



City of Ansonia
PLANNING AND ZONING COMMISSION

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July 26, 2010

TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jared Heon
James Martin

Absent: Doug Furtek – excused illness
Ed Phipps – excused illness
Jeff Lawlor – excused vacation

Others Present: Peter Crabtree, ZEO
James Tanner, ZEO/Blight Officer
Oswald Inglese, Planning Consultant
Fred D'Amico, City Engineer
Tom Welch, P&Z Attorney
Steve Blume, Pres. Board of Aldermen

The regular meeting of the Ansonia Planning & Zoning Commission was called to order at 7:35 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Minutes

Mr. Heon made a motion to accept as written and place on file the minutes of the June 28, 2010 meeting. Mr. Bettini seconded. All in favor, so carried.

Bills

Mr. Heon made a motion to pay all bills if found to be correct. Mr. Martin seconded. All in favor, so carried.

1. Thomas Welch: Bill for professional Legal services - \$467.60

Mr. Bettini made a motion to pay the W.B. Mason invoice in the amount of \$1300 for the filing cabinets. Mr. Heon seconded. All in favor, so carried.

Correspondence

Mr. Martin made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Heon seconded. All in favor, so carried.

NCW Dev./William Griffin request for Subdivision, 54 Benz Street Estates, 54 Benz Street (3 lot subdivision) 5/24/10 (65 days 7/28/10)

Mr. William Griffin and Mr. Joseph Cicerchia were present.

Chairman Flaherty said this is a two (2) lot subdivision. He said the 65 days is 7/28/10. He asked if the Tax Release and the Certification of a free split has been received.

The secretary said that she has received the tax release and the Certification.

Chairman Flaherty asked if a revised map has been received showing the road blend and the slope.

Mr. D'Amico said Mr. Griffin has the map that shows the blend in the road.

Mr. Griffin said that he has four (4) copies of the revised map.

Chairman Flaherty asked if the Commission members have received a copy of this revised map.

Mr. D'Amico said he just received the map this evening from Mr. Griffin.

Mr. D'Amico said that there is no revision date on the map received this evening and there is nothing in the revision title block noting a revision and what was revised on the map.

Mr. Griffin gave out four copies of the revised map.

Chairman Flaherty asked Mr. Griffin to explain the blend in the road. He asked Mr. Griffin what the title of the map is for the record.

Mr. Griffin said Revision #1.

Mr. D'Amico said it would be "revision for 7/26/10" He said Mr. Griffin will have to get a revised map for us. The map is showing the re-grade and removal of the curb at Milan Street intersection.

Mr. D'Amico said that is the only change he requires. He said Mr. Griffin addressed a lot of the items from the previous submission. He removed one lot and decreased the amount of activity on the site and improved the sight line to 200 feet.

Chairman Flaherty said we discussed the infiltrators and having them maintained by the homeowner and having the homeowner aware of the infiltrators and aware that they must be maintained by him.

Mr. D'Amico said you can have a caveat on the deed that there are underground galleys and that they must be checked annually and maintained annually by the homeowner. He said he would get the wording to P&Z Attorney for approval.

Mr. D'Amico said these should be conditions of approval:

1. Require a Bond
2. Caveat on deed to notice homeowner
3. Maintenance Schedule for on-site detention system

Attorney Welch said you can put it on the map as a note and a note on the deed to provide the new homeowner with notice it is their responsibility.

Chairman Flaherty said what does the homeowner receive at the closing noticing him of this.

Mr. Bettini said the first homeowner gets an as built map. The second homeowner doesn't receive a map. It should be on the deed. Everyone gets a deed.

Attorney Welch said subject to the requirement to maintain the detention basin, the homeowner should be required to maintain the underground detention galleys.

Mr. Crabtree said they file as built and reference the map with the deed -- you can cover it both ways.

Mr. D'Amico said there should be a bond for re-grading the road in the amount of \$10,000. The bond would also cover the underground galleys once installed and all proposed improvements.

Chairman Flaherty asked if Mr. D'Amico was referring to a separate bond for the road and the underground galleys.

