

Zoning Commission Special Public Hearing and Administrative Session

November 1, 2016

The Zoning Commission held a continuance of the October 20th Public Hearing and Administrative Session on Tuesday, November 1, 2016 at Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

Members Present: D. Fuller, L. Pepin, M. Juliano, G. Forrester sitting for Ms. Philips, A. Baker filling vacancy

Also Present: Jay Habansky, Planning & Zoning Administrator, Town Attorney K. Kelly, Atty Florek, Attorney Kubic, Attorney Belis

Members Absent: S. Philips

Alternates: G. Forester, A. Baker

Call to Order: In the absence of Ms. Philips, Ms. Pepin called the Public Hearing to order at 7:05 p.m.

795 James Farm Road – Petition of 500 North Avenue, LLC to amend the Zoning Regulations by creating a new Section 28 entitled “Julia Ridge Housing Opportunity Development Zone” in an RS-1 District –

795 James Farm Road – Petition of 500 North Avenue, LLC to changes the zone of a portion of the property, as shown on the site plan dated June 10, 2015, completed by Rose Tiso & Company from as RS-1 District to the proposed Julia Ridge Housing Opportunity Development Zone –

795 James Farm Road – Petition of 500 North Avenue, LLC for the approval of a site plan under the proposed Section 28 of the Zoning Regulations in order to construct a seventy-two (72) unit affordable housing development pursuant to Section 8-30g of the State Statues, on a property located in an RS-1 District –

Prior to rebuttal, Atty. K. Kelly appraised the Commission that he did not receive revised plans submitted on October 25th until recently and would like to make minor comments. T. Casey, STV Inc., noting after reviewing the site engineering report of October 14th, he disagrees with the statement that chambers are sufficient to handle a 5-10 year storm – noted 50-100 year storm will overflow chambers. He also noted changes to the access road. He entered into record “Engineering Review Comments”.

Mr. A. Llewelyn, 9th District Councilman, understands the challenges of this Commission but questioned the acreage, environmental impact, WPCA review and public safety access.

RECEIVED FOR RECORD
STRATFORD TOWN CLERK
28 NOV 2016 PM 1:00
US AND 11 PM 11:00

Attorney Belis noted environmental impact has to show a specific harm to the public interest and must be a quantifiable probability. He also noted that public interest can be protected by implementing reasonable changes. In regard to question of the property, Atty. Belis entered into record legal "Property Description" and noted there is no case law which requires sub-dividing property prior to approval. He noted after Zoning Commission approval this will have to go to the Planning Commission for approval. Atty. Belis entered into record survey map and discussed area which requires approval. He also noted that the Zoning Commission was given a detailed plan which is not required by law. Applicant has no problem letting the Town Engineer review the wall plan.

M. Silva, Rose-Tiso and Company, submitted for record and discussed H-20 and HS-20 Standard, Obstructions in Geogrid, report from Seagrave Fire Apparatus, LLC, Approach and Departure Angles and Hydraflow Rainfall Report. He disagrees with T. Casey, STV Inc., in calculations utilized and noted galleries now will hold 14,130 Cu. Ft. which is designed to accommodate a 100 yr. storm.

Atty. Kelly objected to evidence noting it prohibits the Town from necessary reviews – feels this is new evidence. Atty. Kubic concurred with Atty. Kelly in his objection. Atty. Florek noted the information is provided to address concerns of the experts and the Commissioners can determine if any reasonable modifications can be made.

M. Silva noted this project can accommodate STV's design and the Town Engineer's recommendation for the driveway. He also addressed the Fire Marshall's recommendation for an egress to the property. Submitted into record letter from Versteeg Associates, Code Compliance & Fire Safety Consultants and discussed sedimentation trap. Commissioners questioned slope and fire truck standards.

Atty. Kelly objected to most of the points regarding the 100 yr. storm and gallery and noted the applicant had plenty of prior opportunity to revise this plan.

