

**PLANNING AND ZONING COMMISSION
MINUTES OF A REGULAR MEETING & PUBLIC HEARING
JULY 9, 2009
BROWNSTONE INTERMEDIATE SCHOOL AUDITORIUM – 314 MAIN ST.**

Members Present: Mike Woronoff, Bruce Tyler (Alternate), Carl Fitzgibbons, Peter Clark (Vice Chairman), Peder Samuelson (Alternate), Bette Jenak

Members Absent: Peter Clark, Vice Chairman

Staff: Deanna Rhodes

1. Call Meeting to Order

Peter Clark, Vice Chairman, called the meeting to order at 7:00 p.m.

Mr. Clark went over the following guidelines for the meeting:

- The applicant will speak first and address the changes that have occurred from the initial public hearing.
- The Commission members as well as the Town consultants will have the opportunity to ask the applicant questions.
- Questions and comments from the public will follow. In order to speak, the public should put their names on the sign up sheet next to the door. When speaking, please stick to the details of the application. We're not here to changes the MUD regulations. Comments and questions should be addressed to Mr. Clark and not the applicant.
- The revised plans were received on 7/8/09, so the Commission members, Town Planner and Consultants have not had the opportunity to review the plans that are going to be discussed; therefore, the public hearing will not be concluded tonight. It will need to be continued to 7/30/09.
- The meeting will end by 10:00PM.

2. Introduction of Members and Seating of Alternates

Bruce Tyler was seated for Don Bascom. Members introduced themselves.

3. Accept Agenda

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to accept the agenda as read.
VOTE UNANIMOUS. MOTION CARRIED.

CONTINUED PUBLIC HEARING

4. Application #08-25: Special Permit request for a proposed mixed use development on 14.89 acres (14 properties) to consist of 149,127 square feet of commercial tenant space, 82 residential units and related site improvements to include parking, landscaping, lighting and traffic control measures. The project location is in the vicinity of the intersection of Route 17A/Main Street and Route 66/Marlborough Street. Application of Anthony C. Fonda and Fouad M. Hassan aka Portland Town Center, LLC. Owners, property addresses and assessor's map and lot numbers included in proposed development are as follows: Perry Portland Associates, LLC, 69 Marlborough Street, Map 19 Lot 68; Elmcrest Manor Psych Ins. et al, Main Street, Map 19 Lot 69; 189 Main-Portland LLC, 189 Main Street, Map 19 Lot 70; Elmcrest Manor Psych Ins. et al, 185 Main Street, Map 19 Lot 71; Portland Town Center LLC, 16 Perry Avenue, Map 20 Lot 16; Portland Town Center LLC, 14 Perry Avenue, Map 20 Lot 17; Elmcrest Manor Joint Venture, 12 Perry Avenue, Map 20 Lot 18; Perry Portland Assoc. LLC, Perry Avenue, Map 20 Lot 19; Donald R. Markham, 10 Perry Avenue, Map 20 Lot 20; Elmcrest Manor Joint Venture, 8 Perry Avenue, Map 20 Lot 21; Hollie A. Hassan, 6 Perry Avenue, Map 20 Lot 22; Elmcrest Manor Joint Venture, 4 Perry Avenue, Map 20 Lot 23; Louis B. Fierman and Ameen Lane, 2 Perry Avenue Map 20 Lot 24; Louis B. Fierman and Ameen Lane, Marlborough Street, Map 20 Lot 25. Zones B2 & B3/TCVD Overlay Zone.

