



TOWN OF MONROE

PLANNING AND ZONING COMMISSION

7 Fan Hill Road
Monroe, CT 06468
Phone: 203-452-2809
<http://www.monroect.gov>

Note: Meetings are Video and Audio Recorded

Minutes of May 4, 2023 Regular Meeting

Meeting: Planning and Zoning Commission **Meetings are Video and Audio Recorded**
Regular Meeting
7 Fan Hill Road, Monroe, Connecticut

Present: Michael O'Reilly, *Chairman*
Bruno Maini, *Vice Chairman*
Ryan Condon, *Secretary*
Leon Ambrosey, *Commissioner*
Robert Westlund, *Commissioner*

Absent: *Dominic Smeraglino, Alternate*
Domenic Paniccia, Alternate
Nicole Lupo, Alternate

Also Present: Rick Schultz, *Planning and Zoning Administrator*
Sarah Stroud, *Recording Secretary*

OPENING of MEETING

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
Chairman O'Reilly called the meeting to order at 7:08p.m. and reviewed the procedures for this hybrid meeting.
2. **ROLL CALL & SEATING OF ALTERNATES** (if required)
Commissioners were seated on roll call.
3. **GENERAL PUBLIC PARTICIPATION PERIOD** – Please see end of agenda for participation guidelines.

PUBLIC HEARINGS

4. **ZCA/RAA-2023-02, File #1025E, 10 & 36 Main Street:** Regulation and Zoning Map Amendment, SDD within an MDD overlay zone: Petition for Regulation Amendment and Zoning Map Amendment Application (SDD #2) for a multibuilding development. 10 & 36 Main Street, LLC (owner), Solli Engineering LLC, (representative).

Commissioner Condon read the public notice for the record.

Mr. Schultz read the exhibits for the record.

Kevin Solli of Solli Engineering was present on behalf of the applicant. Mr. Solli provided an overview of the project for the Commission.

Chris Pawlowski of Solli Engineering was present on behalf of the applicant. He explained four buildings are being proposed on this property. The largest building will be a 108,000 square foot mixed-use building located towards the rear of the site. That building will include 103,125 square feet of indoor climate controlled self-storage, 875 square feet of office space, and 4,000 square feet of retail space. The building will be designed so the self-storage is centrally located from the rear of the building with an office located in the front, and the retail portion will be located along the front of the building.

Mr. Pawlowski noted there has been a lot of interest from potential tenants, and final design plans for the floor layout will be before the Commission once signed leases have been secured.

Mr. Pawlowski highlighted the installation of a new traffic signal at the entrance on Main Street in conjunction with DOT. He stated a traffic study will be submitted for review at the next meeting.

Mr. Pawlowski explained the buildings toward the front of the site would be quick service restaurant spaces measuring 2,265 and 3,880 square feet.

Mr. Pawlowski directed the Commission's attention to the northern end of the site where a 65,328 square foot building would be located. He stated this building would house a 56,628 square foot grocer with a deli and bakery, as well as, 8,700 square feet of additional retail space.

Mr. Pawlowski explained the original submission included a gas station and convenience store, but they have modified those plans based on the interests from potential tenants.

Mr. Pawlowski noted the majority of the proposed 413 parking spaces would be for the grocery store.

Mr. Pawlowski reviewed the locations of the proposed retaining walls and the details of the drainage and storm water treatment plans.

Mr. Pawlowski noted the overhead doors for the self-storage facility cannot be seen from the main road.

Mr. Pawlowski detailed the access to the two quick service buildings from the main drive and a right turn only entrance off of Main Street for the furthest building.

Mr. Pawlowski reviewed the septic plans for the Commission. He highlighted the locations of the leaching systems for all four buildings.

Mr. Pawlowski detailed the landscaping plan for the Commission.

Mr. Solli explained the process of the SDD application and the future applications the approval of SDD #2 would generate. He noted that the proposed retaining walls help demarcate the four individual parcels that would be governed by the SDD.

Commissioner Condon asked if the traffic light mentioned would be updating of the existing traffic study or a new additional light on Main Street. Mr. Solli stated there is an existing light at Victoria Drive and Route 25, but that is a private road controlled by the Amazon facility. He explained while they are still pursuing access to that drive, this proposal is for an additional traffic light at the entrance of this development.

Commissioner Ambrosey asked for more detail regarding the individual lots under the SDD. Mr. Solli explained that the interior lot lines allow the separate parcels to be financed individually or potentially conveyed, but the SDD governs the access for maintenance and other necessary access, as well as, limiting the type of businesses that could occupy the proposed buildings.

Commissioner Maini asked if there was only one way in and out for the development. Mr. Solli confirmed and explained the grade at the front of the property makes it difficult to develop an additional entrance and exit.