Atty. Belis called on Nick Owens to question Fire Marshall Lambert to discuss other areas in Town that have a 10% or greater grade. Atty. Kelly objected to this line of questioning noting Mr. Lambert has already testified. Atty. Florek apprised the Commission there would not be a problem in this line of questioning. Mr. Owen questioned Fire Marshall in reference to other areas of Town which have a 10% or greater slope.

Atty. Belis addressed engineering issues (noting they will have to go to the WPCA prior to approval), applicant is willing to install sidewalks, density (referred to court case), wetlands (noting there will be no construction within 250' of wetlands), and wall (applicant will install two (2) silt fences and put in a sediment trap). Atty. Belis informed the Commission he has listened to their and the public concerns and feels this application can be granted with reasonable changes and hopes the Commission will not be swayed by political pressure. Commissioners questioned legal description of property and the assurance that application will

RECEIVED FOR RECORD
SUSAN M. PARRILL
2016 NOV-4 PM 1:00
STRAIT CDD CONSULTING

go to the Planning Commission for the sub-dividing of property. Atty. Belis submitted "Rebuttal" information.

Atty. Kubic voiced his objection to the new information submitted.

Atty. Kelly questioned Fire Marshall Lambert on the NFPA-1 code and whether this development complies with emergency vehicle access. Mr. Lambert answered in the negative.

Mr. Forrester made a motion to close the Public Hearing at 8:40 p.m. The motion was seconded by Mr. Fuller. The motion carried unanimously.

Recess – 8:40 p.m.

RECEIVED FOR RECORD
SUSAN R. SAITTA
2016 NOV - 1 PM 1:00
STRATFORD ZONING COMMISSION

Administrative Session

Ms. Pepin called the Administrative Session to order at 8:46 p.m.

Mr. Fuller made a motion to take 795 James Farm Road off the table for discussion. The motion was seconded by Mr. Juliano. The motion carried unanimously.

Mr. Habansky distributed report from Fire Marshall Lambert and noted the last day to either approve or deny this application is November 28th. Commissioners discussed verified pleadings in regards to zone change and environmental concerns. Atty. Florek feels this Commission has no authority to send this application to wetlands and discussed the court decision which requires the Zoning Commission to hear this application prior to getting wetland approval. Commission discussed notification of property owners, permission to go into Eversource property to install silt fence and 15 acres of which they are seeking zoning approval for 4.6 acres. Atty. Florek advised the Commission that if insufficient information has been provided by applicant this can be a basis for denial. An Administrative Session will be scheduled prior to the November 28th deadline.

Commissioners modified "Conditions for Approval" as follows:

1. Within six months of the date of approval as a Special Case, final plans shall be submitted to the Zoning Commission for approval, prior to Zoning Compliance being given to the building permit. **In the event that such final plans are not submitted within said six months, and no extension having been granted by the Zoning Commission, the area shall revert back to its original status.**
2. The project must comply in its entirety with the requirements for affordable housing as outlined in the State of Connecticut Planning & Zoning Statutes.
3. The applicant must hire an outside 3rd party, approved by the Town of Stratford, to administer and monitor the marketing, sale and income verification of all affordable units within the subject complex.
4. A bond for all sidewalks for the parcel frontage along James Farm Road and shall be posted prior to the recording of any maps at the Office of the Town Clerk.
5. Stormwater galleries shall be moved a minimum of thirty-five feet away the retaining wall.

6. If necessary, the applicant shall provide documentation that easement/encroachment permits have received regarding the overhead power lines prior to the commencement of any site work if necessary.
7. The applicant shall provide documentation of permits and approvals from the water company to supply the site with proper water prior to the commencement of any site work.
8. The applicant shall provide documentation of permits and approvals from the Water Pollution Control Authority prior to the commencement of any site work.
9. The applicant shall satisfy all recommendations from the Fire Marshall, Town Engineer and Conservation Administrator.

