

**PORTLAND PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**Thursday, June 20, 2024 at 7:00 PM**  
**Buck Foreman Room (2<sup>nd</sup> Floor)**  
**265 Main Street, Portland, CT.**  
**Public access through Zoom link A at [www.portlandct.org](http://www.portlandct.org)**

**Regular Meeting Minutes**

1. Call Meeting to Order

Robert Ellsworth called the meeting to order at 7:00 p.m.

2. Introduction of Members and Seating of Alternates

Present: Bob Ellsworth, Robert Taylor, Tom Bransfield, Jennifer Tellone, Joe Spada.

Absent: Victoria Tchetchet, Chantal Foster, Carolyn Freeman

Joe Spada is seated for Victoria Tchetchet.  
Tom Bransfield is seated for Chantal Foster.

Staff: Dan Bourret, Town Planner  
Dawn Guite, Recording Secretary

3. Accept Agenda

**MOTION:** Rob Taylor MOVED, seconded by Jennifer Tellone to ACCEPT the agenda as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**

4. Meeting Procedures

Chairman Ellsworth said that tonight's meeting is the normal format for PZC.

**Public Hearing**

5. PZC Application #23-12: 220 Isinglass Hill Road. Request for Special Permit for construction of an 8-bedroom residential care home. Application of Oroville Place, LLC and property of Sean McGrail Revocable Trust. Map 129, Lot 9. Zone RR.

**MOTION:** Bob Ellsworth MOVED, seconded by Rob Taylor to CONTINUE the application as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**



6. PZC Application #23-17: 69 Marlborough Street. Request for Special Permit Modification. Application and Property of BRT DiMarco PTP, LLC. Map 19, Lot 68. Zone B-2, B-3 and TCVD. *To be opened on July 11, 2024.*
7. PZC Application #23-18: Proposed Amendment to the Portland Zoning Regulations. Add to use table in section 5.1 “Offices: Sale, Service & Delivery of Heating Fuel Products” to B1 zone as a special permit. Application of TCBS Properties LLC.

**MOTION:** Rob Taylor MOVED, seconded by Jen Tellone to OPEN the Public Hearing for #23-18. **VOTE UNANIMOUS. MOTION CARRIED.**

Ben Srb, 139 West Cotton Hill Road, the Applicant is seeking a proposed amendment to the Portland Zoning Regulations. Add to use table in section 5.1 “Offices: Sale, Service & Delivery of Heating Fuel Products” to B1 zone as a special permit.

Mr. Srb said it’s allowed now in the B2 Zone and two out of the three industrials. It’s not allowed in restricted industrial. I think it’s a perfect neighborhood for it. Where I’m referring to is up by Axelrod, more diesel, the gas station and then I’m directly across from that gas station. I believe there’s one other property in that. I want to add an appropriate use up there. I have some people who have shown interest and would work.

Tom Bransfield said home heating and delivery of so that will be the office and the trucks. The trucks would be parked there.

Mr. Srb said “yes” and there’s a caveat that he went over with Dan Bourret ahead of time. If you go on your table it says there’s no storage, so, in other words, I don’t know if you remember years ago there was...

Tom Bransfield said there’ll be residual oil.

Mr. Srb said “yes” and truck is not storage. Truck is considered different. Daniels wanted to put a big facility in and it caused a lot of controversy in town. Currently there’s no storage allowed in any of the zones. I’m not trying to change that. The use we’re looking for would be a mom and pop like – truck, cage, back guys. After speaking with Dan Bourret we both left it at special permit. When I do come in with a tenant you’re going to have a multitude of range on restrictions you could do. The I Zone doesn’t have that.

Dan Bourret said I think it should be a special permit because you have more discretion in terms of screening where in the B1 it may not be as necessary in the I Zone.

Chairman Ellsworth asked what other parts of town would this be impacting?

Mr. Srb said nowhere else. It’s five properties – St. Clemens, Axelrod, the gas station, Morin Diesel and myself.

Chairman Ellsworth said that’s all.

Mr. Srb said “yes” I just pulled out Dan’s map and there’s five. Most of 66 is either B2 or a little bit of IP. The overwhelming majority is B2 which this is allowed in. There is a small portion by Valley Construction and Dunkin Donuts the one that way of IP. Everything else along 66 corridor is B2 and then a very little bit of B1.

Rob Taylor asked because it is such a limited area the B1, what are the real differences between B1 and B2 that justifies that separation?

Dan Bourret said different uses. That’s the short of it.

Mr. Srb said in fairness a lot of the same uses are there in both those zones and including the IP because it runs along 66. This is allowed in the IP. It’s allowed in the B2 so the only thing on 66 that’s currently not allowed is R5 properties.

Dan Bourret said that it seems like B1 is more restrictive.

Rob Taylor said not for today's application. Certainly something to look at down the road of being extend B2 into the B1 and just eliminate B1.

Dan Bourret said I'm open to whatever. I don't know what the genesis was between them doing a B1 and a B2 Zone.

Rob Taylor said it doesn't make sense for you to come every single time you have an interested business just to take the text amendment. We have five properties there.

Mr. Srb said I would add and it's going to your point is a lot of these uses are interchangeable now. Just make them all special permit. If it's appropriate you're going to get it approved. That's my theory. If you don't like it you literally can say "no".

Dan Bourret said we certainly can look at that while we're talking about the other business industrial zoning in town.

Rob Taylor said it just might be a quick memo of what are the differences.

Dan Bourret said it's pretty much the uses.

Rob Taylor said what uses are permitted in the B1 that aren't permitted in B2 or vice versa?

Dan Bourret said the easiest way to see is look at the table. We can look into it. I'm certainly open to looking into that.

Chairman Ellsworth asked any idea how long B1 has been around?

Dan Bourret said as long as I've been doing this. I can go back and look at the minutes. That's the only thing I can think of at this point in terms of finding out what their initial thought was behind that.

Rob Taylor said the other thing is that the color scheme makes it really difficult to tell the difference between a B1 and the restricted industrial. I don't think we need a text change to change zoning map colors. If we're going to look through and have that discussion anyways we might as well just lump in eliminating the B1 district. If it doesn't curtail any rights it only adds in more uses for those properties.

Dan Bourret said I wouldn't want to make everything special permit. If it's a non-controversial use site plan approval is easiest for the applicant and it gives them the most assurance that they're going to get approved if the regs. are met the site plan application you should give an approval or receive an approval. Whereas a special permit you have much more legislative latitude in terms of setting conditions. That is something we can start looking into along with the rest of the business industrial zoning in town.

**MOTION:** Rob Taylor MOVED, seconded by Jen Tellone to CLOSE the Public Hearing for #23-18.  
**VOTE UNANIMOUS. MOTION CARRIED.**

**RECORDED VOTE**

**DATE:** June 20, 2024

**COMMISSION:** PLANNING & ZONING COMMISSION

**MOTION**

**TO APPROVE** Application #23-18: Proposed Amendment to the Portland Zoning Regulations. Add to use table in section 5.1 “Offices: Sale, Service & Delivery of Heating Fuel Products” to B1 zone as a special permit. Application of TCBS Properties LLC. Application of the TCBS Properties. With changes and/or clarifications to the proposed text amendment as follows:

Article 5 BUSINESS ZONES

<b>Table 5 .1 Permitted Uses Business Zones</b>			
P = Permitted by Right in the zone		SP = permitted only by Special Permit	
S = permitted subject to approval of a Site Plan		N = not permitted in the zone	
<b>Special Permit approval is required for any site or structure identified on the Historic Resources Plan located within the Town of Portland Plan of Conservation and Development. See Regulation Section 10.6</b>			
<b>Permitted Use</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>
Offices: Sale, Service & Delivery of Heating Fuel Products <sup>8</sup>	<i>SP</i>	<i>SP</i>	<i>N</i>

Made by: Jennifer Tellone

Seconded by: Rob Taylor

**IN FAVOR**

**IN OPPOSITION**

Tom Bransfield

Jennifer Tellone

Rob Taylor

Joe Spada

Bob Ellsworth

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**IN ABSTENTION**

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Recorded By: Dawn Guite

8. PZC Application #23-19: 1359 & 1401 Main Street. Request for a Special Permit for special event permit to hold the Portland Fair from October 4th to October 6th. Application of the Portland Fair and property of Cote Range LLC and Portland Farmers Fish and Game Club Inc. Map 75 Lot 2 and Map 68 Lot 1. Zone FP. *Review of Safety and Fire Plans to take place prior to public hearing. To be opened on July 11, 2024.*

### Regular Meeting

9. Receive Application:
- PZC Application #23-20: Proposed Amendment to the Portland Zoning Regulations. Add “*Health Care Institution*” to section 9.17.2.B of list of allowable uses. Add footnote to 9.17.2.B that states “*For purposes of this § 9.17: (i) commercial use means any use set forth in this § 9.17.2B as being recognized and permitted in a MUD other than residential units; and (ii) residential units shall exclude any beds or units within a Health Care Institution.*”. Add text to section 9.17.5.F “*Notwithstanding Section 5.2.B, no single commercial establishment within the MUD other than Health Care Institution shall exceed 65,000 square feet in gross floor area and no Health Care Institution within the MUD shall exceed 130,000 square feet in gross floor area, and no MUD shall contain more than one establishment of maximum size with all other establishments not to exceed 40,000 square feet in gross floor area.*”. Application of BRT DiMarco PTP, LLC. *Public Hearing to be scheduled on July 10, 2024 at 6:00 p.m. Portland High School Auditorium.*

10. New Business:

- None

11. Old Business:

- Business and Industrial Zoning – nothing to report

12. Staff Report:

- Correspondence – None
- Brainerd Place Update – nothing to report
- Other

The following members will be absent on August 15, 2024: Joe Spada, Bob Ellsworth, Tom Bransfield, Dan Bourret.

Tom Bransfield requested copies of architectural drawings for brownstone on buildings.

13. Public Comment: The Commission will hear brief comments at this time from anyone wishing to speak. Comments may not be made regarding any pending application.

There was no public comment.

14. Approval of Minutes: 6/6/24 Regular Meeting, 5/23/24 and 5/29/24 Special Meetings

**MOTION:** Robert Taylor MOVED, seconded by Jennifer Tellone to APPROVE Minutes for 5/23/24 as PRESENTED. **VOTE UNANIMOUS. MOTION CARRIED.**

Other Minutes were unavailable for approval at this meeting.

15. Adjourn

**MOTION:** Rob Taylor MOVED, seconded by Jen Tellone to ADJOURN the meeting at 7:26 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted:

***Dawn Guite***

Dawn Guite, Recording Secretary