Mr. D'Amico said no, not a separate bond.

Chairman Flaherty noted that there is a note on the map under lot construction sequence that states septic system. The City of Ansonia doesn't have septic systems – it all City sewers.

Mr. Griffin said that is standard language – there are not septic systems – its city sewer.

Mr. D'Amico said that the plan is for sewers to be connected to the City's system.

Mr. Inglese said his requests in his memo dated 6/15/10 were incorporated.

Mr. D'Amico asked about the open space requirement.

Mr. Inglese said he didn't know. A joint selection of an appraisal of the land should be done.

Mr. Griffin said that he contracted an appraiser and he has not received the appraisal yet.

Mr. Inglese said that should be a condition of approval.

Mr. D'Amico said the appraisal gets reviewed by both parties and they come up with a fee.

Chairman Flaherty asked if there were any questions or concerns of the commission.

There were none.

Chairman Flaherty asked if the commission feels this project is compatible with the neighborhood.

Mr. Heon said that the setbacks have been met and the houses are situated for the most part in compliance, so yes. He said his concern was with the trees that were to be cut but Mr. Griffin left some of the larger trees. He said his other concern was for the driveway on the proposed lot 3. He said he did not like that driveway but that has been eliminated.

Mr. D'Amico said driveway on lot 3 is an improvement from the original plan. One goes out the NW side of the property and would have cleared the south property line to lot 1. He eliminated most of the trees that have to be removed to improve the sight line for Benz Street and the existing curve. This is helping the sight line. There are two driveways at the bottom. There is a catch basin to catch the water from the driveway.

Chairman Flaherty asked the distance between the driveways.

Mr. D'Amico said there is no problem they meet the regulation. The requirement for a minimum distance is for a rear lot.

Chairman Flaherty said he thought the Regulation was 200 feet between driveways.

Mr. Inglese said he recommends relocation of the stone wall where the taking line is located.

Chairman Flaherty asked Mr. Griffin if he was going to relocate and rebuild the wall.

Mr. Griffin said where possible.

Mr. Inglese said he will have to push back to the taking line.

There was discussion on the sight line and the map showing where the sight line is.

Mr. Heon asked if the wall will move back 10 feet.

Mr. Griffin said yes.

Mr. Inglese said this area should be free of vegetation. He suggested that Mr. Griffin use rip rap stone and no vegetation in that area.

Mr. Heon said this is definitely a thoroughly diagnosed application. Everything meets our regulations. He said he is happy on the re-grade and sloping of the roadway and he is glad there is no rear lot.

Mr. Heon made a motion to instruct Mr. Inglese to draft a Resolution in the affirmative to approve this application with conditions. Mr. Bettini seconded.

Conditions:

1. 10% open space
2. Appraisal for the fee in lieu of open space to be submitted at the next regular meeting
3. Note on the deed and record maps reflecting infiltrators and gullies that must be maintained by the homeowner.
4. Submission of a corrected revised map showing the re-grade and removal of the curb at Milan Street intersection and the 75% slope— map was submitted 7/26/10
5. Submission of six (6) full sets of the proposed subdivision and site plan
6. Revised map must have a title block with revision dates
7. Mylar's must be filed in the Town Clerk's office
8. Require Bond for road and detention system - \$10,000
9. Caveat on deed to notice homeowner of the underground facilities
10. Maintenance Schedule for onsite detention system
11. Lien language for the fee in lieu of open space to be placed on the land records

All in favor, so carried.

Chairman Flaherty expressed his concern that the maps were not received by the Commission in ample time for the members to review them. They received this map this evening. He said it is not fair to the commission members to ask them to review a map they have just received at a meeting.

Attorney Welch said he will file a caveat – lien on the property for the payment of the 10% open space fee.

Chairman Flaherty said Denita Estates has a fee in lieu of open space also. He asked Attorney Welch to develop a mechanism to trigger this payment once the building begins.

Ljubcia Jurkota-Butler & Butler Inc./Shell Station re: request for site plan amendment for 696 Main Street for a new canopy and additional pumps

Attorney Dominic Thomas, Ljubcia (Victoria) Jurkota and Baker Abu were present.

