affected is owned and located on the following streets; 20 Spring Street owned by SHC Seymour Springs LLC , 16 Smith Street owned by SHC Seymour Springs LLC, and 17 Smith Street owned by SHC Seymour Springs LLC. Smith Street is the R18 lot. The lot on 20 Spring Street is MF and AHZ and the property across on Smith Street is R18 as well. The motion is before the Commission as well and if there are any questions the staff is more than happy to answer them.

The Chair asked for a motion.

Tom Lavranchuk made a motion to approve the map change.

The Chair read the motion into the record.

PLANNING AND ZONING COMMISSION RESOLUTION

Application of SHC Seymour Springs, LLC – Zoning Map Change

To change to a new zoning district known as the Affordable Housing Zone (AHZ) certain properties consisting of approximately 10.6+/- acres of property.

And the land affected is owned by and located on the following streets:

<u>NAME</u>	<u>STREET</u>
SHC Seymour Springs, LLC	20
Spring Street	
SHC Seymour Springs, LLC	16
Smith Street	
SHC Seymour Springs, LLC	17
Smith Street	

And that the following is a statement of its findings:

WHEREAS the Planning and Zoning Commission has reviewed the application for a Zoning Map Change of SHC Seymour Springs, LLC;

WHEREAS the Planning and Zoning Commission conducted duly called public hearings on October 10, 2019, November 14, 2019 and December 12, 2019 and has considered the submitted comments of the Applicant, other interested Town agencies, officials and the general public; and

WHEREAS the Planning and Zoning Commission makes the following special findings:

- **The proposed Zoning Map Change furthers the goals and policies of the Plan of Conservation and Development of the Town of Seymour by:**
 - **Contributing to housing diversity to meet the needs of the community;**
 - **Facilitating the construction of more sustainable affordable housing options; and**
 - **Requiring the provision of a substantial amount of open space within a development parcel.**
- **Only 5.75% of the housing stock in the Town of Seymour is classified as affordable housing as defined by Section 8-30g of the Connecticut General Statutes;**
- **The proposed Zoning Map Change will facilitate the construction of affordable housing units as defined by Section 8-30g of the Connecticut General Statutes in a manner that is consistent with soil types, terrain and infrastructure capacity, as well as adjacent residential uses;**
- **The proposed Zoning Map Change is consistent with the goals and policies of Section 8-30g of the Connecticut General Statutes; and**
- **The proposed Zoning Map Change will not adversely impact a substantial public interest in health, safety or other matter which the Planning and Zoning Commission may legally consider, and any such interest that may exist does not clearly outweigh the need for affordable housing in the Town of Seymour.**

THEREFORE, the Planning and Zoning Commission APPROVED AS MODIFIED at its regular meeting held on February 13, 2020 the Zoning Map Change as shown and delineated on the sketch set forth below:

The Chair asked for a second.

Joe Niezelski seconded the motion.

Joe Ziehl- yes Tom Lavranchuk- yes Joe Niezelski- yes
Walter Birdsell-no

3-1-0

10. Bladen's Ridge Site Plan; Action required by 3/12/2020

Jim Baldwin handed out the report from the Seymour Inlands Wetlands Commission that he would like submitted for the record.

Keith Rosenfeld said that the report contains not only the Wetland Commission's findings, but also those site plans that are more modified for the Wetlands approval. They have made a motion that is based on their findings, as well as reactions from the public and from the staff. It is a very complete motion. He wanted to point out that it is a proposal to actually construct a residential unit known as Bladen's Ridge as they are in compliance with the Affordable Housing Zone. He wanted to make a note that they need an effective date for the Text Change. There are 20 conditions that are placed on the site plan so it ensures not only that the construction is done right, but also that the DEEP application is done correctly.

The Chair made a motion to read the motion into the record.

