

SOUTHINGTON PLANNING AND ZONING COMMISSION  
Public Hearing  
January 2, 2007  
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Acting Chairman John DeMello, called the Public Hearing of the Southington Planning & Zoning Commission to order at 7:04 pm with the following members in attendance:

John Carmody, Michael DelSanto, James Sinclair and Patrick Saucier

Alternates: Lisa Conroy  
Richard Hart  
Brian Zaccagnino

Others: David Lavallee, Ass't Town Planner, Mark Sciota, Town Attorney, Anthony Tranquillo, town Engineer and John Weichsel, Town Manager

Absent: Zaya Oshana, Chairman  
Francis Kenefick, Commissioner  
Robert Borkowski, Alternate Commissioner

A quorum was determined. The Chair seated Mr. Hart for Mr. Oshana and Ms. Conroy for Mr. Kenefick.

The Pledge of Allegiance was recited by everyone in attendance.

A moment of silence was observed for Louis Avitable.

JOHN DEMELLO, Acting Chairman, presiding:

Items for public hearing this evening:

A. Continued Public Hearing from December 5, 2006 for Special Permit use of Reverend Andrew Kauffman for HOPE Ministries, Inc. proposing to establish a church facility within an existing building (former Southington Alternative Education site), property located at 92 North Summit

Street, SPU #433.

REV. ANDREW KAUFFMAN: 144 Mulberry Street, Plantsville. It's an excellent location and a facility that would accommodate what we need at this time. We are now in a basement and it's difficult sometimes for some of the people to come down. This would help us as a church to be on a nice level where people can come in with wheelchairs and things like that.

It'll open doors to help us reach out more to the community.

Mr. DelSanto asked: Last time we met, we had discussed briefly whether or not you were going to entertain possibly having a soup kitchen or any other type of community dinners served, i.e.: the Bread for Life in Town. Are you planning on doing that over here on Summit Street?

Rev. Kauffman responded: I am here for the HOPE Church. What Bread for Life does, I'm not on the Board for Bread for Life and what they decide to do as a Board, that's up to them. Tonight I'm here for the HOPE Church. We're two different entities. I know that's hard for people to see because I am the Executive Director for Bread for Life and also the Pastor of the church, but I'm here first for the HOPE Church.

Mr. DelSanto asked: Do you intend to use your facility if this gets approved for Bread for Life? Rev. Kauffman said that would be up to Bread for Life. They vote on that and it'd be up to them.

Attorney Sciota interjected it would be up to this Commission. As I stated before and maybe I'm confused. The Planner and I met last week and that's what we understood from the paper and we sent you notification saying if you wish to amend --- you said in the paper you wanted to amend this application to include Bread for Life, you needed to withdraw this and come back with a different application. Discussion.

Attorney Sciota stated firmly, this application has nothing to do with the soup kitchen or anything like that. You'd have to come back to the Board with a new SPU for that.

Rev. Kauffman asked: Why our church has to do that when

other agencies in Town that has hosted the soup kitchen never had to come before you? Attorney Sciota pointed out you are talking about a church in a residential zone, an entirely different thing. You are talking about a church in a residential zone. I want it clearly understood that you mentioned the Board of Directors for the Bread for Life, clearly understood that assuming this SPU is granted, under no circumstances, without another SPU which means a whole process again, can Bread for Life or any other type of situation like that go into the building. As long as you understand that and you state on the record, it's fine to go forward.

Rev. Kauffman said he was not understanding why that is. You're trying to tell us that we can't ---

Attorney Sciota interjected: the question was asked, are you putting Bread for Life or anything else in there. The answer was you are not on the Board of Directors for Bread for Life and you are coming in just for a church. I'm explaining to you the procedure is, that if you do wish to put Bread for Life and you made a comment it's up to the Board of Directors for Bread for Life, that maybe the case, but it also has to be put back in front of this Board. As long as you understand that, that's fine.

Rev. Kauffman said he didn't understand why that is. We're a church. Attorney Sciota responded those are the regulations.  
Discussion.

Attorney Sciota said a church is allowed to have a church and ancillary activities i.e.: Sunday school, things like that. If you want to put a soup kitchen in or serving food --- Rev. Kauffman said they wouldn't be as a church. They would be renting from us. Attorney Sciota indicated he understood that, but that requires an SPU back in front of this Commission, again. I want to make sure you understand that before you go further. If this is granted and you get your church, and then you want to say, okay, to Bread for Life, we'll sign a lease with you, you and they must understand you have to come back to this Board and go through this whole process again. As long as you understand that and you still wish to go forward, that's fine.

Rev. Kauffman said he wanted to see the regulations stating that fact.

Discussion.

Rev. Kauffman said his lawyer, who couldn't be here tonight, strongly advised that would be against church and state telling us we couldn't have a soup kitchen in the church. If we are a church, then we have that opportunity. I would have to talk to him first.

Attorney Sciota said he would disagree that zoning regulations violates church and state. I would disagree with that.

Rev. Kauffman explained Christian.  
Discussion.

Attorney Sciota explained the two SPUs that were needed. However, if you want to combine them into one SPU, you would have to withdraw this one and come back with an SPU for a church and a soup kitchen. But you are choosing to move forward on the church basis knowing that you need to come back for the soup kitchen. That's all I need to make sure you know.

Rev. Kauffman said he needed to speak to his lawyer to see what he wants to do.

Mr. Carmody suggested he withdraw this application and talk to his lawyer. A friendly suggestion.  
Discussion.

Mr. Lavalley noted a 65-day extension is needed if we decide to proceed on this. You can request that verbally.  
Discussion.

The Acting Chair reiterated the options for Rev. Kauffman.

Rev. Kauffman requested a 65-day extension.  
Discussion.

Rev. Kauffman said that because Bread for Life needed a home, the church wanted to step up and held.

Attorney Sciota commented: Don't get the Commission wrong that we're against that. We are required to tell the public what's going on and we told the public you had an application for a church. If Bread for Life is part of it, we have to be up front just like you have to be up front.

Rev. Kauffman said Bread for Life is not part of the church.

Attorney Sciota continued: The building itself and the land around the building is part of a SPU. It's not allowed as of right. You have to come in front of this Board and ask permission to put it there. If it's just a church, what we did define as ancillary uses which may not be what you and your attorney define it as --- we define as Sunday school and things like that, then that's the church basis.

If you wish to have Bread for Life on the site, it could be part of the same SPU but this has to be withdrawn and you have to file it again and say I want to put the church there and share the building with Bread for Life. At which point we would renotify the neighbors and tell them exactly what you plan on doing there so they know.  
Discussion.

Rev. Kaufman said because it's residential -- if it was a commercial building that would be different. Attorney Sciota stated he, as the Town Attorney would have a problem with it no matter what. If you came in for SPU application and said you wanted to put a church in and all the time you wanted to put a soup kitchen in, also, I'd have a real problem with that from a legal standpoint because we did not disclose that in your application.  
Discussion.

The Acting Chair called for anyone else speaking in favor of the application.

DAVE BISHOP: 151 Foley Drive in Southington. I am for the HOPE Church getting the building. Explained the good work the Pastor has done. Explained the difficulty with the stairs at the present location and it handicaps the seniors here in Town.

EDWARD CARL: Member of HOPE Church. I'm speaking for the church hoping it will be able to grow.

DAVE BRENNAN: 118 Loper Street in Southington. Volunteer with the Reverend and I am in favor of him getting the church location on Summit Street.

BOB GRAY: 82 Deckert Drive. Fifty-year resident of the Town

of Southington. I want you to remember the Bread for Life used to have to change churches every week. Now with the help of the Reverend, they're trying to get these buildings so they can establish one place.

Discussion of the sites explored.

To this building up there to be able to be accessible to these people and to have Rev. Kauffman with his background helping people healthwise and people are against the people for Bread for Life because they're ashamed to say they know these people.

Discussion.

Explained locations around Town for storage for the Bread for Life.

We are part of this community and someone should wake up and give some help.

The Acting Chair restated the Commission is not against Bread for Life. We're asking for the applicant to put this on this. We're right now here for the church application, only.

Discussion.