Attorney Thomas said he has provided all of the information that was requested. He provided new maps, He contacted the State of Connecticut DOT. Mr. Murphy of the DOT said he will not put it in writing that they don't need drainage. The State of CT DOT wants the applicant to do \$30,000 drainage work for the State's drainage. They are not doing any work in the State of CT right of way that would warrant his client to do drainage. They are not changing anything on the site.

Attorney Thomas said they are closing the curb cut on the property at the property line. There is an increase in the signage.

Chairman Flaherty asked if they went to Inland Wetlands Commission.

Attorney Thomas said no there are no wetlands on the site. He said that the State of CT wants off site drainage updated by his client.

Mr. Inglese asked if they know where the drainage problem is.

Attorney Thomas said he called them for what they thought was a drainage problem – two catch basins – one 100 yards off Main Street and the other is 100 yards off Division St. Both are off site and there is no impact from our project.

Attorney Thomas said the Commission is asking for a permit from the State. We traced the property line and there is no work being done in the State of CT right of way. We are shrinking the Island, re-aliens the canopy and closing the curb cut. He said he called Mr. Murphy on the letter and it turned out Mr. Murphy was looking at an outdated map where there was landscaping in the State right of way. We are working within our property. Mr. Murphy agreed there is no work in the State right of way and there is no drainage in the State right of way.

Chairman Flaherty said as an officer of the court do you testify that the State of Connecticut rescinded their request to put in drainage, that there is no need to put in this drainage on Division Street.

Attorney Thomas said yes, as an officer of the court.

Chairman Flaherty said as a layman there is one way to enter the site and someone comes in the other driveway and they are looking at each other - what happens. A driver is leaving the site and wants to make a left hand turn up Division Street and can't cross the line of traffic. This is a very busy street and intersection. There are three lanes up the hill and two lanes down the hill.

Mr. D'Amico said the N.W. side of Division St. taking a left at the intersection could cause a problem.

Attorney Thomas said that it has been that way for a long time. People are going that way now.

Chairman Flaherty said there have been significant changes on this property. The bays were changed to a Convenience Store market which causes more traffic on the site. There is a car wash, a vacuum center, air pump and the gas pumps.

Mr. D'Amico said he checked the templates and they should be required to enter on Rt. 115 and exit to Division St. He said the trucks cannot make the turn.

Chairman Flaherty said how does this affect the internal flow.

Mr. D'Amico said they were allowed to have cars go in both directions at the pumps. The cars at the pumps should go in one direction.

Mr. Heon said it happens now, they are going the same way. People come out and go to the pump now. They should have signs and arrows in the parking lot and the traffic should follow the flow. There should be no people coming in the third entrance. This layout is better than what is there now.

Mr. Bettini said there are three (3) pumps there now. What is the increase with the addition of the fourth (4) pump. You will alter traffic for the fourths (4) pump which is really eight gas pumps on the site.

Mr. Heon said he hopes people will not be waiting to use the pumps - they will get in and get out.

Attorney Thomas said they will not have more people coming for gas with the additional fourth (4) pump. They will have the fourth (4) pump to prevent turning away customers.

Attorney Thomas said they will be pulling in from Main Street, queue to the entrance, wait in line or go to the entrance we are closing.

Mr. Bettini asked the number of cars they are bringing in to the site.

Mr. Martin said it will ease up the queue time because people don't like the middle pump.

Mr. Bettini asked if there was 15 feet between the pumps.

Mr. D'Amico said the space is adequate. For example the pumps at Stop & Shop are all going in one direction. Cars going both ways will hurt business itself. It will cause a traffic jam and people will go away and not come back.

Attorney Thomas said that is not feasible going one way. We can go back to Main St. and block up traffic.

Mr. Bettini said the entrance is on Main St.

Mr. D'Amico said they are making it smaller. They are narrowing the other entrances.

Mr. Heon said what pumps are dispensing diesel fuel to the trucks.