PLANNING AND ZONING COMMISSION RESOLUTION

Application of SHC Seymour Springs, LLC – Site Plan Application

Proposal to construct the development of a residential community known as “Bladen’s Ridge” that will provide the Town of Seymour and the region with multi-family affordable and market-rate residential rental units in compliance with Section 8-30g of the Connecticut General Statutes and the Affordable Housing Zone. Said development includes ninety (90) two-bedroom and

three-bedroom apartments and associated parking, landscaping and site improvements.

And the land affected is owned by and located on the following streets:

NAME

STREET

SHC Seymour Springs, LLC 20
Spring Street

SHC Seymour Springs, LLC 16
Smith Street

SHC Seymour Springs, LLC 17
Smith Street

WHEREAS, the Planning and Zoning Commission has reviewed applications for Site Plan Approval to construct the residential development known as “Bladen’s Ridge” consisting of 90 two-bedroom and three-bedroom apartments and associated parking, landscaping and site improvements (the “Site Plan Application”).

WHEREAS, the Planning and Zoning Commission conducted duly called public hearings on December 12, 2019 and January 9, 2020 and has considered the submitted comments of other interested City agencies, officials and the general public; and

WHEREAS, the approved Site Plan Application is more particularly described in the building design plans, site development plans and reports submitted in connection with the application and such related materials, reports and exhibits constituting the application file as may be amended to be consistent with representations made during the public hearings on December 12, 2019 and January 9, 2020, and conditions contained herein. Together all of these documents are referred to hereinafter as the Building Architectural and Site Plans.

WHEREAS, the Planning and Zoning Commission makes the following special findings:

- **The approved Site Plan Application conforms to the standards, goals, purposes and specific objectives of the Affordable Housing Zone (AHZ).**
- **The approved Site Plan Application conforms to the standards, goals, purposes and specific objectives of Section 8-30g of the Connecticut General Statutes.**

- The building design and site development plan further the goals and policies of the Plan of Conservation and Development of the Town of Seymour by:
 - **Contributing to housing diversity to meet the needs of the community;**
 - **Facilitating the construction of more sustainable affordable housing options; and**
 - **Requiring the provision of a substantial amount of open space within a development parcel.**

The approved Site Plan Application will not adversely impact a substantial public interest in health, safety or other matter which the Planning and Zoning Commission may legally consider, and any such interest that may exist does not clearly outweigh the need for affordable housing in the Town of Seymour.

- **Only 5.75% of the housing stock in the Town of Seymour is considered affordable housing within the meaning of Section 8-30g of the Connecticut General Statutes.**
- **The approved Site Plan Application will result in twenty-eight (28) additional affordable housing units in the Town of Seymour, within the meaning of Section 8-30g of the Connecticut General Statutes.**

NOW THEREFORE BE IT RESOLVED that at its regular meeting on February 13, 2020, the Planning and Zoning Commission APPROVED AS MODIFIED the Site Plan Application of SHC Seymour Springs LLC subject to the following conditions:

- 1. All work shall strictly conform to all presented Building Architectural and approved Site Plans unless otherwise approved by the Planning and Zoning Commission or, for minor modifications, by Planning and Zoning Commission staff. This would include all plans identified by Condition 2 as well as the Traffic Impact Study, Bladens Ridge Apartments, prepared for SHC Seymour Springs LLC by Benesch dated July 2019, revised to 12/4/19; Photometric Calculation Plan, Project Spring Street, Sheet L-1, prepared by Illuminate, dated 12/11/19, Elevations and Floor Plans presented by Janet Roseski from Gooding Architecture (12/12/19 Seymour P&Z Public Hearing) showing three (3) types of traditional residential style buildings having general neutral colors (white and gray), their square footages, number of bedrooms, as well as their sloped roofs, asphalt shingles, vinyl siding, vinyl windows, along with a gazebo, shared walkways, picnic areas, and a children's playground; Landscape Plans presented by Landscape Architect Matthew Popp (12/12/19 Seymour P&Z Public Hearing) and all latest revisions submitted by the applicant including, Existing Sanitary Sewer Analysis, Site Stormwater**

Management Plan, Stormwater Management and Erosion Control Plan, prepared by JPGA, Engineers and Surveyors, Bethany, CT, for Seymour Springs LLC/Jerry Kelly.