Commissioner Westlund asked the self-storage not be over advertised on with signage.

Commissioner Westlund raised concern with the close proximity of the traffic lights, and asked that be considered as they make their final plans.

Chairman O'Reilly opened the hearing to comments from the public.

William Garvey of 140 Old Newtown Road was present to ask where the pond is located in relation to this property, and would the pond receive the runoff from the development.

Paul Stone of 1036 LLC, applicant, was present to speak on behalf Arnold Karp. He stated Mr. Karp wanted to be at the meeting tonight, but will be at the next meeting. He provided some closing comments in support of the application.

Mr. Solli pointed out the location of the pond in relation to the property, and stated they do not anticipate any impact from this development to that area.

The public hearing was continued to the next meeting.

SITE DEVELOPMENT PLANS AND SUBDIVISION PLANS

5. **97 Josies Ring Road**: detached Accessory Dwelling Unit
6. **File #1271C, 33 Bagburn Road** Subdivision Application for proposed 4-lot re-subdivision of property located at 33 Bagburn Road (Assessor's Map 140, Lot 27). Equestrian Estates, LLC (owner), J. Edwards & Associates, LLC (representative.)

The discussion was continued from 4/20/2023.

Mr. Schultz read the new exhibits for the record.

Jason Edwards of J. Edwards Associates was present on behalf of the applicant.

Mr. Edwards reviewed the addition of a planting buffer in response to the concerns regarding the shared driveway.

Mr. Edwards stated they have responded to all comments from the Town Engineer, and he believes they have all been satisfied.

Commissioner Ambrosey asked if the responses to the engineer comments were included on the submitted plans. Mr. Edwards confirmed all the changes are reflected on the submitted plans.

There were no further questions or comments from the Commission.

The discussion was closed and moved to deliberations.

DELIBERATIONS and DETERMINATIONS

7. PENDING APPLICATION DELIBERATIONS / DETERMINATIONS

- **Selected items from this Agenda** – as determined by the Commission
- **SUB-2023-02, File #1271C: 33 Bagburn Road** Subdivision Application for proposed 4-lot subdivision of property located at 33 Bagburn Road (Assessor's Map 140, Lot 27) Equestrian Estates, LLC (owner) J. Edwards & Assoc. LLC, representative.

MOTION: CONDON To APPROVE **SUB-2023-02, File #1271C: 33 Bagburn Road**

SECOND: MAINI

VOTE: 5-0-0 Approved-Motion Passed

AYES: O'REILLY, MAINI, AMBROSEY, WESTLUND, CONDON

NAYS: NONE

NEW APPLICATIONS - *Reviewed*

- **SEP-2023-06, File #1654A, 846 Main Street** Special Exception Permit application to construct a gas station and convenience store at 846 Main Street (Assessor's Map 103, Lot 019). Three D Realty, LLC (owner), Solli Engineering, LLC (representative).
- **RAA-2023-03, File #1026E** Petition Application for Regulation Amendment to amend the Age Restricted Residence District (ARR) Regulations

OTHER BUSINESS

8. ZONING/PLANNING MATTERS

- Update from EnSafe Consultants: 64 Cambridge Drive

Chairman O'Reilly directed the Commission's attention to the packet from Bill Heiple of EnSafe.

Bill Heiple of EnSafe was present to review the update for the Commission.

Mr. Heiple started with the report for the mixed debris pile. He shared photos on a shared screen of the completed processing of this pile. He explained the grade of the quarry was raised by about 12 feet using approximately 58,000 square yards of the processed material from the mixed debris pile. He noted the material observed was consistent with the material approved by the town for use. Mr. Heiple reviewed a detailed breakdown of the materials that were and were not observed.

Mr. Heiple reviewed photos that provided a chronological visual of the progress at the site since October 2022.

Commissioner Maini asked when Mr. Heiple visits the site in his professional opinion is he comfortable with everything happening at the site. Mr. Heiple stated that given the industrial use of the area, yes, he was satisfied with the use of materials at the site.

Commissioner Ambrose asked if Mr. Heiple performed any groundwater testing. Mr. Heiple stated there had been groundwater testing performed by the owner prior to filling the area, and it is not within the scope of what his company was hired to complete. Mr. Schultz stated staff will get updated groundwater testing results from the owner.

Commissioner Condon asked if the property was still being filled. Mr. Heiple stated the processing of the mixed debris pile is complete, and any future material will be imported to complete the filling.

Commissioner Maini asked if Mr. Heiple observation of the site was complete. Mr. Heiple stated the current contract expires at the end of June, and was to observe the imported fill. He explained the owner is currently having trouble finding suitable fill. Mr. Schultz stated he will be giving an update on the lawsuit during this meeting.