Mr. Baker said the diesel pumps are one at one end of the pump stations and one at the other end of the pump station.

Mr. D'Amico said he shows only one pump for diesel.

Mr. Baker said if he shows one pump then he will only have one pump. It is easier to have only one pump.

Attorney Thomas said there is a location to dispense the diesel even though it is not shown. We reserve the right to come back to amend the plan for another diesel pump. At this time there will be only one (1) diesel pump.

There was discussion on the dispensing of diesel fuel and regular fuel.

Attorney Thomas said he will submit a revised plan showing diesel at both locations. #1 pump on Main Street and #8 pump on Division Street.

Mr. D'Amico said there is no obstructive flow for tractor trailers. Don't change the flow of traffic. The traffic flows as follows for the delivery trucks.

South on Main Street
North on Division Street

Chairman Flaherty asked Mr. D'Amico if he has laid this plan out with the tractor trucks and trailers entering and exiting the site.

Mr. D'Amico said they will be able to go through without a problem – pull in the block. They will not get another car in there. The traffic will work however parking space #13 is a problem. A car comes in and parks in space #13 cars cannot get around the vehicle. He said they have enough parking spaces without #13.

Mr. D'Amico said he doesn't believe they have to add a driveway however it is not calculated as yet.

Mr. Heon said the landscaping on the site should be addressed. He said they are taking up 3 pumps, the new pump should be on one side.

Mr. Bettini said pump number one (1) is for trucks and trailers. How will they get by you at the pump. He said if you come out sideways you will be into the flow. Otherwise it doesn't work.

Mr. D'Amico said a camper will not pull in there and fill up. Long trailers would not go in there.

Mr. Bettini asked the width of the traffic flow and if there was enough room.

Chairman Flaherty asked the number of car washes.

Mr. Baker said 15 to 20 on a summer day and 100 to 200 on a winter day.

Chairman Flaherty said there is a car wash, gas station, convenience store and a vacuum center on this site. It is a tight sight.

Attorney Thomas said they are not changing anything. There are 120 cars in a 10 hour day which is 12 cars an hour. It takes one minute to one and half minutes to go through the car wash.

Mr. Bettini asked if there is enough room for the car wash drive around.

Mr. D'Amico said they have to wait. There is traffic at the pumps going in one direction it would be better. He said they should try to have the cars go in one direction through the pumps. Cars going in the opposite direction will be confusing.

Mr. Crabtree said Car #1 is on the left side and Car #2 is on the right side on the same side for both cars they have to make a choice where their car gas cap is located.

A discussion followed on the pumps that are existing and the new installation.

Mr. Inglese said there is a concern for the pedestrian traffic walking to the Convenience Store which may cause an accident and is a safety issue.

Chairman Flaherty asked Mr. D'Amico as a professional stating a fact that this configuration for traffic and parking on this site is a safe configuration for pedestrians using the gas pumps and the convenience store – this is best practice engineering.

Mr. D'Amico said he believes it is an improvement.

Chairman Flaherty said he is not asking for an improvement of what is there he is asking if this is best engineering practice for this site.

Mr. D'Amico said yes.

Chairman Flaherty asked about parking space #13.

Victoria Jurkota said the last flower sale someone on the P&Z Board gave them permission to sell the flowers on the corner. She has a signed permit. She said she will not sell flowers anymore.

Chairman Flaherty said no one signed anything from this Board allowing for the sale of flowers on the corner. Bring in the signed permit to the Commission. He said the concern of the Commission is that should a child run across the traffic or across the driveway and get hit by a car it could be dangerous.

Mr. D'Amico said to eliminate parking space #13.

Mr. Heon said people may not park there in #13.

Chairman Flaherty said they are parking there now.

Mr. Heon said there is a right exit.

Mr. Martin said he agrees remove parking space #13.

Chairman Flaherty said there are 15 parking spaces required and he has provided 15 parking spaces. He said he is quoting the map they presented to the Commission.

There was a discussion on the parking spaces.

Attorney Thomas said it could be available as a parking space if needed. You can remove it and a car can still use it as a space.

