

DRAFT MINUTES

Regular Meeting
Canton Zoning Commission
Wednesday, August 21, 2013 7:30 p.m.
Library Community Center, Room F
40 Dyer Avenue, Canton, CT

CALL TO ORDER: Chairman Bondanza called the meeting to order at 7:32 pm.

ROLL CALL:

Present – Chairman David Bondanza, Daniel Barnhart, John Huyghebaert, William Sarmuk, Jonathan Thiesse

Absent – Philip Pane

Late - Keith August arrived at 8:15 pm

Also Present – Neil Pade, Director of Planning and Community Development

READING OF THE LEGAL ADVERTISEMENT:

Vice Chairman William Sarmuk read legal advertisement

PUBLIC HEARING

1. File #156; Apln #1415; Zoning Regulation Amendment; Amend Section 9 Definitions to add Donation Drop Box and add to Section 8 Additional Standards, Section 8.7 Donation Drop Boxes; Canton Zoning Commission, applicant

Chairman Bondanza announced the postponement of the public hearing for this application until the September 18, 2013, regular Zoning Commission meeting.

2. File #364, Apln #1418:115 Albany Turnpike; Assessor's Map 32; Lot 1010115; Zone ATG-2; Special Exception for Approval of Architectural Rendering Section 34.10.11.2 & 52; Special Exception for Signs; Section 63.7.11.2 & 52: site Development Plan Sections 34.4.4.b & 51; for a medical office building in Development Area B. Canton 44, LLC and Konover Development Corporation, applicant; Greg Konover, Canton 44, LLC, owner.

Attorney Robin Pearson, with the firm Alter & Pearson, spoke for the application. Introduced the applicant, Greg Konover, on behalf of Canton 44, LLC and Konover Corporation and other professionals associated with the application

- o Michelle Carlson P.E, Senior Project Manager at BL Companies
- o Tony Amenta, Amenta/Emma Architects, P.C.
- o Vahid Karimi, P.E., Traffic Engineer at VHB
- o Jim Thibeault, Director for Strategy and Planning for UCONN Health Center

Ms. Carlson, P.E. informed the Commission of the following:

Parking - designed parking with 68 spaces in Development Area B close to the building and 8 overflow spaces for employees in Development Area A.

Erosion - Proposing applicant submit a \$25,000 erosion and sedimentation bond.

Traffic - Traffic counts using overall master plan show less intense use and vehicle trips with proposed medical office building than previous uses approved on Area B.

Snow removal - will be managed towards the rear of the site and once Development Area A is built out will be removed from the site.

Mature Trees - Ms. Carlson discussed removal of two large trees previously approved. They are proposing two 5-51/2" caliper trees of a hardier variety for replacement, and further Also proposing replacement of an existing yellowwood tree with another 5-51/2" tree species.

Landscaping - Landscape plan is compatible with the intent of master plan.

Lighting - Lighting plans submitted show nighttime light levels of emergency lights after 11pm. Identical lighting as on CVS site.

Stormwater - Stormwater management of new parking lot will flow through catch basin system to existing detention basin created for CVS.

Architecture/ Noise/ Signage - Mr. Amenta informs Commission that they have addressed design concerns of Design Review Team (DRT). He references noise report of roof top equipment and for emergency generator. Generator will be installed on the north side of the site and tested and if necessary additional noise buffering to be installed to comply. Referencing plan A-4, Mr. Amenta depicts the removal of wall signs on the building for a larger ground sign as proposed by DRT. Mr. Amenta discussed the color of the building and roof color of a medium grey shade which DRT agreed with.

Attorney Pearson stated they are awaiting final sign off for erosion control plan from North Central Conservation District. Believes \$25,000 erosion and sedimentation bond should suffice.

Chairman Bondanza opens the floor to the public on the application.

Dave Gilchrist, Lawton Road, lives on Lawton Road. No objection, but questions traffic. Feels there is a large discrepancy with traffic numbers presented for the site versus current average daily trips measured by DOT along Lawton Road.

Ms. Carlson clarifies prior proposed use was retail/restaurant and now proposed medical office which lessens projected traffic.

Chair asks if traffic studies have been done post development

Mr. Karimi, P.E states post development traffic monitoring has not been conducted.

The Commission was informed that master plan amendments creating the access on Lawton closely reviewed traffic flow to and from the site.

Proposed hours for facility 7am to 10pm with the latest 11pm

Mr. Thibeault spoke to hours of operation, urgent care 8-5PM on weekends; 12 hours a day weekdays with earliest 7am and latest 11pm

Mr. Pade requests to see the location of the second way finding sign proposed but not shown.

