

COPY RECEIVED  
DATE: 3/23/20  
TIME: 4:00 PM  
TOWN CLERK'S OFFICE

**Planning and Zoning Commission  
Regular Meeting 3-12-2020  
7pm at the Norma Drummer Room**

Members Present: Joe Ziehl, Jamie Brennan, Joe Niezelski, Tom Lavranchuk,

Members Absent: Leon Sloat, Walter Birdsell

Others Present: Keith Rosenfeld, Bryan Nesteriak, Jim Baldwin, Mike Marganski, Bill Paecht

**1. Call to Order**

The meeting was called to 7:18

**2. Pledge of Allegiance**

Everyone stood for the pledge earlier this evening.

**3. Seating of Alternates**

No alternates to be seated.

**4. Z.E.O Report**

Mike Marganski said that the training that was planned for later this month was canceled because of COVID-19, as of right now there is a tentative rescheduling date in October.

- 461 North Main Street Property, 98% of the fill has been removed and he will be looking to move over and start the process on 469. There were noise complaints, but there is no way to measure noise complaints. There is a police ordinance but that's all.
- 33 Mead Farm Road, the owner is looking to relocate within the setbacks.
- 5 Bassett Road, Bryan and Mike have been out there and it is in front of Wetlands, they will let them know

The Chair asked who we were in court for a cease and desist.

Jim Baldwin and staff said that we are not in court with anyone at this time.

**5. Public Comment**

There was no public comment.

**6. Approval of Regular Meeting Minutes; February 13th, 2020**

Bryan Nesteriak needs to be added to "others present".

Joe Niezelski said that his name should be spelled right.

Motion to approve with changes by Joe Niezelski.

Seconded by Tom Lavranchuk.

All in favor.

4-0

**7. 143 North Street; Application for Zone Change-Public Hearing at 6:45 p.m.**

Tabled until next month.

**8. Public Comment**

The Chair already asked for public comment.

**9. Temporary Food Service Vendor; "Board Discussion"**

The Chair said this is something they need to put some regulations together for this topic.

Lavranchuk asked if we had already set a town hearing for this?

Nesteriak said that we need a draft set of regulations before that hearing could be set.

Jamie Brennan said that we need to update the whole set of regulations.

Keith Rosenfeld said that some time in the early summer we will have a draft set of regulations to get that together.

The Chair said that there were a few things to add that might make sense. He agrees everything in the draft, the 9am to 5pm is a little restrictive. He has noticed some other towns have done from sunrise to sunset and within an hour they must remove everything. He knows the one in town now, is always there and does not move, it might not be obnoxious where that is, but in general they should find a rule.

Jim Baldwin said that the draft we have now, is excerpts of many other communities. This isn't a group of regulations we necessarily want to adopt, but just a starting point. The Commission should be looking at hours, parking, affecting the commercial center, and where they might be permitted in a mobile situation (such as a festival.) The Commission is acting as the planning Commission. They should look at how this is affecting the town, there is a mobile food vendor, that shares a location with another vendor.

Bryan Nesteriak said there is one on 67 that is in a gas station that is almost inoperable. However they should look at would the mobile food vendor be impeding on their regulations.

Mike Marganski said that some of this stemmed from someone bringing an accessory building in last summer, and being ready to open up a business without the site plan being approved.

The Chair asked if they could force them to have health insurance?

Nesteriak asked why we would ask a food truck, and not a restaurant.

Town Counsel said she did not think they could.

Jamie Brennan asked if they would ask them to pack up and leave every evening.

Nesteriak said that possibly it could depend on the vendor.

This list of questions would go over to the administration side of things and they would do some research and come back to the Commission to revisit the conversation.

**10. 31 Silvermine Road; Application for proposed Construction Site Plan (tabled from 2/13/2020 Meeting. Action required by 4/9/2020)**

Jesse Judson reviewed what they went over last month.

Bryan Nesteriak said that all the issues have been addressed, but in his opinion he would had more landscaping. The Commission does not need to do anything about this but it would be nice to see.

Judson went over what they had for landscaping. He pointed out where the trees would be, there would be shrubs around the trees and the tree spacing is only 40 feet. The landscape area coming in the driveway has 6 shrubs around the Cherry Trees.

Lavranchuk said that he agreed with Bryan and said he would like to see a few more trees or landscaping when you enter the driveway.