Mr. Bettini said don't mark the space.

Chairman Flaherty said a left turn onto Division Street you cross the lines of traffic and this will tie up the traffic on Division St. He said the Commission can approve the application and reserve the right to make that driveway a right hand turn only onto Division St.

Attorney Thomas said he doesn't know the impact of closing the curb. It is easier to exit out Division Street. Once you close the entrance permit a right hand turn only.

Mr. Martin said put a specific time on it.

Chairman Flaherty said approve with condition to reserve the right to make a right hand turn only out onto Division St.

Mr. Heon said he had initial thoughts that the car wash drive around would zig zag and we could leave the exit alone.

Chairman Flaherty said Main Street is a terrible road with traffic. A right turn on red may cause more problems.

The commission discussed approve with conditions that they may change to right turn only if the need arises and eliminate parking space #13 as a parking space.

Attorney Thomas said they will not mark parking space #13.

Chairman Flaherty said mark parking space #13 as a parking space. Talk to your engineer on it.

Attorney Thomas said there is a mixed use on the site.

Mr. Inglese said combine the two uses.

Attorney Thomas said he has reserved parking spaces in other applications. The application is aware of this.

Mr. Crabtree said look at section 412.4.21 of the regulations. It explains the queuing spaces, driving spaces and leaving spaces. It also explains how to figure the number of spaces needed. Retail is retail and you don't have a requirement for employee parking.

There was a discussion on queuing of cars for parking and traffic.

Mr. Martin said make it employee parking only for space #13.

Attorney Thomas said it is fine with Mr. Baker. He will do what the commission wants done.

The following are the conditions.

1. Revised map showing the diesel pump at both ends
2. The number of pumps on Main St. and Division St.
3. Note on map delivery service for gasoline and convenience store will use the entrance on Main Street and will exit onto Division Street. Right Hand turn for trucks onto Div. St.
4. All deliveries will be in the evening for both gas and convenience store.
5. Parking space #13 will be for Employees only.
6. No flower, picture, fireworks, etc. sales on the corner
7. Right hand turn to Division Street from Main Street if the traffic flow is a problem.
8. The commission reserves the right to institute a no Left hand turn from the exit onto Division Street. This will be a right hand turn only onto Division St.

Mr. Heon made a motion to instruct Mr. Inglese to prepare a draft resolution for approval with conditions. Mr. Martin seconded. All in favor, so carried.

Reports: City Engineer

Fred D'Amico was present.

Mr. D'Amico reported on the following:

1. R. Scinto/Fountain Lake Commerce Park – E&S Bond-Performance Bond & Fence

Mr. D'Amico said that Mr. Scinto will begin work this month to remove between 20,000 to 40,000 cubic yards of material. He said that Mr. Scinto signed the contract this week. Mr. Scinto said he will build the road. Mr. D'Amico said he will collect the \$25,000 bond for the road.

Chairman Flaherty said that the Commission wants the bond money for the road along with the E&S bond.

Mr. D'Amico said the Commission wants the full bond for the road.

Chairman Flaherty said that Mr. Scinto received site plan approval and he was to put in the road and four (4) additional building sites all on one lot. He was doing the site preparation for the four buildings.

A discussion followed on the approval Mr. Scinto received. The Commission members stated that it wasn't the intent of the approval that Mr. Scinto create a rock crushing and earth material facility for the sale of the material excavated from the site.

2. 64 Platt Street Wall & parking lot

Mr. D'Amico said that the Platt Street wall is going well. They are almost finished building the wall. The area looks great.

3. 3 Kiely's Lane/Jewett St.

Mr. D'Amico said the problem is there is one lot and it was not a subdivision. 3 Kiely's Lane is one lot and one piece. The sediment control pond is on the same property as the house. If the owner does anything he must sell it as one piece. He can't sell just the house.

Chairman Flaherty said the problem we are addressing is the open space and the notification to the homeowner that they are responsible for the area and the detention basin.

Chairman Flaherty noted the open space at Denita Estates and that there has to be a mechanism to cover this so that the Homeowners know and the fee for the Open Space is paid to the City.

