

MINUTES

TOWN BETHANY CONNECTICUT PLANNING AND ZONING COMMISSION

REGULAR VIRTUAL MEETING @7 P.M. WEDNESDAY, SEPTEMBER 2, 2020.

APPROVED AT THE OCTOBER 7, 2020 REGULAR VIRTUAL MEETING

The regular "Virtual Zoom" meeting of the Planning and Zoning Commission was called to order at 7:06 p.m.

The following Commission Members were present:

Kimberly McClure Brinton, Chair
Donna Shea, Member/Secretary
Bob Harrison, Member
Alex Hutchinson, Member
Rob White, Member
Brad Buchta, Alternate Member
Andy Zielinski, Alternate Member

The following Commission Members were excused:

Brett Pallotto, Alternate Member

Also present were:

Hiram Peck, Planning Consultant
Isabel Kearns, Zoning Enforcement Officer

APPROVAL OF MINUTES

1. It was moved by Member Harrison and seconded by Member Hutchinson to approve the minutes of the July 1, 2020 Regular Meeting.

Voting for: Brinton, Shea, Harrison, Hutchinson, White.

Unanimous approval.

BILLS

1. It was moved by Member Harrison and seconded by Member Shea to approve the payment of \$1,200.00 (monthly pro rate basis), for services rendered for July 2020 by Hiram W. Peck III, AICP, Planning Consultant.

Voting for: Brinton, Shea, Harrison, Hutchinson, White.

Unanimous approval.

GENERAL CORRESPONDENCE

- 1) Letter to Mr. Steven A Duke from Isabel Kearns, ZEO, dated July 7, 2020., Re: **Notice of Violation, 369 Bethmour Road (Assessor's Map 112; Lot 15).**
- 2) Letter to Tara Aksoy from Isabel Kearns, ZEO, dated July 13, 2020., Re: **Notice of Violation, 60 Rainbow Road (Assessor's Map 113; Lot 28-10).**
- 3) Letter to Christine Mead from Isabel Kearns, ZEO, dated July 24, 2020., Re: **Cease and Desist Order, 32 Hatfield Hill Road (Assessor's Map 125; Lot 14).**
- 4) Letter to Mr. Christopher DeFeo from Isabel Kearns, ZEO, dated August 4, 2020., Re: **Municipal Citation, 15 Clay Road (Assessor's Map 107; Lot 80).**
- 5) Letter to Mr. & Mrs. Robert DeFeo from Isabel Kearns, ZEO, dated August 4, 2020., Re: **Municipal Citation, 15 Clay Road (Assessor's Map 107; Lot 80).**

MINUTES

TOWN BETHANY CONNECTICUT PLANNING AND ZONING COMMISSION

REGULAR VIRTUAL MEETING @7 P.M. WEDNESDAY, SEPTEMBER 2, 2020.

- 6) Letter to Whom It May Concern from Isabel Kearns, ZEO, dated August 13, 2020., Re: **Resolution to Notice of Violation, 29 Poplar Swamp Road** (Assessor's Map 108; Lot 1A).
- 7) Letter from Kenneth C. Baldwin at Robinson & Cole to Kimberly McClure, Chairman for the Planning and Zoning Commission , dated August 6, 2020, Re: **Hamden Solar and Distributed Solar Operations, LLC – Notice of Intend to File a Petition for Declaratory Ruling for the Construction , Operation and Maintenance of a 1.9 MW/AC Solar Photovoltaic Electric Generating Facility at 360 Gaylord Mountain Road, Hamden , Connecticut – Notice to State and Local Government Officials.**
- 8) Letter to Tara Aksoy from Isabel Kearns, ZEO, dated August 31, 2020., Re: **Violation Closed, 60 Rainbow Road** (Assessor's Map 113; Lot 28-10).

NEW BUSINESS

1. **40 Round Hill Road – Kathleen LaTronica - Application # 2020-08., Re: Earth Removal Farm Pond. APPROVED.**

Present to speak and representing on behalf of Kathleen LaTronica was Theron Simons. Mr. Simons noted that it is their intention to have a Farm Pond at the property. To discuss the proposed plan Mr. Simons turned the meeting over to Brain Baker Licensed Engineer from Civil Engineering, also Certified Professional in Storm Water Quality, Erosion and Sediment Control.