Commissioners modified "Conditions for Denial" as follows:

1. The plans submitted were incomplete, insufficient and/or lacked the necessary detail to come to an informed decision, per the Town Engineer, Health Department, Public Works, Fire Department and Police Department, to allow the Zoning Commission to make an informed decision. The applicant was unable to provide accurate information regarding the actual size of the property, whether proper notice has been given to all abutting property owners, and whether accurate deeds have actually been recorded at the Town Clerk's Office.
2. Based on testimony given by Attorney Kurt M. Ahlberg, a subdivision approval was required.
3. Based on the following comments from the Fire Marshall, the proposed project may compromise the wellbeing of the public interest, as ice and snow has the potential to dangerously impact entry to the site due to the 10% slope of the driveway.
4. The proposed parcel was originally claimed to be approximately 3.7 acres. In this modified application, it is claimed to be approximately 4.6182 acres in size. Neither the prior or current proposed application has received a subdivision approval to create the lot in the subject application.
5. As stated during testimony for the original application, due to the fact that the parcel was not subdivided properly, the applicant did not properly notice all abutting property owners, required for the Zoning Commission application process, for the parcel approximately 15 acres in size.
6. As stated during testimony for the original application, there appears to be some form of direct/indirect impact on the incidental wetlands located on the subject property, in particular, the pied-billed duck and the eastern box turtle.
7. The proposed engineered design is insufficient for the retaining wall to the rear of the property for the following reasons:

RECEIVED FOR RECORD
SUSAN M. FAWCETT

2016 NOV -4 PM 1:00

STRAFORD TOWN CLERK

5

- a. Perforation in geosynthetic fabric going against manufacturers recommendation for proper installation.
 - b. Buildup of hydrostatic pressure behind retaining wall could compromise the structural integrity of the site.
 - c. A failure in the retaining wall will negatively impact the surrounding wetland and ecosystem and endanger any potential residents on site.
8. Based on testimony given by Timothy J. Casey, P.E., which states the following:
- a. Water ponding behind the retaining wall will for the buildup of pressure, causing a potential failure of the structure.
 - b. Preliminary test boring should have been completed.
 - c. A 50-year storm compromise the structural integrity of the wall.
9. As stated during testimony for the original application, preliminary geotechnical borings were not done to determine if the soil conditions and foundations will support the structural elements of the site, causing a severe safety hazard. The applicant stated it would be unusual to conduct such preliminary test borings. It should be mentioned that Rose Tiso & Co. has stated that they have done test borings on other applications that involve a far smaller scope of work which may not support the structure causing hazard to the site.
10. Project poses a threat of contamination, regarding all site work required, to the surrounding wells water systems in the surrounding area. Project proposes a threat to the surrounding septic systems regarding all site work required.
11. The proposed text amendment is arbitrary and capricious.
12. Via the verified pleading, the Zoning Commission has found that the proposed project is reasonably likely to have an impact and unreasonably injuring the public's interest in protecting the subject wetlands and the flora and fauna within these wetlands and box turtle habitat. The Commission firmly ascertains that no such alternatives exist that can protect the public interest and the protection of the natural resources involved outweigh the public interest's need for affordable housing.
13. The Responsible Entity for Administration and Compliance, as stated in the affordability plan is identified as Julia Ridge Business Management Inc. This is not a registered/licensed business with the Connecticut Secretary of the State database.

RECEIVED FOR RECORD
SUSAN M. PAVELICH

2016 NOV -4 PM 1:00

STRATFORD TOWN CLERK



Mr. Forrester made a motion to table 795 James Farm Road. The motion was seconded by Mr. Fuller. The motion carried unanimously.

Seeing no other business to discuss, Mr. Forrester made a motion to adjourn. The motion was seconded by Mr. Fuller. Motion carried unanimously. Meeting adjourned at 10:29 p.m.

Respectively Submitted,

Gail Decilio

Recording Secretary

RECEIVED FOR RECORD
SUSAN M. PARLER

2016 NOV -4 PM 1:00

STRAITFORD TOWN CLERK

②