Mr. Crabtree said they file a record map and allocate the open space for each lot and put a lien on the lots until the open space fee is paid. They would have to show that the lien is paid to have it removed from the land records.

Mr. Crabtree said the open space for the two rear lots off Prindle Avenue have to be addressed also.

Mr. Heon said the damage caused by 3 Kiely's Lane has to be addressed.

Chairman Flaherty said there were letters sent by Mr. Crabtree and Mr. D'Amico.

Mr. Heon said that there is a mini field where all the water comes down through to the two houses on Jewett St.

Mr. Bettini asked how long is it before the Commission can seize the bond and fix the problem.

Chairman Flaherty said our attorney says after they have exhausted all normal remedies to repair the problem.

There was discussion on putting rip rap in the ditch near Jewett St. to stop the erosion.

4. Mead School Detention Basin

Mr. D'Amico said the detention basin was cleaned up and looks good.

Chairman Flaherty said he was just up there and the detention basin is still full of brush.

Mr. D'Amico said he will call the Bob Evans, Board of Ed.

5. Hilltop Nursing Home Detention Basin

Mr. D'Amico said that a Doe had two fawns in the detention basin so they are waiting a month or so for the fawns to develop and leave the area.

Reports: Zoning Enforcement Officer

Mr. Peter Crabtree and Mr. James Tanner were present.

Mr. Crabtree reported on the following:

Violations:

1. Mutual Housing

Mr. Crabtree said he was disappointed in the Contractor for this project. He received a construction permit and nothing was done. He said he sent him an acknowledgement letter and advised him to do the work that was approved.

2. 23 Spring St.

Mr. Crabtree said that there is no progress with this property. He said they will probably go to Court.

3. 128 Jewett St.

Mr. Tanner said that there is heavy construction equipment on the site, nine motor vehicles and DEP was called in for the hazardous waste cleanup on the site.

4. 45 Platt St.

Mr. Tanner said he has been investigating this site and there is no 3 Hodge Ave. according to the Assessor's records. There has been some electrical repairs and other repairs without permits.

Mr. Crabtree said the store front was a former Package Store and the owner over worked the permits that were granted.

5. 73 Platt Street and 178 Prindle Ave.

Mr. Tanner said he is working on these two properties. There is a junk yard and parking in the front yard, etc. on these properties.

6. Hillside Garage

Mr. Tanner said they are removing the fuel tanks.

Mr. Tanner said he will re-inspect the sites with violations and refer them to Counsel.

Chairman Flaherty read the approval for 3 Kiely's Lane.

Mr. D'Amico said he had a copy of this.

Variances:

Mr. Tanner said there are no variances this month.

Deviate from the Agenda

Mr. Martin made a motion to deviate from the agenda to hear Kevin Carey. Mr. Bettini seconded. All in favor, so carried.

Applewood Condos – Kevin Carey

Kevin Carey was present.

Mr. Carey expressed his concern regarding the change in parking spaces in the Condo Complex. He said he purchased his unit in 2003 and there were 2 parking spaces. Some of the spaces were 15 feet others had 8 feet or 9 feet wide spaces. People always parked in front of their sidewalk on Winesap Road. One person is handicap and he needs a handicap space. Mr. Carey said that the HOA now wants to give one of his parking spaces to someone else. He said he has searched for documents and maps and cannot find anything. There are no as builts, no mylars on for units A & B – none for units C & D. There is no parking layout.

Mr. Carey said he spoke with Mr. William Griffin and he told him there was a parking plan and a designator for parking however it can't be found. Mr. Carey said he has a small copy of a map for units A & B. He has checked with the Fire Marshall regarding the statement that one can't park in front of the sidewalk. The Fire Marshall said that is false. There are no regulations that state you can't park in front of the sidewalk.

Mr. Carey said the Condo Association will change it back and he will have only one (1) parking space and he purchased his unit with two (2) parking spaces. He finds it disconcerting that for 36 units schedule E and the Mylar is missing. He said the HOA Board had copies. In 2004 he said he saw schedule E and it is no longer there.