The Speaker then wanted to know how did they change from church to church every weekend? How were they allowed to do that if you're talking zoning and stuff like that?

Discussion.

Community service was discussed.

Thank you.

BILL LEWANDOWSKI: I am definitely in favor of HOPE Church.

ELLEN SCADDEN: Retired teacher after 36 years in Southington. I have volunteered at Bread for Life. Pastor Kauffman keeps his pastor duties to his church separate from his duties at Bread for Life.

I am very in favor of anything that will help Bread for Life to have a permanent home with such a wonderful Director as Mr. Kauffman.

Thank you.

LISA KAUFFMAN: 144 Mulberry Street, Plantsville, CT. I am in favor of the HOPE Church obtaining this building for use in community service.

RAY BELLEDERE: 47 Riverside Drive. I've been a volunteer for the Bread for Life for 11 years and I do hope you allow them to get that building.

Thank you.

MICHELLE ALLAIRE: Lazy Lane, Southington. I'm here to support Reverend Kauffman and his permit application and all the work he has done for Southington and for the residents and his trying to assist the community.

The Acting Chair called for those opposing the application.

LARRY JOYNER: 84 North Summit Street in Southington. I agree with the Board. I don't think we're here to say we're not happy with what he's doing but the original petition that came out stated in the letter it was going to be a church. Nothing in there about a pantry, a soup kitchen. Nothing.

He wrote a letter to us after the last hearing and he talked about what the HOPE Church does. How it helps people. Talks about his affiliation. Talks about the alcohol treatment. A brief line about offering promotional dinners. There's worry to me there's going to be other things besides a promotional dinner. Nothing was ever mentioned in here.

We have two articles: Record Journal and Southington Observer. Clearly both articles state that they have intentions of bringing the Bread for Life into the new facility.

"Kauffman said the soup kitchen serves more than 20,000 meals to the hungry a year." That's 70 meals a day in a residential area. That's a big thing.

Lorrie, on the Board for the Bread for Life says: "It's a great opportunity to house the soup kitchen, the food pantry and the warehouse all in one facility." I don't know about you, but a warehouse tells me there's going to be more than 8 to 10 cars in the parking lot.

I don't want that much activity on our street. It's residential. No sidewalks. A lot of kids.

They talk about Sunday, Friday, Wednesday. A lot of activity on that street and most of the people don't want that activity on their street.

None of this was in the original petition. As a resident behind this location I am definitely against it.

Parking was discussed.

The building is 10,000 sf. They only have 42 people in their congregation. Why do they need 10,000 sf unless you have intentions of doing other things? He can rent the space or the rooms for other purposes and would not have to come to the Board unless he structurally changes the building or wants to do something with the parking.

Once he's in there, we have no control as neighbors.

The Chief of Police wrote a letter with his concerns about the parking. And, the possibility of a day care. Discussion.

A lot of questions not being answered and being skated over. Discussion.

JOANNE SMITH: 66 North Summit Street. I am against the application. I am in favor of what the Pastor is doing, the work that he's doing. Explained.

It's really the issue of this is a special usage and it is in the middle of a residential area. It's a very large building with a lot of growth potential.

I have 3 children who play in the neighborhood. There's no sidewalks. Discussion of pedestrian traffic by the children.

ANNE MONGILLO: 743 North Summit Street. I am against this application.

DAVID SMITH: 66 North Summit Street. Talked about children playing in the neighborhood.  
Discussion.

This is a residential zone. If the Reverend is looking to serve the community, where are most of the people that he serves coming from and why did he pick this location. Wouldn't it be more advantageous to put what he's trying to do closer to the people that he's trying to serve.  
Discussion.

Will there be pick trucks for the warehouse? Talked about the traffic issue.

The Acting Chair reminded everyone, this SPU is for a church and not a soup kitchen.

TODD (Inaudible) 84 North Summit Street. I'm against this application. I'm against the fact that it was not brought up correctly. Explained.

I'm against the idea of the extra traffic and the parking. There's no sidewalks. It's not the right place for the Bread for Life in a residential community.

Thank you.

KIM ZALASKY: 74 North Summit Street. I feel misled from the last meeting and I feel like he is obtaining this property for other motives other than just the church.

(Rebuttal)

REV KAUFFMAN: As far as the newspaper article, you are right, 70 people a day we're serving but not all at the kitchen. There are about 35 or 40 that we take to the seniors. From 10:00 to 12:00 we would only have about six cars there. Again another 6 or 8 cars come in during the time we have the lunch. That's for Bread for Life.

Sidewalks not on the street, you go up Mill Street there are sidewalks one each side within about 100' of the

building it stops.

The rest they were more concerned about Bread for Life and I don't even want to talk about that tonight.

We'd have 12 to 15 cars a day until 1:00 pm.

As far as church, we'd have 8 to 10 cars on Sunday, 8 to 10 on Thursdays. Sometimes on Saturdays for Fridays, we might have another 8 to 10.

Thank you.

Mr. Saucier made a motion to grant the 65-day extension, which was seconded by Mr. Sinclair. Motion passed 7 to 0 on a roll call vote.

The public hearing will be left open until January 16, 2007.

**Attorney Sciota advised the audience: Chairman Oshana called me today and this is later in the Agenda, but this is the matter on Woodruff Street. Talking with the Planner and the Chairman, the Chairman wishes that the plan just get introduced tonight and he would like to schedule a public informational session February 6th.**

B. Continued Public Hearing from December 5, 2006 for Special Permit Use application of LePage Homes proposing to establish a 19-unit multifamily housing development (West Street condominiums) within an R-12 zone incorporating two (2) existing residential homes and two (2) proposed buildings, property located at 179 and 191 West Street SPU #434.

The Chair called for those in favor of the application.

ATTORNEY LEANNE KENNEDY: Representing the applicant, LePage Homes, Inc. We're seeking approval for West Street Condominiums, a 19 unit multifamily development at 179 and 191 West Street, which are on Assessor's Map 86, Parcels 194 & 195. The property is located in an R-12 zone.

This application was subject to a public hearing at your

last meeting. Mr. LePage is here tonight to address the Commission, as is Steve Giudice.

Personally, I would like if the Commission would agree, I'd like to reserve my comments for a rebuttal time and only speak once and let Mr. LePage and Mr. Giudice come up and address some of the drainage issues that were brought up from the neighbors at the last meeting.

A lot of the comments related to wetlands issues and that is outside your scope. The Conservation Commission had reviewed this application and approved it back in November.

Mr. LePage would like to speak.

BILL LE PAGE: President, LePage Homes, Inc., 172 Flanders Street. Southington.

To clarify a couple of things that were left hanging or not discussed fully at our last public hearing.

We submitted a traffic report, Hillson Traffic Consultants. There was an inference this wasn't an adequate traffic study because it was rushed. We had given the contract five or six weeks prior. He didn't get the actual counts done until a few days before.

Discussion.

The site has IW approval, as you know, and they have requested we keep a minimal cut. Explained you can see the wetlands comes very close to Westbrook houses on the east far closer than what they are here (indicated). A snow fence will be used to limit the line of cut. Only a 20' clearing in that area and it will remain wooded to the back line. Not cutting to the south so all that area would remain.

Most of the other audience comments were concern for water. Discussion.

Our site is non-wetlands. We have a high point to the north. The property to the extreme south where the water naturally discharges gives us over 24' of drop. We have designed a detention basin, approved by the Conservation Commission, and we achieve our ZIRO.

Explained.

Elevations in the area were discussed.

There isn't any problem engineeringwise to take care of stormwater.  
Discussion.

All of our buildings are above groundwater. We have engineered ZIRO, which would probably enhance anything downstream.

(End of Tape #1, Side A)  
(Beginning of Tape #1, Side B)

Any questions, I'll be happy to expand upon what I just tried to show.

Discussion of the soils in the area.

Thank you.

STEPHEN GIUDICE: Harry Cole & Son, 29 Werking Street, Plantsville.

Bill pretty much talked about everything I was going to talk about. I wanted to reiterate some things. Water seems to be the biggest concern of the abutting property owners. You can see the wetland flagged on the property and the wetland limits from the Town mapping. We wanted to show the area so you would have a better picture of what's happening around.

The watershed for our area is relatively small. Explained.

We have designed the system in accordance with your regulations, which require ZIRO. We have revised the plans according to the Town Engineer's comments. We've prepared a letter addressing all his comments, as well. We'll submit that tomorrow.

We don't anticipate any problem with runoff on this property.

Any questions, I'll try to answer them for you.

Thank you.

Mr. DeSanto said last time people had some concern with the detention basin, as to the size and what it would hold, is it going to overflow, will it flow into neighbors' properties. Can you talk about that a little bit, please?

Mr. Giudice said the detention basin is designed to reduce the rate of runoff. It stores water for a certain period of time and then discharges the water at a slower rate. Explained the regulations.

This is designed for ZERO of the 100-year storm, above what is required, but is the norm in Town. The pond is designed and sized larger than it has to be. It may look small, but our drainage area isn't very big. Explained.

Thank you.

Mr. Lavalley indicated this application needs a 65-day extension at this point.

Mr. Giudice said if it is necessary, we would request it. Discussion.

The Acting Chair called for those speaking against the application.

ARTHUR CYR: 103 Berlin Avenue. I'm opposed to this development. Talked about development in Town in general which he's against.

Explained the problem in this Town is the regulations have no meat, they have no guts. Explained.

This is an established neighborhood, we shouldn't be jamming 19 more homes in it. We shouldn't be doing it in a lot of places.

I am vehemently opposed to all these developments. I will come up every time there's a new one.

Thank you.

RICHARD HENNESY: 34 Maxwell Drive. I have a letter to hand out.

(Reviewed letter with numerous questions.)

(Letter on file in the Town Planner's Office.)

I hope to get answers to my list of questions.

Thank you very much

DORIS (Inaudible): 35 Westbrook Road. I am opposed to the building of these condos. Last month we were accused of being anti progress. I don't think any of us are against progress, but I define progress as advancement, development, growth of improvement. Nowhere have I found a definition of progress that comes close to building condos in a swamp.

They have not met existing zoning regulations as stated. If they had, we wouldn't be here tonight. What they're trying to do is get the zoning changed to fit their plans. Big difference.

Did the Wetlands Commission's report say that the wetlands will not be impacted or does it just say that the proposed footprint of the 17 condos does not include the actual wetland? Again, a big difference.

Recourse down the road for us a lawsuit. They are expensive, time consuming and frustrating. By the time things are settled the picnic tables, doghouses, et cetera could be bobbing around in Long Island Sound.

The Chair has been quoted as saying if we had planned more we'd be in better shape. He's indicated he hopes to tighten up zoning regulations in 2007. This would be a good place to start.

Today is January 2nd and it would be a shame to blow your New Year's Resolution so early.

I'm dead set against these condos and would not want my name connected with them in anyway. If I were building them, I'd give them a name that described them: Waterfield.

(Applause)

BART (Inaudible): 35 Westbrook Road. I'm opposed to these condos. I'm opposed to building on that property at all. What they do will impact the land around it.

The land that wasn't used 30 to 40 years ago was used for drainage and that's all it is really good for now. We have destroyed it and I don't see how these condos are going to make it any better.

SCOTT SIARKOWSKI: 147 West Street. Our biggest concern is the wetlands issue. I understand that's not your issue, but every time we add something to this property, the water table comes up.  
Explained.

My other concern is traffic on that street. Try to pull out of my driveway at any time of the day. It's nutty. You've got the intersection with the blinking light. Accidents over there continually. To add 35 to 40 more cars coming in/out, to me that's a very big concern.

My other concern is the school issue. We just okayed to build on to Plantsville School. How many kids here will go to the school? Will it put the school over their capacity? They're at that now.

Please consider all those issues.

Thank you.

ROBERT ROBINSON: 58 Maxwell Drive. You don't want to hear about the water, but when it rains hard enough, I can get a tube and float down the river that cuts across my yard.

He's not worried about water because everything he's got is going to be above. The extra water he'll catch will go into that river and back up the flow.

No matter what he builds, it's going to overload that land. Everything comes down into my backyard.  
Explained.

The problems are not for his people, they're all above it. We're still right smack dab in the middle.

If you do approve it, give him another special permit for a water slide for the pool that we're going to have.

BRIAN DONAHUE: 182 Prospect Street, Plantsville. Downstream from this property. My house borders on the wetlands and I purchased the wetlands 17 years ago when it was proposed to develop 11 buildings on that. The neighbors took that land off the market so there's no chance of development behind the neighbors' houses just south of Prospect Street downstream from this property here. I am definitely against the proposal for a number of reasons.

He read a letter, which he submitted for the record written by his daughter. (Letter on file in the Town Planner's Office.)

My own comments:

Spoke about the nature center at Plantsville School and the benefits of same.

Last month's hearing, it was admitted that one of the houses currently existing (171) has water in the basement and has to have extensive renovations. I question with the additional building and the paved driveways, is that going to create a problem of water in those houses and buildings where they're going to have to need improvements over the years because of water damage.

I'd like to repeat what I said to you last month and that is a question about the increased pavement and the developed areas are going to reduce the percolation effect of the natural land to absorb the water that runs off and goes into the wetlands, streams and rivers. Even though there is a catch basin to collect the runoff, is it actually going to eliminate the natural percolation effort to control the water in this man made catch basin and development of this land so paving it over so it doesn't percolate.

Thank you.

RICK RICE: 181 Prospect Street. I'm speaking against the application for the reasons everyone else here is talking about. It's not an appropriate use of the land.

You've heard the adverse effects, which will occur. We know they will occur.

We know no matter how big the retention pond is, it isn't going to stop what's going to happen over there. We know that if the retention pond breaks, it's going to cause a lot of damage in the area.

Are there any assurances that these things couldn't happen?

A concern of mine is that when a developer comes in the area, they want to maximize the regulations and the impact to the neighborhood.

Discussion.

I think when a developer comes in the first thing you should do is subtract the unusable land. You shouldn't be able to use that in your total development.

Discussion.

I'm also concerned about the impact to the school system.

Explanation.

Busing needs are expensive and will be impacted.

There are no sidewalks, which means kids walking on West Street, probably. That's dangerous.

In a very small area you are creating a neighborhood, which is about the same size as all of the homes surrounding it. There is a huge life safety here for children.

These need to be considered in your decision.

They do need an access to another road so kids can get out without going on to West Street unless you want to build sidewalks all up/down West Street so the kids can walk to school or home or do whatever has to be done so they're not skateboarding on to West Street.

You have to have something to make the area safer and not much more dangerous.

Thank you.

JASON GURA: 42 Westbrook Road. My issue, I'm not going to talk about the wetlands because my concern is just very simply right now you're looking at about 20 units of houses and you are still adding nearly double the amount of living space in the same area.  
Discussion.

Clearing going to add more traffic. Create more drainage issue. Create more sewage and create more noise.

If you want to build something, I'm not totally for it, but build something smaller. Build one house or two houses. A big house. Reduce the amount of damage that'll happen.

The lawyer mentioned this was cut and dry and the plan fits all the requirements. Well it does as far as terms of the special permit under Section 3-04.2(b). This is a special permit. You have to look at other things and that is the general considerations of what this property does to this neighborhood.

Safety? Value of our property? Characteristics of the neighborhood changing?

Thank you very much for your time.

MELISSA MORREAU: 159 Prospect Street, Plantsville. For me this property is my lifetime investment. I would like to ask each and every one of you if in your neighborhood, would you want this put in your back yard?

It would devastate our neighborhood. Value of our property, everything else. I don't think any of you would want that in your backyard.

MARIA ZOBY: 163 Prospect Street. I don't why everybody is talking about traffic and everything because according to the newspaper, you don't need one in this Town. I don't know why you're even wasting your time or money for a traffic study. Further up the street, you guys got voted down by the court because you said "no" because of the traffic study. They said, in this Town, you don't need one.

I don't care if you build in my backyard. I just want to know every time something is built, I get water in my backyard and get less and less property that's useable.

The Town Engineer has been to my property. He said I need to put a curtain drain put in and raise my property 8 inches. Doesn't take into consideration I'm in the middle and if I raise my property 8 inches, what's it going to do to the people around me? I'm not that type of neighbor.

