

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD ON MONDAY, MAY 14, 2018, AT 7:00 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Gil Linder, Secretary; Members: John Kardaras, Jeff Natale, Louis Todisco.

Alternates: Robert Anderson, Robert Brucato, Donald Walsh

Absent: Sean Strollo, S. Woody Dawson, Edward Gaudio.

Staff: William Voelker, Town Planner; Town Attorney Al Smith

I. CALL TO ORDER

Mr. Kurtz called the special meeting to order at 7:01 p.m.

II. ROLL CALL

The Clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. BUSINESS

DISCUSSION WITH TOWN ATTORNEY AL SMITH, ESQ.

RE: PRE-APPLICATION REVIEW PROCESS PER SECTION 7-159b

Town Attorney Smith submitted information on the pre-application review process.

Attorney Smith informed the Commissioners that the review process comes under the provision of CGS Section 159b, and he read the section into the record. Under this section any authority, commission, department, agency or authorized agent "may" hold a pre-application meeting. There is discretion due to the word "may"; the meeting does not have to be held; it is usually for a big project with officers talking together. Nothing said or done at this meeting can be appealed and nothing is binding on anyone (applicant or various authorities). This is an open meeting under FOIA, held in open session, with an agenda and minutes taken.

It was explained by Attorney Smith that the statute was enacted to making things easier, more efficient, avoidance of delays and knowing what the board/commission/authority is looking for in a complex project. The meeting is an informal get together, a give and take about the project, and what approvals are needed. There is a "risk", and Attorney Smith cautioned the Commissioners to not pre-judge an application, make a before-hand decision or biased decision before the application is completed. Everyone must be careful in comments made, avoid any indication of pre-judgment, point out issues in

a non-judgmental way...and any bias is grounds for an appeal. The applicant should have discussion with appropriate staff (i.e. Town Planner) about the application.

Town Planner Voelker talked about bringing in an application not supported by current regulations, and the emphasis on "context sense of design". He said there could be areas in the overlay district or a project in the Interchange Zone S.D.D. Mr. Voelker commented on the legislation being specific, tying in with the project, and talking about the project.

There is discretion with the word "may" and Attorney Smith said time should not be spent talking about ideas...but about something which has more details.

Attorney Smith reviewed the Town of Canton pre-application review meeting form. The form states nothing is binding, nothing is appealable, and ground rules are set.

The Town of Westport pre-application review procedure outlines how the process works, and steps to be undertaken. The process is the opportunity to identify the application...is it incomplete or disqualified...focus on the requirements...be objective rather than subjective.

Chairman Kurtz asked about making suggestions to the applicant during the review process.

Stating that is okay, Mr. Voelker noted the Commission could say..."why did you choose clapboard rather than brick"...or "please consider (something)". At a PZC meeting last year, the guest was the Chairman of Avon CT PZC, who reported Avon has been doing the pre-application review process for over 20 years, and it is very successful. There is a set fee of \$50 to the applicant for this process.

Chairman Kurtz thanked Attorney Smith for his informative presentation.

VI. ADJOURNMENT

MOTION by Mr. Natale; seconded by Mr. Todisco

MOVED to adjourn the special meeting at 7:28 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk