



Town of Marlborough
Zoning Commission Meeting Minutes
Marlborough Town Hall 7:00 PM
26 North Main Street, Marlborough, CT
March 2, 2023

1. CALL TO ORDER – ROLL CALL (Designation of Alternates, Recognition of guests)
Chairperson Kevin Asklar called the meeting to order at 7:05 pm

Present were Mark Merritt, Kevin Asklar, Eric Colantonio, John Grasso, Rob Fraulino, John Murray-Alt, Dylan Kelly-Alt, Eric Stromburg-Alt, and Peter Hughes-Director of Planning & Development

2. PUBLIC COMMENTS - none

3. PUBLIC HEARING

- a. APPLICATION #Z-08-22- Austin HGB, LLC Bill Gjonbalaj (Applicant / Property Owner), Map 6 Block 28 Lots 4, 5, 6, 12 and #25 South Main Street Provide apartment housing by building (2) 48-unit buildings.

Suzanne Choate, Design Professionals, reviewed the application for the commission and the changes to the plan. Wetlands has given approval. Proposing hiking trail(s) in the open space. Parking is 1.5 spaces per unit. The buildings are three story from the front and sides, the back facing Route 2 is four stories.

Glen Martin, Design Professionals, reviewed landscaping plan. He then reviewed the lighting plan.

The commission presented questions about the types of arborvitaes being planted, water supply, dumpster location, proposed hiking trail, parking lot run off and lighting. Ms. Choate and Mr. Martin answered all questions, and the requested modifications were added to the conditions and modifications list under Item 4.a.

Mr. Merritt motioned to close public hearing on APPLICATION #Z-08-22- Austin HGB, LLC Bill Gjonbalaj (Applicant / Property Owner), Map 6 Block 28 Lots 4, 5, 6, 12 and #25 South Main Street Provide apartment housing by building (2) 48-unit buildings. Mr. Fraulino seconded. All in favor and motion carried.

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4. OLD BUSINESS

- a. APPLICATION #Z-08-22- Austin HGB, LLC Bill Gjonbalaj (Applicant / Property Owner), Map 6 Block 28 Lots 4,5,6, 12 and #25 South Main Street Provide apartment housing by building (2) 48-unit buildings

Mr. Hughes reviewed the conditions and modifications noted below:

Whereas, the Marlborough Zoning Commission has held public hearings on March 7, 2019 & May 2, 2019

Whereas, the Commission has reviewed the following information from the applicant:

Traffic Report prepared by F.A. Hesketh & Associates Dated

Site Development Plan - Marlborough Multi-Family, Special Permit Application, South Main Street & Johnson Road – Marlborough – CT, Map 6 - Block 28 – Lots 4,5,6, 12 & 25 South Main St., Dated 7/25/22, Revisions 11/7/22, 11/14/22, 2/17/23, Prepared by Design Professionals

Architectural Plans – The Village at Marlborough, Dated 7/25/22, Prepared by Polymorphous Architects LLC

A-2 Survey – Limited Property Survey Prepared for 21 Austin HGB, LLC, South Main Street, Marlborough Connecticut, Dated 12/05/20.

Therefore, the Commission makes the following Motion to APPROVE Special Permit APPLICATION #Z-08-22- Austin HGB, LLC Bill Gjonbalaj (Applicant / Property Owner) Map 6 Block 28 Lots 4,5,6,12, and 25 South Main Street to Provide Apartment Housing by Building (2) 48-unit buildings, with the following conditions and modifications:

Conditions

- 1. The applicant shall perform permeability testing for the water quality basin and below ground stormwater system upon reaching final grade. Test results and confirmation of the stormwater design based on permeability testing shall be submitted to the Commission for final approval prior to construction and installation of these stormwater facilities.*
- 2. No construction vehicles shall enter or exit the site between the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:15 p.m. Monday through Friday between August 25th and June 15th. The applicant shall post a sign to this affect at the wetland crossing and prior to the South Main Street existing sidewalk.*
- 3. The applicant shall submit calculations, design specifications and plan with cross sections for Fire Protection storage tanks to the Commission for final approval prior to issuance of a building permit.*
- 4. The applicant shall submit for approval to Marlborough Water Pollution Control Authority the final design of the sewer collection system prior to issuance of a building permit.*
- 5. The applicant shall set aside 10 units for affordable housing at 80% or less of Area Median Income in accordance with the Standards of CGS 8-30g. These shall be two 2-bedroom units and eight 1-bedroom units designated as affordable units split equally between the two buildings.*

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Additionally, the applicant shall designate the units by number and submit an affordability plan in accordance with CGS 8-30g for approval to the Commission. The Town of Marlborough shall be the entity designated as the Affordable Housing Administrator. Further, the applicant shall submit annually no later than July 1st of each year after issuance of a certificate of occupancy for each building to the Town a notarized compliance statement on the affordable unit's rental rate and occupancy.

- 6. The applicant shall submit a bond estimate for all erosion and sediment controls for approval to Town Staff. Prior to endorsement of the final Mylar the applicant shall post a bond in the amount determined by the Town Staff.*
- 7. The applicant shall submit a maintenance plan for the pervious pavement area of the parking lot.*
- 8. The applicant shall maintain the sidewalk access on South Main Street during construction.*
- 9. The applicant shall submit for approval an easement document in favor of the Town for access and right to inspect the stormwater system. Said document shall be recorded on the Land Records with the final Mylars.*
- 10. The applicant shall have a State of Connecticut Registered Professional Engineer inspect and certify to Town Staff the construction of the temporary sediment basins, underground stormwater storage facility, and water quality basin have been built in accordance with the final plan as these facilities are constructed.*
- 11. There shall be no burying of demolition, stonewalls, or stumps permitted on-site.*
- 12. All work conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fills, obstructions, encroachments, or other activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or its modification, suspension, or revocation.*
- 13. The applicant or its representative shall inspect the erosion & sediment control devices daily and keep a log of inspections and any corrective actions and said log shall be made available to the Town Staff on request.*
- 14. The applicant shall prior to the issuance of a certificate of occupancy shall complete all work and plantings shown on the approved final plans. If any work is incomplete the applicant shall submit a detailed cost estimate for completion of said work to Town Staff for the determination of a performance bond.*
- 15. The applicant prior to commencing any work shall hold a field meeting with his professionals and contractor and Town Staff to review the plans and permit conditions.*
- 16. Prior to commencing work the Owner and his contractor shall submit a notarized letter acknowledging that they have reviewed this permit and the plans and understand all conditions of approval and the approved plans.*

Modifications

- 1. On Sheet C - SP1 - Add a note the applicant shall repair the existing stonewall along the frontage on South Main Street.*
- 2. On sheet C - SP1 Delineate the section of stonewall to remain.*
- 3. On Sheet C – SP1 add a note the existing stonewall abutting land of Thibodeau shall not be removed. Any section disturbed during construction shall be rebuilt.*

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4. *On Sheet C - SP1 change the note for the Dry Stonewall dimensions to 30" x 24".*
5. *On Sheet C - SP1 Add a note that the cross walk on South Main Street shall be Traffic Patterns Colonial Brick for 5 courses brick and White for 5 courses of brick, and white borders.*
6. *Add to the detail sheets all crosswalk construction and materials specifications.*
7. *On Sheet C – UT1 add a clean out manhole to the sewer line between the parking area and the wetlands.*
8. *On Sheets C – ES1 & ES2 – After the completion of clearing and grubbing for Phase I the driveway 100 feet from South Main Street shall have pavement at least 20 feet in width and the construction entrance pad installation shall be commence at the end of the pavement.*
9. *On Sheets – ES1 & ES2 – Add a note the Applicant is to sweep South Main Street if materials tracking takes place or at the direction of Town Staff.*
10. *On Sheet C - LS1 – Add a note that The Wetland Mitigation Plantings process shall be overseen by Wetland Scientist or State of CT Licensed Landscape Architect. Said Professional shall submit a notarized statement to Town Staff the work and planting species are in accordance with the approval once complete. Said Professional shall monitor the Wetland Planting Mitigation area for three years from the date of certificate occupancy for the first building. Such report shall include recommendations for care, repairing, replacing, or otherwise correcting all damaged, defective, or otherwise deficient plantings. The applicant shall take any correction actions the report states within 60 calendar days of the date of the report. The applicant shall submit said inspection report to Town Staff annually within 7 calendar days of the report's date.*
11. *On Sheet C – LS1 – Add a note – The applicant shall have a State of CT Licensed Landscape Architect submit a notarized statement to Town Staff the work and planting species are in accordance with the approval once complete. The Landscape Architect shall inspect all plantings and submit a report annually for three years form the date of certificate of occupancy of the first building. Such report shall include recommendations for care, repairing, replacing, or otherwise correcting all damaged, defective, or otherwise deficient plantings. The applicant shall take any correction actions the report states within 60 calendar days of the date of the report. The applicant shall submit said inspection report to Town Staff annually within 7 calendar days of the report's date.*
12. *On Sheet C – LS2 – Add to Note #9 - and approval of Town Staff.*
13. *On Sheet C - LS2 – Add to Note #12 – The projects Landscape Architect shall review the results of soil testing and approve the recommendations for soil enhancements prior to planting. The applicant shall submit copy of the soil test report and Landscape Architects recommendations to Town Staff prior to planting.*
14. *On Sheet C - D4 add the height of the light pole to the detail.*
15. *The final plans shall reflect the comments of the Town Engineer's final report.*
16. *Add a plan and profile sheet for the driveway.*
17. *Add a note and detail for the walking path that reflects a 4 foot wide stone dust or similar material surface with 2 feet clearing on each side.*
18. *Add a detail and construction sequence for the installation of the fire water storage tank(s).*
19. *Plans shall be revised to incorporate all conditions of the Marlborough Conservation Commission approval of 1/09/23.*
20. *The full text of this motion and the Conservation Commission approval motion shall be reproduced on the final plan set.*

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21. *On Sheet C- LS1 change the arborvitaes plantings from Dark American to Green Emerald species.*

Mr. Colantonio motioned to approve APPLICATION #Z-08-22- Austin HGB, LLC Bill Gjonbalaj (Applicant / Property Owner), Map 6 Block 28 Lots 4,5,6, 12 and #25 South Main Street Provide apartment housing by building (2) 48-unit buildings. Mr. Merritt seconded. All in favor and motioned carried.

- b. APPLICATION #Z-12-22- Amendment to Zoning Regulation Article 7A VCD, Article 8A DBIPZ. Cannabis Regulations (PERMITTING)
- c. APPLICATION #Z-14-22- Amendment to Zoning Regulation Article 7A VCD, Article 8A DBIPZ. Cannabis Regulations (PROHIBITING)

Mr. Hughes reviewed the applications. Mr. Asklar recommended approving Application #Z-12-22 (PERMITTING). The commission had an extensive discussion over where retail sales could operate. There was further conversation about approving Application #z-12-22 (PERMITTING) or Application # Z-14-44 (PROHIBITING).

Mr. Grasso, regarding APPLICATION #Z-12-22- Amendment to Zoning Regulation Article 7A VCD, Article 8A DBIPZ. Cannabis Regulations (PERMITTING) motioned to adopt proposed cannabis zoning regulations Article 10L Special Regulations as distributed at the meeting tonight with the following exception: #2 Cannabis establishments permitted by special permit, regarding adult use cannabis seller permitted use "NO". Mr. Colantonio seconded.

Mr. Merritt and Mr. Fraulino voted no. Mr. Asklar, Mr. Colantonio and Mr. Grasso voted yes. Motion carried.

Mr. Colantonio motioned to deny APPLICATION #Z-14-22- Amendment to Zoning Regulation Article 7A VCD, Article 8A DBIPZ. Cannabis Regulations (PROHIBITING). Mr. Fraulino seconded. All in favor and motion carried.

- d. APPLICATION #Z-01-23- C&B Marlborough Associates LLC (Applicant/Property owner) 41-45 Hebron Rd. 1 MW solar installation.
Public hearing set for March 16, 2023.
- e. APPLICATION #Z-02-23-Hazel Licratz/Farm at Carter Hill (Applicant/Property Owner) 86 E. Hampton Rd. Special Permit Public Events
Public hearing set for March 16, 2023.

5. NEW BUSINESS

- a. APPLICATION #Z-03-23- Amendment to Zoning Regulation Article 7A C1, Article 7A VCDZ 1

Mr. Hughes reviewed the application.

Mr. Colantonio motioned to set public hearing for APPLICATION #Z-03-23- Amendment to Zoning Regulation Article 7A C1, Article 7A VCDZ 1 for April 6, 2023. Mr. Merritt seconded. All in favor and motion carried.

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- b. Greylock Property Group LLC-preliminary application presentation Floating Zone Multiple Family

Mark Friend, Megson, Heagle & Friend, introduced Ken Navarro-Greylock Property Group, John McArdle-Greylock Property Group, and Matt Williams-Williams Architects. He then reviewed the application. Greylock will be applying for a zoning change to design multiple residence floating zone. They are proposing 52 multifamily residences in 13 separate buildings.

Ken Navarro, Greylock Property Group, reviewed the company's background.

Matt Williams, Williams Architects, addressed the commission about the proposed project. All units will be 2-bedroom minimum per Marlborough regulations. The property on the lake will be used for passive activity. Each unit will have their own heating system and Aquarion will be supplying the water.

Mr. Navarro reported they would comply with the town's affordable housing requirements.

Mr. Friend reviewed some of the engineering details: extending water, pumping sewage, and storm water management.

Commission thanked them for the presentation and feels it is a good concept. The next step is to submit a formal application.

6. OTHER BUSINESS

- a. Amendments to Article Six A.1 Parking and Storage of Recreational Vehicles and Trailer's Tabled.
- b. Amendments to Article Six
Mr. Hughes met with Atty. Branse on Monday. He made some final revisions. Before next meeting Mr. Hughes will have the changes highlighted and questions from attorney to the commission for review.
- c. Election of 2023 Officers
Commission consensus is to leave officers as they are: Kevin Asklar-Chair, Eric Colantonio-Vice Chair and John Grasso-Secretary.

Mr. Colantonio motioned all three officers remain the same. Mr. Fraulino seconded. All in favor and motion carried.

7. ZONING ENFORCEMENT OFFICER REPORT

- Mr. Hughes suggested the commission give Crestview Forest LLC, East Hampton Road Assessor's Map 8 Block 32 Lot 29 Zoning Citation and/or Legal Action Request to May 31, 2023, to comply.

There was discussion among the commission if Mr. Hanson should be given more time or begin levying fines.

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Mr. Hughes will put on agenda for next meeting a vote for the levying of fines.

- Mr. Hughes reported on the Three Fella's project.
- He spoke with Dick Farley about the property behind Marlborough Pizza.
- Mirabito is almost there.
- Marlborough Commons are coming with solar on the 16th.

8. APPROVAL OF MINUTES AND ACTION TAKEN

January 5, 2023 – Mr. Fraulino noted the title needs to be corrected from “Agenda” to Zoning Commission “Meeting”.

February 2, 2023

Both minutes are tabled to next month.

9. ADJOURNMENT

Mr. Asklar motion to adjourn at 9:13 pm. Mr. Colantonio seconded. All in favor and meeting adjourned.

Respectfully submitted,

Tracy Monterville
Board Clerk