Engineers long ago knew not to build on wetlands. But now it's okay. It doesn't make sense.

Do what you will. I know you're going to build and I know there's going to be a further issue. We'll just have to as a group lawyer up and find loopholes in our favor.

Thank you.

Rebuttal:

ATTORNEY KENNEDY: We heard a lot again today about the drainage. We have professionals that are saying that this development is not going to worsen anybody's property. The property bordering Westbrook, I mean their wetlands are in their backyard, outside their decks. That's not our issue with the property we're talking about. We have adequate drainage as was discussed.

I want to go through the special permit considerations. The subdivision regulations do not apply to this application.

Special Permit Considerations, this application satisfies the standards that you are to consider.

The proposed development in an R-12 zone is in harmony with the surrounding properties.  
Explained.

It's not detrimental to development of any adjacent properties in the R-12 zone. R-12 surrounds this. The regulations allow for multi family development.  
Explained.

The property is sufficient size to support the proposed development.  
Explained.

The proposed use does not impair the values of adjacent

properties. We submitted a statement by Dan LaPorte, Appraiser here in Town, indicating that. Explained.

We have professionals giving their professional opinions to back us up here.

The nature and location of proposed buildings and structures do not impede access to the site or access for emergency vehicles. There is adequate access into this site.

West Street is of adequate condition to carry the traffic generated by the proposed use. Report by Traffic Engineering Solutions was submitted to that effect. Discussion.

The sight distances are in excess of 750' in either direction once we remove the maple tree. That exceeds the DOT requirements for the prevailing travel speeds on West Street.

The development is landscaped in accordance with the regulations. We have the buffer areas.

We're not putting any unacceptable risk to aquifers or public water supplies.

The younger generation of Southington can afford these units. Explained.

The application meets the bulk requirements of Section 3-04.2 of the regulations governing multifamily dwellings.

Not in my backyard is not a consideration for you to take. You have to look at the application against the regulations that you have and if the proposed use meets the regulations, you need to approve it.

In this case, the proposed use is very appropriate for the site and for an R-12 zone. It's very appropriate for the 4.5 acres when you look at 19 units.

Therefore, the applicant respectfully requests that you approve the application as submitted.

Steve Giudice will go over the questions from Mr.

Hennessey.

I do have one other comment regarding the increase in students at the school. Our office has time and time again indicated that new construction does not really impact the schools although nobody wants to believe it.  
Discussion.

The draft Plan for Development indicates that despite the increase in family households, the number of school age children 5 to 14 is projected to decline between 2000 and 2010 providing relief on upcoming education budgets.  
Discussion.

We have time and time again provided that statistical information to the Commission.

Thank you.

STEPHEN GIUDICE: In an attempt to address concerns raised by Mr. Hennessey's memo.

The first page has to do with subdivision regulations, which does not apply here.

A topographic map has been submitted.

Location map has been submitted.

Top of frames and inverts for pipes and such. A grading plan has been submitted.

Top of wall elevations for foundations have been submitted.

Stormwater and erosion and sedimentation control has been submitted.

The application was submitted to the Conservation Commission and approved. We are not building on a swamp. This is an upland soil we are proposing to construct on.  
Explained.

An erosion and sedimentation control bond will be required to be posted.

Any work on West Street would have to be bonded for any

work done in the Town right of way.

Storm drainage was discussed. Calculations will be reviewed by the Town Engineer. We strive to design a conservative plan to make sure we're not causing any problems once this development is constructed.

We met all the requirements for detention basin design.

Required number of parking spaces is 38. We are proposing 5 visitor spaces.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Handicapped spaces were discussed.

The units are not required to have sprinklers to my knowledge. The maximum height per unit is 35 feet. They are required to have firewalls and fire rating between units.

The issue with the fertilizer was brought up during the Conservation Commission approval. It was requested we put that in the condo documents. We would require the use of organic fertilizers on site. It's a conservation issue and the reason it wasn't brought up before this Commission. It was stipulated and agreed to by the applicant.  
Discussion.

Stipulations can be added during the SPU if you wish.

I tried to address the questions to the best of my ability.

This is a change to the neighborhood. The Commission has made changes to the regulations in the past.  
Discussion.

This application meets the regulations in effect today and that we're here asking for you to approve.

This R-12 zone is one of the only zones in Town that allows this type of development. In our opinion, this goes perfectly in this zone.

The issue regarding the name, I'm assuming we will come up with something a little more characteristic of the neighborhood before it's constructed.

We are proposing interior sidewalks on the site. To my knowledge there is a sidewalk that travels along West Street in this location on our side of the street.

We did a traffic study and it indicated no safety concerns with our proposed activity.

Historically, condos have not been a larger generator of children. Discussion.

One more time, we are not building on wetlands.

Mr. Saucier asked about the topography. The southern portion you are looking to raise the property 10'. Mr. Giudice said they are not proposing any grading activity other than a detention pond in this location. We are proposing to raise in the interior of this area where the roadway and driveways are. Discussion.

Mr. Carmody brought up the question raised about the impact something like this would have on wildlife. That's the responsibility of the Conservation Commission. Was that something you deliberated and looked at? Mr. Lavallee said they looked at. They don't review wildlife. The habitat they do. Big difference.

They didn't seem to have an issue with that. Wildlife can travel along many corridors. If they regulated habitat and wildlife, they'd regulate the whole Town. It's just the habitat, the resource, that certain species are found in. There are certain species that favor wetlands and the Commission didn't see that this would have a negative impact upon those species, explained Mr. Lavallee.

Mr. Tranquillo advised he made a review of this plan when it was up for an SPU. And, I made certain comments to the designer. I have not made a review of this latest plan. The first plan did not have the full drainage information on it that's why that part of my review is missing. I will be making a review of it before you act. Harry Cole & Son has done a very large number of projects in this Town and they understand my requirements for design and that is to be conservative. That'll be the case in the project, also.

Buffer regulations were explained by Mr. Lavallee in

response to a question by Mr. Saucier.

The Chair closed this public hearing at this time.

The Chair advised there will be no action tonight on the LePage Homes application.

(Pause, pause, pause)

**Mr. Lavallee read the legal notices into the record for the following applications.**

C. Earth Excavation, Filling and Grading Application of Napoli Holdings, LLC proposing the removal of approximately 3,300 cubic yards of earth material within Southington, with a net of 32,000 yards to be removed from the site, to provide driveway access to a food warehouse and distribution facility, property located off Knotter Drive known as Assessor's Map #20, Parcel #23 EE #118.

(Ms.Conroy left the meeting.)

ANTHONY FAZZONE: Attorney with offices in Cheshire. This earth removal application is conjunction with a site plan application later on in your Agenda. (Item L - Unfinished Business)

We made a presentation at a previous meeting on the site plan, but the public hearing, there's some earth removal and excavation in conjunction with that and the public hearing was scheduled for this evening.

I'd like to call on the Project Engineer to explain the earth removal and excavation aspect of this.

DARREN OVERTON: Milone & MacBroom. Licensed professional engineer in the State of Connecticut.

In regards to the earthwork, it is fairly straightforward. We are proposing a food distribution warehouse highlighted in the brown and we have an access drive coming in from the northwest corner of Knotter Drive. The Southington townline is located on the northern part of the plan and our

entrance drive comes in off of Knotter Drive in the Town of Southington and enters the site. The majority of the development is in Cheshire.

The earthwork associated with the project generates an excess of material. We have a pending application in Cheshire for approval of the remainder of the development in Cheshire. We've made some minor changes with the grading on the site in Cheshire. One change is along the eastern property line, the Commission and neighbors asked us to berm in there instead of a landscape buffer. So, we have taken the excess material and construction a berm along the eastern property line. The excess material has gone down from the 32,000 down to about 29,000 cubic yards.

The cut in Southington is the same as was quoted. The majority takes place along the entrance drive. We have to create a cut to bring the access drive in at a reasonable grade in order to accommodate vehicles entering.

Along the northern portion of the building, we are going to be excavating that down. There'll be some filling on the southern portion of it. Because of the topography of the site, restrictions of the elevation on Knotter Drive, we end up with an excess of material.

That excess material would be about 1600 truck trips.

We've tried as best we can in the orientation of the building to balance out the earthwork. Explained.

Unfortunately, we do have an excess and that's the reason for the public hearing tonight.

Any questions I'll be happy to try and address them now.

ATTORNEY FAZZONE: You may recall at the site plan meeting, we presented a traffic study by Fuss & O'Neill. Mark Vertucci was here that evening. Since that time, I've spoken to Mr. Tranquillo and I understand with respect to the site plan he has concerns and may be recommending to the Commission that there be no truck traffic leaving this site or entering this site having access to Route 322.

With respect to the earth removal application, the public hearing right now, we have no objection to the Commission including whatever stipulation in terms of the routing of

the trucks leaving the site for the earth removal application.

We do have a concern about any potential limiting the truck traffic from making a right turn on to Knotter Drive to access 84 which is what I understand and most likely is going to be Mr. Tranquillo's recommendation.

We have Mr. Vertucci here to discuss the truck traffic and the capabilities of that intersection. Would you like him to do that now or would you prefer when the site plan is discussed.

Attorney Sciota said you would have an opportunity at the discussion on the site plan.

The Acting Chair called for those speaking against the application.

(No response)

The Acting Chair closed the public hearing at this time.

(Ms. Conroy re-entered the meeting at this time.)

D. Earth Filling and grading application of Lake Compounce Limited Partnership proposing earth filling and grading activities in conjunction with a proposed water park facility at the existing Lake Compounce amusement park facility, property located off Mount Vernon Road EE #119.

SEV BOVINO: Planner with Kratzert, Jones & Associates representing the applicant.

You're familiar with Lake Compounce. Mt. Vernon Road travels north/south along the easterly shore of Lake Compounce. The reason we are here tonight is we are relocating Mt. Vernon Road. We received approvals from the Wetlands Commission, the Army Corp and to relocate the road, we need to excavate the area and the amount of excavation is about 286,000 yards. The road will be relocated easterly, away from Lake Compounce.

The appropriate maps were submitted. The appropriate erosion control maps were submitted. The appropriate notes

are on the map in terms of hours of operation and the proper direction of the excavation.

This relocation of the road is for the preparation of a site, which will be used for extension of the water park at Lake Compounce. It's a major undertaking they're planning to do as soon as this gets approved.

Any questions, Jerry Bryx is here if you have any questions in term of timing, but if you have any questions for me, I'll be glad to answer them.

Mr. DelSanto asked if they were going to be closing the road.

Mr. Bovino said there are two options: (1) we would like to close the road in which case we can do the excavation and new road construction at the same time which could be done in a year or less, total, probably in six months it could be done. We would like to have the road closed and we will work with Tony to prepare a plan for the traffic routing.

(2) Keep the road open. Build the new road first and then do the excavation. That would take two years.

The removed material will be taken to the Tilcon-Tomasso facility, which is immediately next to this property. We'll go to the intersection of Welch Road, head east on Welch Road and enter the first gate of Tilcon-Tomasso. You're talking about a couple of thousand feet of traveling. Done in a quick way.

The Acting Chair called for anyone speaking against the application.

AL (Inaudible): 110 Panthorn Trail. I was originally opposed to moving Mount Vernon Road. I filed a petition back then to be notified of any changes on Lake Compounce property.

Extensive discussion.

Inland wetland impacts and Army Corp of Engineer suggestions were asked about.  
Discussion.

Grades of the proposed road were discussed.

Having no further questions, the speaker concluded.

ELAINE HAIGH: 170 Woodruff Street. I'm not speaking against this application. I want to know because I looked at the Agenda if there is a section in here for someone to speak about observations as a resident over the years and listening tonight. Just in general.

The Acting Chair advised there is not a section on the Agenda for that.

A lot of people come up and they're serious. This is their life investment. Some of you life and smile as if it is not important. It is important to everyone. I was hoping at some point I could address some things I've observed living here.

Discussion.

How can I address my concerns? The Acting Chair advised her to put them in writing and send them to the Chairman of the Planning & Zoning Commission.

Attorney Sciota added you can send it to the Chair or the Planner and it would be distributed to everyone.

Ms. Haigh suggested: How do I go about as a resident to make sure from now on or in the future there is one little section where concerned people can speak. There should be a section for those who choose not to write, whatever reason, they could address the Planning & Zoning with concerns of this Town and development and direction it's going. It should be.

Mr. Carmody asked her to take her concerns about Miscellaneous Public Input, to the Chairman and petition him to add that mechanism to the Agenda.  
Discussion.

Thank you very much.

(Rebuttal)

MR. BOVINO: I'd like to address the concerns of the neighbor and give a history of the application.

The location, as it relates to his neighborhood, I'm not familiar with his restrictions, but I want to your attention, there's two pieces of property here. One is west of the lake which he might have a restriction agreement with the Lake, but there is a piece of property east of the Lake which we are now working on.

We are following the procedure: First get the wetlands approvals. Then get the excavation permit approval, which requires a public hearing and notification to those within 500 feet. That is why he was notified. Then after that, we'll request the Council approval for ability to move the road.

We worked for two years. The previous Army Corp permit granted for a permit for a little bit less than one acre of disturbance of wetlands. Right now it's less than .2 acres of disturbance and a lot of restrictions were place don the plan to protect the environment.

We are required to provide an as built conditions for the road. What we propose will have to match what's built on the site. And, Tony Tranquillo will receive the as built elevation of the road.

In general, the road will be lowered to allow the property to be developed to have the water park. Otherwise, this property cannot be developed. The road elevation will match the existing grade on either end. At Welch Road there will not be any change but a gradual decline to a center location and then stay low and then climb back up to where the bridge is by Lake Compounce. Explained.

I hope that answers all concerns. If you have additional questions, I'll be glad to answer them.

(End of Tape #2, Side A)

ACTING CHAIR: We will close this public hearing.

(Beginning of Tape #2, Side B)

Attorney Kennedy advised that it has come to her attention that the Commission did not have a copy of the map that we discussed during the SPU for LePage Homes. I realize you closed the public hearing, already. I would like to submit it if the Commission would allow that.

Thank you.

(The public hearing was adjourned at 9:25 o'clock, p.m.)

SOUTHINGTON PLANNING AND ZONING COMMISSION  
Regular Meeting  
January 2, 2007  
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Acting Chairman John DeMello, called the Southington Planning & Zoning Commission to order at 9:35 pm with the following members in attendance:

John Carmody, Michael DelSanto, James Sinclair and Patrick Saucier

Alternates: Lisa Conroy  
Richard Hart  
Brian Zaccagnino

Others: David Lavallee, Ass't Town Planner, Mark Sciota, Town Attorney, Anthony Tranquillo, town Engineer and John Weichsel, Town Manager

Absent: Zaya Oshana, Chairman  
Francis Kenefick, Commissioner  
Robert Borkowski, Alternate Commissioner

A quorum was determined. The Chair seated Mr. Hart for Mr. Oshana and Ms. Conroy for Mr. Kenefick.

(Verbatim Minutes - meeting also

recorded on tape.)

A moment of silence was observed for the passing of former President Gerald Ford.

Approval of Minutes - Regular PZC meeting of December 5, 2006.

Mr. Sinclair made a motion to approve the Minutes as presented which was seconded by Mr. DelSanto. Motion passed unanimously on a voice vote.

JOHN DEMELLO, Acting Chairman, presiding:

Unfinished Business:

A. Resubdivision Application of Lovley Development, Inc., proposing to resubdivide property for purposes of creating 6 lots (Rich Gardens Estates), property located at 360 & 370 Mulberry Street S #503.1.

MR. LAVALLEE: Mr. Vice Chairman, a letter has been received requesting a withdrawal of this application. More work needs to be done.

ACTING CHAIR: Withdrawn.

B. Petition of Lovley Development, Inc. to modify Section 12-01.1 F and 12-01.1J of the Zoning Regulations pertaining to parking requirements for business offices, financial institutions and medical or dental offices ZA #532.

MR. LAVALLEE: This one is ready for action. In response to some comments from the regional planning agency, and some staff comments, we would like to add a definition to this and also a requirement. You should have a copy of it in your packet somewhere. It was laid out.