Nesteriak suggested that on each side of the driveway there should be a decorative planting bed, each with at least 1 tree, 3 shrubs, and 10 perennials.

Judson said he is concerned because there is not a wide shoulder on one side of the driveway. He thinks that planting plants 2 feet off the driveway is problematic. After discussing it with the Commission, he said he could move it to the a different area and where ever it would fit.

The Chair asked for a motion to approve with the conditions.

Tom Lavranchuk said that he made a motion to approve with the condition of the following;

- Planting on the front of the accessway
- 20 perennials
- 1 more tree

Joe Niezelski seconded.

All in favor.

4-0

**11. 756 Derby Avenue; Grand Concepts Sign**

Christine and Joe Grandarie, 756 Derby Ave, said they would like to have signs on the building. The proposed sign was in the packet for the Commission. There is currently a banner up on the building.

Jim Baldwin said that the applicant is over the sq ft of signage area for the regulations.

Joe Grandarie said that his building is facing the Route 8 Highway, and everyone from that street is well over the allotted square footage. He does not believe they're going to affect anyone.

The Chair asked the staff it was true that the other signs on Derby Ave were too big.

Jim Baldwin responded that there has been no enforcement of signage on Derby Ave. He reminded them that given the area that it is in, this cannot be approved administratively, but they can approve it under their own regulations. Section 13.8 of the regulations tells them that.

Tom Lavranchuk made a motion to approve 756 Derby Ave Grand Concept design sign per their application.

Seconded by Joe Niezelski.

All in favor.

4-0

## 12. **20 New Haven Road; Temporary Site Plan Modification**

Jesse Judson is asking for a temporary modification to allow sales on the plan. The original plan was approved back in January of 2020. The conditions were a black vinyl coated fence around it, shrubbery along the inside of the fencing, specific number of construction equipment, and the display areas were moved to 25 feet back from the property line. The plans have been revised accordingly since then, and the DOT reviewed them and authorized the permit needed by them. Today, they are asking for a temporary modification to allow sales on the site, and a temporary garden shed being placed on the site to allow for these sales, while the main building is being constructed. The temporary modification is only being asked for a maximum of 6 month period. The construction has already started, they are proposing to put in the main driveway, temporary parking will be in the staff parking spots for customers. The area around construction and the proposed buildings will be fenced off, to stop the public from entering. The proposed parking area in front of that will be used for employee and contractor parking. Temporary signs will be placed to direct customers. Most of the sales will be taking place on the westerly side of the site. The proposed shed is only temporary and will only be there until the shed is completed. They would like to put in landscape bed 1 and landscape bed 3.

The Chair asked why the applicant did not know he was going to need this amount of time in January.

Judson said that it was an oversight on his part, the applicant thought that he would be able to sell plants during the spring, as you see the plant stands during the Mother's Day time period.

Jim Baldwin said that this does meet public safety and he does not have a feeling about it either way. They are keeping the public where they are supposed to be so it does not seem like there is any problem with it.

Keith Rosenfeld said that as long as this is a single temporary use and done properly he does not see any problem with it.

Bryan Nesteriak said that the landscaping in front of the proposed building is stipulated to not be done until September 30th. They're committing to get the other two sides done. Also, there will be a black vinyl coated fence in front of all this landscaping. Nesteriak asked if the storm drainage would be finished before they started the sales in three weeks. Right now the standing water would just over flow.

Judson said there was never any standing water there.

Discussion ensued about the fencing.

Bryan Nesteriak said that he is concerned about a commercial operation without the infrastructures complete. He said the Storm Drainage should be done by May 1.

Judson asked that if the Commission makes this a condition of approval, then if they could be more specific which parts of the infrastructure they wanted completed.

Discussion ensued.

Tom Lavranchuk made a motion to approve with the condition of the storm drainage being completed by May 1, the driveway being paved before April 1st, the landscaping beds 1 and 3 being done by April 20th, and the temporary fencing being done, prior to sales being done on the site.

Seconded by Joe Niezelski.

All in favor.

4-0

### **13. Correspondence**

None.

### **14. Adjournment**

Motion: Tom Lavranchuk

Seconded Joe Niezelski

All in favor. 4-0 Meeting was adjourned at 8:30.

Submitted by,

Malia McCool