- 2. The Applicant shall comply with all requirements and conditions of approval contained in the Resolution of Approval approved by the Seymour Inland Wetlands Commission on January 27, 2020 based on per plans submitted for Bladen’s Ridge Section 8-30g Affordable Housing to construct ninety (90) two-bedroom and three-bedroom apartments and associated parking, landscaping and site improvements. These include plans by JPGA, Engineers and Surveyors, Bethany, CT, prepared for Seymour Springs LLC/Jerry Kelly including: Existing Conditions Plan, C-1; Site Development Plan, page C-2, Drainage & Utility Plan, C-2A, each dated 2/25/15, revised to 1/13/20; Site Development Plan C-2B, dated 3/16/15, revised to 1/13/20; Erosion Control Plan, page C-3; Plan & Profile, pages C-4, C-5, C-6, C-7, C-8; each dated 2/25/15, revised to 1/13/20; Plan & Profile, page C-8A dated 1/18/17, revised to 1/13/20; Site layout Plan C-9; Stormwater Management Underground Systems C-10; Typical Details pages C-11, C-12 each dated 2/25/17, revised to 1/13/20; Sanitary Sewer Details pages C-13, C-14 dated 12/6/19; Phasing Plan page C-15, dated 11/6/19, revised to 1/13/20.**
- 3. Prior to the start of construction, the Applicant shall implement the Native Species Protection Plan prepared by a licensed environmental consultant and approved by the Connecticut Department of Energy and Environmental Protection (DEEP).**
- 4. Prior to the start of construction, the Applicant shall amend the Phasing Plan to incorporate all thirteen (13) recommendations outlined in the letter from Dawn M. McKay of DEEP dated October 24, 2019.**
- 5. A Site Monitor shall be required to ensure that soil erosion measures are maintained and adapted during construction. The Site Monitor shall be a licensed professional engineer or applicable certification such as a Certified Inspector of Sediment and Erosion Control (CISEC) who will provide regular reports to Planning & Zoning Commission staff.**

The southwestern entrance shall be used for emergency access only. Permanent signage and gating shall be installed at the southwestern entrance indicating “Emergency Access Only “and cannot be utilized for construction purposes. The location of said signage and gating shall be generally consistent with the approved Building and Site Plans and is subject to the approval of the Town Fire Marshal. The Applicant shall obtain final approval

1. from the Town Fire Marshal for said signage and gating prior to the issuance of a Building Permit. Except for the construction of the southwestern entrance, said entrance shall not be utilized for construction purposes.
2. Narrative shall be updated to show Phases Four (4) and Six (6) switched, as shown on the revised plan.
3. The final plans shall show the detail of the proposed rip-rap swale in compliance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control for a “Permanent Lined Waterway”.
4. All items that are claiming to be pervious (pavers, etc.) shall be designed to have a minimum of eight (8) inch deep crushed stone reservoir beneath the final treatment and the joint sand should be a loose chip stone.
5. There shall be no stockpiling of material on any areas with proposed storm drainage systems capable of being infiltrated by said material.
6. The placement of fire hydrants shall be in accordance with NFPA 24 2013 and determined by the Seymour Fire Marshal in consultation with the water company.
7. Final signage plans shall conform to the AHZ Standards and be subject to approval by Planning and Zoning Commission staff.
8. Locations reserved for crushing and stockpiling of materials shall be subject to final approval by Planning & Zoning Commission staff.
9. During Phase 2, the road shall be paved a minimum of two hundred (200) feet with a binder course prior to continuing the next phase. An Anti-Tracking Apron shall be constructed at the end of this paved entrance during future phases.
10. Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of Planning and Zoning Commission staff. Said plan shall address, but not be limited to, deliveries and pickups from the job site, truck routing, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the jobsite.
11. Prior to the issuance of a Building Permit, the Applicant shall submit a performance bond, certified check or other form of surety in a form acceptable to the Seymour Town

Counsel to secure the timely and proper performance of onsite sediment and erosion/construction controls, drainage, landscaping, professional supervision, along with a fifteen percent (15%) contingency. A detailed estimate of these costs shall be supplied to Planning and Zoning Commission staff prior to the submission of the performance surety and shall be subject to review and modification. The performance surety shall be submitted to the Planning and Zoning Commission staff prior to the start of any site activity and issuance of a building permit.

12. Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a Certificate of Occupancy, the Applicant shall submit a “Drainage Maintenance Agreement” ensuring the full and proper function of all installed drainage facilities to Planning and Zoning Commission staff for review and approval. The manual shall include biannual inspection reports that will be submitted to the Planning & Zoning Commission staff upon completion. Upon approval by staff, said “Drainage Maintenance Agreement” shall be recorded on the Seymour Land Records.

13. The portion of the existing pavement on Spring Street intersecting with the southwestern entrance shall be repaved from five (5) feet east to five (5) feet west of the new drainage structures being installed.

14. In accordance with the Traffic Impact Study prepared by Benesch revised through December 4, 2019, the Applicant shall install new stop-signs and stop bars at the intersection of Spring Street at Smith Street and repave the roadway within the confines of the all-way stop. The Applicant shall install said improvements, prior to issuance of a Certificate of Occupancy. Final plans & specifications for said improvements shall be subject to the approval of Planning & Zoning Commission Staff.

15. A Final As-Built, certified to both A-2 and T-2 accuracy standards shall be submitted prior to the issuance of a Certificate of Occupancy.

Seconded by Tom Lavranchuk.

The Chair asked for any discussion.

Counsel Pat Sullivan said she had one other correction on the first page, where it says city it should say town.

Walter Birdsell said that where it says children’s playground is it going to be fenced in.

Counsel Pat Sullivan said that it is as shown on the plans. It is in accordance with the plans.

Birdsell asked if he could see one.

Sullivan responded that they had already done that.

Birdsell said that there are going to be a lot of kids playing and they are going to roam and chase balls into the road, someone is going to get injured or killed. He looked at the map and saw it was not fenced in. He said that he thinks they should amend it and make sure that it is fenced in.

Tom Lavranchuk asked where it was located in the complex.

Birdsell said that it needs to be fenced in or someone might die.

Lavranchuk said that he feels like the location where the playground is does not need to be fenced in.

Birdsell said that he believes this is what it is and wants to make an amendment to change the plan to include a fenced in area around the playground.

The Chair asked if anyone felt the need to do this. None of the Commissioner's other than Birdsell agreed. He asked to take a vote.

Joe Ziehl- yes Tom Lavranchuk- yes Joe Niezelski-yes
Walter Birdsell- no

3-1-0

Walter Birdsell said he would like to thank the Board because they are not thinking of children's safety and it is shameful. He asked why someone was laughing and if they thought it was a joke and if they would like it if their kid was hurt or killed.

The Chair told Walter that he should have been there last month.

Walter Birdsell said he did not get an agenda, he only received it after the meeting had ended.

The Chair told him he could have listened to the tape from the public hearing.

Walter Birdsell told the Chair to shut up and this whole thing was a joke.

Mike Marganski said they needed to make a motion to add it to the agenda to add an effective date.

Tom Lavranchuk made a motion to add an effective date to the text change amendment to this agenda.

Seconded by Joe Ziehl.

All were in favor.

The staff and Commission decided on April 1st as the effective date.

Tom Lavranchuk made a motion to set the effective date for April 1st for the for Affordable Housing Zone text change and the Map change.

11. Correspondence

Tom Lavranchuk said that they needed to set a public hearing for the temporary food vendor.

Jim Baldwin said that they should put it on the agenda but that he needed to develop the information to bring to the public hearing.

Tom Lavranchuk said that the goal is to have a draft set of regulations ready for next meeting so they can start the discussion about it.

12. Adjournment

Motion to adjourn by: Tom Lavranchuk

Seconded by: Joe Niezelski

Submitted by:

Malia McCool