

MINUTES OF PUBLIC HEARING ON A PETITION ON BEHALF OF PHILIP A. SHELTON D/B/A MOUNTAIN ESTATES DEVELOPMENT FOR AMENDMENT TO EXISTING SPECIAL DEVELOPMENT DISTRICT AT NORTHWEST CORNER OF MOUNTAIN ROAD AND FARMINGTON AVENUE KNOWN AS 1216 FARMINGTON AVENUE TO REBUILD EXISTING BARN STRUCTURE FOR STORAGE PURPOSES ONLY

June 27, 1995

Council Chambers

949

President Sandy F. Klebanoff called the hearing to order at 6:21 p.m.

Present were Councilors Deborah Buckley for Robert Bouvier, Owen Eagan, Sandy F. Klebanoff, Charles R. Matties, Martin Clayman for Patrick McCabe, Madeline S. McKernan, Larry Price, Andy Schatz and Alfred Turco.

President Klebanoff: Mr. Feldman, do you have an administrative presentation?

Barry M. Feldman, Town Manager: I believe Don does.

Donald R. Foster, Town Planner: Madam Mayor, referencing receipt of record of items that you have received from your two primary advisory committees dealing with this matter. The first from the Town Plan and Zoning Commission asking as you noted earlier for a possible continuance of the hearing. In other words, their suggestion was go ahead with the hearing if you decide to do so but continue it open to allow the commission the opportunity to comment both on the zoning recommendation and also to report to you their actions in relation to their scheduled inland wetlands and watercourses hearing which is set for July 5th. The Commission sends regrets that they were not able to get that to you sooner but with the notice requirements and having a parallel process it was necessary to set that date after you had scheduled the hearing, set the date for their wetland hearing.

The Design Review Advisory Committee also asked for your indulgence for a little more time to review this matter. They met with the applicant on the 22nd of June after an earlier effort to meet had resulted in a non attendance issue and the Commission does like to meet with the applicants directly. At that meeting there was some discussion about possible design changes in the building design and layout and there appeared to be general concurrence from the part of the property owners and their representatives to get back to the drawing board so to speak to make some minor changes to enhance the barn garage structure proposed to make it a little more in accord with the very nice restoration that Dr. Shelton had done to the Anne Bellum farmhouse that now is occupied by his tenants.

Those two recommendations basically say to you if you need to go ahead with the hearing do so but please keep the hearing open so that both of these committees can make their final recommendations to you. Both, I believe, would be completed with their work and be able to make a final recommendation at your meeting of July 18th if that is what you choose to do. Any questions?

President Klebanoff: Thank you. Questions for Mr. Foster? If not, thank you very much. Attorney, Dr. Shelton.

Dr. Shelton: Thank you. I am here as the owner of the property at 1216 Farmington Avenue. I just want to say that the zoning hearing that is going before the TPZ sitting as the wetlands commission is not the same one that was submitted some five or so years ago. What started this particular process going is those of you, I presume most of you may remember that several months ago there was a fire in that barn. The fire occurred because there were two transients that were living in the barn unbeknownst to me or any of my agents and one of the tenants reported it. At that point the Fire Department came and found a cooking fire. The homeless people disappeared. We have never seen nor heard from them again. The damage that was done was negligible to an already badly damaged piece of property.

We secured the barn as you see by adding plywood and the thought then came that in accordance with the special development district which granted the use of the property originally as a commercial structure, the barn was supposed to be used for storage purposes only and that is in the original special development district. At this point we decided that we would like to do something with the barn, a to secure it and b, presumably to get additional parking spaces on our admittedly tight site. We came up with the idea of extending the barn forward not into the wetlands but the other way so that we could achieve three parking bays, a total of five parking bays, two of which would be double, would be tandem size. It could be used for parking. It could be used for storage which is what the special development district said.

It would remove three of the spaces in front of the barn which exists there now and replace it by a total of seven spaces within the barn. That is essentially the point of the application. Are these plans in your agenda package? As you can see, the proposed construction is on the side and this being the east side, this being the north side of the structure which does not encroach upon the brook. However, the process of building will undoubtedly cause some silt to run into the brook and we have proposed to put the usual silt barriers of hay or whatever is required by the town Engineer to prevent this from happening.

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It will add to the appearance of the very dilapidated structure that we see there. We have wish to maintain such an ugly structure on an otherwise nice piece of property. We did take it to the Design Review board which made various proposals which we are not against. It is just a matter of drawing it. That is essentially the point. It will increase the parking on the site. It will probably add to the tax rolls of the town and it will the property more viable. I will be happy to answer any questions.

