

## **Zoning Commission Special Administrative Session**

**November 21, 2016**

The Zoning Commission held an Administrative Session on Tuesday, November 21, 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 Florek

**Members Absent:** S. Philips

**Alternates:** G. Forester, A. Baker

**Call to Order:** In the absence of Ms. Philips, Ms. Pepin called the meeting to order at 7:02 p.m.

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

**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 sixty (60) unit affordable housing development pursuant to Section 8-30g of the State Statues, on a property located in an RS-1 District –**

Mr. Habansky noted the Conservation Administrator’s comments had been supported by the soil scientist and engineer. He also noted that Attorney Kelly advised the Commission that individuals on Peters Lane were not notified by mailings. Being the individuals which abut the fifteen (15) acre property were not notified, Ms. Pepin asked Atty. Florek for an opinion. Atty Florek noted that lack of notification would be a reason to deny this application. Mr. Fuller is ready to deny this application based on the due process of the abutters’ not being notified and the information on the 10 year storm vs. the 50 year storm.

**Mr. Fuller made a motion to deny all three (3) applications. The motion was seconded by Mr. Juliano. After discussion, Mr. Fuller withdrew his denial. Mr. Juliano seconded the withdrawal.**

**Mr. Fuller made a motion to deny 795 James Farm Road – Modified 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 – Modified 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 – Modified 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 sixty (60) unit affordable housing development pursuant to Section 8-30g of the State Statues, on a property located in an RS-1 District –**

**Conditions for denial:**

- 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:**
  - 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. Emergency apparatus will be impeded and response times slowed when sewer and water lines are installed.**
- 11. 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.**
- 12. The proposed text amendment is arbitrary and capricious.**
- 13. 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.**

**14. 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.**

**The motion was seconded by Mr. Juliano for discussion.**

Mr. Fuller believes due process is a critical issue in this denial and the installation of the sewers would be a burden for residents of the area. He believes this modification is better than the first application but still does not meet standards.

Mr. Forrester believes reasonable modifications have been presented and discussed regulations of 8-30g. He also discussed delaying of emergency services, slope of property, wetland issues and the wall. He feels many of these reasons for denial are not in the scope of 8-30g.

Ms. Pepin noted the property is fifteen (15) acres and Commissioners have to go by the regulation that abutters were not notified. She feels the Commission was misled on the size of the property.

According to Mr. Habansky, it is a state statute to notify abutting property owners.

**Roll Call vote taken:**

**Mr. Forrester – approve**

**Mr. Juliano – deny**

**Ms. Pepin – deny**

**Ms. Baker – deny**

**Mr. Fuller – deny**

**795 James Farm Road is denied by a 4-1 vote**

**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 7:44 p.m.**

**Respectively Submitted,**

**Gail Decilio**

**Recording Secretary**