There were no further questions or comments from the Commission.

9. MINUTES - tabled

10. CORRESPONDENCE

11. COMMISSION REPORTS

- Chairman's Report
- Commissioner's Reports
- Land Use Staff Reports
 - Community-Wide Event Permit: July 15th Summer Concert: 1545 Monroe Turnpike

Mr. Schultz explained the proposal is under the current regulations for July 14 and 15 at 1545 Monroe Turnpike and will include outdoor music, food trucks, carnival rides, beer garden, and onsite parking. At the January 30th subcommittee meeting it was agreed an outdoor music concert event was allowed pursuant to 6.11. At that time, the Commission suggested the applicant provide detailed information to the ZEO as prescribed under 6.11.1.A1 in order to make an informed decision.

The submission should include but not limited to the following:

- 1) Narrative detailing all activities proposed for the event
- 2) Overall site plan detailing location of structures including stage, beer garden, carnival rides, lighting, food trucks, refuse disposal, security, first aid, and sanitary facilities
- 3) Traffic, crowd control, and parking plan; including event, vendor, and appropriate security personnel
- 4) Approval of the state liquor commission
- 5) Approval of the state fire marshal
- 6) Approval of Monroe Police Department
- 7) Approval of the chief building official
- 8) Submission of mobile food vendor permit applications

After reviewing this submission the Community Wide Event is approved with the following conditions and restrictions:

- 1) Outdoor concert is restricted to one day only, Saturday July 15, 2023.
- 2) No more than 1,500 tickets shall be sold for this event. Applicant shall provide a copy of their agreement with the concert promoter that includes all of the conditions set forth in this decision.
- 3) The hours of the event shall be limited to 8a.m. to 11p.m. All amplified sound including music shall end at 9:30p.m.
- 4) Applicant shall meet with the ZEO and other town officials deemed necessary no later than 30 days before the

event occurs to review the final operational plans are in compliance with this decision.

- 5) Applicant shall secure and provide certificate of compliance for all regulated activities including without limitation all carnival rides.
- 6) Applicant shall secure and provide documentation proving provisions of police officers and police vehicles as deemed necessary by Monroe Police Department.
- 7) Applicant shall secure and provide building permit with fire marshal approval for all structures, electrical, and tents associated with the event.
- 8) Applicant shall secure and provide the approval of the state liquor commission for the beer garden and activities related to the consumption of alcohol.
- 9) Applicant shall secure and provide a copy of mobile food vendor permits, and ensure all food and beverage vendors are authorized and approved by the Monroe Health Department and are in compliance with 6.12 of the Town of Monroe Zoning Regulations.
- 10) There shall be no tailgating permitted on the premises. Event security staff should strictly enforce this provision.
- 11) There shall be no liquor sales after 9p.m.
- 12) Applicant shall provide the name and mobile number of the organizer's sound crew supervisor to the Zoning Enforcement Officer; in the event that noise levels need to be lowered during the course of the event.
- 13) This approval shall not constitute precedent or authorization for any future community event permit application at this location or any location by this or any other applicant. Each event shall be examined on a case by case basis and shall be subject to the Town of Monroe's Zoning Regulations then in effect.

Mr. Schultz further explained this needs to be brought to a higher level of review and that is currently being drafted. Mr. Schultz stated besides the parking the noise is one of the most important things that need to be regulated and monitored for this event.

Chairman O'Reilly stated the Commission would like to see this be very successful.

Commissioner Ambrose stated that he heard from a Police Commission member a concern that the parking would be all down Old Zoar Road and asked if this information was correct. Mr. Schultz stated that was not true and the parking would be restricted. He explained the last event they learned they could accommodate the parking for the 1,500 ticket limit, and they will be painting the lines for this event to help better control the parking.

There were no further questions or comments from the Commission.

- Court Decisions: 64 Cambridge Drive and Handsome, Inc.: 125 Garder Road
 - 125 Garder Road

Mr. Schultz directed the Commission's attention to the memorandum of the court decision regarding 125 Garder Road. He explained the property had history the Land Use Staff was unaware of involving a federal lawsuit regarding the extension of the special permit. It was denied and the federal judge ruled in favor of the Town.

- 64 Cambridge Drive

Mr. Schultz stated Judge Ratcliff upheld the wetlands restoration permit, but found the Planning and Zoning permit approval was invalid due to the waiver provision. Judge Ratcliff has order this Commission to eliminate those. Mr. Schultz explained there could be no discussion tonight, and they will have an executive session at the next meeting.

12. MEETING ADJOURNMENT

Polling the Commission and hearing no objections, Chairman O'Reilly adjourned the meeting at 8:42p.m.

Respectfully Submitted,

Sarah Stroud, Recording Secretary