We want to specify that the net floor area means the gross floor area of a building minus areas used for vents, shafts, attics, basements used for storage, only, hallways, stairways, foyers and other similar common areas.

And, the applicant shall provide pertinent floor area usage calculations on the site plan and the building plans.

MR. CARMODY: I am going to make a motion to approve the application with those stipulations on the requirement and the definition of net floor space. We talked about this a lot and I think the changes make sense.

MR. SINCLAIR: Second.

MR. DELSANTO: Second.

ATTORNEY SCIOTA: Take effect 15 days after publication.

ACTING CHAIR: Motion with stipulations. This matter will take effect 15 days after publications.

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

C. Special Permit use of Reverend Andrew Kauffman for HOPE Ministries, Inc. proposing to establish a church facility within an existing building (former Southington Alternative Education site), property located at 92 North Summit Street, SPU #433.

ATTORNEY SCIOTA: Needs to be tabled. You continued the public hearing on that.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

D. Special Permit Use application of LePage Homes proposing to establish a 19-unit multifamily housing development (West Street condominiums) within an R-12 zone incorporating two (2) existing residential homes and two (2) proposed buildings, property located at 179 and 191 West Street SPU #434.

ATTORNEY SCIOTA: I believe the engineer is still doing calculations on that and that probably needs to be tabled.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

E. Earth Excavation, Filling and Grading Application of Napoli Holdings, LLC proposing the removal of approximately 3,300 cubic yards of earth material within Southington, with a net of 32,000 yards to be removed from the site, to provide driveway access to a food warehouse and distribution facility, property located off Knotter Drive known as Assessor's Map #20, Parcel #23 EE #118.

(Ms. Conroy left the meeting.)

ACTING CHAIR: At this time, Commissioner Conroy excused herself and I'll put Commissioner Zaccagnino in her spot.

MR. CARMODY: Is this good to go, Tony?

MR. TRANQUILLO: The application in my opinion is ready. The only concern I have is with truck traffic to/from the facility. As you know, we have a very busy intersection on Knotter Drive and Route 322 with the Truck Stop that exists there and our own in Town uses along that corridor. We have the old railroad overpass which is substandard in terms of clearance and we have the intersection of Route 322 and Old Turnpike, which if you're familiar with that, if a truck is eastbound there, looking to take a right to go down Route 10 towards Cheshire, that turn is absolutely impossible for a tractor-trailer. I've been there probably a couple dozen times when the truck clogs up the intersection.

ATTORNEY SCIOTA: This is the earth excavation.

MR. TRANQUILLO: I think it's all pertinent to the same comment.

Now, in terms of the earth excavation, I think you heard the applicant say they have no problems with limiting their truck access into Cheshire both out and into this site. And, I would certainly recommend that very strongly, that you limit the truck traffic to a southerly direction, only. That's absolutely critical for the earth excavation.

It's also important for the site plan, but I'll make those

comments, similar comments at that point.

MR. CARMODY: Yah. And, I want the applicant to have a chance to say their piece on the site plan and they will. But for the earth excavation, Attorney Fazzino indicated they didn't have a problem directing that traffic through Cheshire. I don't know legally how we should stipulate that, but I want to make a motion to approve ---

ATTORNEY SCIOTA: With all traffic moving south on Knotter Drive.

MR. CARMODY: With all traffic moving south on Knotter Drive.

MR. DELSANTO: Second.

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

(Ms. Conroy re-entered the meeting.)

F. Earth Filling and grading application of Lake Compounce Limited Partnership proposing earth filling and grading activities in conjunction with a proposed water park facility at the existing Lake Compounce amusement park facility, property located off Mount Vernon Road EE #119.

ACTING CHAIR: At this time, I'll reseal Commissioner Conroy.

What's your pleasure on this?

MR. DELSANTO: Tony, did you have any outstanding issues other than --- from what you've heard this evening, I know you cleared up or tried to clear up the issue with this gentleman who was concerned about a deed, a private deed that he had with Lake Compounce.

Do you have any other outstanding issue with this?

MR. TRANQUILLO: One of the major issues I have is the traffic, how to handle the traffic while this is being done. And, I would like to have an opportunity of a couple of more weeks to think about that before you take formal action.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

G. Site Plan application of Renaissance Commons, LLC proposing to construct twenty-four (24) townhouse condominium units in conjunction with the previously approved Special Permit use #384.1 property located at 1 Columbus Avenue & Liberty Street SPR #1441.

STEPHEN GIUDICE: Harry Cole & Son located at 28 Werking Street in Plantsville, CT. We've made some wholesale changes to our proposed plan. As you can see, modified the building considerably from the original proposal trying to reduce the mass that was on Liberty Street. That seemed to be one of the major concerns of the Commission and of the public. We reduced that building considerably. If you remember, originally we had an l-shaped building in that location with approximately 12 units. We've brought that down to eight units along Liberty Street. A ten unit building the middle and then a six unit building on the end.

This allowed us to open the site up considerably and in the meantime, in the course of this revision, we were also able to revise the drainage design in accordance with the Town Engineer's recommendation for floodplain storage.

We are in the process, we just finished the redesign on this. We'll be submitting the revised plans for the Town Engineer to review and revised drainage calculations in the next day or two. So, we asked, we'd like some input if the Commission likes the changes or if you see something else you'd like us to do a little further, we could incorporate that at this time.

Otherwise, we'll be submitting those plans and waiting for a meeting with the Town Engineer.

That's not in here. It has not been submitted, yet.

MR. CARMODY: On Liberty Street ---

MR. GIUDICE: As far as units?

MR. CARMODY: No, no. I like that.

MR. GIUDICE: We have plantings. I'm sorry?

MR. CARMODY: The plantings along Liberty Street.

MR. GIUDICE: We had proposed dogwoods and I think we have some white pines and uh --- mostly dogwoods and white pines.

MR. TRANQUILLO: I don't like the white pines. I prefer decorative ---

MR. GIUDICE: We can modify that.

MR. TRANQUILLO: --- trees like azaleas and rhododendron. Dogwoods are good.

MR. CARMODY: You have a problem with white pine?

MR. TRANQUILLO: Well, white pines will get very large quickly and I believe they'll become an eyesore.

MR. GIUDICE: We were asked by someone to heavily plant the ---

MR. TRANQUILLO: White pines are very pretty when they're young, but they very quickly get very large. They would not look very good there. That's my opinion.

MR. GIUDICE: That's not a problem. We'll make that revision before we submit the revised plans.

Attorney Meccariello is here if you have any questions for him, as well. As the unit elevations, I believe you've seen in the past. If you'd like to see those.

ACTING CHAIR: Commissioner Conroy?

MS. CONROY: Is the appearance of the condos similar to or the same as what was presented in previous meetings?

MR. GIUDICE: Yes, it is. What we had done though is we've stepped the units further from --- if you look, we've kind of paired them up two by two to give a little more architectural setback to the units wherever we could, again

to try to break up that long lineal look along Liberty Street and the project.

You haven't changed the colors, yet.

(Laughter)

We have proposed some decks on the units, either in the front or the back, depending upon the unit. The second story decks along Liberty Street would actually be on the interior of the units. These building here have some of the decks in the back and some of the decks in front and these units here would have decks in the front and probably a patio outside the back of these units here.

It's been a work in progress. I think that we've made some good changes at the recommendations of the Town Engineer. I've got to give him credit for this design.

MR. TRANQUILLO: Finally.

(Laughter)

MR. GIUIDICE: He made me move that building four times. Finally got it where we feel it lines up well with the other homes on Liberty Street. When you travel down Liberty Street, it will blend in very well.

MR. SAUCIER: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: Hold on one second. David, what's the date on that? On this ---

MR. LAVALLEE: He has until January 16th. That's the final action date for that.

MR. TRANQUILLO: Mr. Chairman? One additional comment. We received the soil report from the applicant. Soil borings in the area. And, that report went up to Metcalf & Eddy. I'm expecting a report back from them the end of this week on the impact of the sewer main. That'll be very critical to the whole project.

ACTING CHAIR: Thank you.

H. Subdivision application of Sultana Developers proposing a 7 lot subdivision (White Oak Estates) on property located at 577 Meriden Waterbury Turnpike SPR #1444.