PRESENTATION:

- Mr. Baker indicated that Mr. Simons and the LaTronicas want to have a Farm Pond on the property for cows and horses.
- Civil did an updated survey on the entire 6.9-acre parcel/property, stone wall on the north side and generally sloped from east to west.
- On the North - West corner side or area of the property is where the Farm Pond is being proposed, approximately a ¼ of an acre in size, trying to balance the cuts and fills approximately 10/11 feet deep in the middle, on page 2 of the plan shows cuts for the pond area topography, fill for the berm, with an excess cut to have the pond fed by ground water to be cut down into grade.
- The net estimation of earth work are 2,562 cubic yards of cut, 1,338 cubic yards of fill, equaling a net cut of 1,224 cubic yards. It has an outlet pipe, and a rip-rap outlet swale which will go to an intermittent watercourse that runs through the property.
- From the Wetlands standpoint Farm Ponds are exempt under the DEP Agriculture Exemption statue. As part of the process per DEP, the proposed plan needed/was presented to the Inland Wetlands Commission to have the agriculture exemption approved the 'as of right' per the Inland Wetlands regulations, with no permit required to start the project. The Inland Wetlands Commission granted the exemption 'as of right' approval at the Regular meeting of August 17, 2020.
- The area has been cleared for excavation and site construction.

MINUTES

TOWN BETHANY CONNECTICUT PLANNING AND ZONING COMMISSION

REGULAR VIRTUAL MEETING @7 P.M. WEDNESDAY, SEPTEMBER 2, 2020.

- The applicant is requesting Administrative Permit approval from the Commission to start the project.
- In a letter submitted by Mr. Baker to the Zoning Enforcement Officer Isabel Kearns, dated August 21, 2020, agrees that “in accordance to section 8.7.A.3 there shall be no any operation, maintenance or running of machinery, or vehicles associated with the operation conducted between 5 p.m. and 8 a.m.” including Saturdays, Sundays, New Year’s Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving, day after Thanksgiving, and Christmas Day. Maintenance of machinery and Vehicles is permitted on Saturday between 9 a.m. and 12 Noon. Except on Holidays and indicated previously. Also, there shall be no screening or crushing on-site.

COMMISSION DISCUSSION AND COMMENTS:

- Commission Member Hutchinson asked how long will equipment be moved on site?
- Mr. Simons said that the pond most likely takes a week or two to construct, however giving the current weather constraints an estimated completion timeframe is open ended at this point and most likely be a month with a full project/job completion by the end of 2020.
- Commission Member Hutchinson asked when will the project start? Mr. Simons mentions within the next two weeks based on approval.
- Chairman Brinton asked if a barn will be located on the area as well. Mr. Simons mentioned that in the future might be considered and an application will take place for it.
- Commission Harrison asked if there will be any need to notify the adjacent properties. Mr. Hiram Peck Town Planner suggested that it will be recommended to notify the adjacent properties about the activity on the property. Mr. Harrison also asked if the exemption granted by the Inland Wetlands Commission is listed on file for record keeping. A copy of the August 17, 2020 Inland Wetlands minutes will be placed in the file for future reference.
- Commission Member Hutchinson asked in relation to the riprap, what level of floating or how much water can go up before it overflows and are there any concerns that the pond will exceed its limits (within 24 hours) particularly concerning the weather/storms?
 - Engineer Baker mentioned that currently there is a 15-inch pipe leaving the pond and a 12-inch wide x 1-inch deep riprap swale/overflow in excess, to prevent any overflows. It was planned for an about 100-year storm; understanding that there is no impervious surface running towards this pond with a minimum amount of overland surface flow or significant surcharges coming towards the pond during any storm events.
- Town Planner Hiram Peck asked Mr. Baker about the erosion sedimentation control and about the test pits. Question: Do you have any standpipes in that area for any length of time or do you just know that the ground water is going to be sufficient to keep the pond wet in any point in time?

MINUTES

TOWN BETHANY CONNECTICUT PLANNING AND ZONING COMMISSION

REGULAR VIRTUAL MEETING @7 P.M. WEDNESDAY, SEPTEMBER 2, 2020.

- Engineer Baker mentioned that during the whole summer thru July the area was wet, and based on the test in the area, the area showed water within two feet.
- Regarding the erosion and sediment controls, according to DEP guidelines, it states that the silt fence is the most appropriate form of erosion control for work encompassing less than an acre of disturbance.
- In terms of soil, Town Planner Hiram Peck asked, is there a hard pan layered by 18 x 24 inches that causes the area to be being wet or is there something else with regards to the soil type?
 - Engineer Baker believes it is a hard pan and where it is by the site, it flattens out down by the driveway is sort of a catch bin area for ground water to hold down in the lower corner.
 - Mr. Simons added that it has been a yearlong in the planning. And that since last fall when the first standpipe was placed to test and investigate the ground, the water has been constant in the area. Civil1 was then hired to install the new standpipe and monitor the area to propose plan.
- Town Planner Hiram Peck concluded that it will be a good viable pond area given the overall proposal by Engineer Baker.