Mr. Amenta shows the Commission that second way finding sign to go at the turn coming into site from Rt. 44 to the medical office building as total site has not yet been developed.

Mr. Pade would like the mylars to reflect second way finding sign.

James Lotstein, 101 Fiddlehead Way, Canton, seeks clarification that both day and night acoustical requirements for generator to be encompassed in motions tonight.

MOTION: Mr. Huyghebaert made a motion to close the public hearing.
Mr. Sarmuk seconded the motion. The motion passed 5-0-1

REGULAR MEETING

PUBLIC HEARING ACTIONS:

MOTION: Mr. Bondanza to APPROVE **File # 364; ApIn # 1418**; 115 Albany Turnpike; Assessor's Map 32; Lot 1010115; Zone ATG-2; Special Exception for Approval of Architectural Rendering Sections 34.10.11.2 & 52; Special Exception for Signs; Section 63.7.11.2 & 52; Site Development Plan Sections 34.4.4.b & 51; for a medical office building in Development Area B. Canton 44, LLC and Konover Development Corporation, applicant; Greg Konover, Canton 44, LLC, owner.

This approval is granted in part on the application submitted on August 1, 2013; testimony received at a public hearing commenced on August 21, 2013 and closed on that date; and upon the following documentation submitted by the applicant or others during the course of the proceedings on the application:

Drawings

1. COVER; Town of Canton, Connecticut; Permitting Application Drawings; Medical Office Building; 115 Albany Turnpike, Canton, CT; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034; Prepared for Canton 44 LLC P.O. Box 146, Farmington CT 06034. Date: August 1, 2013.
2. IMP-1; Improvement Location Plan – Record; Prepared For: Canton 44 LLC, 115 Albany Turnpike, Canton, Connecticut; Prepared by:

- F.A.Hesketh & Associates Inc. 6 Creamery Brook, East Granby, CT 06026; Date: 06-01-01, Revised thru 07-15-2013; Scale: 1"=40'
3. MP-1; Illustrative Master Layout Plan; Proposed Development Albany Turnpike and Lawton Road, Canton, CT; Prepared By: Vanasse Hangen Brustlin, Inc. 55 Tuttle Place, Middletown Connecticut 06457; Developer: Konover Development Corp. 135 South Road, Farmington, CT 06032-2556; Date: January 6, 2011, Revised thru 5/26/11; Scale: 1"=50'
 4. OP-1; Overall Plan; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=60'
 5. DM-1; Demolition Plan; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=30'
 6. SP-1; Site Plan; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=30'
 7. GU-1; Grading and Utilities Plan; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=30'
 8. LL-1; Landscape Plan; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=30'-Revision with Parking Lot Green Space Calculation received August 19, 2013
 9. LP-1; CVS #2253, Canton CT (Photometric Survey); Date: 7/31/2013; Scale: 1"=40';
 10. EC-1; Erosion Control Plan; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=30'
 11. EC-2; Erosion Control Notes; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: 1"=30'
 12. DN-1; Details; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: As Noted
 13. DN-2; Details; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: As Noted
 14. DN-3; Details; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: As Noted
 15. DN-4; Details; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: As Noted

16. DN-5; Details; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: As Noted
17. DN-6; Details; Medical Office Building, 115 Albany Turnpike, Canton, Hartford, Connecticut; Prepared By: BL Companies, 150 Trumbull Street, 6th Floor, Hartford, Connecticut 061034 Date: 8/1/2013; Scale: As Noted
18. A-1; Floor Plans; Schematic Design; Prepared by Amenta/ Emma Architects, P.C.; Canton Medical Office Building, 115 Albany Turnpike-US Route 44/202, Canton, CT; Date: July 25, 2013; Scale: 3/32"=1'-0"
19. A-2; Roof Plan; Schematic Design; Prepared by Amenta/ Emma Architects, P.C.; Canton Medical Office Building, 115 Albany Turnpike-US Route 44/202, Canton, CT; Date: July 25, 2013; Scale: 3/32"=1'-0"
20. A-3; Exterior Elevations; Schematic Design; Prepared by Amenta/ Emma Architects, P.C.; Canton Medical Office Building, 115 Albany Turnpike-US Route 44/202, Canton, CT; Date: July 25, 2013; Scale: 3/32"=1'-0"
21. View 2-1.pdf (rendering showing 1 year vegetative growth
22. View 2-10.pdf (rendering showing 10 year vegetative growth
23. A-1;Schematic Design; Floor Plans; Canton Medical Office Building; 115 Albany Turnpike-US, Route 44/202,Canton, CT;Amenta/Emma Architects, P.C.;Revised copy received (by email) 08/16/2013;full set received with submission date of August 19, 2013
24. A-2;Schematic Design; Roof Plan, Site Plan and Signage; Canton Medical Office Building; 115 Albany Turnpike-US, Route 44/202,Canton, CT;Amenta/Emma Architects, P.C.;Revised copy received (by email) 08/16/2013; full set received with submission date of August 19, 2013
25. A-3;Schematic Design; Exterior Elevations; Canton Medical Office Building; 115 Albany Turnpike-US, Route 44/202,Canton, CT;Amenta/Emma Architects, P.C.;Revised copy received 08/16/2013; full set received with submission date of August 19, 2013
26. A-4;Schematic Design;Perspectives;Canton Medical Office Building; 115 Albany Turnpike-US, Route 44/202,Canton, CT;Amenta/Emma Architects, P.C.-Revised copy received August 16, 2013
27. HLI Project #1365930; Nighttime lighting plan dated August 21, 2013Correspondence:
 1. Town of Canton Zoning Application for File #364, Application #1418; Canton 44, LLC and Konover Development Corp, applicant; Canton 44, LLC, owner; submitted on August 1, 2013. Amended page 2 of Application received August 14, 2013.
 2. Cover letter from Greg Konover, Konover Development Corporation to Canton Zoning Commission; dated August 1, 2013
 3. Town of Canton Commercial Property Card; Printed 08-May7-2013
 4. Legal Notice; Town of Canton; Zoning Commission; dated August 5, 2013
 5. Letter from Connecticut Water to Michelle Carlson, VP, Konover Development Corp.; dated April 18, 2011
 6. Letter from Woodard & Curran to Ms. Michelle Carlson; dated May 16, 2011
 7. Letter from Shipman, Sosensky & Marks, LLC to Town of Canton Inland Wetlands & Watercourses Agency; dated August 2, 2011
 8. Letter from State of Connecticut, Department of Transportation to Mr. Gregory Konover;dated April 1, 2013
 9. Letter of Approval from Town of Canton, Zoning Commission to Ms. Michelle Carlson; dated July 26, 2012

10. Letter from BL Companies to Mr. Robert Suttmiller; dated August 1, 2013
11. Email from Neil Pade to Lynn Charest; dated August 5, 2013
12. Draft Minutes from Design Review Team meeting on August 12, 2013
13. Email from Lynn Charest to Town of Canton Department Heads for Plan Review Request; dated August 13, 2013
14. Plan Review Request from Fire Marshal Adam Libros to Lynn Charest; dated August 13, 2013
15. Email from Canton Police Chief Arciero to Lynn Charest; dated August 14, 2013
16. Email from Canton Director of Public Works Robert Martin to Lynn Charest; dated August 14, 2013
17. Email from Neil Pade to Lynn Charest; dated August 14, 2013
18. Letter from Greg Konover to Canton Zoning Commission; dated August 14, 2013
19. Email copy from Gregory Konover to David Askew, North Central Conservation District; dated August 14, 2013
20. Memorandum from Neil S. Pade to Zoning Commission dated August 15, 2013
21. Email from Brian Wilson, Parks & Recreation Director to Lynn Charest, dated August 16, 2013
22. Plan Review Request from Fire Chief Richard Hutchings to Lynn Charest; dated August 19, 2013
23. Letter from Cavanaugh Tocci Associates, Inc. to Mr. Eddie Widofsky, Amenta Emma Architects, PC dated August 20, 2013
24. Email copy from Anthony J. Amenta to Gregory Konover and Neil Pade dated August 21, 2013
25. Email copy from Neil Pade to Sandy Betsch dated August 21, 2013
26. Report entitled, Analysis of Signage Proposed for Medical Office Building from Roland Klee, AICP, CZEO dated August 21, 2013

Reports:

1. Stormwater Management Report from BL Companies to Town of Canton, Zoning Commission; dated August 1, 2013
2. Trip Generation Analysis by VHB to Gregory Konover; dated April 13, 2013

This approval with conditions and modifications is granted because the Commission finds that the application, as conditioned, modified by, and inclusive of the stipulations of this approval, would comply with the following:

1. The standards of the Albany Turnpike Gateway District and adopted Master Plan;
2. The requirements of Section 61, Performance Standards;
3. The Special Exception General Standards of Section 52.6 for the sought after special exception uses;
4. The Erosion and Sedimentation Control Plan (required by Section 68) is certified in accordance with the conditions of this approval inclusive of the review and recommendations of North Central Conservation District.
5. The site plan information for Development Area A is not complete and the applicant will be required to submit a subsequent application to modify the site development plan and any necessary special exceptions in order to demonstrate all remaining site improvements and building details prior to the commencement of any activities beyond those necessary to carry out the improvements shown on these referenced plans;
6. The Special Exception for architecture is granted for Development Area B only;

7. The Special Exception for signage theme complies with the standards of Section 63;
8. The Commission finds that the site work is exempt from an excavation and grading permit; and
9. The Commission finds that a loading space is not required per Section 34.10.7.2.a;

This approval is effective September 10, 2013 (20 Days from approval date) and UPON THE RECORDING OF THE APPROVAL LETTER AND APPROVED PLAN WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. The above-referenced plans, as modified by these conditions, shall be placed on Mylar, bear all conditions placed upon the proposed by all Town land use commissions, and stamped "APPROVED" and signed by the Commission on a Town approved signature block. Said plans shall be filed by the applicant with the Town Planner and Town Clerk within 12 months of the date of this approval or **August 21, 2014**; The applicant/ developer must provide one (1) fixed line Mylar, and two (2) paper copies of each approved plan for signature by the Chairman and /or Secretary. Maps to be filed on the land records of the Town Clerk must meet the following standards:
Must be produced by 1) wash-off photographic polyester film, 2) fixed line photographic polyester film, 3) original ink drawing on polyester film or linen; the process used must be certified by a stamp in red indelible ink, 1" x 2", and include name of producer and process used. Polyester films ("Mylar") must be matte on at least one side. Maps shall be 24" x 36"; **Per Section 51.6 this approval shall not be valid until such recording Mylars have been filed in the Town of Canton Land Records**;
2. The applicant shall submit to the Town Erosion and Sediment Control Bond (E&S Bond) in the amount of \$25,000;
3. Construction drawings shall be submitted to the Building Official prior to starting any site work;
4. No site preparation work, including, but not limited to, grading, tree removal, on-site storage of materials and excavation work, may commence until the erosion control bond has been posted; erosion and sedimentation control measures have been installed; and a preconstruction meeting has been held with the Town Planner, Wetlands Agent, Town Engineer, or their designees;
5. The developer shall be responsible for erosion and sedimentation control in accordance with the approved plan; failure to adhere to the plans, or create any discharge of materials, shall be considered a violation. Remedial action may include the calling of the E&S bond. No bond shall be released until any ESCP violations have been remediated;
6. All necessary approvals and permits must be obtained from the Water Pollution Control Authority & Connecticut Water Company;
7. All work in connection with this site plan shall be completed within five years after the approval of the plan, or **August 21, 2018**, unless extended by law or action of the Commission;
8. All special exceptions approved with this plan shall expire unless initiated within 18 months of the date of approval (**February 21, 2015**);

9. This approval shall expire at the later of 12 months after initial issuance or at the expiration of the Building Permit issued during that 12 month period, unless an extension is granted by the Commission;
10. All existing refuse and debris shall be removed from the site;
11. The above referenced plans shall be modified to incorporate the following recommendations of the DRT:
 - a. Architectural recommendations 3-5
 - b. Signage recommendation 2
12. The above referenced plans shall be modified to incorporate the recommendations from the North Central Conservation District.
13. The above referenced plans shall be modified to incorporate the following:
 - a. The landscaping plan, Sheet LL-1, shall be modified to include an additional maple on the site of a size of 5" in caliper or greater;
 - b. The generator proposed for the site shall be installed to comply with 34.10.12.1 for noise;
14. Lighting –
 - a. Specific to the proposed lighting of the employee parking area within or near Development Area A, the applicant shall make modifications to the luminaire schedule, and location of the fixture, as necessary to maintain business hour and non-business hour light levels in this area shown on the previously approved site plan Sheet # 115937;
 - b. The applicant shall submit updated lighting plans showing revision to the presently approved night time lighting plan (Sheet # 115937b) and daytime lighting plan (Sheet #115937a) and corresponding hours of application;
15. This approval is subject to conditions of the May 18th, 2011 approval that are not otherwise modified by this approval;
16. The applicant shall submit a subsequent application to modify the site development plan and any necessary special exceptions as necessary to present remaining site plan information including but not limited to building details for Development Areas A;
17. Consistent with Condition #11 of the July 18, 2012 approval, and as agreed to by the applicant, a paved apron will be constructed, with the consultation and approval of staff, at the northern terminus of the existing trail connecting the paved connection of the FRRT trail to the on road network on Lawton Road;
18. Construction drawings and demolition plans for contractors shall include a note including the text from Section 34.10.8.1. Compliance with this Section shall be continually monitored during construction. Failure to comply with this Section shall be grounds for the immediate issuance of a "stop work order" and issuance of a fine by the ZEO;
19. A note should be added to construction drawings requiring all construction vehicle access to be from Albany Turnpike;
20. The requirements of the comprehensive site signage theme shall be incorporated into all tenant lease agreements prior to the issuance of a certificate of occupancy;
21. The comprehensive site signage theme shall be modified to include Sheet A-2 submitted by Amenta/ EMMA, on August 20, 2013 and shall be modified to include the location of the second directional sign;
22. Existing large trees shall be field located and marked by project Landscape Architect and Town Staff to be protected and preserved, prior to the commencement of any site work, and a note to this effect shall be included on the demolition plan;