Mr. Carey said the HOA is proposing to cut down all of the trees because the sap from the Pine Trees is getting on the cars. He said they have tried trimming the trees. Prior members have

stated that they cannot cut the trees. The trees had to be there so the Condo Units could not be seen by the neighbors. It was part of the original approval.

Mr. Carey said the HOA is proposing to install a 12 foot fence that is not tall enough to hide the Condo units. The parking he said he doesn't know what to do – he paid the same amount of money as the others and he is the only one losing a parking space.

Mr. Carey said he has the declaration and the original copy. He said there is a specific individual who has caused damage to his vehicle and he had to install a camera and alarm system. He had a piece of paper designating parking spaces and he can't find it. The document doesn't say anything about designated parking spaces according to Mr. Griffin.

Mr. D'Amico said the trees are a buffer and they can't be taken down. They can probably replace them with smaller trees but they can't take them down and leave no buffer.

Mr. D'Amico said we found a map that showed the outline of parking.

Mr. Carey said that Mr. Antonozzi was the original designer.

Mr. D'Amico said there is a record map on file.

Mr. Carey said in 2004 he saw the maps in the Town Clerk's office. He said that his neighbor cut through the walls to the next apartment.

Chairman Flaherty said if there is a change they would have to come back to here to the P&Z Commission. He said everything is on file in the Town Clerk's office. The City Engineer's office at the Complex should have a complete copy.

Mr. Crabtree said he worked here in 1989 and the project was completed in 1987 – 1989. We have a roll sets of plans and if Mr. Carey wants to get someone to look through them and see if they are there he can.

Mr. Crabtree said that Condo's have to file maps in the Town Clerk's office and they have to have it spelled out. Why they are not in the Town Clerk's office he doesn't know.

Chairman Flaherty said that the former planner Bob Bryan was thorough, the I's were dotted and the tm's were crossed. He said he can't imagine what happened.

Mr. Carey said 36 units don't have mylars – unit C & D are one on top of the other. He said Nick Behan said some ceilings are higher than others and some have slabs. There is information that contradicts itself. He said he is concerned for the safety of his unit.

Chairman Flaherty said Mr. Carey can ask Nick Behan, Building inspector to come in and verify his unit.

Discussion continued.

Chairman Flaherty said the Commission will send a letter to the Town Clerk to pull any documents on file pertaining to Applewood Condos and make them available to the City Engineer.

Mr. Heon made a motion to send a letter to the Town Clerk asking her office to research the files for maps and information regarding the Applewood Condos. Mr. Martin seconded. All in favor, so carried.

Mr. Heon said he is concerned they plan to cut down the trees. He said the Commission needs something so they can't cut down the trees.

Chairman Flaherty said the Commission can send a letter stating before any change in the conditions of approval take place the HOA must come back before the Planning & Zoning Commission for approval.

Mr. Heon made a motion to send a letter to Applewood Condo HOA reminding them the Zoning Regulations state you can't change the footprint and advising them not to make any change to the footprint as it is required as a condition of approval. Mr. Martin seconded. All in favor, so carried.

Chairman Flaherty asked if there was anyone from the public who wished to address the Commission with regard to Applewood Condo. There was no one present from the public.

Reports: Planning Consultant

Set Workshop meeting for Fee Schedule, Sidewalks, Fences, Pods, Hoop Houses, Window Signs, Itinerate Vendors, Clothes Donation Bins

Mr. Inglese is present.

Chairman Flaherty stated the Commission will hold a workshop in the Fall. He said he would like to begin discussion on the Fee Schedule at the next meeting.

Any other business to come before the Commission

None

Executive Session (Pending Litigation)

None

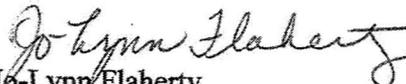
August 2010 Meeting

The next regular meeting of the Planning & Zoning Commission will be held on Monday, August 30, 2010 at 7:30 p.m.

Adjourn

Mr. Martin made a motion to adjourn the meeting at 10:05 p.m. Mr. Bettini seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary