

SOUTHINGTON PLANNING AND ZONING COMMISSION  
Public Hearing & Regular Meeting  
December 4, 2007  
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, Jr., called the Southington Planning & Zoning Commission to order at 7:06 pm with the following members in attendance:

Kelly Kennedy DelDebbio, Michael DelSanto, Dawn Miceli, James Sinclair and Patrick Saucier

Others: Mary F. Savage, Town Planner, Mark J. Sciota, Town Attorney, Anthony J. Tranquillo, Town Engineer and John Weichsel, Town Manager

Alternates: Stephen Kalkowski, Alternate Commissioner  
Dennis Vachon, Alternate Commissioner

Also Present Representing the Town on the Hillcrest Matters:

Brian Smith, Special Counsel  
Kathleen Cyr, GZA - Environmental Consultant  
Bruce Hilson, Traffic Consultant

Absent: Francis Kenefick, Commissioner  
Lisa Conroy, Alternate Commissioner  
Brian Zaccagnino, Alternate Commissioner

The Chair seated Alternate Dennis Vachon for Francis Kenefick this evening. A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

Approval of Minutes - Regular meeting of November 20, 2007

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

PUBLIC HEARING

Ms. Savage read the legal notices into the record.

1. **GS Property, LLC**, one lot resubdivision, Robert Porter Road, S #1261.

Attorney Anthony Denorfia, representing the applicant, explained the proposed one resubdivision.

(Those speaking against the application of the application)

No one to speak.

The Chair closed the public hearing at this time.

2. **ZA #531, Adoption of digital mapping**

Ms. Savage explained the mapping using the display for review. The intent of this application is to codify the conversion from Mylar to GIS zoning map.

Explained.

I have public comments regarding a couple of corrections that needs to be made on the map. Other than that, Staff has reviewed the map. We referred it out to the Regional Planning Agencies and I do have an answer from the South Central Regional Planning Commission. (Read the letter into the record, which is on file in the Town Planner's Office.)

**(Mr. Tranquillo entered the meeting at this time.)**

(Those speaking against the application)

No one to speak.

The Chair closed this public hearing.

3. **Hillcrest Orchards**, 508-544 Meriden Waterbury Turnpike ZA #543.
4. **Hillcrest Orchards**, 508-544 Meriden Waterbury Turnpike ZC #530.
5. **Hillcrest Orchards**, 508-544 Meriden Waterbury Turnpike EE #121.
6. **Hillcrest Orchards**, 508-544 Meriden Waterbury Turnpike SPR 1485.

Special Consultants Seated:

Brian Smith, Special Counsel  
Kathleen Cyr, GZA - Environmental Consultant  
Bruce Hilson, Traffic Consultant

Attorney Joseph Williams, representing the applicants gave a summary of the additional items submitted last week.

Attorney Williams submitted for the record a letter he sent to the fire chief regarding whether sprinklers can be required for this development. (Letter dated November 28, 2007)

I have one additional piece of information to submit from Paul Bett with the State Building Department dated December 4, 2007. (Copy submitted for the record.)

Mr. Kessler will give you a summary of the revisions to the plans and the response letters his firm has submitted.

Chris Giuliano from Giuliano Associates will address a memo received this afternoon from Ms. Savage.

Bob Potterton from Fuss & O'Neill will give a short summary of the additions we made in our soil and removal plan revised and submitted last week and he'll say a few words about the cost memo we received late this afternoon dealing with review fees.

Allan Mess, our traffic engineer is here and he will say a few words about the memo we received late this afternoon from the fire chief about Kiefer and Blatchely Roads.

ADAM KESSLER: We responded to and revised our plans accordingly to all comments we received. They were submitted on the 28<sup>th</sup>, last Wednesday.

Most comments we agreed to and adjusted accordingly.

We still maintain our position is Item 7 from the Planner's memo. It was specifically asking for further detail on landscaping.

With the revision we did provide further detail in the form of 40 scale drawings of our landscaped plan and updating the detail on our buffer plantings.

We believe the detailed charts and plants counts could be a condition of approval is because when you are revising a large plan like this, the plantings charts would continuously be changing.

Discussion.

We believe the plans supplied give a thorough direction as to where we're heading for landscaping.

Explained the buffering they propose as being adequate. The intent is to create a naturalized wooded area so it doesn't look like a manufactured hedge.

On Monday we received comments regarding the sewer upgrade on Savage Street & South End Road. We met with the Town Engineer this morning to discuss the comments.

Submitted copies of their written response to the comments of the Engineer. We agree to all items on the checklist and we'll revise the drawings accordingly.

Discussion.

The play space and open space areas within the development were discussed.

That's all I have.

CHRIS GIULIANO: Licensed PE and I'll go through Ms. Savage's that we received today.

(Reviewed the six comments)

Reviewed comments by the Fire Marshal.

Mr. Tranquillo stated several reasons why the Town would take the end of the street in fee simple.

Discussion.

Bob Potterton, with Fuss & O'Neill consulting engineers. A very few brief comments on the revised soil removal plan submitted last Wednesday, November 28<sup>th</sup>.

We agreed to all concerns expressed by the Town's environmental consultant, GZA.

Discussion.

With regards to the environmental oversight, the units' costs appear to be reasonable to me and Option II in my opinion is more than sufficient to insure the soil removal plan is properly implemented.

Discussion.

Lengthy discussion of the soil removal plan with respect to contaminated soils and a rainstorm with respect to areas already remediated.

Allan Mess, Traffic Engineers for this project. He spoke about the letter from the fire marshal. (On file in the Planner's Office.)

Important comment is because of the age of the streets, it would be used as exits for the development, neither are wide enough to accommodate today's larger fire apparatus.

I know the site development has been designed to accommodate the fire apparatus coming on site. Explained.

As to whether the street system is adequate, it's my understanding they are two lines wide, 24' wide. In general that should accommodate fire equipment. Radii on the corners may have to be adjusted.

Discussion.

This site has two access points satisfactory for access for emergency vehicles. And, for standard use of the residents. There's widening of 322 for by pass on the roadway. Moderation of the profile of the roadway to address sight lines. Some intersection improvements. I think that the developer has done a strong effort and will be willing address minor issues that may arise through the fire marshal's letter.

Discussion of the STC process.

Attorney Williams confirmed the applicant is willing to make any flaring or widening at those intersections to accommodate a fire vehicle if necessary.

Discussion of maintenance and ownership of the cul de sac.

(End of Tape #1, Side A)

(Tape #1, Side B skipped.)

(Beginning of Tape #2, Side A)

(Continuing) Attorney Williams discussed maintenance and responsibility nothing that could be worked within the context of an easement agreement with the Town.

That's all we have for our opening presentation but he would like to sum up before you close the hearing.

Ms. DelDebbio noted at the last hearing Mr. Hilson asked to have another study done for Kiefer Road and the applicant said no because they had one on Rahlene and you felt that was enough information. My point is I don't remember when Rahlene was an option that you didn't have the bus stop there. I think that it

is a big different in information from the last time you came forward and you had the bus stop at 322. I think there's going to be a huge traffic impact on that area when you put a bus stop there.

Discussion.

Attorney Williams responded noting the shelter for the kids within the development. We anticipate most people would walk to the bus shelter. Those driving that in and of itself does not change the path they otherwise would take out of the development to work.

Mr. Hilson said he raised two items asking for additional information. One is that I asked for additional review of the traffic impact on Kiefer and on Blatchely as it related to the bus stop.

And, the other item asked for was truck turning template evaluation for the route along Blatchely and Kiefer into the site for the fire vehicle. He referred to the fire chief's memo dated November 20<sup>th</sup>.

Discussion.

Mr. Hilson noted that the bottom line is the fire marshal/fire chief has made the comment that the roads are narrow and they're not appropriate for emergency vehicles to travel. The purpose of the requesting the turning template plan was so that we could see what the issues were specifically and what needed to be done in order to accommodate the vehicles, if anything. And, whether or not that work could be done within the Town's right of way.

From my perspective at this stage, noting the comments by the fire chief and the information we had asked for to help us evaluate that has not been provided.

Attorney Williams responded the fire chief hasn't said exactly what the issue is, and we said, if it's a problem with the width of the road accommodating the turning radius of the track, we felt that can be dealt with and we have provided some additional comments on how a truck can deal with that. We looked at that and the detailed engineering was not available in order to do a turning template and to know the size of the road in the various locations. We are offering and agreeing that that can be taken care of and are willing to do so.

Discussion.

Mr. Vachon asked about the plans for monitoring wells one, two and three. Mr. Potterton responded they are being abandoned properly.

(Staff comments)

Mary Savage put some comments on the record and had some material to circulate. These have been provided to the applicant previously but I do have hard copies available.

- Summary of Ms. Savage's comments made at the last meeting.
- Comments from the Engineering Department on the plan set we received Wednesday afternoon, late in the day. We provided comments on the proposed sewer line extension. These are the balance of engineering comments on the plans in their entirety.
- Copy of letter received from Christopher Giuliano dated November 28<sup>th</sup> talking about the landscaping.
- Memorandum from GZA which Ms. Cyr will touch on.
- List of comments from the Ass't Town Planner on his review of the most recent plan revision. Some of these relate to E & S control issues, which are under your purview.
- Packet of public comments, which need to be entered on to the record.

You should all have a copy of my December 4<sup>th</sup> memorandum.

(Passing around of documents.)

Ms. Savage went over her staff comments from December 4<sup>th</sup>.

Ms. Savage went over Mr. Giuliano's comments from November 28<sup>th</sup>.

Ms. Savage commented on the engineering comments dated December 4<sup>th</sup>.

Ms. Savage reviewed GZA's memorandum.

Ms. Savage referred to Office Mullins' November 5<sup>th</sup> memo with regard to the safety of the earth excavation plan.

Ms. Savage verified STC approval is going to be required.

Mr. Tranquillo went over the engineering issues on his memo of December 4<sup>th</sup>.

Mr. DelSanto brought up Chief McDonough's letter with regarding the streets being too old to support the fire apparatus for discussion.

Ms. Cyr said she reviewed the information provided in the plans and the soil removal plan prepared by Fuss & O'Neill and in summary I have to say the applicant has really incorporated everything we talked about over time.

Discussion.

She discussed her memo regarding oversight of the work.

Bruce Hilson stated in general the applicant has responded to the traffic impact questions raised during the original application earlier this year or this application by providing us plans addressing those concerns.

Explained.

The fire chief's letter was discussed.

Attorney Smith commented on tonight's presentation. This goes to the first comment in Ms. Savage's memorandum concerning Section 3.08.5A.4. And, Mr. Giuliano's response. I would point out that in the definitions of your regulations, building setback line says a line within a lot define the minimum required distance between the principle and any adjacent street or lot line. However, in 3-08.5A4, the language says the minimum setback from the road shall be 40'.

If you look in your definitions, there is no definition of road. There is one of street.

Discussion.

The application from March 29<sup>th</sup>, 2007 was accompanied by the set of original plans, and they listed roads as being the internal roads, not Route 322, or others. So, you have to decide whether Ms. Savage's memorandum is correct or Mr. Giuliano's comment is correct.

(Those speaking in opposition)

Arthur Cyr: 103 Berlin Avenue. I am saying how displeased we are with tonight's presentation.

Explained.

He referred to Mr. Giuliano's comments to the fire chief's letter.

This development will raise absolute havoc with those existing streets.

Explained.

Spoke about the concern for soil samples and the monitoring. We need to have a qualified and respected company do the monitoring.

Discussion.

When we ask for more detail on plans, I think it's important.

Discussion.

Discussion of buses going down to the cul de sac if it's not Town owned.

Discussion.

Roger Tryon: Speaking on behalf of my father, Robert, at 566 Meriden Waterbury Turnpike.

Spoke about the soil oversight. Should use the most conservative method for doing that.

Discussion.

Spoke about emergency vehicles on Kiefer and Blatchley.

I'm against all four items on this proposal.

Ken Moraveck: 57 Lady Slipper Lane in Southington. I lived on Kiefer Road for many years and I had four kids grow up there.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

Spoke of traffic on Route 322 and routes he used to follow when living there.

I think the high-density housing is foolish. Using Kiefer Road, the only word I could come up with was asinine.

Discussion.

Described Kiefer Road and the lot sizes and houses.

The width of the road was discussed with regard to the size of cars now.

The bus stop area was discussed.

Turning radii was discussed.

Property values will take a dive. Discussed.

I wish every taxpayer in Town could walk Kiefer Road. And, then tell them, just a couple of hundred cars will be going back/forth.

Discussion.

Thank you for your time.

Dereck Kohl: 89 Ruy Lane. With the late submittal of plans by the applicant, I've had to do my review at late hours. I'll be going through new information detailed again. I just keep finding more and more errors. Lack of information.

I think you've heard throughout the hearings enough testimony and evidence to support a denial.

The landscape plans were discussed as being deficient. Extensive discussion. There is no reason we should not have that information requested here tonight.

The playscape and play areas were discussed as being flawed.

He then reviewed many technical issues that are unresolved. Very lengthy explanation.

Soil removal plan has a lack of detail. Explanation.

Dust control was discussed.

I would ask you deny all the applications for these significant reasons and most notably relating to public health and safety.

Mike Chureck: Ruy Lane. Let's start with the soil. Discussion of the soil removal plan and oversight of the contaminated soil removal. Bonding in place? Let's test all the surrounding soil before, during and after.

Explained.

I want bonding all the houses in the area. Put money out for everyone of them. Worry about the people who live here now.

Why can't you have somebody on site everyday and let them pay for it. Let's go to the max on this.

Traffic issues were discussed.

The two entrances on 322 were discussed as being a problem.

Play space as being deficient was explained for 400 kids.

I request you deny everything. This is as the man said: asinine.

Ralph Parks: 107 Ruy Lane. Why does something have to go wrong before we do something about it? Spoke of accidents.

This will increase traffic reach dangerous levels in the area. It's unjustifiable how they can come up here with unfinished plan all for the sake of the loophole affordable housing.

I do not want this. I'm against it.

Thank you very much.

Debbie Olson: 528 Meriden Waterbury. I keep seeing them talk about buffers behind some properties, what about the long access road they're putting in. There's not even 20' there to my property line? Is there a reason why there is not a 40' buffer there?

Discussion.

Are the police going to be going into private developments regularly?

Extensive discussion.

Mr. Weichsel commented on a normal patrol, they would not go into private property.

Ms. Savage commented on the buffer being 20'. The setback is 40' from the road.

Discussion.

Larry DePaolo: Blatchley Avenue. The safety end is an issue.

Brought up the fire chief's letter and he's requesting sprinkler systems on a safety matter. He is on a safety matter asking for that.

Discussion.

Traffic on Kiefer Road was discussed and ability of the road to handle it.

Maureen McCabe: 518 Meriden Waterbury Turnpike.

She discussed the bus shelter. Is there adequate parking for the people driving their kids to the bus area? I do not think so.

I'm concerned about the amount of kids with inadequate play area. Vandalism is a concern.  
Discussion.

What's to make the kids stay in the bus shelter? Somebody out there as a guard? Especially with the amount of traffic traveling Kiefer and Blatchley. How are they going to be safe? Are they go into stay in the shelter or running around like kids do.

That's it.

Ms. Savage entered two correspondences to enter.

- Susan Guerrara and she's opposed with a number of concerns citing traffic.

- Lawrence Kramer and Arelene Kramer and Lynne Kramer and Constance McKenzie. They are opposed to all applications and their main concerns are traffic and safety.

(Ending)

Attorney Williams responded to the comments of today. I note for the record I was handed this evening a memo to the applicant from Ms. Savage. It's dated November 7<sup>th</sup>. I don't think I have seen that before.

Ms. Savage clarified it is an incorrect date on the memorandum. That is the summary of my comments from the November 20<sup>th</sup> meeting. The date is incorrect.

On the landscaping plan and details to be submitted and it's understood they are needed to set bond amounts and to inspect for COs. I think our proposal is if there's action by the Commission that says the project is moving forward, those details would be worked out with agreement on the plan with Staff.

On the cul de sac, we understand the comments. I respect them and I want to confirm that we're not 100 percent opposed to the Town owning it in fee simple.

Discussion.

The comment about not wanting a blanket easement for the sewers, I would think we could design the easement in whatever the Town Engineer/Town Attorney's office was willing to accept if that were made a condition of approval.

On the environmental monitor, it's our plan Fuss & O'Neill would be the environmental monitor. If it changes, we'll notify the Commission immediately.

(Pause)

Mr. Giuliano reviewed my summary of notes from Mr. Tranquillo's comments and he reports all are fine and acceptable and we would agree if they were to be made conditions of approval.

On eliminating the island on the cul de sac, our professionals have advised strongly it's important to have an island or something that functions in that capacity in order to direct the flow of traffic. It seems to us it necessary to have the island.

Discussion.

Allan Mess commented about the island's importance in the turn around for safety and in his opinion it is preferable.

Attorney Williams asked David Giuliano, Surveyor, to confirm for the commission the width of the right of way that's available on Kiefer so if it's necessary for the applicant to make any adjustments to the turning radii on Kiefer and Blatchey Roads as we offered tonight.

David Giuliano, Licensed Professional Engineer and Land Surveyor. Based on our survey of the property, we tied into Kiefer Road and the front property corners and it is definitely a 50' ROW on Kiefer Road.

The zoning designation for Kiefer Road existing is R-20/25 as noted by Ms. Savage.

Attorney Williams noted that is an exiting neighborhood and the fire department already needs to service that. He referred to Section 7-A of the zoning regulations as compared to the HOD regulation as to height of buildings. Whatever the fire department does now with buildings that high, they can do in the development.

I believe that is all we have in response to what we heard this evening.

(Pause, pause)

Attorney Williams offered final remarks.

(End of Tape #2, Side B)  
(Beginning of Tape #3, Side A)

(Continuing) What have we heard in evidence that is wrong with this plan on this site? We have addressed questions/concerns raised about traffic including the intersection of Route 322/120. The applicant has agreed to make a significant investment in approving.

Discussion.

We've agreed to make improvements to Route 322, which include improving the existing situation for the sight line to the west.

On pesticide-contaminated soil, we have presented to you an unprecedented plan. Explained we have been responsive and incorporated all the additional suggestions of the Town's staff and consultant for that plan. We believe it will be successful and well implemented. It will be overseen by Fuss & O'Neill.

On the sanitary sewer connection, I believe we have an agreement as to how we will make the connection.

To provide two entrances to the site will be accomplished.

If the fire department is having trouble now accessing Kiefer and Blatchley Road, we have offered to improve upon that situation within the Town's right of way, which has plenty of room.

Road layout and emergency access were discussed as to address the concerns about dead end roads and turn around to resolve that concern.

Storm water management and treatment and avoiding impacts to the wetlands, you have a state of the art engineered plan and system for doing that.

On landscaping and buffering, we've continued to provide additional details. Add double row of pines. Adjusted our storm water detention basins to make sure we had additional room for landscaping and buffering.

The principals of Hillcrest Orchards have made it clear with all of this work and commitments that they want to build a community of which the Town can be proud which fills a genuine need and will be attractive and successful.

We have presented a good plan based on solid engineering fully attentive to public safety and natural resources. There

are no adverse impacts in the record before you to public health and safety. There are no good reasons to deny this application.

There are very good reasons to approve it. I will end where we began. There is a great need for this type of proposal in our society and our economy.

I have heard many times once this type of development is built, it then becomes an asset to the Town and is seen as a benefit to the community and often Town officials who were involved in the evaluation of the project take some credit for the benefit and the asset it provides to the community.

And, we would love to give you that credit. So, I would ask you to make the right decision and approve these applications.

Thank you.

The Chair closed the public hearings for all four applications.

## **6. BUSINESS MEETING**

### **1. Informal Discussion:** Appropriateness of I-1 zone for indoor sports facility

ATTORNEY ZIOGAS: Thank you, Mr. Chairman. James Ziogas, 271 Farmington Avenue in Bristol. I'm an attorney there and I represent the applicant in this matter -- not an applicant but the proponent, Bob DeMaris, who is seated here with me.

A little bit about Bob. He runs the --- a very large bicycle shop in Bristol called The Biker's Edge. He's been an extreme sports enthusiast for a number of years. He's been a participant, he's been a sponsor. And, I know he has his actively involved in the same thing.

The past couple of months he's been looking for a site to build an extreme sports facility. And, you know, it's basically a facility that would house skateboarding, roller blading, it would house BMX bicycle demonstrations and things of that sort.

It can also be used for other recreational purposes such as gymnastics and things of that nature.

The property that we're dealing with tonight is a Wonx Spring Road property. It's 32 acres off Exit 30 on Marion Road. And, we came upon the site a couple of weeks ago. And, recently

entered into a letter of intent with the current owners. We have a due diligence period which is going to be commencing shortly.

What we wanted to do is get a feel from the Zoning Commission as to the appropriateness of this site for our particular use. In accordance with your regulations in the I-1 zone, the other uses that are allowed are uses that are in the opinion of the Commission are the same general character as those listed as permitted uses. And, which will not, in the opinion of the Commission, be detrimental to the zone.

I think a subsection of that same zoning regulations deals with the health clubs and gymnasiums, which we feel that if you tie the two of them together, we have an appropriate use for this location. Again this is not a health club or a gymnasium per se, but it does deal with recreation, it does deal with athletics and it certainly deals with I think things that are important to all of us in terms of dealing with places for our children and for young adults to participate in good activities.

We felt that this site was attractive to us because it's in kind of a recreational corridor off the 84. You have a golf course, you have Lake Compounce, you have ESPN and you have the batting cages that are there. We have the ski area. And, again, this is another destination, which is what we hope it will become for people to come to the Southington area to participate in extreme sports.

The main facility that we're talking about is shown in the left hand side of the yellow building there. And, again this is just a rough proposal that was done in a very short period of time by our engineer. And, basically you are talking about an area which, and I can't see it from here, but my recollection is it's 66,500 sf of space.

We're talking about a building that would be 35' tall. Approximately 300' long. It would be a pre-engineered building. It would be block front building and we've included a 100' buffer to the rear of the property, which is where it is adjacent to a residential neighborhood.

The second half of that building which is shown there is a proposal which may occur further on down the road, is that there may be a gymnastic component to this building, as well, which would certainly service another type of gymnasium or health club facility.

We've provided adequately for parking in this area. We think that a hundred cars in the front of the building and the potential for an additional 50 cars to the rear of the property is certainly something that is feasible given that the site is as large as it is.

The parcel to the right, as you're looking at it is vacant and for the time being it will remain vacant. We have no plans for that parcel of land.

We have an entrance to the property, which is located there. And, we think that even though this was an industrial site, the use of this property as a health club facility or as a BMX facility, would reduce the amount of traffic and heavy industrial traffic that might occur on this location.

We would not expect for any reason that here would be any trucks, any heavy trucks, tractor-trailers and things of that nature. You would have residential traffic, which would compliment what is already there.

In addition to that, we also felt that the building would provide a noise barrier from 84 to the residents who live behind us and that the structure being 35' tall might provide some insulation to them.

Incorporated in our plan, would be a small concession area for participants. Rehydration, food, snacks, things of that nature. There was never any intention since this is really a facility built for young people and for children, no alcohol would be involved and no liquor license would be required now or in the future. We certainly think that's something that is consistent with the residential character of part of this neighborhood.

Again, we have a 100' buffer that we can propose where the residential neighborhood, which will, I think, give them in particular some additional insulation. We can berm that 4' berm with a double row of pine trees to give them at least a 10' tall buffer. We certainly think that'll help additionally as a sound barrier and a visual protection for the residents.

Mr. DeMaris is here. He's a prior qualifier for the X Games. He has a vast experience in this type of thing. He's very excited about the project. He calls me three times a day to discuss it, so I know his interest is sincere. He does have the financial backing for it. We're prepared to enter into a contract again depending upon how the Commission views this in terms of your regulation.

So, if you have questions, there's something that we can answer for you tonight, we'd like to hear from you.

THE CHAIR: So, you would be looking at no outdoor activities. Everything would be inside the building.

ATTORNEY ZIOGAS: That's correct.

THE CHAIR: And, you would be looking at the back building, as your sporting facility and the front building at some point in the future would be some other I-1 activity.

ATTORNEY ZIOGAS: We're thinking gymnastics at this point. But something that is suitable to the I-1 zone.

THE CHAIR: And there's some contamination on the facility and you guys are going to come forward and deal with the contamination of the facility, cap the contamination and deal with that?

ATTORNEY ZIOGAS: Well, the best part about this is we're not going to have to do that. The seller is going to be responsible for it.

THE CHAIR: So, that's going to be taken care of. The property is going to be clean before you actually come on site.

ATTORNEY ZIOGAS: Well, the remediation is substantially completed now. I believe there are monitoring wells on site, which they will continue to monitor until DEP releases them.

THE CHAIR: There's going to be no liquor license. This is going to be a family oriented type of facility?

ATTORNEY ZIOGAS: That's correct.

THE CHAIR: Just from my perspective, I think this a great idea.

MR. SAUCIER: Yah, I mean, I echo your sentiments, too. I think it's a good fit. You know, as athletics improves or actually evolves, you know, things like extreme sports and whatnot would fit, gymnastics, et cetera. I think this is a good fit.

THE CHAIR: I think as long as you maintain the buffer around the facility and you deal with that area ---it's been an industrial site for a long period of time.

ATTORNEY ZIOGAS: And, I think if we went down your list of activities that are allowed as permitted uses, this is probably a higher and best use for this particular site.

MR. SINCLAIR: I agree.

THE CHAIR: Anyone else? Any other comments?

MR. VACHON: Did he say the seller is going to take care of that, he's going to hand you --- are you buying the site?

MR. DEMARIS: Yes, sir.

MR. VACHON: Are you going to get, are they going to do a Phase I? You know a clean bill of health is going to be --

ATTORNEY ZIOGAS: It will not be clean at the time we purchase it because again these monitoring wells are going to be, continue to exist. But there is a remediation plan in place. DEP has approved it according to the information that we have. And, that they will be responsible, the seller will be responsible for the expenses involved. They're a very large corporation. It was the Schneider Electric Company. I've checked them out and they're huge. They're located in Chicago. They're very strong. And, they can certainly afford to remediate the site as they've agreed to.

MR. DELSANTO: The property --- that's why I had to get up and look --- where did you say exactly the parking is going to be?

ATTORNEY ZIOGAS: The parking is to the front of the building. Again, if I could ---

MR. DELSANTO: If you could get up there and maybe point --- that's where all the parking --- there'll be no parking to the rear of the building which abuts the property owners?

ATTORNEY ZIOGAS: That's correct. No parking to the rear of the building.

MR. DELSANTO: Okay, that's the only problem that I could see here. I could see neighbors, backyards, barbequeing on a Sunday and 60 BMXers out back, you know ---

ATTORNEY ZIOGAS: And, again, I think we're sensitive to the neighbors that are going to be there. Again, it's a 40' setback line and we've increased it to 100'. We certainly want to make sure that there's no room for error there. There'll be no parking there. It'll be a landscaped buffer and no cars will be allowed behind there.

MR. DELSANTO: What specific sports? What extreme sports? BMX, biking, skateboarding ---

ATTORNEY ZIOGAS: Roller blading.

MR. DELSANTO: What else?

ATTORNEY ZIOGAS: We think gymnastics again as the project develops.

MR. DELSANTO: Eventually. Okay. Sure.

Just one more thing. I know the business because my wife is in the business. She sells clothing for extreme sports. And, it's huge. It's big.

ATTORNEY ZIOGAS: And, having said that, we also plan on having a small pro shop that you can sell --- in case your wife is looking for work.

MR. DELSANTO: That's all I need now.

(Laughter)

But I do know how popular it is. And, there's nothing like this in the area. And, there is always talk of we need something like this in the area. It's huge.

ATTORNEY ZIOGAS: Again, we think that recreational corridor works very well for us.

MR. TRANQUILLO: I just wanted to ask the applicant a question: There'll be no motorized vehicles in this operation, correct? You are willing to accept that as a stipulation?

MR. DEMARIS: Absolutely.

MR. WEICHSEL: I want to know, Mr. Attorney, since you're leading the project, which of these sports are you personally going to be ---

(Laughter)

ATTORNEY ZIOGAS: Since there is no liquor license, none of them.

(Laughter, laughter)

THE CHAIR: So, I think what you're looking for at this point is a consensus from the Commission as to our feeling towards how this would go.

My feeling is I'd love to see something like this come forward and you come forward with a site plan. From my perspective, I'd like to see it go.

Mr. DelSanto?

MR. DELSANTO: Yah! I'm in.

THE CHAIR: Ms. DelDebbio?

MS. KENNEDY DEL DEBBIO: Yes.

MR. KALKOWSKI: Yes.

MR. SINCLAIR: Yes.

MR. SAUCIER: Yes.

MS. MICELI: Yes.

MR. VACHON: Yes.

ATTORNEY ZIOGAS: We're on the right track and again, we'll come up with a plan and present it to you.

Thank you for your help.

THE CHAIR: Thank you for coming tonight. Good luck!

**2. Central CT Contractors, LLC**, Captain Lewis Drive and Townline Road. This is a 17 lot industrial subdivision. S #1262.

MR. GIUDICE: Good evening Mr. Chairman and Commission members. For the record, my name is Stephen Giudice and I'm with the office of Harry Cole & Son, located at 28 Werking Street in Plantsville.

I'm here tonight representing Central Connecticut Contractors, LLC. We have a piece of property that is currently owned by John & Patrick Rousseau. Its address is 320 Townline Road. And, the parcels consist of two lots. One lot is 11.76 acres and the other lot is 12.39 acres.

We have our official access to the property is located from a driveway on Townline Road. We have some existing structures on the property. We also have a 50' right of way that accesses the property from Captain Lewis Drive.

This property, just a little update on the existing conditions of the property. It's again, 24 acres. We have a residential development to the west and to the north. We have industrial developments to the east and we have an open industrially zoned property to the south.

The property is zoned I-1. And, the grades are flat to moderately sloped. We have some flatter grades around this area and we have some moderate slopes through the site.

The property is mostly treed. We do have some open field area in this location around the homes. And, we do have a small pocket of inland wetlands as detailed to this dark green area.

There are public sewers and public water that service this property.

And, the structures on site, we are proposing to eliminate. To raze all the buildings and garages.

Our proposal tonight is for a 17-lot subdivision, industrial, to be known as the Connecticut Industrial Park.

We're proposing a 1300 lf road that'll terminate at a cul de sac at this location. The roadway does impact about 900 sf of wetland. We've been to the Wetland Commission and we receive approval for the Conservation Commission for that impact. And, we have again 17 lots. They range in size from .5 acre --- we have a couple of half acres lots in this area. Up to 3.5 acres for the rear parcels.

As I said before each parch or lot would be serviced by public water and public sewer.

And, we have a storm drainage system, a subsurface piping and we have a detention basin located in this facility. This drainage system would then continue to down into Captain Lewis and then discharge into another detention basin. But um, we were able to --- we looked at modifying the existing basin for our use, but this basin seemed like the best alternative for our applicant and this is the best way to go.

We were able to provide ZIRO up to the 100-year storm. And, things seem to work pretty well.

The site again, we don't have a specific build out for each of the lots. We will back before the Commission for individual site plans. We have allowed for approximately 60 percent impervious area, so these storm water management for each lot would be maintained by this detention facility. If the site went over 60 percent impervious, we would have to do some individual onsite storm water storage.

We have received some comments from the Town staff and we are working to address those. And, the applicant was here --- I don't know if he's still here or not, but if you have any questions about the project, I'd be more than happy to answer them for you.

THE CHAIR: Steve, you saw the note. I think this is a nice addition here --- just the note about the detention pond and the work around around that?

MR. GIUDICE: Yah. I um, I hate to disagree with Mary but, the comment, I believe was regarding a buffer along this location for the detention facility. You know, we tried to maintain, we don't really have a berm here. We tried to dig this detention basin into the ground. We do have some minor grading along the property line there.

I didn't, I'll be honest with you, when I designed it or my staff designed it, we didn't think that it was necessary to have a buffer along an industrial developed property. We just didn't think it --- it was along here.

We're required to have a 35' buffer along the residential side, but we didn't think that that was necessary.

So, I'm sure we can propose some landscaping in there and try to do something nice, but we still want it to be maintained, easily maintained and access --- maintained and access by the Town because hopefully the Town of Southington will own that.

That was another comment was, does the Town want to own it and past history has been that the Town does want to own these facilities. So, that was the reason it was proposed that way.

Maybe the Town Engineer can comment on that.

MR. TRANQUILLO: We do want to own it.

THE CHAIR: We do?

MR. TRANQUILLO: Yes.

THE CHAIR: Any other comments at this point? I don't think we're ready to move forward with this at this point.

But I do think there is one item on the -- there is a rear lot in this project.

MR. GIUDICE: I'm sorry. You're right. We do have one rear lot, Lot 6. So, we would request a determination that that is the best and highest use of the property.

THE CHAIR: And, I think that is something we could discuss as a Commission if we wanted to talk about it. This is something we did as part of our zoning regulations changes.

Ms. Savage?

MS. SAVAGE: Yes, that's correct. Currently engineering is working on their checklist for this project. Staff, planning comments have been provided to the applicant.

We don't have any major issues with the project, however, we would prefer to wait until all the engineering comments have been generated. The drainage component of this project is one of the largest items. We want to be sure that we have adequate access for maintenance and those types of provisions.

So at this point, the only portion of the application that is ready for action is the rear lot determination. We expect this will be ready for your action at the next meeting.

We hope.

MR.GIUDICE: I hope so, as well.

LOU PERILLO: Southington Economic Development. Thank you, Commissioners. I'd like to see if we could action on the rear lot. There's a lot of activity. This has been in the works for at least about 7 or 8 years. It was a project that started way before I got onboard with the State. So, the site has been reviewed to God knows how long.

We actually have a lot of activity. I believe we almost all of the lots committed for except for 3. So, that's why we are pushing for as much as we can with the rear lot determination. It does have significant important to our Town.

There's a significant amount of conveyance tax, construction activity, and industrial activity that we could bring in as soon as it gets approved.

MR. DELSANTO: I'll make that motion that the rear lot determination in this case is the highest and best use of the land.

MR.SINCLAIR: I'll second that.

(Motion passed 7 to 0 on a roll call vote.)

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

**3. GS Property, LLC, one lot resubdivision, Robert Porter Road S #1261.**

MS. SAVAGE: Mr. Chair, I am passing around some engineering comments, which are very, minor and don't effect the

application. Staff has completed their review of this application. The applicant is proposing to deed 20' of slope rights to the Town to facilitate further roadway improvements in this area and we are in agreement with this proposal.

It is ready for action, should you choose to.

THE CHAIR: We heard the public hearing this evening. The proposal was well laid out. I think this is another nice addition to the Town of Southington. What is the Commission's pleasure?

MR. SINCLAIR: I'd like to make a motion to approve Subdivision 1261 incorporating stipulations as defined in the Town Engineer's memo dated December 3<sup>rd</sup>.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

**4. ESPN, Building "C" and parking garage expansion, SPR #1435.1.**

ATTORNEY DENORFIA: Anthony Denorfia, again, 133 Main Street, Southington and I represent the applicant ESPN.

As you mentioned, this is for an expansion of a building, proposed building and parking garage. Unfortunately, both the building and the parking garage are in the City of Bristol.

So, we're not part of that application. The only part of the application that's within the Town of Southington is --- this is the ESPN Drive, which is the old Townline Road, which was renamed after the Town abandoned the right of way up in this area.

But there is a small connection right here that would connect into proposed parking. This new proposed building.

And, that connection is only for service vehicles and things. And, then there is a small connection here for the upper level of the parking garage.

And, this is the existing teleport or the previously approved teleport that's already under construction.

We have provided the Town with the detailed traffic reports which were for the entire complex and I believe all of the drainage has been directed towards Bristol. Again, we're not absorbing any of the drainage.

But again, this approval is basically for the two connections of the roadways and to connect the teleport facility with the rest of the ESPN campus.

If you have any questions, I'll be glad to answer them.

THE CHAIR: Any questions for Attorney Denorfia?

Ms. Savage?

MS. SAVAGE: The staff review has been complete. The applicant has responded to all staff comments and the application is ready for action.

MR. DELSANTO: Motion to approve.

MR. SINCLAIR: Second.

(Motion passed 7 to 0 on a roll call vote.)

**5. Mt. Southington Ski Area, 396 Mount Vernon Road SPR #1489.**

MR. BOVINO: Good evening, Sev Planner with Kratzert & Jones representing the applicant. Ed Beckley is here, general manager for the ski area.

I just have some small maps to pass for the Commission to look at. Basically, the proposal is for five 10 by 12 decks on the outside of the cafeteria. Not attached to the building. And, they would be on blocks. So, we'd like approval for this so they can construct them for the season.

(Passed around small map)

THE CHAIR: Ms. Savage, I think you have your answers at this point, correct?

MS. SAVAGE: Staff review has been completed and we have no outstanding issues.

MR. DELSANTO: Motion to approve this application.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

**6. ITM Retail, site plan modification, 1896 Meriden Waterbury Road SPR #1486.**

M=R. BOVINO: Again, Sev Bovino, Planner with Kratzert, Jones representing the applicant. This property is located across from the Truck Stop.

And, the proposal is to expand the convenience store. Currently, they have already some convenient items there. They want to expand it. Those two garage doors that are there, they're going to be basically blocked and they're going to be renovated on the inside.

We addressed all the comments. The biggest item was the number of parking spaces. We reduced them down to 15 parking spaces. The requirement is for 13. So, we have 2 extra spaces.

We are adding green space to the property and we are addressing all the safety concerns that the staff had.

If you have any questions, I'll be glad to answer them.

THE CHAIR: You're dealing with the pole in the back and that's coming out?

MR. BOVINO: Yah. There's going to be an island around the pole there. It's going to be an island here next to the disposal of the trash in this area and additional landscaping will be added to the property.

There's another island here next to the handicapped parking spaces.

MR. TRANQUILLO: Yes. There are three items, which you should stipulate if you care to approve. Item one on my checklist: provide verification that the sidewalk easement has been filed. If not, please submit documentation to the Town Attorney for review.

Number 15: What is the status of the existing pollution that is on site and the clean up of the property particularly in the area of the proposed sidewalk easement in favor of the Town of Southington?

Number 16: The existing catch basin on the east side of the property is a small yard drain. It should be looked at from the capacity standpoint for the grate. And, it's recommended that this catch basin should be improved. In other words, replaced.

It's in very bad condition, so I would recommend ---

MR. BOVINO: Mr. Chairman, we have no objection to the catch basin to be rebuilt.

Regarding the sidewalk, we, there is an existing sidewalk easement. I provided the deed to Mary. It's probably in the file. And, there will be an additional easement because the sidewalk still encroaches over the property line a little bit more.

As far as the environmental issues, this is Mobil Corporation. They have an ongoing environmental review and on a regular basis. I did provide Mary with a report. On a yearly basis someone goes there and checks things. There's monitoring wells around the property to the west, to the east and the south.

MR. TRANQUILLO: Are they under orders from DEP?

Have you done a remediation of that site?

MR. BOVINO: I don't know anything about the remediation issue. I know that there is an ongoing review on a yearly basis and they provide a report to the property owner. But I don't know about the remediation.

THE CHAIR: Is that part of their ongoing corporate process of corporate governance?

MR. BOVINO: Process. Yes. Yes.

By the way, this is an easement and it's not an ownership that we give the Town for the sidewalk. So, I don't know what kind of exposure you have and um ---

ATTORNEY SCIOTA: We should get a copy, unless there's some sort of privileged information with it, there shouldn't be a problem getting a report to the Town on that. That'd be a stip. The owner can just file the report with the Engineer for the review.

MR. DELSANTO: I'm unsure if I can even ask this. Is this, you said something about corporate, I mean, the company, is this like a Mobil or an Exxon?

MR. BOVINO: It's Mobil.

MR. DELSANTO: Okay, so they are going to be overseeing this, as well?

MR. BOVINO: They're the ones responsible for the pollutants associated with the site, yes.

MR.DELSANTO: Okay. I'm actually talking about the convenience store and the addition and all that, as well.

MR. BOVINO: No, no, no. The convenience store is operated by someone that has a lease with the company.

MR. DELSANTO: Right. But I'm saying they'll still have to follow the governances of Mobil/Exxon.

MR. BOVINO: Yes, yes. Well, Mobil is the owner of the property. They have to obey by the DEP rules and all the other regulations.

MR. DELSANTO: I understand. So, this will look like other Mobil or Exxon---

MR.BOVINO: Yes.

MR. DELSANTO: A gas station with convenience store attached?

MR. BOVINO: Yes.

MR. DELSANTO: Thank you.

THE CHAIR: Okay, so you have addressed the safety concerns that were raised and we have three outstanding issues that we are looking for stipulations on should this item move forward.

So at this point we're looking for the Commission to act.

MR. DELSANTO: Mary, is there anything else outstanding on this?

MS. SAVAGE: No, staff is satisfied with the ---

MR. DELSANTO: I'll make a motion to approve the application with the three things stipulated by our Town Engineer aforementioned. I didn't write them down.

MS.SAVAGE: Numbers 1, 15 ---

THE CHAIR: Fifteen and 16 from the Engineer's checklist.

MR. SINCLAIR: I'll second that.

THE CHAIR: Motion for approval and a second with the three stipulations. Any discussion at this point?

(No response)

(Motion passed 7 to 0 on a roll call vote.)

**7. Eleni Real Estate, LLC, 1615/1617 West Street SPR #1487.**

MR. BOVINO: Again, Sev Bovino, Planner with Kratzert, Jones representing the applicant. This application is for a deck, an addition of a deck to the north side of the building.

Associated with this, we received staff comments which were more associated with a larger addition which we received denial from the ZBA.

However, we continued cooperating with the staff and addressed their comments. They were more associated with that large addition. This is a deck.

We are proposing additional green space. The lighter green surrounding the property is additional green space. We're cutting the parking lot back, which means we are reducing the paved area. We are adding landscape. We are restriping the parking the lot, repairing the parking lot. Additional lighting on the outside according to the comments from the staff. They will be full cut off fixtures.

There were comments from the Town Engineer today regarding the drainage. What I can say on that is that I want the Commission to focus on two issues. One, this is a deck and it's not a major addition. This individual is going to spend already a lot of money to open this restaurant, so we'd like your consideration along those lines.

And, the two catch basins and the pipe tying into the West Street drainage will cost \$25,000 and the State does not like additional drainage tied to their system. I don't know that there has been any complaints from the property owner to the north, so I'd like to have Tony reconsider that because of the expense. And, the issue with the State.

Um, the other is the sidewalk, the proposed sidewalk along the street. We're requesting a waiver for that. It's indicated on the map we're requesting a waiver based on the fact there will be very little use of the sidewalk in this area. And, on our side of the street, there's no sidewalk all the way up to Kizl's Restaurant, there's no sidewalk on our side of the street and all the way to Spring Street and even farther down to Curtis Street.

Those are the two issues. Otherwise, we have addressed all the comments and responded in writing.

MR. TRANQUILLO: Yes, Commissioners. As I see it, the applicant --- I'll make two recommendations here and you can take

your pick. One is to put a double catch basin the northwest corner of the lot and to connect that to the State drainage in Route 229. Right now, the water runs off the lot into the neighbor's property which has existed for many years and the neighbor hasn't complained, but still if you were going to look at a plan, your regulations state that you must consider drainage.

The second option, if you want a compromise, is to have the applicant lose one or two spaces and propose a small retention area to at least help the condition a bit, ameliorate the condition.

So, I'm not sure what your thoughts are, Sev, on that?

MR. BOVINO: We would prefer eliminating a space in that corner because that would allow accumulation of water because as I said, dealing with the State on drainage and also, Tony, there's a 12" water main and the elevation of the water main may conflict with the drainage that's there.

MR. TRANQUILLO: Yah, but Sev, you're talented. You can solve that problem.

(Chuckles)

MR. BOVINO: Pardon?

MR. TRANQUILLO: You would solve that. You're very talented.

(Undertone comments/laughter)

MR. BOVINO: The invert is 4' deep for the drainage and the pipe is 5 and we need the clearance and all that.

MR. TRANQUILLO: You've got plenty.

THE CHAIR: So, from a stipulation perspective ---

MR. BOVINO: We would prefer to have elimination of this parking spot right here, additional green space created and storage in that corner.

MR. TRANQUILLO: That's fine, Mr. Chairman.

MR. DELSANTO: Would one space cover it. Tony?

MR. TRANQUILLO: Well, they're not adding any impervious.

MR. BOVINO: We're actually reducing impervious.

MR. TRANQUILLO: One space will probably enough in this case.

But if they do some in with a major expansion of this site, then we're going to be looking for more detention.

MR. DELSANTO: I think we should talk a little bit about the sidewalks. This application was before us, it seems like a million years ago. But it was, not this application, but an application for this property when I first came on the Board and this is one of the first applications I dealt with about waiving sidewalks.

There are no sidewalks in the area. And, I know the way you guys --- the way I feel about sidewalks in a situation like this. But I'd be willing to make a motion to waive the sidewalks on this property since there are none in the area.

(Pause)

Looks like I'm alone.

(Pause)

THE CHAIR: There is a motion on the table, at this point. Is there a second?

(No response)

ATTORNEY SCIOTA: Motion fails.

THE CHAIR: I don't hear a second so the motion will fail at this point.

Okay. Ms. Savage, you have some comments you'd like to make?

MS. SAVAGE: I do. I have one other suggested stipulation should you choose to approve this. There is a well directly off site and the Director of Health requests that the pipe connecting to this well be disconnected. The applicant is aware of this.

MR. BOVINO: We have no problem with that. We cannot abandon the well itself because it's not on our property, it's owned by someone else. But the pipe leading to the well, we can discontinue and remove it.

THE CHAIR: Okay. So we have two items that we're looking at here. One is the removal of at least one parking space --- at this point one parking space with the addition of the green space to build a catch basin to deal with the drainage. And, the second is the disconnection of the pipe to the exiting well on site.

MS. SAVAGE: The well is actually off site.

It's right there.

THE CHAIR: Right in the corner. Okay.

MS. SAVAGE: It's not in use at the time.

ATTORNEY SCIOTA: Are the sidewalks shown on the site plan?

MR. BOVINO: Yes. On your map, on your copy, it shows but not on mine.

ATTORNEY SCIOTA: I was going to say if they're not shown you need a stipulation, but they are shown, so you don't have to worry about it. Okay.

MR. BOVINO: The applicant is telling me that the pipe is already disconnected and they put cement on it and all of that has been discontinued.

ATTORNEY SCIOTA: Keep the stip on.

THE CHAIR: Okay.

MR. DELSANTO: Nothing else is outstanding on this?

MS. SAVAGE: We are satisfied at this time.

MR. DELSANTO: I make a motion to approve the application with the aforementioned stipulations.

MS. KENNEDY DEL DEBBIO: Second.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: We are going to look at items 8, 9, 10 and 11, which are the Hillcrest Orchard applications. We are going to look at these items individually and we'll do them individually.

(Pause)

**8. Hillcrest Orchards, 508-544 Meriden Waterbury Turnpike ZA #543.**

THE CHAIR: Our purpose this evening as we go through these evenings this evening, is to deliberate each of these items: the zone text amendment, the zone change, the earth excavation and the site plan as individual applications although we heard these

items as a group public hearing. The public hearings were closed this evening obviously on all four of these items. Deliberate them individually and our goal this evening is to, working with staff and with our attorney this evening, to direct the attorney towards either his drafting of a draft motion either for approval or denial of these applications. Individual approvals or denials of these applications, one by one as we go through this.

So before we start moving through that process, what I'd like to do is have Attorney Smith make a couple of comments.

ATTORNEY SMITH: Yes, thank you, Mr. Chairman and members of the Commission. As the Chairman just pointed out, tonight we hope that you will be deliberating and giving some guidance as to whether you wish to approve each of these applications, approve with modifications each or any of these applications or deny these applications.

And, also keep in mind that we're not to vote on these applications tonight because the Conservation Commission has yet to rule on it's application, coordinate application that's pending before it. So, the Commission is not to vote on this until they've had a chance to have their vote and you can then consider the report of and the vote of the Conservation Commission when you have your final deliberations.

I would just remind the Commission again as we did the last time that this was before the Commission that there are some unusual, in terms of the law, unusual situation in that the affordable housing statute is a separate statute and it has some different components to it that you must consider when making your decision that is not present in your other applications.

In particular, if --- you are to very clearly state on the record your reasons for approval, approval with modifications or a denial. I will just go over the one part that is very important. If you were to consider a denial of any of these applications, I'll read you the portion of the statute that there's a test that's been developed over the years by the courts based on the statutory provision that I'm about to read you that you are supposed to analyze these applications with this test in mind, if you have a reason, if you believe there are reasons to deny any of these applications.

So, the section is 8-30gg. It says upon an appeal taken under subsection f of this section, the burden shall be on the Commission to prove based upon ---

(End of Tape #3, Side A)  
(Beginning of Tape #3, Side B)

(Continuing) --- the evidence in the record compiled before such Commission that the decision is necessary to protect substantial public interest in health, safety or other matters which the Commission may legally consider. Such public interests clearly outweigh the need for affordable housing and such public interest cannot be protected by reasonable changes to the affordable housing development.

Now, that's the relevant portion of the statute that you need to consider. So in other words, you have to find either that this is appropriate for an approval and state the reasons why it's appropriate for an approval.

If you were to approve but want to modify the proposal that the applicant had, you say, we want to approve something but we want to do it in a modification like you did last time with the text amendment. You approved that but you approved in a different fashion than the applicant had originally proposed. If you're going to do that, you need to explain why you were to approve a portion of whatever application is and why you disagree with other portions of it.

Or, if you are going to deny it, you have to go through the test I just read which would be that there has to be sufficient evidence in the record to support your reasons for denial. That these relate to public interest in health, safety or other matters that you may legally consider and these outweigh the need for affordable housing and that they cannot be protected by reasonable changes to the development itself.

So, that's the test you have to go through in this situation. So as you deliberate, if you can give information to us so that we can craft whatever draft motions that you wish us to do, we will do that and then at the next meeting after the Conservation Commission votes, which we hope might be the December 18<sup>th</sup>, then you would consider whatever we've drafted. But this ultimately is going to be your decision. You can then choose to accept it, change the draft the we prepared or scrap it altogether and come up with your own motion.

All right? So, that's the information that I have for you. Mr. Hilson and Ms. Cyr are still here because as Town Staff, if there are comments/questions the Commission has to comment on the evidence already in the record, they can provide additional input, but not new evidence.

THE CHAIR: Correct. Okay. Ms. Savage, you have some comments at this point you'd like to put on the record.

MS. SAVAGE: I do. Thank you.

I would like to follow up Attorney Smith by also directing the Commission's attention back to my packet memorandum from the last meeting. And, on Page 5, I call out the procedure for the proposed zone boundary change and I would just like to reiterate that within the deliberation on the zone boundary change, it is appropriate that the Commission pay particular attention to traffic impacts. Traffic impacts may not be appropriate for other sections of this, but because you are talking about rezoning a property from one use to another use, it is completely valid to take a look at the impact.

For example, the traffic generation rate that Mr. Hilson has identified in his memorandums from if the property were developed as it's currently zoned and then review the impacts that would come from the proposed rezoning.

And, I also have a number of items that should you choose to approve this application staff would recommend as stipulations. And, I don't know if Mr. Hilson or Ms. Cyr might have anything to add to that.

Should you choose to approve this application, staff would recommend the Commission stipulate the following:

- the plans be revised to satisfy Section 3-08.5.A.4 minimum setback from the road.
- that the landscape plan be revised with the applicant and staff to address the identified concerns.
- that the --- if the plans are revised pursuant, substantially, pursuant to the state traffic control such that the mitigation which supports this application and addressed the traffic concerns is not to occur, that the Commission would see the revised proposal.
- that the applicant comply with engineering checklists dated October 23, 2007, November 20, 2007, November 29, 2007 and December 4, 2007.
- that the applicant shall address the planning comments dated 10/29/07, 11/07/07, which are dated in error. Those are the comments from the -- or based on the previous, my testimony at the November 20<sup>th</sup> meeting. And, December 4, 2007.
- that the applicant will implement the earth removal plan in conformance with review comments dated 11/17/07, 11/20/07 and 11/30/07 from Ms. Cyr and plan sheets 34, 35, 36 and 42 revised to November 28, 2007.
- the Fuss & O'Neill report revised to November 26, 2007.

- that the Commission considers Ms. Cyr's suggestions for monitoring. There were two options proposed. And, staff suggests that if Fuss & O'Neill is to be the implementer that the lesser of the two would be appropriate from staff's perspective.

- that the Commission stipulate that if the environmental monitor is to change from Fuss & O'Neill, that the Town Planner and the Commission would be notified via certified mail of that.

- that the applicant be required to implement the safety measures detailed in the November 5, 2007 memorandum from Officer Mullins with regard to the requirement for patrol officers with lights and the traffic safety measures associated with the soil removal plan.

And, for the Commission, there was some discussion earlier on with regard to the marketing of these units and would preference be given to Southington residents. Previously, the applicant had stated that he would be willing to do that if the Commission wanted that. However, the more recent submission, in their Marketing Plan, did not indicate any marketing within Southington. So, I had asked in my comments if the applicant would be willing to also advertise the availability of these units in a newspaper having circulation in Southington. And, I don't recall the exact response, but I believe that it was agreeable that if that were the --- the Commission wanted that to happen, that that would be acceptable.

Staff recommends a condition that no construction vehicles access the site via Kiefer and Blatchley.

Staff recommends a stipulation that the dust control detail be revised.

Staff recommends that a qualified contractor for the soil removal be identified and 24-7 contact information for the contractor be provided, as well.

And, information on their insurance.

And, also, perhaps Mr. Hilson may have a more specific citation. I'm not clear if the round about design currently meets the State specifications. But if it does not, the Commission should specify that the roundabouts be designed appropriately.

MR. HILSON: Mr. Chairman, for the record, Bruce Hilson. The --- in my October 9<sup>th</sup> memorandum, comment number 9, indicated that the --- what appeared to be circular areas were not well defined as to whether they were cul de sacs or roundabouts. And,

the comment was that if they are in fact roundabouts, they needed to be designed in accordance with present design standards for roundabouts. The plans as they are today show concentric circles. On the, I guess, it's originally a landscaped area in the middle of a larger paved area but it did not show any of the approaches being designed in accordance with standards for roundabouts with islands and curvature to direct traffic appropriate and so forth.

So, if in fact these are roundabouts, then a more appropriate design would need to be provided.

MS. SAVAGE: And I have one final stipulation to suggest at this point. As part of the EE approval, staff suggests that the Commission require a performance bond to cover the cost of the independent review and that was the reason why the cost estimates were provided for you.

THE CHAIR: Thank you.

Commissioner DelSanto, you had a question?

MR. DELSANTO: I just want to make certain that Attorney Smith --- if you could get us that statute either to Mary so we could have it in front of us while we --- you know, before we actually --- we are not voting on anything tonight. I guess we have to wait for the Conservation Commission, so if we could have that information so when we're doing our deliberations we have it in front of us so we know ---

ATTORNEY SMITH: I'll provide this, I'll provide the statute and I'll also provide a copy of the case that sets it out. And, I'll provide it to Mary so that it can be in your packet for the next meeting.

MR. DELSANTO: All right.

THE CHAIR: Ms. Cyr any comments?

MS. CYR: Mary covered it very well.

THE CHAIR: Mr. Hilson?

MR. HILSON: One more comment. Relating to the removal of the contaminated material, one of my earlier comments was that the intersection sight distances appropriate for truck travel be provided at the intersection of the site access road with 322 so that trucks could safely enter and leave the site.

THE CHAIR: All right. So, what we are doing right at this point, we are looking at Hillcrest Orchards, 408 and 544 Meriden Waterbury Turnpike, ZA #543. This is the zone text change. And,

our purpose this evening is to discuss this and to give direction to Attorney Smith to draft up a draft proposal, a draft motion, either for or against based on our comments this evening.

So, what we should do is have some discussion about this and I guess, I'll start the discussion at this point.

We had approved, the Commission approved a zone text change, actually to adopt this zone back in September, on September 4<sup>th</sup>. The HOD text, which is now the Town of Southington's text to encourage this type of housing, to encourage affordable housing in the Town of Southington.

We made some changes to the original application was that brought in by the applicant and at this point we have an amendment to that brought in front of us, brought in front of the Commission to change it based on a resubmission of the application so that the new text can meet the particular application that's in front of us.

This text change, any text, any amendment or regulation that's in our regulations is not particular to one particular site in Town. Once we put a regulation in place, it's applicable across the Town of Southington as long as it meets that particular area. So, if we have a particular regulation it would fit across the Town of Southington and not just one particular site.

Several of the proposed changes that from my opinion, in this modification don't fit, again in my opinion, safe zoning. And, don't really focus on public safety. With this being a floating zone and by it's nature being a floating zone, it should require, in my opinion, a special permit use. A removal of the SPU in the process is not in the public interest. Does not promote public safety and public health.

The SPU, I think, is a critical part of this process because this zone is not for one particular area. It's a floating zone and it can go in multiple places throughout the Town. The SPU is critical to keep in this regulation and should not be removed.

Reduction of the separation distance between the rear of units from 45' to 30', in my opinion, is a public safety issue for a multitude of reasons. Not the least of which is getting safety equipment around the back of the units and that in my opinion, should not be changed.

Elimination of the road setback requirements in the condo project is also a public safety and health concern. And, a design issue that needs be looked at.

To say that no building shall exceed 35' and then the change of "and" instead of "or", that one word 35' or three stories negates the intent of the language as it was drafted in the original proposal. I mean, one word makes a big difference in that particular clause and I think the way it's written originally, should stay the way it's written. That's what this Commission deliberated when it approved the regulation and it should stay that way.

The changes to Section 3-08.10 and 11 again go back and negate the intent of the original language as drafted. An HOD Development should not be any less acceptable to its residents than any other development in Town. That section should not be changed. Again for public health and safety reasons.

Section 3-08.16, the elimination of a Phase I because it's either onerous, too expensive or could cause cost issues for a particular area is unacceptable. We require that in our other developments. Our subdivisions and resubdivisions in Town. And, I don't think saying that the removal of Phase I in this particular, high occupancy, an HOD area, are we saying that by removing that we don't care about protecting the health and safety of people in the HOD because of cost. I don't think that's acceptable.

People living in an HOD area deserve as much health and safety protection as people living in any other safety, any other subdivision or resubdivision in the Town of Southington. And, we should leave that as it is now in the regulation that this Commission reviewed and approved back in September.

Section 3-08.17, to pull out this section on access streets being adequate, impedes public health and safety. To say that an access strip doesn't have to be adequate, it flies in the face of public health and safety.

The proposed use shall not impede the plan of Conservation --- the Plan of Conservation Development is also unacceptable. We spent a lot of time with the Plan of Conservation and Development, putting that plan together and to say that the HOD shall not impede that is important. We need to keep that part in there. That was in the original plan that was developed, the original HOD document that was developed, the regulation and to pull that out now just to meet a new application that's being resubmitted is not acceptable.

To say that the Commission cannot have the authority to deny an application because it brings the level of service below Level of Service C, is another public health and safety issue that I think we need to look at long and hard. We've talked about that up here. We've heard a lot about that in the testimony.

It's something I think we need to take into consideration when we look at this application and this regulation.

Section 3-08.20 is the preservation of specimen trees. The removal of this is also contrary to what this Commission has been working on for the past many years.

The one thing I do think we need to do with this --- I do think we need to make one change to this regulation and pass it. I don't think that the changes that are proposed need to go in there, but I do think we need to add one piece of language into this which is Section, as proposed by the Town, which is 13-08.21 as proposed which is the control of the issuance of certificates of occupancy as it's written. Which is it applies to all other multifamily developments in the Town of Southington and basically, it requires --- it applies to multifamily complexes in the Town and permitted by Section 3-04.2 our regular regulation which says that it's intended to protect the safety of residents by insuring that the site plans and site improvements are completed and stabilized before full occupancy is allowed.

That just, again, I think may have been an oversight on the Commission's issue. We looked at this and we should have put that in originally when we approved this particular regulation. It's consistent with the regular, the other regulations we have and it adds to the health and safety of this.

Again, the HOD developments should be just as safe as any other subdivision or resubdivision that we have in this Town.

I think we've spent a lot of time looking at the application when it first came up. I don't think at this point we should be making spot changes to this regulation to fit a particular application. Text changes are across the board. The text change is for the Town of Southington and not just one particular piece.

And, that's my opinion at this point. I'm not in favor.

MR. SAUCIER: Mr. Chair, you know, I echo most of your comments, the majority of them. And, I'll even go back to some of the motions that we made while modifying the text change, the text changes in our September 4<sup>th</sup> meeting.

I haven't seen anything substantially change since our --- since the September 4<sup>th</sup> meeting that would require me to change the regulations that we put in place.

You know, example, the um, uh, the special permit use. I mean, it still stands. Necessary to protect substantial public interest and public health and safety as a special permit and site plan will assist the Commission is insuring that site

specific affordable housing development meet public health and safety concerns as Southington has a variety of land conditions throughout the Town.

I mean, I am not going to go through each one of the items other than to reference that each one of the proposed changes, the reasons for us to adopt them in the first place still stand. Nothing substantially has --- so I mean, I do refer our approval to the Minutes of the September 4<sup>th</sup> meeting for the reasons that you know, we should remain with what we approved on the 4<sup>th</sup>.

Now, I do slightly vary about Section 3-08.21. I think right now we just want to take a look at the zone change text that are presented to us, I mean, us as a Commission, we had the opportunity to go forward. I feel that all the proposed changes put forth to us do not, nothing substantially has changed.

So, rather than address our, what was proposed by staff in this area, I say we do not even add it. That we'll go ahead, rather than I would say approving a text change, I would go for a straight just denial of the application and leaving that one out.

That's just my opinion at this time.

THE CHAIR: Anybody else? No other comments?

MR. VACHON: That as very thorough. To the replies and in Mary's plan.

THE CHAIR: Mr. Sinclair?

MR. SINCLAIR: Mr. Chairman, you and Commissioner Saucier, I think were very succinct in what you said. Three months ago we spent a lot of time and burned a lot of midnight oil in one case literally, um, coming up with the text change we approved.

Nothing has changed in the last three months that would necessitate --- or I think really show a hardship why you couldn't go with the regulations that we passed.

So, I am not in favor of this.

MR. DELSANTO: Nothing more to say than I just echo the comments made by all three of you gentlemen. Good job, very good.

MS. KENNEDY DEL DEBBIO: Same thing.

THE CHAIR: Okay. All right. Attorney Smith, any comments at this point?

All set?

ATTORNEY SMITH: I guess the only question or clarification from --- this is obviously not binding on anybody, the only disagreement with whether to go forward, from the notes I was talking between whether to incorporate the proposed 3-08.21 or not. So, ---

THE CHAIR: My perspective is now, since we're in the process of doing and we have this in front of us, I'd like to --- just from a housekeeping perspective, I'd like to get it done and get it over with and have the regulation in order. Again, to have the regulation in order with the rest of our regulations in Town. Have the CO process consistent across all of our subdivisions and resubdivisions.

I'm not sure how the rest of the Commission feels about that. I know Commissioner Saucier has some concerns with that.

How does the rest of the Commission feel, in terms of direction?

Ms. DelDebbio?

MS. KENNEDY DEL DEBBIO: I was just wondering what would be the significance of the way Mr. --- Chairman Oshana said versus to put it in and get everything all set versus Mr. Saucier. Is there any significance? Other than just changing that one thing?

ATTORNEY SMITH: No, I mean that's it. It was brought up during the public hearing process so it's something that, I mean, and the applicant and the public all had an opportunity to comment on that particular provision. So, it's, it's one that you could choose to pass if you wish to do so. That's entirely up to you.

No significance other than whether I write it in or out.

THE CHAIR: If I'm not mistaken, if you wanted to go forward and make that change at some other point, a change to our zoning regulations, we would then have another public hearing.

ATTORNEY SMITH: That's correct.

THE CHAIR: So we would have another public hearing if we wished to make that addition at some point in the future.

MS. SAVAGE: And it would be another, another application I would then start over again and refer it out to the regional agencies and then any --- it would not apply until after the Commission ultimately considered it again.

MS. KENNEDY DEL DEBBIO: Well then it just makes sense to me to change it now.

Do you want a Motion?

EVERYONE: No. No, no.

MS. MICELI: I have a question.

THE CHAIR: Ms. Miceli?

MS. MICELI: Mary, wasn't um, what the Chairman is proposing --- you were in agreement with that, were you not, to take care of that housekeeping bit?

MS. SAVAGE: I do support it. That is language that was revised by the Commission just recently this summer with our comprehensive regulation revisions and it was discussed at that time and found to be appropriate because in the past evidently, there have been some problems with these private developments. The Town really essentially has no leverage to insure that all the site improvements are completed prior to final COs.

And, this just provides some leverage to the Town staff to say, okay, you're at 75% occupancy but now is the time to finish seeding the lawn and do the plays capes or the other site improvements. Otherwise, it's private property and as horrible as it may look, we have no real leverage as a municipality to affect any changes.

So, I do support it, whether it's now or in the future.

THE CHAIR: Mr. Saucier?

MR. SAUCIER: Yah, I just want to clarify. It's not that I am in opposition to the change. I believe it needs to be in there. My position and the question goes, looking at it as a motion, I mean, what we're doing is I am looking for a straight denial based on no substantial changes and everything else that we put in the record on September 4<sup>th</sup> versus an approval where one of the items we're approving is only the addition by the staff.

So, I mean, that's just it. Either one. One way I think it's still a good section of the regulations that we do need. So --- um, you know, I'm okay with it. If we wanted to act on it now, that would be fine.

MR. SINCLAIR: Mr. Chairman, I think we've gone through the process now --- we're now through the public hearing, why go back in six months to a year to go through all this again just to vote on it when it's in front of us right now. So, I'd be in favor of putting that in.

THE CHAIR: Okay.

(Pause)

All right. Is there any more comment that the Commission would like to bring up? Any other comments at this point?

(No response)

All right. Hearing none, I think we are looking for a table at this point.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

**9. Hillcrest Orchards**, 508-544 Meriden Waterbury Turnpike ZC #530.

THE CHAIR: This is the zone change, changing the zone from its current zone to the HOD.

Attorney Smith, any comments at this point you'd like to make?

ATTORNEY SMITH: No. This is the one as Ms. Savage said that you can take into consideration, I mean, it's a zone change. It's still a legislative function of this Commission. Now that we're into specifics with respect to the site as opposed to a text change, I would simply remind the Commission that you are still the finders of fact and in that regard if you find an expert of the applicant, the applicants themselves, experts that were hired by this Commission, by the Town to assist this commission or members of the public whether they have expertise or not, if you find those individuals, any of them credible and it has an impact on the decision, then you should state that, identify the people that you found credible.

And, if you found somebody who was not credible and it makes a big difference to you, then do that just so that we have that information to assist in drafting a motion on this.

Finally, as Ms. Savage said, you can take into consideration offsite traffic for a zone change. You cannot do it for a site plan or the earth excavation permit.

THE CHAIR: Thank you very much.

Ms. Savage, any comments at this point.

MS.SAVAGE: No. I would just refer the Commission back to my previous stipulations that pertain to traffic.

THE CHAIR: Ms. Cyr? Mr. Hilson?

(No response)

Okay. So again what we're here to do is have some deliberation and discussion regarding the change of zone from the current zone to the HOD. And, to give our Attorney Smith some direction in terms of drafting of a motion either for or against this particular proposal.

From my perspective, one of the things that I looked at in deliberating this particular one was the off site traffic considerations. Based on my knowledge of traffic in this area, you know, growing up in this Town and spending a lot of time in that area, I don't particularly feel that the traffic study was accurate. I don't think it reflects the true traffic of that area. I mean going in and spending time in that area and putting the strips across the road, I know that's the process of taking a traffic study, but when you actually see the realistic traffic in that area, day and night, particular times, um, I don't believe that the traffic study accurately reflects the traffic in that area.

It didn't also, additionally, it didn't take into account additional traffic from some recently approved applications that are coming forward. I mean, there's an application that was approved at the Southington Country Club that if and when that were to be developed would have a huge impact and that was not included in the traffic study that was put forward. And, was developed during the process of this application and could've been included, should have been included in the traffic studies and counts that were put forward in the build forward years.

As well as some of the other developments that have gone on in that area and are going on right now.

There are two entrances into this development that are proposed on the map right now. One of them is the main entrance off of 322 and the second one is off of Blatchley and Kiefer. Very close to each other. One of the things that, if my memory serves me correctly, the traffic expert from the applicant said that they didn't want was two entrances and exits off of the same road. These exits and entrances, I think if my --- again, are somewhere approximately 600' apart from each other. And, was something that was stated, I believe on the record, which was

what they did not want. Now, at least on the same road. Two entrances and exits on the same road that close to each other.

And, now these two entrances and exits, while they are separate named roads, one is an exit out of the facility and the second one is off of Blatchley, in my mind, those are two entrances and exits on the same road within 600' of each other.

When you look at that and you say, okay, I'm going to come out of the main entrance and if traffic starts backing up at the main entrance, I'm going to go out the other way, I don't see the difference between two entrances and exits on the same road.

Access off of Kiefer and Blatchley. You know, we've heard some issues on safety and access, public health and safety issues on that. There are no sidewalks on that road. Those streets weren't built for that type of traffic. I think we've seen something particularly interesting this evening from our Fire Chief who said that those roads aren't built for this type of traffic. I think that if you want to talk about a particularly credible witness, I think our Fire Chief is a particularly credible witness. He's been a public servant of the Town of Southington, public health and safety official for the Town of Southington and I can't think of somebody much more credible than --- on public health and safety issues than the Fire Chief of the Town of Southington. I thank him for his service.

Kiefer and Blatchley exit has to be able to handle emergency flows, emergency exit/entrance of traffic as if it were a main entrance. If the main entrance out of this facility were blocked by emergency vehicles, Kiefer and Blatchley would have to act as the main entrance and exit.

Everybody would have to exit, assuming a major facility incident would happen, that would be the major exit and entrance out of the facility. I feel that this would cause a public safety and health issue not only for the residents of Hillcrest Orchards, but the folks that live on Kiefer and Blatchley would be significantly negatively impacted by a public health and safety issue. All those cars coming out on that area trying to get out in a safety issue. I think that would cause a dramatic public health and safety issue.

I also believe as we saw with the initial application that was before us last time, people came forward and stated, and there were a lot of people on the record that came forward and stated, some of them are here this evening, that um, when things got busy on the current streets in that area, they used the --- I keep using the term, the cheater streets. They go up, they went up and around the back streets to get out and around to get out on to 322.

If the main entrance out of Hillcrest got busy, I think the same thing would end up happening. They would go out and go up Kiefer and Blatchley. So, the concept of, and I know the number went up from 5 to I think it was 10 going out on Kiefer and Blatchley, again, the credibility issue when you say what do you think is credible and what do you think is incredible, I think it is incredible that that 5 or 10 number going off Kiefer and Blatchley, I don't believe that number. I think that that testimony is incredible. I think that 5 or 10, 15 or 20, that is an incredible number. It's not accurate based on current conditions, current actual conditions of how people move around in that area just to get out on to 322.

And, the other thing is when --- it's just going to exacerbate itself. It's going to be a self-fulfilling prophecy of people trying to come out. Public health and safety issue, I can't get out of the main entrance, so I'm going to go out Kiefer and Blatchley. If I'm going to try to go up to the highway, I'm going to take that turn and I'm going to have to pass the main entrance. I am going to continue to add more traffic to that main entrance which is going to tie up the entrance/exit even further.

I don't, we heard tonight and I think Attorney Smith, you also raised the question a little bit further, the STC hasn't approved the activities for the sight line, haven't approved any of the offsite improvements nor has the dual process gone forward of even presenting it to them. So, the STC isn't even aware of this so we don't know where that process stands at this point.

The other thing is the emergency exits. To say on the plan that you have an emergency exit/entrance off of Rahlene Drive, uh, there is no emergency exit and entrance off of Rahlene Drive. That doesn't exit and that shouldn't be on this plan. I think that to say that you have an emergency/exit with a gate that the fire department or the police department can utilize, is inappropriate. It shouldn't be on this map because there is not one.

The school bus stop. This concerns me significantly. I think it's one of my major concerns of public health and safety. School bus stop at the turn around is going to develop in my opinion a major public health and safety issue. There was a gentleman this evening who got up and spoke about him being the bus stop on his neighborhood.

Commissioner DelDebbio stated she's the bus stop in her neighborhood. I've got the bus stop in front of my house in my neighborhood. Cars are going to go to the bus stop and they're going to park there regardless if the kids are at the bus shelter or they're sitting in the car.

You got, cars are going to line up around the turn around, down into the development, and then they're going to go down and around Kiefer and Blatchley because people are going to sit there and wait for their kids.

Somebody asked, are you going to drop off your kids and then leave? No. I see it on a daily basis. People sit there with their kids until the bus comes and then they all go.

And, then they are not going to turn around and drive through the development and go back to the main entrance. They're going to go down Kiefer and Blatchley to get out. And, that adds more to the incredibleness of the 5 or 10 going out of Kiefer and Blatchley. Which I don't believe that traffic study, those numbers are accurate.

So, there is going to be a vehicle on vehicle, vehicle on pedestrian safety issue up there of adults and children which I think is going to be a major public health and safety issue.

When you look at the traffic comparison and the impact of the zone change versus what was approved originally for that particular site, we're looking at a massive change. The numbers are quite telling. And, if I believe I have the numbers correct, I got the numbers from Mr. Hilson again, the daily ins and outs, if you look at the old development there were 156 daily ins/outs on the old one. This one brings that number up to 613. That's a massive change. That's a massive impact.

The morning outs were 21 under the old and that goes up to 80 on the counts, the initial counts. And, the pm ins were 21 and that goes up to 78. I think when you talk about impact, those numbers themselves have a major impact.

The items brought forth --- you want to talk about credible witnesses, I had a couple. There were a lot of very credible witnesses, people that got up and spoke that during the presentation. There were two that stuck out in my head in terms of some of the zone change issues. Mr. Kohl, Dereck Kohl brought up a series of issues at public --- a professional engineer. He got up and spoke about a series of engineering issues.

A gentleman by the name of Mr. Farcas who was a former Meriden police officer, public safety official in the Town of Meriden, spoke, they both spoke about traffic issues and other public health and safety issues. I felt they were compelling in their arguments.

I don't think that the --- well, two other credible witnesses I'm going to mention now and I'll mention them again. I think in terms of some of the other items that were brought up in terms of public health and safety, I think one of them is in the

audience right now. Mary Ellen Hobson I thought brought up some very compelling arguments both in traffic, safety and some things that came up on one of the other applications in front of us as well as --- I hope I am pronouncing her name right --- Anne Halleck brought up some very important issue, also. I think they were very compelling.

And, lastly, I'd say Fire Chief McDonough. I think again as compelling argument, I can't imagine anybody more compelling than him.

Those are my opinions.

Mr. Saucier?

MR. SAUCIER: Yah. You know, just to echo a lot of your comments and I'm not going to repeat them because I agree with them all, but really, I just want to highlight on a couple of points here.

One is um, one of the reasons why we denied it was insufficient access to the site. By the applicant's own um, testimony in the original application, they said, no, we don't want to use the other area of this site to go out because then we're going to be dumping items on to 322. And, yes, we're going out of Kiefer, out of Rahlene, but where does that empty? It doesn't empty anywhere else but 322 and it is about roughly 600', so we are dealing with two entrances right around the same area, which I don't think, would provide adequate access to the site.

Additionally, you know, coming out on Kiefer and Rahlene, we're not coming out a second entrance out on a feeder or major artery here. We're going out on what was described here as a local street. Okay?

So, we're taking the traffic and we're coming out on one artery but we're only coming out next on the Oak Street, so we really have entrances coming out the one area.

A comment was made about what's the zone it. It's zoned R-20/25, so therefore Kiefer and Rahlene can't support Ro-20/25. We are discussing a HOD, which is not R-20/25. And, one of the items we looked at here is that these zones and these streets are constructed to meet the zone at that time. And, I still feel that Kiefer and Rahlene, based on testimony we've heard from our Fire Chief and our traffic engineer, is it can't support that level for the HOD. We are changing the zone. This is no longer -- will not longer be an R-20/25. It would be an HOD.

And, finally, and it is important to note that you know, when we talk about --- when Mr. Hilson's asking for the overlays and the templates, and the areas, and we get the comments from

the applicant saying, we will do what we can to rectify that situation. Mr. Hilson made a good point. We don't know what that is. We don't even know if it's physically possible to make the adjustments to those streets to accommodate the fire apparatus. We don't know that because we requested that information and the information was not provided to us. We are taking it on the word that they will do everything their power to make sure that that apparatus can get down that street. We don't know if that's practically possible because we don't have the data to support that. I mean, that's a key point on my area.

For that, that's pretty much what I have to say on this.

MR. DELSANTO: My take, obviously, public safety. Everything you said, plus. But most importantly Fire Chief, Officer Mullins, who is in charge, you know, traffic expert said basically, traffic safety expert in Town, um, and what Pat was saying with regards to Mr. Hilson requesting that information and them not coming forward with that information that's so important. So important for safety to make certain, God forbid, one of these buildings goes up and we can't get --- we, meaning the fire fighters, not me, but fire fighters can't get to this property to put the fire out because they didn't know that that apparatus can't get down that street.

That's enough for me.

MR. SAUCIER: Mr. Chairman, I need to make one correction. I may have said Rahlene and I meant the Kiefer and Blatchley. Just one correction.

THE CHAIR: Mr. Sinclair?

MR. SINCLAIR: I'd like to echo the three of your comments. Chief McDonough saying that that road might not be able to handle emergency vehicles in there, I take great exception to that. That's a situation that this commission can't allow. Just can't allow it.

Mr. Farcas, when it came to the traffic on that road. The fact that the applicant has not been forthcoming with information we would need to make a proper decision.

And, you were also right, I doubt the credibility of the traffic study. I have occasion to be on or in that area of Town quite often and to say that everybody was going to basically go up to 691 and jump on the highway, more or less, through the main entrance, I don't believe that would happen.

You're going to have a back up at the main entrance and they'll try to take a side street, like you said, a cheater street. And, then if you are in that area of Town and it's

faster, I believe, just to go down, straight to 84 as opposed to 691 and hit what is right now currently Waterbury traffic. And, construction.

So, I just want to echo your comments and add that one part.

THE CHAIR: Ms. DelDebbio?

MS. KENNEDY DEL DEBBIO: I just wanted to touch on what you were saying about the public health and safety of the bus stop area. Once again, I just wanted to, you know, if you have a visual of um, people are --- sorry.

If um, you know, people are waiting for the kids to be dropped off from the bus, so you have Kiefer Road, which is a narrow road. Even if they make changes to it, you have cars waiting there for the bus stop on either side of the road.

And, then if you have the bus coming through you need an emergency vehicle coming through on top of cars on either side of the road waiting for drop off and pick up from the school, I just, I can't see how that street is going to support this.

THE CHAIR: You know, I think regardless of what type application --- any application that comes in front of us and I've said this over and over, it's our job to you know, safe, proper and orderly development is our job. Safety always comes first. Regardless of what it is, safety comes first.

Anybody else?

MR. VACHON: I just echo your ---

You go first and knock off the big ones. But if you're on a school bus and uh, I do the same thing with my kids. Everyone waits. And, you're in the school bus's way, so on that, round about or dead end, you will probably because people are people, you'll stagger yourselves on there and up the street. Now you're in the buses way and the bus is in your way.

And, um, Mr. Hilson had a good comment about we can, during the zone change, you know, look at off site improvements. Um, if you don't have some of the right of ways, then you might not be able to do them without --- like I said, right of ways, if you can't them, you can't modify it.

And, then mapping, I mean, if I were --- I'm an engineer, a professional engineer. If I have to, I had something this big coming up, it wouldn't be that tough to take a tape measure out, walk down the street, measure it in six spots, you know, we've done silly things in work like cut out big pieces of cardboard

and see how they're going to fit around the factory once you put in a piece of equipment.

You can do that pretty easily. There's no reason why --- they should have had that. That was my last one.

And, the roads, like Councilman (sic) Saucier said. They're built in the World War II age and to accommodate the 20/25 zone. And, actually today, they would still, you know, cars are bigger, people have more cars, they still wouldn't too bad if it was still R20/25 traffic.

But to go to a normal, you know, something this big, if you ere to design it from scratch you would have, you know, four lanes going in and out. One eight degrees apart. Just, it's just, doesn't fit. Like a square peg in a round hole, unfortunately.

ATTORNEY SMITH: Mr. Chairman, I was busy writing notes and I want to make sure I got one of your statements that I may have missed which was you said that it's something that should have been provided. Was that the same point that Mr. Dereck Kohl was making when he said ---

MR. VACHON: Yes, and Mr. Hilson said it, too. The mapping, we requested that. The modeling.

ATTORNEY SMITH: Okay, thank you.

MR. VACHON: You could have got 90 percent if you couldn't have got 100.0. You could have got 90 percent.

MR. DELSANTO: Attorney Smith brings up a valid point. I'm not an engineer, okay. But, I've you know, sat at a lot of these meetings and if what he's saying is correct, I don't know to look at a map and say numbers are off and you know, sewer grates are off a foot, like he was talking about. If he's picking up on those things, I'm sure our staff is going to be picking up on those things, as well. It just goes back to public safety. If you're going to have flooded roads and the infrastructure is wrong from the get-go, we're going to have problems. And, where are those people going to go? Tony's office.

MR. TRANQUILLO: Thank you.

MR. DELSANTO: The first time their road floods.

THE CHAIR: It all starts here.

Anybody else?

(End of Tape #3, Side B)

MR. DELSANTO: Motion to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

**10. Hillcrest Orchards**, 508-544 Meriden Waterbury Turnpike  
EE #121.

(Beginning of Tape #4, Side A)

(Continuing)

ATTORNEY SMITH: --- site evaluation that you're going to be doing with both this application and with the site plan itself. So, you can't really talk about now off site impacts. You can talk about impacts that may or may not be present for approval or deny. You need to state those and stay within the framework of those two types of permits.

MS. SAVAGE: I have no comments beyond my previously submitted recommendations for stipulations.

THE CHAIR: Ms. Cyr?

MS. CYR: I agree with Mary's stipulations and other than that, I have no comments.

THE CHAIR: Mr. Hilson?

MR. HILSON: No comments other than the sight line issues.

THE CHAIR: Okay. I think from the earth excavation perspective you know, we look at this and say, the earth excavation obviously has to do with the other applications that are in front of us this evening.

You know, there was one particular item --- there's some outstanding engineering issues, I think that from an environmental side of things, they work quite well with GZA in response to the issues at hand.

I guess my question here is, and the direction that we're looking at here would an earth excavation be appropriate? Um, if a zone text amendment, let's say, or a zone change isn't appropriate.

Attorney Smith?

ATTORNEY SMITH: Well, I think it's more, the question is, if you're, the direction seems to be that you are not looking favorably on the HOD zone, I was able to gather to that.

(Chuckles/comments)

MR. DELSANTO: What gave it away?

(Chuckles)

ATTORNEY SMITH: But I think it's also more incumbent to think of it in the context of the site plan because now this is specifically on this property. The earth excavation is driven, I mean, the two work together. The site plan and the earth excavation. So you might want to, maybe you want to discuss both at the same time rather than try to take one, sort of in a vacuum.

THE CHAIR: Are we able to do that at this point? Can we open both up at the same time?

ATTORNEY SMITH: Yah, you can open both up for purposes of this, yes.

THE CHAIR: Then I think then why don't we do that? Why don't we open up discussion on item 11.

**11. Hillcrest Orchards, 508-544 Meriden Waterbury Turnpike SPR 1485.**

That is the site plan for Hillcrest Orchards, 408-544 Meriden Waterbury Turnpike.

And, again, I think from a comments perspective you're all set?

ATTORNEY SMITH: Yes.

THE CHAIR: Ms. Savage, you're all set?

Ms. Cyr?

Mr. Hilson?

(Nodding in agreement)

From a site plan perspective, a lot of the comments and issues at least I made on the zone change, I'd like to incorporate into this.

You know, the other issue that came up and was discussed tonight or a big issue is the site plan itself based on what

we're looking at this evening, the site plan doesn't meet the HOD regulation. And, it's difficult to pass a site plan when it doesn't meet the regulation. That was one of the issues that we looked at last time. The site plan doesn't meet the regulation this time.

From a regulatory perspective, you can't pass a site plan if it doesn't meet the regulation. This site plan doesn't meet the regulation.

There is the issue of the 40' setback off the road. There is a --- there are a series of roads inside of this development. I guess there was a comment made this evening that you know, well, I wish this was brought up earlier and we could've addressed. I think this from Ms. Savage's point of view, this was actually part of the initial proposal back when it was initially brought up and it was part of the initial resubmission that was brought up. To say that it was a last minute issue, I think is an invalid point. This has been on the site plan from day one. And, so therefore, it doesn't meet the particular amendment, the particular initial zone, the text that's on the books now and that was originally proposed by the applicant that this Commission reviewed, modified and approved and it is now on the books. Obviously, it still doesn't pass based on the amendment that we're looking at this evening.

Again from a review perspective, we had some folks that spoke over the last several meetings. Ms. Hobson, Mary Ellen Hobson, Anne Halleck, I think the discussions that came forward from Mr. Kohl in terms of his professional engineering background and the items he raised on site plan concerns, um, in terms of there are some water related issues, some site plan related issues, um, again the traffic, the on-site traffic related issue.

There's a series of things from a site plan perspective that I think when you start looking at this application from a public health and safety issue, are very concerning to me.

ATTORNEY SMITH: I just want to remind the Commission that especially in a situation with a site plan where this is the affordable housing development that's being considered as opposed to an overall zone, that you also although I will map out based on the comments that you've made in the earlier discussions of the other applications, that if you are in a --- as the Chairman suggested he's not in favor of the site plan, that you explain how the public interests of health and safety outweigh the need for affordable housing in this particular instance. You know, on this site and whether or not reasonable changes can be made to it.

So then if you reach the decision that it does outweigh the need for affordable housing and there cannot be reasonable changes, then you have a reason to deny.

If you say well, it doesn't outweigh the need for affordable housing or reasonable changes can be made to it that will make it work, then you would have to approve it.

So, you need to analyze that and offer, direct me on how you want to go on those issues, as well.

THE CHAIR: Specifics. Any other comments at this point?

Mr. Saucier?

MR. SAUCIER: Again, I'd like to echo, you know, does not conform to the HOD, but one of the items where we looked at the site plan last time that really hasn't been addressed was the storm water management area which is now number two, I believe, here.

When we take a look at this, we're still seeing that all this information --- yah, it's area two now. Is that we're, yes, the topography does accumulate the water into that area but not through impervious means. We're talking that we're still draining off to an abutting property area. You know, its one thing to have the topography to go to a certain area and drain off to, you know, let's say your neighbor's yard or my neighbor's coming off to mine. But when a whole area of a neighbor is accumulated, put into that area, and then discharged on a neighbor's area, I just think that is going to be excessive. We're going to really start impacting um, you know, the health and safety of the abutting property owners. With water comes other issues. Other health issues, et cetera.

So, I really don't see any change in the plan for that. You know, we're still draining out of that area.

Another item we really talked about last time this came up and while there's been change, I don't think there has been a significant change to the plan is the play area. The playground. It is, you know, anybody can take a 10 by 100 piece of property and make fifty of those or 100 of those and come up with the actual required number. But the way this is --- the way these are laid out, it's laid out at the convenience, of course, of the development versus the safety of the children.

So you really have a safety issue here with whomever. I mean, we all say children because hey, it's children who are out playing, but there's also passive recreation for adults. I mean, people want to walk. They want to walk their animals. They want to get out for exercise. Um, you know, hey, we do play sports.

So there is no way to get to these continuous places and they don't appear to be adequate to support what they're meant for. Some of them are right up against the storm water areas, detention ponds.

So, I mean, to me, right there that's a safety risk. Okay?

I about a water area, okay? I'm constantly chasing kids out of that area. They're out there hunting frogs and whatnot. So, here is we're playing a playscape next to a potential danger in the area or play area. So, I really think that this just does not fit with the site plan.

THE CHAIR: That's actually a very good point because when you look at where the play areas are, we have them stuck in between particular areas as opposed to an actual play area. I think it sort of, it doesn't really meet the spirit of what we're trying to do here.

There was a discussion of the, I think it was 40-some odd percent of the property is being unused. I forget the number that was mentioned -- earlier. Um, --

MS. MICELI: It was 44 percent.

THE CHAIR: Yah, 44 percent of the site is unused. But when you look at the site, you know, that's all storm water detention areas, it's wetlands and area that can't be used.

You've got play areas that are shoved in between condominiums in people's backyards and all and you really, if you want to play baseball, I know ---

MR. VACHON: Break some windows.

THE CHAIR: ---you're going to break some windows.

So, it really does not go towards that concept of what a play area really should be.

Commissioner DelSanto?

MR. DELSANTO: And, to that end, to Pat's end, if the children don't have enough area ---

THE CHAIR: Where are they going to go?

MR. DELSANTO: They're going to be, you know, especially to speak to Mrs. Olson and Mrs. McCabe who got up and those folks are directly effected by this application because their

properties are right there. Their backyards are these folks backyards. This application's backyard.

So, she makes a point. I mean, kids, it all goes back to kids. We were all kids. If you're not going to have enough space to play on your own property, where are you going to go? You're going to go on to other's people's property and you're going to have vandalism, you're going to have problems. It goes back to public safety.

MR. SAUCIER: And, again, I --- I'm sorry? You were done?

MR. DELSANTO: That was it.

MR. SAUCIER: Okay.

We're back to the vehicular access to this site. I mean, we've heard over by our hired engineers, our public safety fire chief, even the police have said, look, this is just not going to dump out in the right area. So the reasons stated there for the ---the HOD, the text amendment, still apply here on the site.

And, really, I can't say it any clearer other than what was --- reading from the September 4<sup>th</sup> Minutes on why we denied the site plan because it does not conform to the HOD and I think that still applies. There is nothing that really has substantially changed in our deliberation.

THE CHAIR: Yah, on site traffic flows. We've got the issue of the turn around over at or on Kiefer. The on site traffic, buses having to come in and out. I don't think and correct me if I'm wrong, Ms. Savage, I don't know, have we gotten approval from the BOE that a bus will go in that turn around if it's not Town?

MS. SAVAGE: The applicant did submit a letter from Mr. Cox stating that the school bus would go and pick up children there. And, that is what was the impetus to shift staff's opinion. We were already wrestling with the snowplow issue.

THE CHAIR: So, they'll go in there. So at this point, you have traffic coming in and around that particular area and when you start talking about turn arounds, I know we had a professional speak this evening about turn arounds coming about in Connecticut that there are some towns that like them and some towns don't. And, we've got our first here in Town. We haven't seen them. We haven't worked with them before.

You know, it's an interesting set up. I know that our --- Mr.Hilson had some concerns with the upper one and we worked that around but we haven't worked this one around where the majority of traffic is going to be with cars sitting there with children. I think we have some vehicular issues and traffic issues and

movement issues on site right there to take a look at for public health and safety concerns and issues.

And, that one is the one where the kids are going to be and the cars are going to be lining up and they're going to be all backed up.

MR. VACHON: Can a bus get around that circle with the island in there? Make a K-turn?

MS. SAVAGE: We don't have a turning radius. I am not qualified to answer that with the material that I have.

MR. VACHON: They usually make a K-turn. I live on a cul de sac and they make a K-turn. You have to move, it doesn't make one full. Whether the circle is too, wasn't made right but the bus comes on my street the full-length bus and they do a K-turn.

ATTORNEY SMITH: Can I follow up? I just want to clarify one point that Mr. Saucier made. I think he referred to, in my notes, saying that the same reasons for the denial of the site plan is the text change. You mean the text change or the zone change? The change from HOD to ---

MR. SAUCIER: No. It was uh, um, the zone change. I stand corrected.

ATTORNEY SMITH: Okay, so are what you saying when you say it's being denied because it doesn't conform to the HOD zone that you have for all the public health and safety reasons you were saying beforehand. Even if you're not saying ---

MR. SAUCIER: Well, there were two of those. There were two statements there. One was that um, the site plan does not conform to the HOD and that is the same reasons stand from the September 4<sup>th</sup> Minutes where, I mean, I can read these, but I think I'll just refer to them here.

The other was as far as the vehicular traffic. And, the reasons stand regarding vehicular traffic as we did with the zone change. Okay?

ATTORNEY SMITH: Okay.

MR. SAUCIER: And, I also have one other item. I think the plans are insufficient. I think the landscaping is inadequate. We do have quite of bit areas --- once we approve this, it's approved. Okay?

And, it then becomes the argument of, wait a minute, you approved a plan that has two trees. We said we'd work with you

but the plan says two trees. We're going to put two trees when 20 is required.

So, I really think in --- and that's just one piece of a lot of other areas. Once it's approved, it's approved. I mean, and I know how it works.

Look! Two trees. That's what I put. That's what the plan said. That's what was approved. So, I also think the plans submitted are just inadequate for our staff to truly recognize the impact with the --- to sound repetitive, public health and safety. And, find out that we have adequate buffers. We have adequate vegetation that'll protect the abutting property owners, et cetera.

So, to me, I think the plan is insufficient.

THE CHAIR: Any other comments?

(Pause)

All right. I think at this point we've covered a series of issues.

MR. DELSANTO: Table those last two?

THE CHAIR: Yah, I think what I'd like to do with these and some others, I know we've heard some additional information this evening and last time we addressed this issue we also put some additional thoughts and comments down on paper and were to get those to Attorney Smith. So, I think what we can do over the next couple of days, if we can, if any other issues come up from our review and our additional review of the documents from prior meetings, why don't we forward them on to Ms. Savage and get them forwarded on to Attorney Smith in terms of other issues, items, we'd like to review and forward on. Okay?

ATTORNEY SMITH: And, once again, I will prepare motions based on what I understand from tonight's deliberations and also with respect to whatever may be provided individually and when we get to the meeting where you are actually going to vote, you need to have a collective decision of whatever it is.

So, if you disagree internally about something, it wouldn't become a collective decision. So you have to agree on the ultimate resolution. You can either accept what, as I said before, accept what we draft, change it or scrap it and start over. It's your decision. We're just Scribner's trying to identify what your reasons are.

THE CHAIR: And, there'll be some drafts that we can review in advance.

Okay. We're looking for a table for Item 10.

MR. SINCLAIR: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: And, Item 11? SPR, we're looking for a table.

MR. SAUCIER: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

**12. ZA #531, Adoption of digital mapping**

MS. SAVAGE: I have three revisions that were brought to my attention by Mr. Bovino, which I agree with, and I have to make on the map. And, otherwise, we're okay for action. So, I would recommend approval acknowledging those three revisions.

MR. DELSANTO: Move to approve with the three revisions.

MR. SINCLAIR: Second.

(Motion passed 6\* to 0 on a roll call vote.)

(\*Ms. Miceli left the room momentarily during the vote.)

**13. Woodruff Street Associates, 137 Woodruff Street S #1245.**

THE CHAIR: We will take just a moment while we clear the room.

(Attorney Smith, Ms. Cyr and Mr. Hilson left the meeting at this time.)

(Ms. Miceli re-entered the room.)

(Pause, pause, pause)

THE CHAIR: Okay, again, we're Item 13. Woodruff Street Associates, 137 Woodruff Street S #1245

Ms. Savage?

MS. SAVAGE: Thank you, Mr. Chair. Before us tonight is consideration of the revised site plan for 137 Woodruff Street. Just very --- subdivision.

Just a brief background. This Commission was before --- this subdivision was before the Commission previously. It was approved with conditions at the March 20<sup>th</sup> meeting. Subsequent to your approval, there was an appeal.

The application went to court. During that process a revised layout was designed. It was presented to the Commission in executive session as a concept for your consideration. The Commission approved on that --- approved that concept plan believing that it was a better design than the original design.

At that point, we reported back to court and court directed the applicant to move forward with the full design plans.

We now have those. Staff has reviewed those. The Assistant Planner, on behalf of Wetlands, the Town Engineer and myself.

Speaking for the planning department, we believe that this is a significantly improved application. There is less impacts and disturbances. Staff would, if this had been the original design, staff would've been supportive of it at the outset.

There was a couple minor mapping comments raised by Mr. Tranquillo earlier with regard to the map, which I believe were brought to Mr. Bovino's attention.

But aside from that, we are supportive of this and I will turn it over to Mr. Tranquillo.

MR. TRANQUILLO: Yes, I did a checklist on this revised plan dated September 14, 2007. And, I spoke to Mr. Bovino this afternoon, late in the day, and there's three --- actually two minor items and one substantial item that the Commission has to address this evening.

The first is Sction7-01.6 of the subdivision regulations and that regulation says that whenever you have a "T" intersection on opposite sides of the street, that the two centerlines must be at least 150' apart. Because we shifted this roadway or the applicant shifted the roadway westerly, about 100', it no longer meets that requirement. The separating distance between Marcy Drive and this new street is approximately 100'. It's my recommendation that if you are inclined to approve this, that you should first waive that requirement. If you think that's appropriate.

The second issue is a fairly minor issue. The existing house on the property, a note should be included on the plan that

it shall be tied to public sewer and public water. I believe it is already shown being tied into sewer but not water. But it wouldn't hurt to have that note on the plan that existing house has to have both utilities.

And, Number 15, just an indication that there's a 12" sanitary sewer main in Woodruff Street. It's not completely clear in this conflict on some of the plans as to what the size is and that's important for the contractor to know what the size of that main is.

As I indicate, two minor items and one item that you should consider for waiver.

ATTORNEY SCIOTA: The waiver, of course, would come first.

MR. BOVINO: Mr. Chairman, Commission members, Planner with Kratzert, Jones. With me tonight is Tony Denorfia, attorney for the applicant.

In regard to Tony Tranquillo's comments, I just want to submit to the record evidence that the house is tied to the sewer. Tony, this is the tie that I was telling you today.

And, the other evidence is that the house is tied to the public water, also, with 1" copper service. So, there's no need of a stipulation. It's on the map and that's the record there.

And, regarding the pipe size, we'll be glad to indicate the pipe size other places on the plans. Tony would like to see them on the Plan & Profile and the Grading Plan.

THE CHAIR: That satisfies your two issues, Tony?

MR. TRANQUILLO: The cards he just handed in satisfy Item 11. There's still the Item 15. To add a note about the 15" and correct the mistake on the Plan & Profile.

THE CHAIR: So we have in front of us a subdivision application.

MR. SAUCIER: Mr. Chairman, I would like to make a motion to waive the 150' requirement per Section 7-01-06.

MR. DELSANTO: Second.

ATTORNEY SCIOTA: To approximately 100'.

MR. SAUCIER: To approximately 100' for this application.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

MR. TRANQUILLO: Before the Commission considers a vote, I just want to alert you that there is a note on the subdivision plan that says that portions of the road where they intersect Woodruff will flood on occasion. That's just a warning to the residents, so they're made aware of that.

And, secondly, the new flood computations show that they're providing two times the required storage for the 100-year storm. That more than meets our requirement.

This also meets the minimum square regulation that we recently passed and the natural resources regulation that we recently passed. It meets both of those.

MR. SINCLAIR: Two questions. Number one, concerning in the flooding on the road, will emergency vehicles still be able to access that specific subdivision?

MR. TRANQUILLO: Well, if they cannot access for some reason, they'll find ways in. They'll walk in, if they need to.

MR. SINCLAIR: So, it won't become down to a safety issue.

MR. TRANQUILLO: A fire truck could go through the floodwaters because the floodwaters there are about 1.5 foot deep. So, they could still drive through a fire engine.

But police cars and ambulances might have problems. If necessary, they would call a fire truck out to get the people and to fight the fire.

MR. SAUCIER: Mr. Chair, I'd like to make a motion that we approve this subdivision with, I guess the one remaining stipulation, that the sanitary sewer be correctly added to the plans.

MS. SAVAGE: And, the profile sheets be revised.

MR. SAUCIER: And, the profile sheets be revised.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

**14. Mandatory Referral #423** - realignment of Hart Street in conjunction with the Northstar Development.

ATTORNEY SCIOTA: Mr. Chairman, there is a map coming around from my side of the table which is going to show an 8-24

referral from the Town Council to this Board. You're very familiar with it. It has to do with the North Star development where they're going to relocate Hart Street to the North.

Take a look at the map and if you have any questions, I'll be happy to answer them.

Technically, you've already approved of this when you did the site plan plus the off site improvements. This is a technicality since the State of Connecticut is giving money to the Town of Southington.

THE CHAIR: It's a fantastic move. It's something that should be done right away.

MR. DELSANTO: I send back a favorable 8-24 for this application.

MR. SINCLAIR: Second that.

(Motion passed 7 to 0 on a roll call vote.)

**15. Monarch Estates Subdivision - Request for extension S #1180.**

MS. SAVAGE: Staff suggests one year. They were approved. They're currently, they received one 1-year extension for the subdivision approval. That expires tomorrow. They are on the cusp of being ready to have their roadway improvements, but not quite there. So, we suggest an extension is appropriate and the applicant just left, but he did agree to it.

MR. DELSANTO: I'll make a motion to grant an extension for one year.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

**16. Request for 410,000 bond in lieu of Site Plan Compliance, Walmart Canopy SPR #1210.3.**

MS. SAVAGE: This is actually for setting a bond in lieu of. It's not release.

ATTORNEY SCIOTA: bond in lieu of site plan compliance.

MS. SAVAGE: They would like their CO.

ATTORNEY SCIOTA: Is this for 90 days, Mary/

MS. SAVAGE: Um --

MR. TRANQUILLO: They may have to go longer than that, but all we can give them is 90 days.

ATTORNEY SCIOTA: They want a full 90 days?

MR. DELSANTO: So moved, 90 days.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

**17. Request for reduction of E & S Bond** from \$6,200 to a new amount of \$1,500, Old Cedar Estates S #1222.

MS. SAVAGE: Staff supports this.

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

**18. Request for acceptance of 550 feet of roadway,** Lombardo Court, cornfield Estates, pending receipt of a maintenance bond in the amount of \$37,600.00 S #1217.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

**19. Request for acceptance of 885 feet of roadway, Weiss Way,** and 950 feet of roadway, Silver Oak Circle, vintage Estates, pending receipt of a maintenance bond in the amount of \$98,600.00 S #1233.

FROM THE AUDIENCE: I'd like to speak on this issue?

ATTORNEY SCIOTA: Chairman's discretion.

THE CHAIR: Come on up, state your name and address for the record.

DAVID SHRAKE: 1119 Meriden Avenue. I know this is normally just a housekeeping issue with you guys, but since Vintage Estates has gone in behind my house and a couple of neighbors' houses, the owner, Mr. Reinheimer (sic) and the Vintage Estates has worked together with us and spent several thousand dollars trying to rectify the water that accumulates from the wetlands.

There's about 15 acres of wetlands --- well, 15 acre in that subdivision that goes into a point that dries behind my garage. In other words, it all filters down into a stream that goes behind my garage and into lower wetlands.

He has helped me so far by putting in fabric and making a swale, but since he's done that, I'm concerned about the erosion in that swale. And, I would just like the Town --- I know there's maintenance bond, and I don't know how long this lasts, maybe a year before it gets released. I'm not sure, Tony?

ATTORNEY SCIOTA: The maintenance bond is for 18 months but this won't cover that though. This is an E & S bond.

MR. TRANQUILLO: This is in essence a drainage complaint. It is not an issue for a maintenance bond, that wouldn't cover this.

MR. SHRAKE: It's not even really a complaint because he has been helping me. He has been working, we've been working together. I'm just concerned in the future when he gets to get the rest of the bond released ---

ATTORNEY SCIOTA: This would not cover that. This is simply for public improvement, the road itself. If something happens in the next 18 months, the engineering and the planning department, if the owner does not correct it, we could pull the bond to do that.

This wouldn't have anything to do with the offsite drainage you are talking about.

MR. TRANQUILLO: Mr. Shrake has dealt with my office on this issue with Jim Grappone. And, the result of all that was modify the outlet structure of the detention pond, throttle back the flow even more than it was before.

Mr. Reinhart has been very cooperative in doing that work and not really arguing about it. I think he's gone about as far as he can. I mean, that water always come down through the Reinhart subdivision and into the Shrake area. I remember that area on Meriden Avenue being a very wet area when it was subdivided back about 10 or 11 years ago.

There was always a watercourse through that area. And, the applicant has really fulfilled his requirement for ZIRO. I am not sure what else we can do here, as the Town. I don't think we can do anything further.

And, Mr. Shrake indicates that Mr. Reinhart has been very cooperative with him.

MR. SHRAKE: He has. And, there is no question about it. I've submitted an outside engineering firm's suggestions on problems if they happen in the future.

My problem now is there hasn't been enough flow, there hasn't been enough precipitation in the past 4 or 5 months to really test what has been done. We've had very little rain in the past 3 or 4 months. So my concern is it already shows erosion now. Okay?

And, another year from now, I'm concerned that it's going to be much deeper erosion than was ever gone through there before.

Tony says it's always been a watercourse. It has. There's always been 20 acres of wooded wetlands up there to stop the water flow, which are now homes. And, now they're going into detention and they're being released theoretically slowly enough according to the calculations to not be an increase of what was in my flow before. I've lived there 6 years before he started is project and the flow is unbelievable.

He's tried to mitigate it by trying to get it into a watercourse so it doesn't flood both of our neighbors' lawns. It used to slow down a lot more by the woods being --- which is nature. That's normal.

But right now it flows through there pretty good. It goes down through the swale that he built and it's starting to make a stream. It's down to the rocks. It's gone through the swale we built and put the grass in and now I have a rock stream going through there which is about this wide.

They put in the restrictor maybe a month ago. I'm not sure exactly, 6 weeks or 2 months ago. It has worked a little. But there hasn't been enough rain to really make sure that it's going to work.

I'm concerned about the future.

THE CHAIR: Correct me if I'm wrong, but I think this particular item is not going to have an impact on that activity.

ATTORNEY SCIOTA: Like I said before, this is a maintenance bond for the roadway which means if the roadway, curbing and tarred area and the detention basin in the roadway has a defect in the next 18 months, this is what this is for.

We're accepting the roadway as ownership to the Town of Southington and the maintenance bond is to correct any defects in the next 18 months.

If he has already worked with the engineering department and they've gone as far as they can go, I'm not sure what this Board or the Town can do for the gentleman.

THE CHAIR: At this point, you're working with Mr. Reinhart to look at this and deal with this issue as things are going forward.

MR. SHRAKE: So, there is no bonding on this, at all? Before you release this bond, there's no bonding ---

THE CHAIR: This bond is separate and distinct from the issue that you're talking about.

MR. SHRAKE: It doesn't have anything to do with the detention, the bond? The structure and the detention?

ATTORNEY SCIOTA: The original subdivision would have had public improvement and erosion and sedimentation control bonding. Those may have been released by this time. I'm not sure of the status of those.

And, I'm not even sure what you're talking about would be covered under the E & S bonds in the first place. Like I said, this particular section of the Agenda that we're on right now has nothing to do with that. So, they would take action on this.

If you're asking about the status of other bonds you could see Tony or Mary and ask them about the E & S and the P I bonds. I don't know the status of those, whether they're released, or not.

MS. SAVAGE: I would have to check. You could call me tomorrow and I could look in the file.

MR. SHRAKE: So, they could already be released and I have no recourse but to work with ---

ATTORNEY SCIOTA: Even if they're not released, what you're saying may not be relevant upon that particular bond. But the first question would be --- I don't know enough about the situation, but if the bonds are still in place, if this has something to do with those bonds, yes, there would be a recourse.

But that's only if the property owner is not being cooperative. That doesn't seem to be the issue here. We don't pull bonds when the property owner is cooperative.

MR. SHRAKE: I understand that. What I'm asking you is those bonds are different than what we're talking about here.

ATTORNEY SCIOTA: Absolutely.

MR. SHRAKE: Those are detention bonds, those are the watercourse bonds. Well, they would know if they're released or not.

Are they released, the other bonds besides this bond?

FROM THE AUDIENCE: Partially.

THE CHAIR: I think what we could do is we could check. Tomorrow why don't you give Mary Savage a call at the office? We can check on what the status of those bonds are and then we'll have an answer from the Town as to where we stand with the bonding.

I think the one good part about this process right now is that working with Mr. Reinhart, there is some cooperation going on to deal with this issue.

MR. SHRAKE: There absolutely is. And, I'm just concerned about the future.

Ed has done everything he can. But he doesn't know what the weather is going to do. He doesn't know how it is going to affect my property.

THE CHAIR: So, let's see where we stand at this point. Mary's giving you the phone number. Give a call tomorrow and see the status of the E & S bond and the P I bond and then I think at that point we can talk and figure out the next steps there are going forward.

MR. SHRAKE: Okay, thank you.

THE CHAIR: Okay? Yah, give a call in the morning.

MR. SHRAKE: I waited all night to say this?

(Laughter, laughter)

THE CHAIR: I'm sorry. I wish we knew earlier. We may have could have done this a little bit earlier.

Okay.

MR. SINCLAIR: Motion to approve.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

#### ITEMS TO SCHEDULE FOR PUBLIC HEARING

MS. SAVAGE: I have none.

#### ADMINISTRATIVE REPROTS

##### 1. Renaissance Commons

MS. SAVAGE: I have two very brief items. I just want to state that I did include a letter for you addressing the Renaissance Commons questions.

I also would like to report out just briefly I had complaints about a sign that was removed at Hollywood Video. The no left turn out. That sign has been reinstalled.

I've only seen it from the roadway, so I haven't actually looked at the face of it. I'll have to look at the face of it. I know engineering was working with them about --- Jim Grappone was working with them about what the sign should say.

And, also with regard to the Staples Plaza, I have a letter and I'd just like to bring you up to date. We issued a cease and desist order because a landscaping island had been removed without approval. I've been working with the property manager and the landowner. They've been very cooperative.

I told them their options were to restore the site or apply for a site plan mod. They've opted to restore the site. Given the lateness in the season, it's not going to happen to April. I asked them to provide a letter for you just to verify where we're at. I want to reiterate they've been very good to work with.

And, they're taking out the boulders. Some --- there was boulders and --- they don't meet the site plan.

#### RECEIPT OF NEW APPLICATIONS

MS. SAVAGE: I have one new application. It's a site plan modification application of Rossi Partners, LLC 2060 West Street, SPR 1490. Just came in today and I haven't even looked at it.

THE CHAIR: Anything the Commission would like to bring up at this point?

MR. DELSANTO: One, very brief. Mary, this may be petty and I don't what our regulations say, but it seems as though we're not getting enough of photocopy material for the Commission. It starts there. I'm delighted that all of our alternates are coming, not only from you but from the applicants as well. They're making 6, copies, 5, copies, 7 copies. There's 12 of us here. By the time we're getting here, like 4 of us have to share.

(Comments)

Maybe if we could tell applicants to make 12 copies, a dozen, you know what I mean? Especially with Hillcrest because we have special attorneys and ---

MS. SAVAGE: Earlier on in the process, they were well couched in how many copies to have. Tonight we only had 7. I did notice that tonight.

MR. DELSANTO: It's happening more and more. I was hoping maybe in the future we could just tell applicants to make sure they make plenty of copies.

MS. SAVAGE: I will advise people. I cannot control how well they listen. I will advocate for you strongly.

MR. DELSANTO: Very good.

MR. SAUCIER: I know Mr. Vinci has gone around the Town in the past few months on sign patrol. And, with the holiday seasons coming out, there's been quite a bit of impromptu signs going up, including those that kind of block some sightlines where I come out of on a regular basis. So, if you'd have him just go down Queen Street he could see some of those holiday signs.

MS.SAVAGE: I will. Mr. Vinci is on vacation for another week. If I have time, I will try to attend to it.

And, you know, sign enforcement is a full time job.

MR. SAUCIER: Oh, it sure is.

We're talking 2' by 5' plus or actually 4 by 8 signs that have popped up in front of some local businesses advertising their holiday offerings.

MS. SAVAGE: Very good.

THE CHAIR: Anybody else?

MR. VACHON: Just 30 seconds. What's the rule of the limit or the guidelines for the detention ponds when you put in, you cut in the street, you start building some houses, when is the detention pond have to be done? Or considered meeting the level of the plans.

MR. TRANQUILLO: Ordinarily that's done within 5 years.

MR. VACHON: Oh, 5 years, okay.

MR. TRANQUILLO: There is very often no requirement for it earlier in the project.

MR. VACHON: Okay.

MR. DELSANTO: Move to adjourn.

MR. SINCLAIR: Second.

(Whereupon, the meeting was adjourned at 11:52 o'clock, pm)