

Voluntown Planning and Zoning Commission
Wednesday, September 10, 2014
Public Hearing
7:00 P.M.

The Public Hearing was called to order at 7:00 P.M. for Application #14-03, Chandra Benevento-Special Exception for property located at 80 Preston City Road. Members present David Nieminen, Arthur Nieminen, Al Dawley, and Carl Grenier. Also present Town Attorney Mike Carey and Zoning Enforcement Officer, Peter Zvingilas.

The Chairman entered into the record the following: **Exhibit #1**-Application, **Exhibit #2**-Plan from ALLCAD and **Exhibit #3**-Notice for the Public Hearing that was in the Norwich Bulletin.

Chandra Benevento was presented and stated that she was not able to get the A2 survey. She had spoken with surveyor Eric Seitz. Since she will not be doing anything for five years, the plan is to renovate the upstairs of the building only. She will make the two apartments into one single family dwelling. Later she will come back before the board. She would like to withdraw the application. Atty. Carey stated this should be put in writing for the board. The Public Hearing was closed at 7:04 P.M.

Voluntown Planning and Zoning Commission
Regular Meeting
Wednesday, September 10, 2014

The regular meeting of the Voluntown Planning and Zoning Commission was called to order by Al Dawley at 7:05 P.M. on Wednesday, September 10, 2014 at the Voluntown Town Hall, Voluntown, CT. Members present were Arthur Nieminen, David Nieminen, Carl Grenier and Al Dawley. Also present: Town Attorney, Mike Carey and Peter Zvingilas, Zoning Enforcement Officer.

Approval of minutes: The minutes were read by the board members. Carl Grenier made a motion to accept the minutes with the following correction/addition to Chandra Benevento—80 Preston City Road. “The conversation went back and forth; Ms. Benevento was interested in a liquor license, or wine bar, or bringing in their own wine and a possible bar. She was told the ordinance prohibited that within 500 feet of a church.” David Nieminen seconded it and all were in favor. None opposed.

Zoning Enforcement Officer Report:

Peter Zvingilas stated there had been a couple complaints in the last two weeks concerning the noise and hours of operation at the wood chipping facility. Peter will be going out there this Friday to check on it. He will report back the next meeting. Reports are sent to D.E.E.P. and the Town could request these. The Chairman asked if Peter had been out to Still Waters since the fire. He stated they are going to fix it, but waiting on the insurance. At this time there is no power there.

Visitors: None.

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Old Business:

A. Chandra Benevento-80 Preston City Road-Special Exception.

A Public Hearing was just held. The applicant submitted a letter of withdrawal.

B. Discussion of zoning changes/deletions.

Al Dawley made a motion to move the discussion to later in the meeting. Carl Grenier seconded it and all were in favor.

New Business:

A. Claudia Verdolino-41 Church Street/166 Main Street-Site Plan/Special Exception.

John Faulise, Boundaries, LLC, was representing Claudia Verdolino and Mr. & Mrs. Wood, who were present. Mr. Faulise submitted the Application and a check for \$360 for a Special Exception Permit for a two-family dwelling and restaurant--zoning regulation 5.2.11 mixed use. A map was submitted for the board to look at. Mr. Faulise proceeded to explain to the Board that this project started back in 2008. In November of 2008 they submitted a text amendment, which a Public Hearing was held in December and continued into January 2009. The text amendment allowed for a lot to contain a combination of one residential use with an eating and drinking establishment use. It was approved effective February 1, 2009. They needed to then make an application for a Special Exception for the approved use. There was some confusion over the next few months/years that this had been done, but it hadn't. So now they are applying for the Special Exception and requesting a Public Hearing. Mr. Faulise stated the plan is the same and he will have a drawing of the building for the Board to see. They are finalizing the site plan for the hearing, mainly the sanitation part. The Public Hearing will be held October 8, 2014 at 7:00 P.M. for Claudia Verdolino property located at 166 Main Street/41 Church Street.

B. Raina Spaziani-164 Preston City Road-Site Plan.

John Faulise, Boundaries, LLC, was representing Raina Spaziani. He submitted an application, a set of plans and a check for \$160 for site plan approval. The proposal is a Farmer's Market/Field Auction in the Village District falling under 5.1.4-Agricultural use. Mr. Faulise stated he didn't feel it fell under the Home Occupation section. Vendor stations are laid out in the field (25'x25') with gravel access in between them. This would be a seasonal use with a grass parking area. The tree line and location of existing buildings were discussed. There is a 420 square foot building proposed to be used as an office/vendor registration area near the driveway. There are no plans to make it bigger. There will be five parking spaces near the building. The existing driveway will be used. Mr. Faulise stated the DOT Permit is needed, but due to new management, they need Town approval first. There will be a split rail fence along the property line. The Board had concerns with parking on the road. "No Parking" signs can be requested of DOT to be put up on the state property along the road. The Board also suggested the split rail fence run along the driveway that accesses two houses. The property is owned by the applicant with an easement to the houses. The existing house/buildings were discussed. The

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house most likely will be demolished and a new one built. At that time they would come back before the Board. The Board discussed the time span and hours of the farmer's market, what the vendors would sell, the amount of times a Field Auction would be held (once or twice a year). Atty. Carey suggested writing something in the permit to cover hours, days, etc. Atty. Carey also suggested tabling the application to have Peter Zvingilas go over the site plan to make sure it complies with the zoning regulations. Also, if there should be conditions/modifications and check the E&S plan. There was discussion as to what regulation this would fall under. Atty. Carey suggested looking at Regulation 5.1.5-Retail Business, 5.1.9 was also looked at, along with the home business section. John Faulise feels it fits better under Regulation 5.1.4-Agricultural Use and is not a retail or home business. This would be up to the Board. There was a question as to signage. Mr. Faulise stated it would be on the face of the building and meet the regulations. The property is 15 acres. There was further discussion as to the property falling under agricultural, commercial and/or residential uses. The zone it falls under, time of operation, definition of products, intensity of use, how many tents, amount of days, etc. and the field auction use needs to be ironed out. Al Dawley made a motion to table the application until the next meeting. David Nieminen seconded it and all were in favor. So carried.

General Discussion:

The Board discussed the zoning changes and deletions that had been brought up at a previous meeting. They still want to repeal zoning regulation **8.3.1**-Oil refining and storage in tanks..., since it is covered by the Fire Marshal and **8.4.1**-Subsurface sewage disposal systems..., since it is covered under the Health Code and Inland Wetlands. Add Regulation **5.1.15** in the Village District to read "The keeping of not more than six hens and no roosters." Atty. Carey stated that in Regulation **5.2.11**-Special Exception, the last sentence to "waive 2/3 vote" should be removed since the Supreme Court ruled that the Board cannot give the waiver. Atty. Carey suggested that the Chairman contact NECCOG to have them look over the regulations, make any suggestions for updates and help draw up what would need to go before a Public Hearing to amend the regulations. Al Dawley will contact NECCOG.

Louis Gardella was present and spoke to the board about the liquor ordinance that had been changed and the Post Office property that had a law suit between the abutting neighbors. He wanted to bring it to their attention.

Carl Grenier made a motion to adjourn the meeting. Arthur Nieminen seconded it and all were in favor. The meeting was adjourned at 8:23 P.M.

Respectfully submitted
Cheryl A. Sadowski, Board Clerk

Approved:

Al Dawley, Chairman

Copy to ZEO, ZBA, & EDC