

RECEIVED

2023 JAN 20 P 12:12
J. Asst
HEBRON TOWN CLERK

**PLANNING AND ZONING COMMISSION
AGENDA
PUBLIC HEARING / REGULAR MEETING / ORGANIZATIONAL MEETING
VIRTUAL
January 24, 2023, 7:00 P.M.**

**Planning and Zoning Commission
Tue, Jan 24, 2023 7:00 PM - 10:00 PM (EST)**

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/549551061>

You can also dial in using your phone.

United States: [+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 549-551-061

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

REGULAR MEETING

- I. Call to Order / Roll Call
- II. Approval of Minutes
 - A. November 15, 2022 – Public Hearing
 - B. November 15, 2022 – Regular Meeting
 - C. January 10, 2023 – Public Hearing
 - D. January 10, 2023 – Regular Meeting
- III. Recognition of Guests
- IV. Action on Pending Applications
- V. New Business
 - A. New Applications: None
 - B. Set Public Hearing Date: None
 - C. Other New Business
 - 1. Workshop Discussion: 2024 Plan of Conservation and Development – Development Section Draft
 - 2. Discussion on Planning and Zoning Commission By-Laws
 - 3. Priority Projects for 2023

PLANNING AND ZONING COMMISSION
AGENDA - Continued
PUBLIC HEARING / REGULAR MEETING – VIRTUAL
January 24, 2023, 7:00 P.M.

VI. Correspondence

A. DesegregateCT – Request to present “Work Live Ride” program overview

VII. Adjournment

Next Meeting: February 14, 2023 – Regular Meeting
February 28, 2023 – Regular Meeting

Minutes Approved on _____
With Corrections 1
Clerk Initial _____ Date _____

PLANNING AND ZONING COMMISSION
MINUTES

REGULAR MEETING – VIRTUAL

November 15, 2022, 7:00 P.M.

RECEIVED

2022 NOV 23 P 3:54

Carol S. Pommeroy
HEBRON TOWN CLERK

Members Present: N. Wood, F. Zitkus, D. Sousa

Members Absent: D. Garner, E. Lindquist

Staff: M. Bordeaux-Hebron Town Planner

Guests: Rev. Ronald Kolanowski- Director St. Peter's Episcopal Church, Roderic "Mac"

McCorrison- McCorrison DW Fish Real Estate, Lisa Motto- Dream Developers Conn LLC

REGULAR MEETING

I. Call to Order / Roll Call: N. Wood called the Regular Meeting to order at 8:51p.m.

II. Approval of Minutes:

A. October 25, 2022 – Regular Meeting/Workshop: Members reviewed the 10/25/22 Regular Meeting/Workshop Minutes.

Corrections:

Page 2- Introduction-Fourth sentence: It should read "now developing a branding strategy to be utilized" instead of "not developing..."

Page 2- Third Paragraph- Add in the top three reasons people choose to live in Hebron: Rural characteristics of the town, public school system, open space and natural resources.

"Current and past surveys of town residents indicated the top three reasons people want to live in Hebron are rural characteristics, public school system, and open space and natural resources."

Page 2- Hebron's Main St. District- Should read "D. Sousa thinks the mixed use overlay district..."

Correspondence- The sentence should read, "M. Bordeaux has sent to the commission members a PDF compiled from public comments on the conservation section of the POCD."

The motion to accept the 10/25/22 Regular Meeting/Workshop Minutes as amended was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

III. Recognition of Guests: N. Wood opened up the floor to any guests who would like to speak on an off agenda item, there were none.

IV. Action on Pending Applications:

A. Petition 2022-8 – Petition of the Hebron Planning and Zoning Commission to amend the Hebron Zoning Regulations pertaining to the definition of Affordable Housing and opportunities for the Commission to provide relief of certain provisions of the PRD Zone when affordable housing is proposed. Application to amend Sections 2.F.4.3.2, 2.F.4.4, 2.F.4.5.1.e, 2.F.4.5.3.1, 2.F.4.5.3 c and d, 2.F.4.7.4 and Section 9.C.

N. Wood started off the discussion stating that she thinks that this amendment aligns things so that the Town's regulations are consistent with the State's statutes and it's a good improvement. It brings in the initiatives of the Public Housing Initiative that was recently done.

D. Sousa thinks there will be an opportunity in the near future to make further changes, but this is a pressing matter, and the changes that have been outlined here to the regulations are all appropriate and is in support of it.

F. Zitkus agrees and expressed that the Town's definition of affordable housing will be incompatible with state statutes and the changes have low environmental impact, so he is also in support of the regulation.

The motion to accept Petition 2022-8 – Petition of the Hebron Planning and Zoning Commission to amend the Hebron Zoning Regulations pertaining to the definition of Affordable Housing and opportunities for the Commission to provide relief of certain provisions of the PRD Zone when affordable housing is proposed. Application to amend Sections 2.F.4.3.2, 2.F.4.4, 2.F.4.5.1.e, 2.F.4.5.3.1, 2.F.4.5.3.a, 2.F.4.5.3 c and d, 2.F.4.7.4 and Section 9.C. was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

Effective Date: 12/05/2022

Reasons:

1. Establish regulations and policies that encourage a sufficient supply of safe and affordable housing for all income groups.
2. Provide diversity in the types of housing within the Town that will satisfy the needs of all socio-economic and demographic levels.
3. It complies with the recently adopted Affordable Housing Plan.
4. It capitalizes on the Town's past investments.

V. New Business:

A. New Applications

1. Petition 2022-9 – Petition of the Hebron Planning and Zoning Commission to amend the Hebron Zoning Regulations Section 6.D to extend the Temporary and Limited Moratorium on Cannabis Establishments. Application filed under Section 7.E of the Hebron Zoning Regulations.

M. Bordeaux stated that the BOS has delegated the responsibility to consider regulating cannabis establishments to the PZC. There has been a moratorium in place for well over a year. It's been previously extended and is set to expire December 30th, 2022. In order for the Commission to take some time and consider how to move forward with this responsibility, he is recommending extending the moratorium for one year. He suggests taking the opportunity at the November 29th workshop to add a public hearing. All members are in agreement.

2. Petition 2022-11 and 2022-12 – Petition of Roger G. Barrett, Jr. to amend the Special Permit and Site Plan for a legal, non-conforming use at 326 Gilead St. Application filed under Section 6.B.3 of the Hebron Zoning Regulations.

In response to a complaint by a neighbor, it was discovered that unpermitted, regulated activity (tree clearing) had commenced at 326 Gilead St, at the location of Country Carpenter's Post & Beam Buildings Inc, a legal, non-conforming Rural Business Use in the R-1 District. The property owner was informed that an application to modify the previously approved Special Permit and associated Site Plan, pursuant to Section 6.C.3.5, was required. An application is included in the packet for receipt. It is recommended that the Commission schedule a public hearing to be held at the regularly scheduled meeting on December 13, 2022.

F. Zitkus inquired if there are wetlands on the site. M. Bordeaux responded that there are wetlands on the site, however, he's had the wetlands agent go out to verify that the activity is not in the regulated area.

There will be more information for the conversation as of the December 13th, 2022 PZC meeting.

B. Set Public Hearing Date:

1. Petition 2022-9 – Petition of the Hebron Planning and Zoning Commission to amend the Hebron Zoning Regulations Section 6.D to extend the Temporary and Limited Moratorium on Cannabis Establishments. Application filed under Section 7.E of the Hebron Zoning Regulations.

Scheduled for November 29, 2022 Public Hearing/Workshop, at 7:00pm, Virtual.

2. Petition 2022-11 and 2022-12 – Petition of Roger G. Barrett, Jr. to amend the Special Permit and Site Plan for a legal, non-conforming use at 326 Gilead St. Application filed under Section 6.B.3 of the Hebron Zoning Regulations.

Scheduled for December 13, 2022 Regular Meeting/ Public Hearing, at 7:00p.m., Virtual

C. Other New Business:

1. Request for Designation of Kinney Road as a Scenic Road pursuant to the authority of General Statutes Section 7-149a and Hebron Code of Ordinances Chapter 313 Streets and Sidewalks.

-Tabled until January 10, 2023 Regular Meeting/ Public Hearing

2. Informational Meeting with Rev. Ronald Kolanowski of St. Peter's Episcopal Church:

Rev. Ronald Kolanowski is the Director of St. Peter's Episcopal Church as well as a board member of the Commons Community Development Corporation, which is the entity created to do the Affordable Housing Project on St. Peter's property. He gave a brief introduction to the land that was purchased and what will hopefully be done in the future. St. Peter's is involved with housing due to the Gospel Imperative, church and parish mission, the long history of service to and partnership with the Town, and to be good stewards of parish land. There is a need for housing in Hebron that has been addressed in the Hebron Plan for Housing Choices. People who need affordable housing include people who work in town, seniors, young people entering the workforce, and families. They would like to put the Church Street Commons on the 3 acres of the rectory property. It preserves an historic building, the school and center of Town are close by. In terms of design, they want it to be compact, fit the land, meet users needs, an entrance into the neighborhood, and built to last. They will get this accomplished with a public-private partnership. By using the community development corporation, a development partner, and partner with the Town of Hebron.

F. Zltkus inquired whether the rectory property is in the sewer district as well as if the public water supply for that parcel is something the Ct water company can currently provide or if that is something they're going to need?

Father Ron responded that the property is partially in and partially out of the sewer district and that they are putting in an application with the water company now to see if there's adequate resources to provide water.

There will be more details at a future meeting.

3. Pre-Application Discussion re: Toomey Crossing Phase II:

Mac McCorrison of McCorrison DW Fish Real Estate has provided materials to facilitate a pre-application discussion regarding Phase II of the project referred to as "Toomey Crossing" located at 7 Toomey Ln in the Hebron Green District. Materials include "A History and Narrative of Toomey's Crossing", a Site Layout Plan dated May 12, 2017, revised 11-08-19, and a set of Schematic Design drawings.

The developers that are trying to purchase this property would prefer to see one part of the downstairs in one building become of some usage for the tenants of the balance of the residential units. The front building, the Toomey House itself, 13 Church St., was going to be one of the condominium units, for the mixed use condominiums. The barn was going to be a second. And a new commercial building was going to be a third. They're looking to have some of the second building downstairs be treated as an amenity, classified as nonresidential space. They're doing this to promote the desire to own commercial small built businesses and buildings. The application depicts a nice development of upscale residential units with some non residential/commercial usage.

Lisa Motto explained to the Commission that they will be keeping a somewhat historical feel to the buildings and staying with a federal type style. They would love to utilize part of the downstairs as split use commercial space. The other issue lies with the percentages that are currently in place with regard to the residential component and the ability to have co's.

Essentially they would be looking to set themselves up so that they were able to get c.o. occupancy in the buildings.

Members discussed and M. Bordeaux will review with the Town attorney and summarize the available options for moving forward and present them at the next meeting.

4. 2023 Regular Meeting Schedule Draft – Possible Adoption: The footnote will be changed to "In the Selectmen's Meeting room, *or virtual*".

The motion to approve the 2023 Meeting schedule as amended was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

VI. Correspondence: E. Lindquist is no longer a resident and he intends to resign.

VII. Adjournment:

The motion to adjourn the 11/15/2022 Public Hearing/ Regular Meeting was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

The meeting was adjourned at 11:15pm.

Next Meeting: November 29, 2022 Special Meeting Public Hearing/Workshop
December 13, 2022 Organizational Meeting/Public Hearing/Regular Meeting

Respectfully Submitted,
Catharine Brinkman
Board Clerk

Minutes Approved on _____
With Corrections
Clerk Initial _____ Date _____

PLANNING AND ZONING COMMISSION

MINUTES

PUBLIC HEARING – VIRTUAL

November 15, 2022, 7:00 P.M.

RECEIVED

2022 NOV 23 A 9:55
Carla A. Thompson
HEBRON TOWN CLERK

Members Present: N. Wood, F. Zitkus, D. Sousa

Members Absent: D. Garner, E. Lindquist

Staff: M. Bordeaux-Hebron Town Planner

Public Hearing

Petition 2022-8 – Petition of the Hebron Planning and Zoning Commission to amend the Hebron Zoning Regulations pertaining to the definition of Affordable Housing and opportunities for the Commission to provide relief of certain provisions of the PRD Zone when affordable housing is proposed. Application to amend Sections 2.F.4.3.2, 2.F.4.4, 2.F.4.5.1.e, 2.F.4.5.3.1, 2.F.4.5.3 c and d, 2.F.4.7.4 and Section 9.C.

N. Wood called the Public Hearing to order at 7:07p.m.

F. Zitkus read the official public notice into the record.

M. Bordeaux presented the petition to the public. This application was prepared by staff and received by the commission on September 13th, 2022 at which time the commission set a public hearing date for October 11th. However, that meeting date was canceled and so the public hearing was re-advertised for November 15th. The purpose of the proposed amendments is two-fold. First, it provides new opportunities to create affordable housing in the PRD Zone. Second, it makes the Town's definition of affordable housing consistent with the provisions of CGS Section 8-30g so that future efforts to address affordable housing through regulation will ensure that housing units can be counted towards the State Department of Housing Affordable Housing Appeals List. As noted before, the Commission's discussion of potential amendments to Section 2.F.4 Planned Residential Development date back to initial work with former Town Planner Michael O'Leary and more intensive work with former Town Planner Patrick Gallagher. Mr. Gallagher's work, specifically a report dated March 14, 2022 to review the potential for new or expanded Planned Residential Development zones in Hebron has been considered by the Commission and can be summarized as follows:

"Based on current Regulations and Sewer District Boundaries, four parcels appear to be meet the criteria for Planned Residential Developments and could potentially be impacted by changes to the PRD Regulations:

1. St. Peter's Preserve – Church Street
2. Country Manor Apartments – 162 Wall Street
3. Wellswood Estates Condo – 80 Wellswood Road
4. Hillside Farms Apartments – 102 Wellswood Road

Three of these parcels are existing multi-family housing developments. One site (St. Peter's Preserve) is vacant, and currently used for passive recreation. All PRDs would need to be

approved by the Commission via Special Permit Approval and further all PRDs would need to be consistent with the Plan of Conservation and Development."

This review is significant because it indicates that the potential for new or expanded Planned Residential Development that would be impacted by the proposed amendments is extremely limited.

Proposed Amendments: Section 9C Definitions

Section 9.C: Definitions

Here, the PZC is looking to modify the Town's definition of affordable housing so that it is consistent with the way the state regulates affordable housing. Our current regulations say that families making 100% or less of the area median income for a period of 30 years qualify for affordable housing.

The proposed amendment of Section 9.C will make Hebron's definition of Affordable Housing consistent with Connecticut General Statutes Section 8-30g. Affordable Housing would be defined as housing affordable to households making less than or equal to 80% of the area median income for a period of at least 40 years. By making the Town's definition of affordable housing consistent with the provisions of CGS Section 8-30g, future efforts to develop affordable housing subject to the provisions of the Hebron Zoning Regulations will ensure that housing units can be counted towards the State Department of Housing Affordable Housing Appeals List.

This is important because the State Department of Housing maintains an affordable housing appeals list. And, if the affordable housing that is generated through these regulations is not consistent with the way the state regulates it, then it cannot be counted towards the list. So the percentage of affordable housing in Town would not increase over time, because it doesn't actually meet the definition or satisfy the requirements of the state. Specifically Connecticut General Statute section 8-30G.

Proposed Amendments: 2.F.4 Planned Residential Development

The proposed amendment of Section 2.F.4 was drafted with the input of David Ziaks, P.E. representing the interests of the owner of Hillside Farms Apartments at 102 Wellswood Rd. The goal of the proposed amendments is to increase the opportunities to construct affordable housing in the district.

Section 2.F.4.3: Parcel-Related Standards

The proposed amendment of the "Parcel-Related Standards" Section 2.F.4.3 will allow the Commission to consider just 50% of areas with steep slopes to be included in the calculations of net land area when affordable housing is proposed in the PRD Zone. Currently, net land area is calculated by subtracting "watercourses, waterbodies, ponds, streams; 100-year floodplains; wetlands; and areas with pre-development grades in excess of twenty percent (20%)." The net land area dictates the number of units per acre that may be constructed pursuant to the corresponding table in Section 2.F.4.3.

Section 2.F.4.4: Building-Related Standards

The proposed amendment of Section 2.F.4.4 would also provide the opportunity for an applicant to construct buildings containing up to eight (8) dwelling units when it can be demonstrated that reasonable accommodation of outdoor living space has been provided to each unit. This proposed provision allows a developer to propose, and the Commission consider, amenities such as private entryways, porches, decks, patios, and the like, to satisfy this provision.

Section 2.F.4.5.1.e: Other Standards and Requirements

The Architectural Design standards of this section require each dwelling unit to have an entrance directly from the outside. A minor amendment of this section is proposed to instead require a separate means of access to the outside, consistent with the proposed amendment of Section 2.F.4.4. This would allow a multi-family structure to include a shared principal entrance as long as each unit included another means of access to an outdoor space.

Section 2.F.4.5.3.a:

The proposed revision of this section is an effort to bring the parking standards in the PRD Zone in line with the provisions of CT Public Act 21-29.

Section 2.F.4.5.3.c:

The Commission has debated the necessity for enclosed garages to be required for at least one (1) required resident space. The proposed amendment would allow the Commission to waive the garage requirement when an applicant intends to provide at least 20% or more of the proposed units as affordable housing and can demonstrate that the proposed units have access to enclosed storage space.

Section 2.F.4.7: Affordable Housing Requirements

The final proposed amendment of Section 2.F.4 applies to the requirement that any development containing affordable housing shall be accompanied by an "affordability plan" consistent with the provisions of Section 8-30g of the Connecticut General Statutes, or any amendment thereto. The intent is to have the developer explain how household income and rental price limits are calculated and administered. This amendment adds the requirement that said plan be administered by a qualified third-party, acceptable to the Town of Hebron.

M. Bordeaux introduced how the proposed amendment is compatible to the Plan of Conservation and Development:

The proposed regulation amendment would support the following goals and objectives from the POCD:

- Establish regulations and policies that encourage a sufficient supply of safe and affordable housing for all income groups (page 139).
- Provide diversity in the types of housing within the Town that will satisfy the needs of all socio-economic and demographic levels (page 149).

N. Wood opened up discussion to the Commission:

F. Zltkus stated that there are only four properties involved that could potentially have the more real PRD development on them and they are all quite flat, and thus they concluded that there would be low, or basically no environmental impact with the inclusion of 50% slopes. He also noted that there's only one PRD in Town right now on Slocum Rd and that the legal ad missed one small section that they're moving to amend which is Section 2F.4.5.3.A.

D. Sousa added that he thinks it's wonderful that the Commission is considering these changes and being responsive both to the marketplace to the issues pointed out in the recently adopted Town Housing Choice Plan. He would like to see more changes in the future.

N. Wood opened up discussion to the public for any questions or comments pertaining to application 2022-8:

Amy D'Amaddio-11 Wood Pond Rd., Amston: Wanted to thank the Commission for taking the time to address this amendment. She believes it is really important for the future of the Town to continue the vibrancy and the economic and social diversity of the Town.

Cathy Sock-107 Jan Drive, Hebron- Supports and agrees with A. D'Amaddio.

N. Wood closed the Public Hearing at 7:35p.m.

Minutes Approved on _____
With Corrections
Clerk Initial _____ Date 1

PLANNING AND ZONING COMMISSION

MINUTES

PUBLIC HEARING – VIRTUAL

November 15, 2022, 7:00 P.M.

RECEIVED

2022 NOV 23 A 8:55

Carla A. Thompson
HEBRON TOWN CLERK

Members Present: N. Wood, F. Zitkus, D. Sousa
Members Absent: D. Garner, E. Lindquist
Staff: M. Bordeaux-Hebron Town Planner

Public Hearing

Request for Designation of Kinney Road as a Scenic Road pursuant to the authority of General Statutes Section 7-149a and Hebron Code of Ordinances Chapter 313 Streets and Sidewalks.

The above noted request was received by the Commission on September 13, 2022. A preliminary review of the request was made by Town staff in advance of the Commission's receipt, and it was determined that the provisions of the Hebron Code of Ordinances and Connecticut General Statutes were satisfied. Upon the recommendation of Town staff, the Commission scheduled a public hearing to be held on October 11, 2022, however the meeting was canceled. The public hearing was readvertised for November 15, 2022. A staff memo to the Commission dated November 10, 2022, is included in your packet to address the request. 11/15/22 PZC Planner's Report

LEGAL NOTICE

**PLANNING AND ZONING COMMISSION
HEBRON, CONNECTICUT**

The Hebron Planning and Zoning Commission will hold a Public Hearing at a Regular Meeting scheduled for Tuesday, November 15, 2022, at 7:00 P.M., to be held virtually through the GoToMeeting Platform. Dated at Hebron, Connecticut, this 31st day of October 2022.
Natalie Wood, Chair

M. Bordeaux introduced the topic being discussed:

At their September 13, 2022 Regular Meeting, the Planning and Zoning Commission received a request to designate Kinney Road a Scenic Road pursuant to Chapter 313 of the Hebron Code of Ordinances. The Planning and Zoning Commission is authorized by the "Scenic Road Ordinance" to designate any Town public highway or any portion thereof as a scenic road. The Commission has only once before considered a request under the Scenic Road Ordinance. In 2001, the Commission received and approved a request to designate Burrows Hill Road a Scenic Road. Although the Scenic Road Ordinance does not enunciate a public hearing process is required, the Commission used such a process for the Burrows Hill scenic road designation. Accordingly, the Commission decided to schedule a public hearing to be held on October 11, 2022, however that meeting was canceled. The public hearing was readvertised to be held November 15, 2022.

M. Bordeaux put before the Commission the materials that were provided in support of the request from Kevin and Jean Tulumieri and residents of Kinney Rd., a staff review of Kinney Road frontage measurements and calculations, the Hebron Scenic Road Ordinance, and Connecticut General Statute Section 7-149a. He had prepared the commission by conducting a chapter by chapter review of the ordinance, which is included below.

The Scenic Road Ordinance essentially provides the criteria to be met to designate a scenic road in Hebron, the procedures and the contents that should accompany a request, and the provisions for the maintenance, alteration, improvements, and reconstruction of a scenic road when one is designated. M. Bordeaux reviewed the following:

Scenic Road Ordinance

Town staff have conducted a review of the materials submitted in support of the request. The Staff's review follows the "Scenic Road Ordinance" chapter by chapter. A summary of findings is provided below.

Chapter 313-4

Chapter 313-4 of the Hebron Code of Ordinances provides Conditions to be met. Chapter 313-4 states that "No road or portion of road shall be designated as a scenic road unless it is free of intensive commercial development and intensive vehicular traffic."

Kinney Road is devoid of intensive commercial development and intensive vehicular traffic. Approximately three-quarters of the property frontage along Kinney Road is zoned Residence-1 (R-1) and intended for low-density residential, agricultural, recreational and institutional uses in accordance with the 2014 Hebron Plan of Conservation and Development and Hebron's Comprehensive Plan (Zoning Regulations and Zoning Map).

A substantial portion of the property frontage along Kinney Road is zoned Village Square District (VS). Section 3.C of the Hebron Zoning Regulations describes the overall purpose of the VS District as follows:

"The Village Square District is intended to promote flexible development patterns and a diverse land use mix within a master-planned environment in order to promote efficient use of the land; reinforce the historic development patterns that have occurred within Hebron Center; protect and enhance natural resources; and provide a variety of compatible architectural styles, building forms and building relationships within a planned development."

A Master Concept Plan was approved by the Planning and Zoning Commission for the Village Square District. The Village Square District (referred to in the 2014 Hebron Plan of Conservation and Development as "The Village Green District") is comprised of a handful of large parcels, publicly and privately owned, bounded by Main Street, Church Street and Kinney Road. The portion of the District fronting Kinney Road is Town of Hebron-owned.

The Plan of Conservation and Development (POCD) Section 3.B.IV. describes the vision for the "Village Green District" (apparently interchangeable with the Village Square District). The POCD states that "the area had been identified for a number of years as a potential business expansion area to provide additional locations to expand the Town's commercial tax base and provide employment opportunities and services to serve Hebron's growing population."

Additionally, the POCD posits "from an economic development viewpoint, this 136-acre district

represents a location for long term economic development growth in the Town of Hebron." Section 3.B.IV. of the POCD is attached for your review.

While Kinney Road is currently free of intensive commercial development and intensive vehicular traffic, the long-term plan for the Village Square District is an intensification of activity, rather than the preservation of a state of freedom from it.

Chapter 313-5

Chapter 313-5 states that "prior to designating a road as a scenic road, the Planning and Zoning Commission shall first specifically find that at least three of the following criteria are met:

- A. The highway is unpaved.
- B. The highway is bordered by mature trees or stone walls.
- C. The traveled portion of the highway is no more than 20 feet in width.
- D. The highway offers scenic views.
- E. The highway blends naturally into the surrounding terrain.
- F. The highway parallels or crosses over brooks, streams, lakes or ponds.

In the request to the Commission dated August 23, 2022, the criteria of Chapter 313-5 is addressed with the following statement:

"Kinney Road fulfills the following four Criteria:

- B. The highway is bordered by mature trees or stonewalls.
- D. The highway offers scenic views.
- E. The highway blends naturally into the surrounding terrain.
- F. The highway parallels or crosses over brooks, streams, lakes or ponds."

The criteria outlined in Chapter 313-5 mimics that provided in the State Statute Section 7-149a. The criteria are also captured in the Goals and Objectives of the Plan of Conservation and Development Section 2.H. Scenic Vistas and Streetscapes. Reference to high points, many specifically identified in the north and northeast parts of town, are called out in Section 2.H and identified on the Significant Natural Features Map No. 8 of the POCD. This Section also describes a number of different tools that the Town and Commission can implement to protect and preserve Scenic Vistas and Streetscapes. Section 2.H of the POCD is also attached.

N. Wood turned discussion over to members of the public:

Kevin Tulimieri-110 Kinney Rd., Amston- K. Tulimieri would like to point out that they are well within the designation criteria for Chapter 13-5, they meet four of the criteria although only three are required and noted that 17 out of 18 residents of Kinney Rd. have signed the petition. There are some misleading and false statements included in some of the letters submitted by staff members of the Town, and he would like to clarify that Kinney Rd. is not an average road, and it certainly qualifies for this scenic road designation. He thanked the Commission for their efforts and strongly believes they should be accepted as a scenic road.

Greg and Ellen Shortell- 22 Kinney Rd, Amston- G. Shortell thanked M. Bordeaux and the Commission, and expressed his support of this designation. The increase in activity due to improvements made in the area is invigorating to see. It would be very nice for the Town to be able to advertise and promote this designation as a walkable scenic road that's connected to a

beautiful preserve. And in the future, perhaps, some additional access to the property on the other side of Kinney Rd.

John Baron- J. Baron asked for clarification to make sure he understood the situation that a memo was sent by Town Manager, Andy Tierney, and the Public Works Manager, Kevin Kelly, objecting to the notion of the scenic road because it would prohibit development of the road. He questioned whether improvements could still be made on the road. M. Bordeaux responded that they would see about that when they got there. Improvements for safety and functionality would be up to the discretion of the Town Manager. J. Baron is confused because he had spoken to him in the past and he had used the assisted living quarters as an example of how he envisioned the town developing and how this would blend in with Hebron's rural historic character. He then went into the historic value of Kinney Rd. and the importance of said history. SHPO is very concerned about anything that might compromise the integrity of the area on either side of the road, and developments that might facilitate a salt truck or a fire engine going through or a stoplight which would certainly impact the historical integrity.

Will and Gabrielle Bugden- 366 West Main, Amston- They have lived in Hebron since July, after moving from a much bigger city, they chose Hebron due to the country charm and beautiful scenery. They support the designation of Kinney Rd. as a scenic road.

Andrea Lattanzi-151 Cannon Dr., Amston- A. Lattanzi thanked the Commission for its efforts and for consideration regarding passing the designation. She referred to the Town of Hebron 2014 POCD, Planning and Policy Section 2, which cover scenic vistas and streetscapes. It is the goal of the POCD to identify areas that can be designated as scenic, and to encourage any new development to preserve them by a creative design, use of cluster developments, and wise placement of open space and conservation easements. For these reasons, she is in support of the designation. BY passing this designation she feels that the Commission will be demonstrating its commitment to the 2014 POCD and to the town of Hebron. She believes it is satisfying two very important goals in this section of the POCD. The first being to protect the esthetic, natural and cultural viewpoints and road design that provides opportunities as scenic vistas and rural streetscape. The second is to ensure that rural streetscapes are recognized, and that their preservation is a factor when land development or street improvement decisions are made.

Carolyn and Dave Aubin- 25 Marjorie Circle, Hebron- They support the designation of Kinney Rd. and believe it is such a beautiful and historic road.

Michelle Hannon and Andrew Arnesen- 116 Kinney Rd., Amston- They'd like to thank the commission as well as Kevin and Jean Tulumieri for their time. They are in support of the designation.

Dave and Erin Jones- 203 Millstream Rd., Hebron- They are in support of the designation and believe that it will help protect and preserve the history of the area because it is one of the biggest draws and greatest assets of the Town.

Gabriel and Michelle Ackerman- 138 Millstream Rd., Amston- They're in support of the designation. They moved in about three years ago and Kinney Rd. was part of the reason they chose to live in Hebron.

Jan Palada- 128 Kinney Rd., Amston- She and her family have lived on Kinney Rd. for 56 plus years and they are all in support of the petition to designate Kinney Rd. as scenic.

Robert and Cynthia Lanigan- 121 Kinney Rd., Amston- They feel very deeply about the previous home owners, and Kinney Rd. is a very special place for them. They take deep pride in their neighborhood and the upkeep that they and their neighbors put into their properties.