Motion:

It was motioned by Member Hutchinson to approve the resolution for the Administrative Earth Removal Permit application 2020-08, at 40 Round Hill Road, and it was seconded by Member Harrison. Voting for: Brinton, Shea, Harrison, Hutchinson, White.

Unanimous approval.

OLD BUSINESS

1. Draft Zoning Regulations continued – Public hearing re-scheduling. Tabled.

The Commission has received all comments by the public and is reviewing the possible revisions to the zoning regulations' sections and categories that have been addressed.

- Hiram Peck, Town Planner will be presenting the adjustments to the regulations to the commission at the next schedule meeting of October 7, 2020.
- The continuation of the public hearing was discussed by the commission. The public hearing will be scheduled at the October 7, 2020 meeting in order notify the public of the November 04, 2020 public hearing date.

OTHER BUSINESS

2. *Discussion on the Letter from Kenneth C. Baldwin at Robinson & Cole to Kimberly McClure, Chairman for the Planning and Zoning Commission , dated August 6, 2020, Re: Hamden Solar and Distributed Solar Operations, LLC – Notice of Intend to File a Petition for Declaratory Ruling for the Construction , Operation and Maintenance of a*

MINUTES

TOWN BETHANY CONNECTICUT PLANNING AND ZONING COMMISSION

REGULAR VIRTUAL MEETING @7 P.M. WEDNESDAY, SEPTEMBER 2, 2020.

1.9 MW/AC Solar Photovoltaic Electric Generating Facility at 360 Gaylord Mountain Road, Hamden, Connecticut – Notice to State and Local Government Officials.

- a. Town Planner Hiram Peck will find out about the Public hearing in reference to operation at 360 Gaylord Mountain Road, Hamden, neighboring/bordering the Town of Bethany as per discussion and request by the commission.

3. 667 Amity Road – B&I, CFC Soccer Field – Release of Remaining Bond

Town Planner Hiram Peck and Kim McClure-Brinton Commission Chairman had re-inspected the area in order to decide if some or all the remaining bond is to be given back to the applicant. Mr. Peck noted to the Commission that one of the suggestions made to the applicant was making sure that the landscaping is flourishing and is kept in place. The suggestion was to speak to a landscaping specialist.

Present to speak/represent on behalf of CFC Soccer Field was Mr. Stephen Coxon.

Comments:

- Mr. Coxon mentioned that unfortunately given the closing of businesses and weather conditions, perhaps something to do with the drainage/sun-light, one stretch of trees that had been planted on the left-hand side are dying and are in need of replanting to flourish. However, all other trees that had been planted on the other areas are doing alright.
- Town Planner Hiram Peck, one of the suggestions was also to possibly add a second well to water during dry seasons. Mr. Hiram left it to the commission to decide on the release of the remaining bond.
- Commission Member Harrison asked what was the remaining balance amount? Mr. Peck mentioned that the total amount is \$15,000.00.
- Member Harrison suggestion was to release all but \$2,000.00.
- Alternate Member Buchta asked insight on the cost from Town Planner Mr. Peck on the hypothetical that the applicant spends the suggested \$2,000.00 in cost to flourish the trees, but in that attempt to save the trees they rather die, then replacing and replanting them is a must?
- Town Planner Hiram Peck mentioned that roughly the cost will be around \$5,000.00. Alternate Member Buchta mentioned not being opposed to release the bond but to keep the possible cost of \$5,000.00 if the treatment to revive the trees does not work. Mr. Peck agreed with the suggestion.
- Several other suggestions were provided to the applicant to help with the tree situation.

Motion:

It was motioned by Member Hutchinson to release \$10,000.00 of the bond and withhold \$5,000.00 to allow the replanting and possible replacement of the trees once revisited in the spring to see how the trees have flourished. The motion was then seconded by Member Harrison. Voting for: Brinton, Shea, Harrison, Hutchinson, White.

Unanimous approval.

MINUTES

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PLANNING AND ZONING COMMISSION
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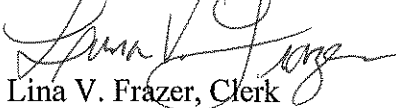
ADJOURNMENT

There being no further business to come before the Commission, it was moved by Harrison and seconded by Hutchinson to adjourn the regular meeting at 8:20 p.m.

Voting for: Brinton, Shea, Harrison, Hutchinson, White.

Unanimous approval.

Respectfully submitted,



Lina V. Frazer, Clerk

For the Planning and Zoning Commission