23. The plans shall be modified to show the location of snow storage and snow stockpiling areas per Section 34.10.6.6;
24. In the event excessive snow accumulates beyond designated snow storage areas, any excess accumulation shall be removed off-site to ensure that sufficient parking is provided;
25. Building Permits (Certificates of Zoning Compliance) may be issued only if stipulations # 1-3, 6, 10-13, 18, 19, & 21-24 are met;
26. Complete improvement location survey (as-built) plans shall be submitted to the Town prior to the issuance of a certificate of occupancy or a certified bond posted with the Town of Canton in lieu thereof;
27. All necessary operation and maintenance of storm water retention/ detention basins and storm water management systems shall be the responsibility of the property owner.
28. There shall be no on-site burial of building materials or debris, and a notarized statement to this effect shall be submitted to the Zoning Enforcement Officer prior to issuance of a Certificate of Occupancy;
29. Any Town streets, roads, sidewalks, curbs or other public components damaged due to construction activities are to be repaired or replaced, if required in the opinion of the Project Administrator or Director of Public Works;
30. The appropriate professional licensed by the State of Connecticut shall certify that all site development work and auxiliary facilities, sewer, parking areas, landscaping and plantings have been installed in accordance with the approved Site Development Plan prior to the issuance of Certificate of Occupancy or a certified bond posted with the Town of Canton in lieu thereof;
31. Final release of the bond or subsequent reductions shall require the approval of the Zoning Commission;
32. Litter, refuse, and debris from the site and or generated from the site and found in surrounding areas shall be quickly removed;
33. All landscaping shall be neatly maintained and dead vegetation replaced as soon as weather permits in accordance with the approved plans;
34. The plans shall be amended to incorporate all changes required by the foregoing stipulations;
35. This approval shall be binding upon the applicant / developer, heirs, assigns, and grantees;

Mr. Thiesse seconded the motion. The motion passed, 5-0-1

And Lift the Cease and Correct Order issued at:
8 Collins Road,, Assessor ID# 1950008.

OLD BUSINESS:

No Old Business Items

NEW BUSINESS:

None

OTHER BUSINESS:

1. Review minutes of July 17, 2013,
No discussion
2. Discussion/Review of Schedule-Zoning Regulation Rewrite and Map Amendment
Mr. Pade encourages the Commission to continue on their work to adopt new regulations
Chairman Bondanza advises the members to come prepared to Zoning Rewrite meetings
3. Discussion/Review of Schedule-Plan of Conservation and Development
Mr. Pade advised the Commission that the draft POCD is expected to be ready on September 16th. He suggests introducing the draft to various town Boards and Commissions
4. Staff Reports:
 - a. ZEO Report
The Commission reviewed a request from the Zoning Enforcement Officer to lift a Cease and Correct Order issued at 8 Collins Road.
Motion: Mr. Sarmuk made a motion to lift the Cease and Correct Order for 8 Collins Road. Mr. August seconded the motion. The motion passed unanimously, 6-0-0
The Commission was made aware of a Notice of Violation at 175 Albany Turnpike for temporary signage.
 - b. Town Planner's Report
7/24/13 BOS Agenda-DRT/ZC Discussion.
The Commission was advised that a solution with CAO is being prepared to present to the BOS.

8/28/13 BOS Agenda-Combined PZC Discussion
The Commission was presented with a flowchart detailing the Planning and Zoning Commissions separately and as combined.

ADJOURNMENT: Meeting adjourned at 10:16 pm