Andrew Tierney- Hebron Town Manager- A. Tierney thanked the Commission and the residents that are in attendance. His comments are as ex officio. He clarified that in the letter that was written to the PZC he and Kevin Kelly were not opposed to the designation or trying to halt any type of construction. He is very familiar with scenic roads and was involved in all the plans of the POCD as well as when Burrows Hill was designated a scenic road. The concern they had, and the reason for the letter, was the maintenance of the road. The Town is not planning on doing anything to Kinney Rd. If a public works project were to go forward after a vote from the residents, there would be a driveway or a road cut into that. They're not looking to do any widening or looking to change the appearance or aesthetics at all. Secondly, what happened on Burrows Hill was that there was a big tree that was obstructing power to the area, so the electric company wanted to come through with a large tree clearing operation, so they petitioned and got the road designated a scenic road. Unfortunately, tree disease caused a hassle because they would die and Kevin Kelly had to find contractors to remove the hazardous trees. It was much harder to save the Town of Hebron from a liability issue because of the scenic road designation. They are not against it, they just want to be able to maintain it.

Gabriel Ackerman- 138 Millstream Rd., Amston- If the public works project passes, he assumes that the road will be used by DOT trucks, which takes away from the safety and beauty of the road.

John Baron- John would like to clarify that he is correct in hearing that there are no plans for such a development on Kinney Rd.

M. Bordeaux responded that there are no plans for that sort of development.

Michelle Hannon and Andrew Arnesen- 116 Kinney Rd., Amston- They would like to clarify that they had been told previously that there would be an additional change to the road, that it would be widened.

M. Bordeaux responded that there are no plans for any kind improvement of Kinney Rd. at all. A. Tierney stated that there is a lot of confusion out there, and that he's at the meeting to hamper that. When they did the Village Green originally, there was a build out which was a lot larger. It was a larger subdivision that was proposed in the conceptual plan which would include widening of the road and a traffic light installed at the end of Kinney Rd. but that proposal is no

longer being considered. The only project is possibly a public works facility, which will have to go to a public referendum.

Kevin Tulimieri-110 Kinney Rd., Amston- K. Tulimieri referred to the letter from A. Tierney and asked that if he is not in opposition to the designation, he would appreciate it being put into writing as an amended letter to be submitted to the PZC.

A. Tierney responded that his letter stands corrected, but he is worried about a precedent being set, he wants to maintain the roads. He has maintained the roads in Hebron for a long time, and he has everyone's best interest at heart.

Jean Tulimieri-110 Kinney Rd., Amston- She is in support of the scenic road designation. Many people walk and ride on the beautiful road and as a town, preserving the rural New England history and heritage is something everyone should be really proud of.

Marc and Ann Baribault- 215 Kinney Rd., Amston- They are stewards of the land, they would like to keep the road as is. The town has preserved it beautifully so far, and they are in favor of the scenic designation.

Jennifer Carrier-186 Kinney Rd., Amston- She is a signer of the petition. She lives in the old farmhouse that was built in the 1800's. They moved here 5 years ago for the pastoral rural views and the access to Raymond Brook and she supports the designation.

Keith and Jen Albert-233 Millstream Rd., Hebron- They love Hebron, and have lived here for 18 years. They see no downside, and are 100% in favor of the scenic designation.

N. Wood turned it back to the commission for any comments or questions:

F. Zitkus thanked the public for coming to the meeting and providing some very good comments. And referred to an ordinance which states that the town shall maintain scenic roads in good and sufficient repair in safe passable condition pursuant to its regular scheduled maintenance of Town roads. Regarding the alterations and improvements, if there were things that had to be done to the road there are standards that have to be followed and they provide a layer of protection on a scenic road.

D. Sousa added that he is happy to see all the participants and is impressed that they got 50% of the frontage of the road to agree to the designation. He is of the belief that as Andy said, there are many roads in Hebron that would work as scenic, and that the Town should do more to encourage it, and not discourage it.

M. Bordeaux recommended that the Commission consider the POCD in its deliberations.

N. Wood closed the Public Hearing at 8:50p.m.

Respectfully Submitted,
Catharine Brinkman
Board Clerk

RECEIVED

2022 OCT -6 P 5:25

J.R. Asst
HEBRON TOWN CLERK

MEMO

TO: Carla Pomprowicz, Town Clerk
Planning and Zoning Commission
Dori Wolf, Administrative Secretary, Town Manager's Office

FROM: Matthew Bordeaux, Town Planner

RE: PZC Meeting Cancellation on Tuesday, October 11, 2022 at 7:00 p.m.

DATE: October 6, 2022

Please be advised that the Public Hearings / Regular Meeting of the Planning and Zoning Commission scheduled for Tuesday, October 11, 2022, at 7:00 p.m. has been canceled. The Public Hearings will be rescheduled to November 15, 2022.

MB/dmg

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / REGULAR MEETING / ORGANIZATIONAL MEETING
VIRTUAL
January 10, 2023, 7:00 P.M.

Members Present: N. Wood, F. Zitkus, D. Sousa

Members Absent: D. Garner

Staff: Matt Bordeaux- Town Planner

ORGANIZATIONAL MEETING

I. Election of Officers: At their January 5, 2023 Regular Meeting, the Board of Selectmen appointed two (2) new members to the Planning and Zoning Commission. Mr. Jason Boice was appointed a regular member and Mr. Terry McManus was appointed to an alternate member. The applicants have been invited to attend this evening's meeting, however they have not been sworn in by the Town Clerk, so they are not able to serve at this meeting.

The motion to elect member David Sousa to be the Secretary of the Hebron Planning and Zoning Commission was made by F. Zitkus, seconded by N. Wood; the motion passed unanimously.

The motion to move meeting item number II. (Review of By-Laws) to item 5C2 in New Business was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

RECEIVED
2023 JAN 19 A 8 10
HEBRON TOWN CLERK

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / REGULAR MEETING / ORGANIZATIONAL MEETING
VIRTUAL
January 10, 2023, 7:00 P.M.**

Members Present: N. Wood, F. Zitkus, D. Sousa
Members Absent: D. Garner
Staff: Matt Bordeaux- Town Planner

PUBLIC HEARING

- I. Petition 2022-11 and 2022-12 – Petition of Roger G. Barrett, Jr. to amend the Special Permit and Site Plan for a legal, non-conforming use at 326 Gilead St. Application filed under Section 6.B.3 of the Hebron Zoning Regulations.**

F. Zitkus read the following Legal Notice into record:

LEGAL NOTICE

**PLANNING AND ZONING COMMISSION
HEBRON, CONNECTICUT**

The Hebron Planning and Zoning Commission will hold a Public Hearing at a Regular Meeting scheduled for Tuesday, January 10, 2023, at 7:00 P.M., to be held virtually through the GoToMeeting Platform, on the following:

1. Petition 2022-11 and 2022-12 – Petition of Roger G. Barrett, Jr. to amend the Special Permit and Site Plan for a legal, non-conforming use at 326 Gilead St. Application filed under Section 6.B.3 of the Hebron Zoning Regulations.

Dated at Hebron, Connecticut, this 8th day of December 2022.

Natalie Wood, Chair

Legal Notice will be published in the Rivereast News Bulletin on December 30, 2022 and January 6, 2023.

Guest Speaker: Roger G. Barret Jr.- 87 Shoddy Mill Rd. Bolton, Ct. Owner of Country Carpenter, located at 326 Gilead St. Hebron, Ct.

R. Barret is asking for an extension of the parking lot. He has provided a Site Plan, and has been working with Town Staff on the proposal. It will be an addition to the property, but it will also provide more privacy for the neighbors.

Commission members inquired about what had already been completed, the fence materials, lighting needs, and additional landscaping. It was mentioned that he would be extending the fence and berm, the commission questioned how long the extension would be.

