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**Planning and Zoning Commission
Regular Meeting Minutes February 11th, 2021
Norma Drummer Room Zoom Meeting**

Members Present: J. Ziehl, J. Brennan, J. Niezelski, T. Lavranchuk, and R. Peck (7:10pm)

Others Present: M. Marganski, B. Nesteriak, J. Baldwin, J. Vicidomino

1. Call to Order

The meeting was called to order by J. Ziehl at 7:00 p.m.

2. Pledge of Allegiance

All stood for the pledge.

3. Seating of Alternates

There were no alternates to seat.

4. ZEO Report

M. Marganski states that 20 New Haven Road has been on a cease and desist since the first of the year. He received a correspondence from the applicant on February 11th, 2021 stating that he is hoping to finish up the work soon. They are hoping to have a certificate of occupancy and zoning compliance by mid-March to early April.

M. Marganski states that there has been a lot of inquiries in regards to 11-14 Franklin Street.

M. Marganski states there hasn't been anything new on the Bungay Terrace sub-development. The filling and grading on Pershing Drive has been remediated and taken care of.

Last month the ZBA overturned an enforcement action that M. Marganski had placed against a residential property located at 111 Bungay Road for operating a business in a residential zone. The appeal period has since expired.

19 Beach Street-Enforcement action from November 2019 the applicant submitted a site plan that the commission denied. There was some correspondence from the applicant shortly after but, nothing else had transpired from the matter. M. Marganski asks the board if they want to proceed with a cease and desist against the address.

J. Ziehl asks the nature of the violations at 19 Beach Street. M. Marganski states that a wall was installed out of mafia blocks, and that there is no report on wetlands or a report from the stability of the mafia block retaining wall. J. Ziehl asks if the wall poses a safety risk to the public.

M. Marganski defers the question to B. Nesteriak where he confirms that the wall is not stable. The town was provided an initial design, but the construction of the wall does not match the design. B. Nesteriak states that a lot of work had been done without a permit, including excavation and the creation of a parking lot. The Planning and Zoning commission had previously denied the application to legalize the work. The applicant has continued to not respond to the town. J. Ziehl again asks if there is any threat to the public and if there is, the applicant needs to be shut down. B. Nesteriak says if anyone were to get hurt, it's because they are wrongfully trespassing on the property. J. Ziehl asks if the commission should shut them down completely or tailor the order and stop specific areas. T. Lavranchuk comments that they should be shut down completely and order them to restore it to its natural state and the rest of

the board members agree. T. Lavranchuk makes a motion to order a cease and desist to the property with the recommendation that it gets restored to its original state.

Seconded by R. Peck

Motion Carried by (4) four, (1) one abstained; J. Brennan

5. Public Comment

There was no public comment.

6. Approval of regular meeting minutes from December 10th, 2020

J. Niezelski states that he wasn't listed as being at the last meeting, but it was probably because he was initially logged in under another name.

T. Lavranchuk makes a motion to approve the minutes

Seconded by R. Peck

4-0 motion carried

7. Public Comment

There was no public comment.

8. Kimmer Subdivision (35 Mountain Road) 3-Lot Subdivision Continuation

M. Marganski states that the commission needs to act on this topic. M. Marganski says that the town engineer (B. Nesteriak) submitted a letter with conditions on February 8th 2021. He recommended minor changes that can be made conditional. B. Nesteriak states that rip-rap swales shall be added to the detention basin where the two proposed swales are directed in order to avoid future erosion. B. Nesteriak states that the bottom of the basin continues to be shown inaccurately and should be revised. A maintenance declaration shall be encumbered to lots 1, 2 & 3 and filed on the town's land records. The purpose and contents of the declaration shall be for determining who, what and when maintenance on the various storm water components will be necessary. The declaration shall be written by the owner's consultants and approved by the town engineer and town attorney. The provided maintenance manual shall be updated, if necessary, upon completion of the storm water components to reflect any changes or adjustments that occurred during construction. The manual shall be approved by the town engineer and the final version shall be provided to the town land use department for their records. Each lot shall require an individual site plan when construction is proposed. The site plan shall show all proposed improvements accurately such as driveway, building location, patio, decks, storm water components, utility connections, etc. If the proposed plan is grossly different than what is shown on the subdivision plans, additional calculations, commission approvals or other requirements may be necessary. Lastly, B. Nesteriak recommended a performance bond be required to cover the costs of soil erosion and sediment control protection of the brook and existing pipe culvert.

T. Lavranchuk makes a motion to approve the application with the provisions listed from the letter written by B. Nesteriak on 2/8/2021.

Seconded by J. Niezelski

Motion Carried 5-0

9. 7 Fawn Hollow Drive; Lot Line Revision

M. Marganski states this location is an accidental taking of property from an adjoiner. There had been a question by the adjoiner early on. The owners had the property surveyed and came to their own resolution without any comment from the town. This was part of an original subdivision off of Fawn Hollow that needs to be approved by the commission so the remediation can take place for both parties to have a conforming lot.

T. Lavranchuk states that he sees a boulder wall on the map and asks if it has been inspected. M. Marganski said that it's been inspected by both zoning and building.

R. Peck makes a motion to approve the lot line revision as presented.

Seconded by T. Lavranchuk

Motion Carried 5-0

10. Correspondence

M. Marganski states there is no correspondence at this time.

11. Adjournment

T. Lavranchuk makes a motion to adjourn.

Seconded by J. Niezelski

Motion Carried 5-0

The meeting was adjourned at 7:30 p.m.

Respectfully,



Colleen Kochan