- Ralph Wilson, attorney for the project, spoke first. He said that Pat Gorman from the LRC Group will talk first, who will address the engineering issues. Then, Stephanie Fuss, landscape architect, will address the tree issues. Next, John Matthews will address the historic issues.
- Pat Gorman said he would not discuss some of the engineering details (i.e., pipe sizes, utilities, etc.). This will be discussed with Mr. Jacobson. He's here to talk about the minor changes to the layout as a result of staff comment. He has added a few sidewalks to the network. There's a north/south sidewalk connection and another east/west sidewalk connection. They have revised and removed 13 parking spaces. There have been some minor adjustments to some layouts regarding sidewalks. Every sidewalk has been increased to 5 feet wide except for the sidewalk in front of building A. All the crosswalks have been designed with the proper ramping and safety refuge. The remainder of the changes are all underground.
- Stephanie Fuss spoke next. She discussed the trees on the site. She went out to the site on June 16 to look at the existing trees. There were 9 trees worthy of listing on the notable Connecticut tree list. The location of these trees are indicated on the plan. The notable trees consist of 2 magnolias, sassafras, 2 dawn redwoods, silver maple, and a Douglas fir. Many of the trees grow very rapidly. They are proposing to save the sassafras located near Marlborough St. Ms. Fuss said you should never base your design on an existing tree. When this is done, many times the tree succumbs to disease, old age, or is struck by lightning. Trees are a renewable resource, and she discussed her

plan in detail. She described the other trees she will save and said that there will be 175 new trees added. They are replacing all the notable trees that are being removed except for the silver maple, because they grow very quickly and are prone to storm damage. They are shallow rooted and tend to brake up pavement and get into sewer lines.

- John Matthews, spoke next and talked about the 3 historic buildings located on the site. He went through the slide show presentation and discussed the details as follows:
 - Site Street Frontage – Part I
 - Site Plans – Part II – Mr. Matthews talked about the 3 houses that they were going to save.
 - Part III – Marlborough House – Some of the additions will be removed.
 - Part IV – The Manor House will be moved and discussed the details.
 - Part V – The Brainerd House cannot be moved. It weighs approximately 1,100 tons, and the cost to move it will be extraordinary (estimated cost would be approximately \$1 million).
 - Part VI – Site Recap.

Commission Comments:

- Peter Clark asked about the new feature on the corner from Main St. Ms. Fuss responded. She said they were asked to include a seating area, which includes benches, a bike rack, trashcans and landscaping.
- Mr. Tyler feels that this area seems like a strange area to have this feature.
- Mr. Tyler asked why not leave the Brainerd House in its current place. The answer was that it would be right in the middle of the main entrance. This is the most architectural significant house of the three. Mr. Tyler asked about redesigning the plans to leave the house where it is. The answer was that if it were left it would be 13 feet higher than the parking lot.
- Mr. Clark asked Alan Ness to describe the traffic flow. He was concerned about the traffic backing up onto Main St. Mr. Ness described the phasing of the signal that would prevent this from happening. Bruce Olson, Traffic Engineering Solutions, said that Mr. Ness described the situation “fairly well, but he’s not quite sure he agrees with everything”. First of all, with the phasing that is being proposed (all vehicular phasing and no pedestrian phasing), the queue will back up to the 95th percentile queue. The longest queue at the red light should be about 550’. If a pedestrian phase is introduced, then the red time will be longer and the extent of the queue will be longer than 550’. Southbound left turns onto Route 66 was described by Mr. Olson. This should be discussed with the DOT and the applicant. Mr. Clark asked about Pedestrian Tunnels. Mr. Olson feels that most communities don’t want to get involved with this.
- Mr. Tyler asked about granite curbing versus concrete curbing. Mr. Gorman responded to this question. Mr. Tyler asked about the placement of newspaper boxes. Ms. Fuss said that the newspaper providers typically provide their own boxes, and they need to negotiate with the project owners as

to where they will be and if they will be allowed. Mr. Tyler would like the boxes to be uniform but still available. Ms. Rhodes said that this is addressed in the zoning regulations.

- Mr. Clark asked about the extension of the 12” water main and had a question for Rick Kelsey about the water supply. The water line extension will go about 400 – 500’ south of property line. They will conform to the requirements of the Town. Mr. Kelsey said there is sufficient water flow and what the applicant is proposing will strengthen it.