M. Bordeaux referred to the included location map that showed that the 6.49-acre site is located on the north side of Gilead St, east of the equestrian center Windcrest Farms (344 Gilead St), and west of undeveloped land owned by the Hebron Lions Club that is occasionally used for overflow parking associated with events at the fairgrounds. The subject site is further abutted by another rural business use is located at 33 East Street, and single-family residences at 39 and 47 East Street. A Special Permit (2021-17) and associated Site Plan (2021-18) was approved by the Commission on January 11, 2021, to construct a new 3,909 SF addition to an existing structure, with a condition that a continuous row of white pine trees be placed along the northern and easterly property lines to buffer 39 and 47 East Street. The reason that this activity is in front of the Commission is in accordance with Hebron Zoning Regulations Section 6.B.3.5., "unless a Special Permit has been granted by the Commission in accordance with Section 7.D of these Regulations to allow the particular non-conforming use to be altered, a non-conforming use shall not be: a. enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied at the effective date of adoption or amendment of these Regulations". It's the alteration of the use that triggered the special permit application. Section 6.B.3.7 further outlines standards intended to accommodate Rural Business Uses considering the non-conforming nature of their location in a residential zone.

A few considerations from staff's perspective were, first of all, whether or not there was any regulated activity subject to inland wetlands and watercourses permitting. Therefore they sent the Conservation and Inland Wetland Agent, Mr. Cordier, out to this site to review the proximity of the proposed activity and existing activity to the wetlands. He found that all the components of the proposed parking lot expansion and associated landscaping were outside of the inland wetland and upland review regulated areas.

Further, in terms of the review with the town engineer, there was a request for additional details. These details have been subsequently provided, but not yet reviewed by the Town Engineer. The proposal is to include a base of processed gravel to be topped with asphalt millings. Additionally, in order to prevent what winds up being a natural creep of the improved area, they did request that there be some delineation to what the extent of the parking area would be. Mr. Barrett has proposed a split rail fence.

The alteration of a legal non-conforming use is subject to approval of a Special Permit by the Commission. In accordance with Section 7.D of the Hebron Zoning Regulations the Special Permit is accompanied by a Site Plan. The Commission shall refer to Section 7.D.4 of the Regulations for a list of "Decision Considerations" provided to assist the Commission in reaching a determination that the application is in conformance with the Regulations, satisfies the Special Permit Criteria and is in harmony with the purposes and intent of the Regulations, as well as the Plan of Conservation and Development.

M. Bordeaux showed pictures of the site to the Commission so they could review them.

N. Wood asked the commission if they had any further questions in respect to the items that were shown in M. Bordeaux's report, they did not.

N. Wood opened the floor to public comments and questions to the applicant and/or town staff.

Public Testimony:

Rachel Gates-Bell, 39 East St. Hebron- She is very upset and unhappy with the results of what's been done thus far at the site and has various concerns about the environmental impact, the visual intrusion, and the noise pollution. Secondly, she is perturbed about the potential impact on property values in the neighborhood and altering the appearance and characteristic of the surrounding residential neighborhood. Finally, she would like to be reassured that the Town representative and board members hear the people's voices about the issue at hand. Questions like; Will this expansion be allowed to continue and grow? Therefore infiltrating more of the residential neighborhood? What are the ramifications for them doing work without a permit?

M. Bordeaux showed pictures to the Commission that had been emailed to him by R. Gates-Bell, depicting her view before and after the Ash Trees were removed.

She would like to propose a regeneration of a tree line on the site so the natural landscape is reestablished.

N. Wood responded that they were given a plan, and it won't go larger than what he has proposed.

R. Barrett referred back to the pictures that had been shown prior, and explained that eventually the white pine trees will grow and block the view of the trucks and building. He had to take down the Ash Trees that were previously there because they died, and were falling apart onto the parking lot. He then agreed to plant more trees if approved to help with the unsightly views.

Andrea and Robert Boardman, 49 East St. Hebron- They oppose the granting of this application. They share the fear about the impact on property values. A. Boardman proposed that Country Carpenter could rent land from the Lions Club directly across the street for parking vehicles and construction materials. They ask that the town protect their investments and deny this application.

M. Bordeaux responded that the applicant has told him that this expansion area is not to be used for equipment or material storage. Any future improvements by this property owner, or another owner, would require a permit for expansion of use.

R. Barrett explained that it is a work in progress, so there are tarps and pallets, but once completed it will look much improved.

Robert Boardman is against any expansion on Country Carpenters property that deviates from its initial footprint and especially this application. There is an increase in truck and machinery noise and smoke, and a decrease in home value. They are in a residential zone first and foremost.

Roger Kennedy, 47 East St. Hebron- The view has changed dramatically. He is in agreement with his neighbors. He would like the fence extended back, two more trees, and the fence needs to be maintained. Also, the property line along the stone walls got all of the invasive species which have killed his trees as well. He would like to see all of that cleared out and maintained.

M. Bordeaux brought to the Commission's attention the letter from the Town Engineer, Tom Fenton, dated January 4, 2023, and read the main points into the record.

1. The plan should indicate how the proposed parking area will be prepared and surfaced. A construction detail should be included.
2. Consideration should be given to providing a physical delineation at the limits of the parking area, such as a timber guide rail or split rail fence. This would more permanently define the limits of the parking area and deter future expansion.

M. Bordeaux suggested that if the Commission were to consider an alternative border, the plantings would probably suffice and if they were to move forward with this application, he would ask them to consider the comments from Tom Fenton's letter to be a condition of the approval.

N. Wood closed the Public Hearing for Petition 2022-11 and 2022-12 at 8:59p.m.

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / REGULAR MEETING / ORGANIZATIONAL MEETING
VIRTUAL
January 10, 2023, 7:00 P.M.**

REGULAR MEETING

Members Present: N. Wood, F. Zitkus, D. Sousa
Members Absent: D. Garner
Staff: Matt Bordeaux- Town Planner

I. Call to Order / Roll Call: N. Wood called to order the January 10th, 2023 Planning and Zoning Public Hearing/ Regular Meeting/ Organizational Meeting at 7:02p.m.

II. Approval of Minutes:

The motion to add approval of minutes for November 15, 2022 to the agenda was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

The motion to table the approval of the November 15, 2022 minutes was made by D. Sousa, seconded by F. Zitkus; the motion passed unanimously.

A. November 29, 2022 – Public Hearing:

The motion to accept the 11/29/22 Public Hearing minutes as presented was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

B. November 29, 2022 – Regular Meeting

Corrections: Page 4, Under "Introduction Section": Strike sentence: "He'd also like to see the definition modified, modify accessory apartment definition"

Add: " F. Zitkus noted that the definition of Affordable Housing in the Zoning Regulations was recently modified and that detached accessory apartments are now permitted."

Page 4: after the last sentence: Add "Several policies were added or amended including Safe Street Systems, policy 4; Parking Lots, policies 3 and 4; Landscaping policy 1."

Page 5; at the top: Add "Main Street District: Land use table was updated, a note was made to state that 2 of 5 vacant parcels in MS District are Town owned Open Space; several action items were discussed and added:

6. Seek grants/ other funding to complete the " Proposed MS Tree Canopy" plan along MS;
7. Require Installation of EV stations in new/improved/expanded parking lots;
8. Enhance MS amenities such as bike racks/ bike stations and sidewalks"

Page 5, Hebron Green District, Add: "M. Bordeaux suggested adding wayfare signage be considered."

Page 5, Add: "D. Sousa would like to see an action item that preserves historic buildings and protects them from unnecessary demolition of the Town Green District."