MR. GIUDICE: Again, Stephen Giudice on behalf of the applicant. Sultana Developers, LLC. This application has been before you for a little while. During the course of our revisions, we did measure, at the request of the Town Engineer, we measured the 85-percentile speed of the traffic on Meiden Waterbury Turnpike to verify the required sight distance.

Once we got that number, it was a little higher than we expected and we've had some sight distance issues that we are resolving at the moment. We are revising the plan to move the roadway further to the east to improve our sight distances. We have some grading proposed within the shoulder area. Bruce Hillson was the traffic engineer that did the sight distance measurements and the study for the 85-percentile speed.

We are 95 percent complete with this revision. It's just a matter of getting the maps together and getting them back to the Town Engineer. So, we are going to request a table tonight, but hopefully, we will be ready for action at our next meeting.

MR. CARMODY: Move to table.

Sorry, I'll take that table off.

MS. CONROY: What are the 85 percentile speeds on Route 322?

MR. GIUDICE: It was 53 mph, I believe, traveling eastbound and 55 mph traveling westbound.

MR. CARMODY: Move to table.

MR. SAUCIER: Second that.

(Motion passed unanimously on a voice vote.)

I. Site Plan Application of John & Keith Keegan proposing to construct an 18,400 sf warehouse with flex space, property located at 1198 West Street SPR #1444.

MR. TRANQUILLO: Mr. Chairman, I believe the Commission at their last meeting asked me to look at the possibility of putting a driveway off of West Street. And, working with the applicant, we were able to design something that provides access off of West Street. As you wanted.

ACTING CHAIR: That's good. Thanks.

MR. BOVINO: I just want to show you the changes we made. This was the previous proposal. The exit was on Churchill Street and this is the new proposal which is the driveway comes in at the existing curb cut on West Street and then travels west and then to the front of the building. Totally, leaving this area untouched, as was requested by Tony and the Commission had some concern about that, too.

MR. CARMODY: Sev, I don't want to put you on the spot, but I thought this was impossible to do.

MR. BOVINO: Well, the difference, this driveway is 560 feet long compared to 160 feet for the other driveway and in my opinion this was impossible because economically speaking and gradewise, it's not a good thing to do. We had to push the driveway farther west, as you can see on the property, and 560 feet and we achieved it.

MR. CARMODY: And, Tony, which one do you like?

MR. TRANQUILLO: Well, Sev is correct. You know, it's a little more inconvenient and costly for the applicant ---

MR. CARMODY: I get that.

MR. TRANQUILLO: --- but it solves a lot of problems on Churchill Street.

MR. CARMODY: Yah, okay, thanks.

MR. TRANQUILLO: Are the sidewalks waived on this? I wasn't here at the last meeting.

ACTING CHAIR: We didn't take action on the sidewalk.

MR. CARMODY: Well, we didn't take action on the sidewalk because a couple of Commissioners wanted to go out and --

ACTING CHAIR: Yes.

MR. CARMODY: Commissioners who aren't here.

(Pause)

(Undertone comments)

MR. BOVINO: I would like some action on this. It's been on the Agenda for probably four months. The grades are steep. You can see them from the map. Tony's here and he can help you with that decision to help you on the grade, you know, but definitely the grade on Churchill Street is steep. On West Street, the sidewalks belong on the west of the pole line and you can see if you travel West Street, the State created a shoulder and then you've got almost like a 2:1 grade up to the property. So, that's where the sidewalk will have to be built and yes, there is a little stretch of sidewalk in front of Quinlan, but it's like 50 feet of sidewalk. There's nothing really to speak of.

And, again, industrially zoned properties. The sidewalks are not required. It's an optional thing.

MR. DELSANTO: Tony, what's your opinion on this?

MR. TRANQUILLO: Well, my opinion, the walk is certainly feasible, more so on West Street than it is on Churchill but in these matters it's usually the Commission's opinion as to whether they need it or not.

We kind of put it on all of our checklists but then the Commission decides where they go and where they don't go. From an engineering standpoint, they can be built.

MR. CARMODY: Sev, here's the problem, the guys who wanted to take a look, one guy always votes for sidewalks and the other one was one who mentioned to the Commission about Quinlan's property. So, I kind of have a feeling I know which way they would be leaning. If you want an answer tonight ---

MR. BOVINO: What's your opinion?

MR. DELSANTO: I'll make a motion to waive the sidewalks on the property.

ACTING CHAIR: We have a motion. Do we have a second?

MR. CARMODY: I'll second that motion.

MR. TRANQUILLO: Mr. Chairman, can I make a comment? If the Commission is inclined to waive this, perhaps we can ask the applicant for a sidewalk easement the appropriate width so that at some day in the future we will be able to build a walk in that area. Because I just measured it and there's only about 7.5 to 8.0 feet of right of way available and we want to push the sidewalk a little further back if it ever does get built.

MR. DELSANTO: Would that be something that the applicant would entertain?

MR. BOVINO: Not a problem.

MR. DELSANTO: Okay.

MR. CARMODY: How do you feel about it?

ACTING CHAIR: As far as the --- we have a motion and a second. Any discussion?

MR. DELSANTO: I'll amend my motion ---

ATTORNEY SCIOTA: No, no. For the site. We're doing a waiver of sidewalks. At the site plan itself you can do that.

MR. DELSANTO: Oh, okay, okay.

ACTING CHAIR: We'll take a roll call on this.

MR. LAVALLEE: Carmody: I'm always first. Yes.

DeMello: No

DelSanto: Yes

Saucier: No

Sinclair: No

Conroy: Yes

Hart: Yes

ACTING CHAIR: Motion passes. They're waived, 4 to 3. Motion

passes.

MR. CARMODY: Okay, motion to approve the site plan. Do I have to stipulate this driveway or that is the new site plan with this?

MR. TRANQUILLO: It's the newest plan.

MR. CARMODY: Then the only stipulation I need to add is the sidewalk easement and I'll make a motion to approve.

MR. DELSANTO: Second.

ACTING CHAIR: It's for approval with the stipulation. Any discussion?

Can we get a roll call on this?

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

J. Site Plan Application of Gilman Albert proposing to construct a 4,350 sf addition to an existing industrial building located in the I-1 zone, 134 Union Street SPR #1446.

STEVE GIUDICE: Mr. Chairman, Stephen Giudice with Harry Cole & Son. This application has been before you for a little while. We're proposing an addition to an existing home located in an industrial zone. We're proposing to use this addition for a warehousing use, only.

We have addressed all of the Town Engineer's comments with the exception of one note that if you are inclined to approve this, we would ask it be a stipulation that the addition be used solely for warehousing, only. Any future expansion of that use were to happen we would come before the Commission to expand the parking areas. That was one of his requests. Again, as I spoke in the past, in the future we're proposing to take the house down and expand the building closer to the right of way and then install a parking lot along the northerly side of the building but that would be in the next few years before we come back with that.

MR. DELSANTO: So, you don't have a problem, Steve with that stipulation ---

MR. GIUDICE: No, sir.

MR. DELSANTO: Tony, is there anything further on this?

MR. TRANQUILLO: No, that's it. Fairly simple application.

MR. DELSANTO: Motion to approve with the stipulation it is for warehousing, only.

MR. SINCLAIR: Second.

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

K. Site Plan Application of Home Ministries, Inc. proposing to establish a church facility from within an existing building (former Southington Board of Education Alternative Education building) property located at 92 North Summitt Street SPR #1445.

MR. DELSANTO: Motion to table.

MR. LAVALLEE: This needs a 65-day at this point. The site plan does.

That one was for the special permit.

ACTING CHAIR: Did the ---

MR. CARMODY: He needs a 65-day extension?

MR. LAVALLEE: For the site plan itself, yah.

MR. CARMODY: Is he asking for one?

MR. LAVALLEE: I don't see him here.

MR. CARMODY: I guess he's not going to get one.

ATTORNEY SCIOTA: Well, you could construe the fact that he asked for a 65 on the other one that he's asking for this one, too. They go together.

MR. DELSANTO: I'll make that "constrution".