Public Comments:

- John LaShane – He was pleasantly surprised on how much work the applicant is going to do to preserve the historic homes. He spoke concerning the trees especially the Dawn Redwoods. Is there anyway that these trees could be saved? Ms. Fuss responded and described the situation. The Dawn Redwood came to the U.S. from China in 1948. They do their best to save everything they can. The Dawn Redwood is very sustable to pollution. They are most suited for inclusion on a college campus or on an arboretum. In a parking lot, they would probably die. Mary Beth Murphy, BSC Group, agrees with Ms. Fuss.
- Patricia Carroll spoke about the Elizabeth Hart Jarvis Colt house.
- Peter Gardner feels the site plan is well thought out. He feels this application is a great asset to the Town.
- Larry McHugh spoke in support of the application.
- Rick Morin spoke in support of the application.
- Susan Alyson-Young spoke about the floors in the Brainerd House. There has been some water damage, but they will look at them. She questioned the area where the bike rack, etc. will be located. She feels the bike rack is a little odd and feels it will be a safety hazard. She also spoke about the age of the Dawn Redwoods and feels that the assessment of Ms. Fuss is right. She also spoke about the Brainerd House and feels that tearing down and reconstruction of the house might be the best solution.
- Claire Frisbee, Portland Historical Society, passed out a packet dated 7/8/09 to the Commission. She spoke about the old homes and saving them.
- Mr. Tyler would like to know if the applicant agrees with the conclusions of the Historical Society. The applicant responded that they did not attend the meeting and would like a ten-minute recess to discuss this. The meeting adjourned at 8:50 and resumed at 9:02.
- Atty. Wilson spoke and stated that his client will not agree to any additional requests from the Portland Historic Society.
- Jean D’Aquila, the Town Attorney, spoke. She’s concerned about the conditions of approval that this Historical Society is requesting. You cannot delegate your decision-making authority. You have to make sure that you’re not delegating something to another agency or individual that you have no control over. She’s also concerned about the enforcement piece. The

Commission would not be able to enforce anything because it is a private matter between the developer and the representatives of the Historic Society.

- Claire Frisbee commented about the meeting that took place. She said that Ms. Rhodes, Sue Bransfield, and three of the representatives from tonight were present. She feels that they agreed about what was written in her letter.
 - Ms. Rhodes spoke regarding the meeting. There was some discussion about what was said in the letter. She stated at the meeting that she would have to think about the language. She spoke with Jean D'Aquila and feels that the Commission could not delegate authority on this issue.
 - Mike Woronoff asked about the cost of moving the Brainerd House. The total estimated cost would be approximately \$1,000,000.
 - Margaret Faber spoke about preserving the three old houses.
 - Arthur Liverant spoke in favor of saving the trees and houses.
 - Cynthia Andrus spoke in favor of saving the old houses.
 - Tracy Rozhan spoke in favor of saving the old houses.
 - Bill Crosskey, who does historic preservations, spoke next. He became involved in this project by donating some time to see if he could come up with a solution to save the three historic houses on the site. He feels that parking will need to be reduced, and he feels that these buildings could all be moved.
 - Susan Alyson-Young spoke again. She feels her original statement of destroying the Brainerd Home was a mistake. After listening to Bill Crosskey, she feels that the Brainerd House could be saved.
 - Joe Realejo spoke in favor of the development.
 - Pat Aresco spoke in favor of the application. She feels we should work together with the developer.
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- Ms. Rhodes entered a spreadsheet into the record regarding the documents she has received regarding this application. She read each document received, the date on document, who it was from, and document description into the record.

MOTION by Mr. Tyler, **SECONDED** by Ms. Jenak to continue the public hearing to 7/30/09. **FOUR VOTE IN FAVOR. ONE OPPOSITION. MOTION CARRIED.**

5. Staff Report:

The following items will be discussed at the next meeting.

- TCVD Reviews
- Public Notice Registry
- Enforcement/Administrative Update
- Bond Reductions/Extension Requests
- Other

6. Approval of Minutes – June 18, 2009

June 18, 2009 – No changes.

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to approve the minutes as read. **VOTE UNANIMOUS. MOTION CARRIED.**

7. Adjourn

MOTION by Mr. Tyler, **SECONDED** by Mr. Fitzgibbons to adjourn the meeting at 9:50 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted,

Debra D. Pozzetti, Board Clerk

TC, FS, BOS, PZC, Clerk, Planning, ZEO, Book, Library, CC Chair