The motion to accept the November 29, 2022 Regular Meeting minutes as amended was made by F. Zltkus, seconded by D. Sousa; the motion passed unanimously.

III. Recognition of Guests: N. Wood opened the floor to any guests wishing to speak on an off agenda item.

Kevin Tulimieri, 110 Kinney Rd. Hebron- Commented on the request for designation of Kinney Road as a scenic road. He is disappointed and concerned about another delay in the Planning and Zoning Commission's decision on its scenic road request for Kinney Rd. The request was received on September 13th 2022, and the Public Hearing was delayed on October 11th, and finally held November 15th. And at that time, town planner Mathew Bordeaux confirmed quote "My review of the request and supporting materials finds that all requirements have been met." Another delay occurred when the Planning and Zoning meeting for December 13, 2022 was canceled. He is deeply dismayed that another delay is being pursued. He hopes the scenic road request for Kinney road will finally be brought to a successful conclusion and questioned the suggestion that there may be some legal concerns that are now going to possibly delay it even further. He requests that Planning and Zoning hold the vote on the scenic road designation for Kinney Rd. tonight.

Carolyn and Dave Aubin, 25 Marjorie Circle Hebron- They are both very much in favor of Kinney Rd. being designated as a scenic roadway and hope that it gets voted on tonight.

Andrea Lattanzi, 151 Cannon Dr. Hebron- It is her understanding that the application for Kinney Rd. has met all the criteria for scenic designation, which will preserve the unique rural character and hopes this process will lead to a fair and unbiased vote by the commission. She supports the designation and hopes they will vote tonight.

IV. Action on Pending Applications:

A. Petition 2022-11 and 2022-12 – Petition of Roger G. Barrett, Jr. to amend the Special Permit and Site Plan for a legal, non-conforming use at 326 Gilead St. Application filed under Section 6.B.3 of the Hebron Zoning Regulations.

M. Bordeaux presented to the Commission that the application meets the requirements, with the noted requirements that would apply to this action. It is a permit, a legal non conforming use, meaning that it has been permitted and uses accepted in that zone. The concept of a rural business use is that this particular use is appropriate for a residential zone when it meets certain criteria. And that's why it's been allowed to expand the way it has in the past. One could consider it not too dissimilar to some of the agricultural businesses in town. The expansion to the parking area is the alteration of the use that triggered the special permit. That's why, when informed of the tree clearing and fence installation, it was actually because it was related to the expansion or alteration of the use which is the parking area and the vehicular storage. The

proposed parking area is approximately 110 feet away from the property boundary give or take, depending on where you take that measurement. The requirement in the zoning regulations is a 50 foot distance. There's some notes about different means of buffering, subject to the commission's discretion. There are no additional vehicles being stored, it's just an alteration of where they're being stored. He would like to have Tom Fenton review the proposal for the surfacing and if that is approved, the Town is substantially comfortable with the proposal as it is.

N. Wood opened up the conversation to Commission members.

Suggested Conditions:

- Tom Fenton's comments from the January 4, 2023 letter: The plan should indicate how the proposed parking area will be prepared and surfaced. A construction detail should be included. Also, consideration should be given to providing a physical delineation at the limits of the parking area, such as a timber guide rail or split rail fence. This would more permanently define the limits of the parking area and deter future expansion.
- No additional lighting shall be added to the site unless approved by the Planning and Zoning Commission.
- In lieu of the proposed split rail fence along the perimeter of the proposed parking lot, a contiguous line of native green giant arborvitae (thuja) shall be planted along the entire northern and eastern perimeter of the parking lot to the satisfaction of town staff, at a minimum height of 6' high.
- Add two additional white pines to the northern property line.
- The fence and landscape buffer plants shall be maintained.

The motion to accept Petition 2022-11 and 2022-12 – Petition of Roger G. Barrett, Jr. to amend the Special Permit and Site Plan for a legal, non-conforming use at 326 Gilead St. with the five conditions of approval that were discussed was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

Reasons:

It's an expansion of a non conforming use however the conditions of approval do as much as possible to mitigate the concerns of the neighbors with respect to the removal of trees.

The Applicant is providing more than 100' buffers in between the residential properties and these uses.

V. New Business:

A. New Applications: None

B. Set Public Hearing Date: None

C. Other New Business:

1. Follow-up Discussion with Rev. Ronald Kolanowski of St. Peter's Episcopal Church:

Guest Speaker: Kathy Dorgan, of Dorgan Architecture and Planning, 10 Eastwood Rd. Mansfield, Ct.

K. Dorgan introduced a PowerPoint presentation on the Commons CDC Concept Discussion wherein the Hebron vision for housing choices was shared and she informed the Commission on what has been done as of now, such as Parish and Stakeholder meetings, and the plan for the next four and a half years.

Commission members discussed with Kathy the potential water/sewer issues, the amount of units being built, sustainability, and reviewed the maps of the potential sites.

2. Request for Designation of Kinney Road as a Scenic Road pursuant to the authority of General Statutes Section 7-149a and Hebron Code of Ordinances. Chapter 313 Streets and Sidewalks- Recommendation to Table

The above noted request was received by the Commission on September 13, 2022. The Commission held a public hearing on November 15, 2022. This is the first such request in 20+ years. In light of a significant debate about the future location of a municipal Public Works Facility, the timing of the request has raised numerous questions about the Scenic Road Ordinance and the Commission's role and authority. The ordinance does not include a required time frame for a decision. It is recommended by M. Bordeaux that the Commission table their discussion on this request and provides the opportunity for Town legal counsel to give guidance on the following areas of concern:

- What is the Commission's charge under this ordinance, not just in their role, delegated by the Board of Selectmen, to make a decision on the request, but also in the event that activity is proposed on or along a Scenic Road? In other words, how does the designation influence the Commission's customary role of considering future development permit applications?
- Can the Commission amend or condition a request under the Scenic Road Ordinance in a way comparable to their authority to condition permit approvals subject to zoning authority?
- As this is a local ordinance, the authority to make a decision may not follow the same rules as those that apply to zoning-related permit applications. One question that should be made clear is how many votes are necessary to reach a decision.
- Are the new members to the Planning and Zoning Commission allowed to vote when they were not members/present during the Public Hearing?

The Commission may wish to discuss what additional legal or jurisdictional questions they would like the Town Attorney to weigh in on.

Commission members decided that all members and staff should feel comfortable, and therefore speak to the Town Attorney and if everyone feels confident by the February 14 meeting, then they will then return to the determination. Tabled Until February 14, 2023.

3. Review of By-Laws: Tabled

VI. Correspondence:

- A. Eric Lindquist Resignation:** A letter of resignation was received by the Town Clerk's Office from Eric Lindquist.

VII. Adjournment:

The motion to adjourn the January 10, 2023 Public Hearing/ Regular Meeting/ Organizational Meeting was made by F. Zitkus, seconded by D. Sousa; the motion passed unanimously.

The meeting was adjourned at 11:07p.m.

Next Meeting: January 24, 2023 – Regular Meeting / Workshop
February 14, 2023 – Regular Meeting

Respectfully Submitted,
Catharine Brinkman
Board Clerk

BY-LAWS
HEBRON PLANNING AND ZONING COMMISSION

Article I

Purpose

The objectives and purposes of the Planning and Zoning Commission of the Town of Hebron are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, 1958 Revision, as amended, and those powers and duties delegated to the Hebron Planning and Zoning Commission by the aforementioned statutes, and by the Hebron Town Charter.

Article II

Name

The Commission shall be known as the Hebron Planning and Zoning Commission.

Article III

Office of the Commission

The office of the Hebron Planning and Zoning Commission shall be the Office of the Director of Planning and Development, Horton House, Hebron Town Offices, 15 Gilead Street, Hebron, CT where all Commission records will be kept. Copies of all Commission minutes, agendas and legal notices will be filed in the office of the Town Clerk.

Article IV

Membership

Section 1. The membership and terms of office shall be as specified in the above stated Charter establishing the Commission.

Section 2. In the event of the absence or a disqualification of a regular member of the Commission, the Chairman shall appoint an alternate member to act in place thereof. Alternates shall generally be chosen on a rotational basis, so that all serve as equal number of times as possible. The minutes shall record when each alternate sits and the reason when they are seated out of turn. When so appointed, the alternate member shall have all the duties and privileges of a regular member.

Article V

Officers and Their Duties

Section 1. The officers of the Commission shall consist of a Chairman, a Vice-Chairman and a Secretary.

Section 2. The duties of the Chairman shall be as follows:

- to preside at all meetings and hearings of the Commission;
- to call special meetings of the Commission;
- to sign documents of the Commission;
- to appoint a Vice-Chairman Pro Tem in the absence of the Vice-Chairman;
- to appoint a Secretary Pro Tem in the absence of the Secretary;
- to act as one of the Commission members having the privilege of discussing all matters before the Commission and of voting thereon.

Section 3. The duties of the Vice-Chairman shall be as follows:

- shall act for the Chairman due to absence, disability or disqualification of the Chairman;
- when acting as Chairman, shall appoint a Vice-Chairman Pro Tem.

Section 4. The duties of the Secretary shall be as follows:

- shall act for the Chairman due to absence, disability or disqualification of the Chairman and Vice-Chairman;
- shall generally oversee, with the assistance of available staff, Commission legal notices, agendas and minutes.

Section 5. In the absence of the Chairman, Vice-Chairman, and Secretary, the Commission members who are present shall elect a Chairman Pro Tem and Vice-Chairman Pro Tem.

Article VI

Annual Organizational Meeting

Section 1. An Annual Organizational Meeting of the Planning and Zoning Commission shall be held on the first regular meeting in December of each year. At each Annual Organizational Meeting following municipal elections, the Commission shall elect officers for two year terms. Every Annual Organizational Meeting shall be devoted to the review of By-Laws, to the appointment of Commission members to committees and/or commissions as required, and to attend to other organizational business as the Chairman deems appropriate.

Section 2. Elections of officers shall occur as follows: Nominations shall be made from the floor, beginning with nominations for Chairman, and elections shall follow immediately upon the close of nominations for each office. A candidate receiving a majority vote from the regular members of the Commission shall be elected and shall serve for two years or until a successor is selected.

Section 3. Should any vacancy occur among the officers of the Planning and Zoning Commission, the vacant office shall be filled by a special election to be held at a regular meeting, following the same procedure as outlined above. Such officer shall serve the unexpired term of office in which the vacancy has occurred.

Article VII

Quorum

At any meeting of the Commission, a quorum shall consist of three members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

Article VIII

Regular Meetings

Regular meetings of the Planning and Zoning Commission shall be held on the second and fourth Tuesdays of each month (except during the months of July, August, November and December when the Commission shall meet one time each month) at 7:00 PM in the Hebron Town Offices unless otherwise posted. At such meetings, the Commission shall consider all matters properly brought before the Commission without the necessity of prior notice thereof given to any members. Items may be added to the agenda by a two-thirds vote of the Commission. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting or by the Chairman.

Article IX

Special Meetings

Special meetings of the Planning and Zoning Commission shall be held at a time and place designated by the Chairman. Written notice thereof shall be given to all the members not less than twenty-four hours in advance thereof. No business other than that listed on the agenda shall be discussed.

Article X

Order of Business

Section 1. Unless otherwise determined by the Chairman, the order of business shall be as follows, except that when a Public Hearing is to be held, it shall be listed first on the agenda preceding the following items:

- I. Call to Order / Roll Call
- II. Approval of Minutes
- III. Recognition of Guests
- IV. Action on Pending Applications
- V. New Business
 - A. New Applications
 - B. Set Public Hearing Dates
 - C. Other New Business
- VI. Correspondence
- VII. Adjournment

Section 2. Each formal action of the Planning and Zoning Commission required by law, charter, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Minutes Book after an affirmative vote.

Article XI

Voting

Section 1. At all meetings of the Commission, each seated member attending shall be entitled to cast one vote per motion; and such members shall be entitled to debate and vote on all matters before the Commission. Voting shall be by voice.

Section 2. At least three members of the Commission shall be present and voting for the adoption of any resolution or other voting matter and, unless otherwise provided by Law, a majority of the Commission present and voting is sufficient to adopt any resolution or approve any other voting matter.

Section 3. In the event of a tie vote, the motion shall have been defeated.

Section 4. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, he shall disclose his interest and be disqualified from voting upon the matter, and this shall be so recorded in the minutes that no vote was cast by such member.

Article XII

Rules of Procedure

All meetings of the Planning and Zoning Commission shall be conducted in accordance with the procedures contained herein and generally as specified in the attachment to these By-Laws entitled "Model Outline of Motions for Planning Commissions and Zoning Boards".

Article XIII

Conducting the Public Hearing

Section 1. The Chairman of the Commission shall preside at the public hearing.

Section 2. The Secretary shall read the legal advertisement and note the dates and newspaper in which the advertisement appeared.

Section 3. The Chairman shall describe the method of conducting the hearing. It shall be made clear that all questions and comments must be directed through the Chair only after being properly recognized by the Chairman. All persons recognized shall approach the Commission in order to facilitate proper recording of comments, and shall give his/her name and address prior to commenting. The hearing shall be conducted only for the

purpose of taking testimony which shall be later considered by the Commission during the deliberations session at the regular meeting of the Commission. The Commission may neither deliberate nor take a substantive vote during the hearing.

Section 4. The Chairman shall direct the following order of comments:

- presentation by the applicant
- questions by the Commission
- presentation of staff reports
- additional Commission questions
- public comments
- response by the applicant
- second round of public comments at the discretion of the Chairman
- final questions by the Commission
- final response by the applicant
- closure or continuance of the hearing

Article XIV

Amending the By-Laws

These By-Laws may be amended at any meeting of the Commission provided that notice of said proposed amendment is given to each member at least five days prior to said meeting.

Adopted: February 13, 1996
Revised: December 13, 2005
Revised: January 24, 2012
Revised: February 14, 2012
Revised: January 23, 2018 (Article X – Order of Business)
Revised: January 28, 2020

Matthew Bordeaux

From: Organizing Team <organizing@desegregatect.org>
Sent: Thursday, January 12, 2023 10:00 AM
To: Matthew Bordeaux
Subject: Request to Present to the Planning and Zoning Commission

Hello Matthew!

I'm not sure who to speak to regarding a request to present at an upcoming meeting—would you be able to help please? My name is Sara Trueax and I am an organizer with [DesegregateCT](#). We are a pro-homes coalition of neighbors and nonprofits advocating for more equitable, affordable, and environmentally-sustainable land use policies in Connecticut, with a focus on expanding the diversity and supply of our housing.

I'm emailing today to request to be added to the agenda of an upcoming meeting with the Planning and Zoning Commission to present a short brief on our upcoming state-level proposal, Work Live Ride. It is a new and exciting direction for the state to assist local municipalities in building more homes near their public transportation and we think it could have a very positive impact on Hebron if passed into law. We're excited to speak with the Commission and residents to explain the proposal, answer questions, and take feedback.

Please let us know some possible dates and times that are available and we'll coordinate with our team to present. Thank you for the opportunity!

Sincerely and respectfully,

Sara