



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY OCTOBER 26, 2023 SPECIAL MEETING 7:00 PM

Commissioners Present: Chairperson C. Andres, F. Russo, J. Vaiuso, J. Chadwick, S. Huttner,
M. Palluzzi,
Commissioners Absent: M. Liguori
Staff Present: H. Smith (Town Planner), M. Martin (Clerk)
Staff Absent: E. Breining (Asst. Town Planner)

OLD BUSINESS/DELIBERATIONS-NO FURTHER PUBLIC INPUT ALLOWED AT THIS MEETING

1. Shirley McCarthy & Peter Hentschel - Applicants
Zoning Regulation Amendment – Add definitions to Section 2.2, extensively revise Section 6.3 (Landscaping), add new subsection to Section 6.13 regarding Fencing, and add/re-designate Appendices.
Application #23-4.5
A/R 4/20/23 & PH opened 6/15/23 & closed 9/21/23 with time extension
DECISION REQUIRED BY 11/25/23

Chairperson Andres introduced the commission and the staff present.

He stated for the record that M. Palluzzi listened to the zoom recording of the July 6, 2023 planning and zoning meeting since she was absent at that meeting.

Chairperson Andres stated that the reason for the special meeting is so the commission could devote time to it: to review big picture issues, what the application is for and to review the revisions to the text. He thought the commission may want to decide if they like the revisions or not before proceeding looking at the details.

H. Smith displayed the summary document of the proposed zoning regulation changes. He reviewed the highlights briefly.

Chairperson Andres gave of few comments, noting that there are a few controversial items: one being the native and non-native species of invasive plants, the new requirement that new landscaping contain 75% native plants. He would like to get a sense of how the commission feels about that. That may be a subject of debate. Also, a larger subject of debate may be the replacement of significant trees for undeveloped property. That is a major change. He spoke briefly of the public comments that were received. He noted the economic development comments and said they could revise the regs, delete or add wording, etc. Those were his thoughts.

H. Smith spoke of the provision in the regs for excellence in landscape design and the Mackenzie decision. It is his understanding that that kind of general provision without any specific criteria is no longer supported by case law. He went into a bit of detail regarding this.

Chairperson Andres then asked for each commissioners comments.

F. Russo spoke first saying he questions these proposed revisions, are they based on wants or needs? He noted there has been no public outcry. What was the motivation for these changes? Were landscape architects consulted or builders or contractor, etc.? He thought not. It would be nice to have more opinions involved in this. He felt it targeted developers. It was inconsistent. He thought the rules should apply to all properties, not just commercial. Too cumbersome and extra work for the town. We are lucky that the commission is a good mix of people. very diversified. He doesn't want to see regulations being brought on board that will affect people that have had no input in forming them. Some of the regs are over the top. He noted that Mr. Maresca had a document stating that SCROG was not in favor of the changes. And then that was argued that it wasn't correct. What happened? That made him rethink his decision to support the reg. changes.

Joe Chadwick- He said the concept of this is really important. He's afraid the language tends to be more aspirational than necessarily actionable. He spoke of when he worked at Yale. He doesn't see the development of actionable things in this item. But he thinks there is important basic material in it. He's not concerned with the developers having to do too much. But they should have a clear scope for the design professionals and narrow down issues and arrive at a point where that's the design and that's it and everyone is in agreement. He feels that a fair amount of development needs to occur and there is not enough time to edit it tonight. He feels it's too important to push thru.

Joe Vaiuso- He agrees with some of the comments that Fred and Joe Chadwick made and noted that Mr. Maresca made some good points as well. He asked if there is a plot of land and its wooded, and there are 10 significant trees that have to come down, what are the rules for the replacement of them. He is not clear on this. He noted there are plants that may not be native to the area but they are compatible to the zone. We should be more concerned about invasive.

M. Palluzzi said she is anxious about how this has transpired. She has spent the afternoon listening to the tape and taking notes .She is a trained landscape architect and the intent of this, she wants to believe. She thinks that we should be eliminating invasives, promoting native trees, but there are items that bother her. The idea that more detail on the site plan for landscaping is a good idea but sometimes the canopy is drawn incorrectly on the plan and she has to correct that. But she doesn't think we can promote innovation from the professionals if we treat every situation that we see the same. She thinks it should be reviewed on a case by case basis and have faith in the landscape architect to promote and be stewards of the land as they are trained to and to understand what the town is trying to accomplish. She stated a scenario where the town is trying to protect trees and she's seen many grading plans that if they introduced a wall or a living wall, then they could protect more trees. But on many applications, there is no landscape architect because he or she is not required to be there. She would love to see every special exception and site plan review require a landscape architect and in some cases, a botanist or biological specialist. She spoke of the significant tree and the variations in size. She feels some of the changes in this are too specific. These regulations should be guidelines and recommendations. She spoke of plants that aren't native that function in landscaping but are still good plants.

Chairperson Andres spoke and gave the possible options: adopt the proposed regs. as is, they can amend it , or don't adopt it all. He wants to get a sense of what the commission would like to do. He would amend the document a bit and make changes then adopt it. There has been a lot of time invested in this item.

He spoke briefly of how he thought each commissioner would vote.
He then asked them each again; how would they vote?

F. Russo said he would deny it.

Joe Chadwick said he would deny without prejudice and he would be thrilled to help rewrite it.

J. Vaiuso said each application should be considered case by case. He would deny without prejudice.

M. Palluzzi said she can't approve. She would deny without prejudice. But she wants to see more people involved in the rewriting.

Chairperson Andres said there are regs on the book but there are problems with them. They are too constricting now.

H. Smith – gave some comments. He applauded some of the ideas presented. He spoke of the old day's inn project where extra care was taken with the landscaping and they received an award for it.

He's not sure how to encourage the group to proceed, other than, what do you want to address? Go back to the general statements made in the summary document and ask the group; what is appropriate to address as a category? He gave some examples.

He asked the group if the consensus was deny without prejudice. They agreed. The group decided to table this item and put it on the agenda in February 2024.

The group decided to form a committee and get representatives from other avenues and start over and rework this. Chairperson would like two commissioners to be on the committee with other people.

The meeting adjourned at 8:36 pm.