President Klebanoff: Mr. Matties.

Councilor Matties: Is there any reason other than the requirement that you not take the barn down, is there any reason beyond that why you keep the barn?

Dr. Shelton: Well, two reasons. Number one, I'm not allowed to do anything without coming here and the second reason is it is an existing structure and has some value and I want to do something to enhance the property from the economic point of view.

President Klebanoff: Are there further questions? Mr. Clayman.

Mr. Clayman: The purpose of the parking, would this be an adjunct to the people who use the facility and if so, why do you need enclosed parking to do that.

Dr. Shelton: Some people like enclosed parking as opposed to outside parking if you want to pay extra for it.

Mr. Clayman: So this would be for example a tenant then would be able to use that to store a vehicle inside the garage is something that you had in mind?

Dr. Shelton: Yes.

President Klebanoff: Any further questions?

Dr. Shelton: Thank you very much.

President Klebanoff: Do we have a sign up sheet for this public hearing?

Mr. Clayman: No one has signed.

President Klebanoff: Is there anyone here this evening who wishes to address the Council? Please come to the podium and give us your name and address for the record.

Mr. Barnett: I am Jeffrey Barnett. I live at 173 Mountain Road. I'm Dr. Shelton's neighbor. Unlike the situation five or six years ago where we, my wife and I found

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ourselves in opposition to his plans because they would have substantially encroached on the wetland and altered the appearance of our property in the back, we are happy to find ourselves in agreement with his plans this time and have no opposition and support.

President Klebanoff: Thank you. Anybody else wish to speak on this petition? Any further questions, comments from the Council? Okay, the moment of decision is upon us at to how we handle this. There are as I said, one option is for us to go forward in July. We would reopen the public hearing in July.

Someone in audience: May I speak?

President Klebanoff: You will have to come to the podium because it is being transcribed and the mike is there.

Attorney Swan: I would just like to add something that you are not aware of. I have spoken with both with Nan Glass and the Town Plan and Zoning to try to coordinate a decision on this. Our surveyor and engineers will not be prepared at the July 5th meeting with their report so that we have asked for an extension until August 7th for the Town Plan and Zoning meeting. At that time, they said they will be able to make a determination and present it to the Town Council on the 8th as I understand you are meeting on the 8th.

President Klebanoff: That is something we may be discussing this evening. Okay, we will leave it for the 8th but Mrs. Wilder it is my understanding that that is too long for us to hold a hearing open without permission from the applicant.

Marjorie Wilder, Corporation Counsel: That is correct Madam Mayor. You have thirty days to keep the hearing open and another thirty days with permission of the applicant.

Dr. Shelton: I grant permission.

Mrs. Wilder: Could you just say so so we can get it on the record please.

President Klebanoff: Does that get us to August 8th?

Mrs. Wilder: Yes, it is the end of June now. We just opened it today.

Dr. Shelton: This is Dr. Shelton again and I'm pleased to grant you the waiver for the additional thirty days.

President Klebanoff: Thank you. Now, everybody here will be here on August 8th?

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Councilor Price: Not necessarily so. I'm not sure.

Councilor Schatz: Whenever we have that meeting though, assuming that there are some people here and the applicant is willing to waive the amount of people who will vote, let me ask you a question about the hearing. Assuming we left the hearing open for thirty days, is the only reason we are keeping it open is to receive the report, must we continue it to a particular date when Marty won't be here and if we do it is only to receive the report. Does he have to sit on it if he isn't here at the time that we reopen the public hearing for the sole purpose of receiving the report?

President Klebanoff: We are not going to reopen it. We are going to leave it open.

Councilor Schatz: But to leave it open to a date that he can't be here but the only reason we are leaving it open is to receive a report....

President Klebanoff: No, we are not doing that. We are leaving it open to a date that he can be here and that is August 8th. His problem is no longer the problem. With the applicant's permission which he has just granted us there is another thirty days. You just should know that there is one outside chance that Mr. Price will not be with us on August 8th. It is slight he tells me.

Councilor Matties: That's all right. I have his proxy anyway.

President Klebanoff: Then I will recess the public hearing until August 8th at 7:30 p.m. It is only for the purpose of receiving the TPZ's report.

Mrs. Wilder: But also to discuss it and if anyone wants to address the issues in that report to you you have to let them do that.

President Klebanoff: And we would reopen it for public participation as well?

Mrs. Wilder: Yes.

President Klebanoff: Thank you. We haven't done this for so long I'm out of practice, 7:30.

Mrs. Wilder: That should be fine.

At this point the Council recessed at 6:36 p.m.

Norma W. Cronin
Clerk of the Council