I'll make a motion to grant the 65-day extension.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

L. Site Plan Application of Napoli Holdings, LLC proposing to construct a food warehouse and distribution facility with driveway access, property known as Assessor's Map #20, Parcel 23 located off Knotter Drive SPR #1447.

(Ms. Conroy left the meeting.)

ACTING CHAIR: I'll excuse Commissioner Conroy and I'll put Commissioner Zaccagnino in.

MR. DELSANTO: Tony, any outstanding issues on this application?

MR. TRANQUILLO: Yah. Again, my comments mirror the earth excavation comments about truck traffic into Southington on to Route 322 and I had several discussions with the applicant's representatives, their attorney, and they are really unwilling to accept a stipulation that truck traffic only go to Cheshire. Deliveries from the site would turn left into Cheshire, deliveries coming into the site would come through Cheshire and take a right into the driveway.

I will remind the Commission that when New Penn Motor Express on Clark Street was approved, the Commission at that time stipulated direction of traffic for the trucks due to the conditions of the roadway south of that facility. So, it's not without precedent with this Town and with this Commission.

And, it's important enough to me to bring it to your attention and ask that you consider this and possibly add it as a stipulation. Now one of the arguments against that is enforcement. You know, a difficult regulation to enforce. Well, my answer to that is we're not going to be out there every day with a policeman or with a video

camera, but if we do have a problem on 322, then the stipulation is on the map and we can address it when the problem develops.

So, I'd ask you to consider that and if Mark wants to make a comment, I think he said he wanted to address something on that issue.

ATTORNEY SCIOTA: I was talking about the enforcement aspect of it. We have Frank Vinci, it's very difficult to enforce these things and Tony already brought that issue up. When you put stipulations on, I always tell you which ones I think are difficult. And, this one, I can tell you, is going to be difficult. Tony makes a point on it. I want it out there it is a very difficult thing to enforce.

MR. CARMODY: I just want to understand your issue. Because 84 is right there in Southington, and it seems like a lot to ask them to go left and then all the way around. So, your biggest concern is them coming out on to 322? I mean, how ---

MR. TRANQUILLO: Let me just elaborate a little bit. If they take a right out of their driveway, come up to Knotter Drive, they encounter that intersection of Knotter and Meriden Waterbury Road and I think the Commission is fully aware of the conditions there. There has been two fatalities there in the last 15 years. Truck traffic is horrendous there. There's constant queue of trucks eastbound waiting to take a left into the truck facility. So, that intersection is stressed, already. There's been numerous accidents there already, not fatal, obviously.

Then if they take a right on 322, you have the low overpass where the railroad bridge is. So that will probably fit a 11.5 to 12 foot trailer but the legal requirement is 14 feet. So, that bridge does not meet regulation.

And, then you have the intersection of Meriden Waterbury Road and Old Turnpike, which, again, is a problem. So, there's three accident locations or three potential problem locations that I'm concerned about.

Now, the Commission is as aware as I am of those three locations and you're going to have to make your own decision on it. I recommend that you impose that stipulation even though it's difficult to enforce. If we

begin to have more serious problems, it'll become important enough for us to enforce.

MR. DELSANTO: I have a question for the applicant's counsel. Do you have a problem with it?

MR. CARMODY: Oh yah, he does.

ATTORNEY FAZZONE: Yes, we do. We do not have a problem and we agree with Mr. Tranquillo in terms of right hand turns on to 322 with the low overpass and then the right hand turn at Old Turnpike Road. And. Logically, I think I may even have mentioned this when the site plan was discussed several weeks ago at this meeting that logically to head east on 691, I think anyone would only have to do that trip a couple of times to realize that the best way to go is to turn left on to Knotter Drive, go up Johnson Avenue to Route 10, left on Route 10, you have a signal there and it's a wide intersection that can handle the truck traffic and jump on 691 heading east. It doesn't really make a lot of sense to take the right on to 322.

There's a minor caveat with respect to that and this company does operate and I think it's in the traffic report a number of straight jobs, box trucks, that are not tractor trailers and they do service restaurants and other establishments along 322 in Southington. So, the logical way to service those would be to come out and go right.

We can accept and we would put signage up and would enforce it amongst our drivers and amongst visiting trucks to head to go east out of this property on 322 to control them to make a left hand turn out of Knotter Drive and go to Cheshire.

We believe and Mark Vertucci from Fuss & O'Neill, the traffic engineer is here and we do believe that the intersection at 322 and Knotter Drive can accept the left-hand turn. There's a left-hand turn lane there. Mark has an additional report he'd like to put in. I mean, with the energy with the situation and the cost of fuel, over the life of this facility, to require those trucks to go around, that cost is going to be astronomical.

I'd like to have Mark Vertucci explain why he feels that the intersection is capable of holding it.

MR. CARMODY: Attorney Fazzone, hold on one second.

So, Tony, I'm up on Knotter Drive. Do you have a problem with them taking a left or a right? Or both?

MR. TRANQUILLO: No, I have more of a problem with ---

MR. CARMODY: Them going right.

MR. TRANQUILLO: No, no, not so much that. Although that is a problem. The left out of Knotter Drive is not what I'm mainly concerned about. It's the traffic off of 84 coming on to Route 322. There's already a long queue of trucks eastbound. Sometimes those trucks actually block the lanes eastbound. So, it's the 84 traffic getting off at Exit, what is it 28, I believe it's 28, and then taking a right and going eastbound on 322 and then having additional queuing of trucks in that area. That's a problem now.

MR. DELSANTO: Blocking driveways.

MR. TRANQUILLO: They'll be blocking driveways, blocking Ruggles Row. Actually, the queue now almost extends down to the off ramp of 84.

MR. CARMODY: Anything, this access will exacerbate that problem?

MR. TRANQUILLO: Well, it will slightly. Maybe it's not a deal breaker but ---

The other issue, which I didn't mention before, is that you cannot get on or off of 691 at this intersection in the truck stop area. If you want to use 691 to go to 91, and points easterly, the only way to get there is either 322 or West Johnson Avenue.

So any trucks that go in that direction have to use one of those two routes.

ATTORNEY FAZZONE: And, we are prepared to enforce that amongst the trucks from this site going east on 691 to --- and accept that stipulation that they use West Johnson Avenue. It's the access to 84 that presents the problem to us. We would like to have Mark --- he has an additional report --- let him explain that intersection.

MARK VERTUCCI: Good evening, I'm Mark Vertucci. I'm a senior transportation engineer at Fuss & O'Neill. I'm also a registered professional engineer in the State of Connecticut.

I did want to submit a memorandum as well as an attachment that shows some truck turning diagrams through the 322 intersections.

Just first of all, talking about the site access, you can see on the map here, the site is outlined in the blue shading there just to the east of Knotter Drive. The I-84 interchange on Route 322 is located just to the northwest of the site. The interchange is only actually about a quarter of a mile away from the site. So for vehicles to enter the site, they get off the 84 ramps, make a right turn, an immediate right on Knotter and then into the site. To exit, they would go north on Knotter, make a left turn and then they're right at the ramp. They would make a left turn to get on to the eastbound or westbound I-84.

Much of the traffic from this site will originate from 84. What we have there is as was described in our traffic study, it's a safe, efficient and direct route to get there through those three intersections. While there will be some people coming to the site from 691, Exit 3 here, most of those vehicles will be coming from the east or the southeast, I-91 and the Meriden/New Haven area.

Anyone coming from 84 wouldn't logically go that way. They'd have to go down to Exit 3, get off on Route 10, go south to West Johnson Avenue, make a right turn, go about 1.5 mile up West Johnson Avenue, then right up Knotter and right into the site. Overall, it's approximately a 3-mile detour if they were to do that.

So, it's not the most direct route. I would also increase delay at the Knotter and West Johnson Avenue intersection, which is already near capacity. That intersection is just south of the site in Cheshire.

We did perform a truck turning analysis. Just to indicate, basically the movement where the trucks would be turning, coming from 84 and going to the site VIA Route 322.

This first diagram is the intersection of Route 322 at Knotter Drive and you also have that in the handout I just

distributed. You can see that this is done for a WB-50 truck. A 50-foot tractor-trailer, which is the largest truck that Napoli would operate. I do want to note that they only have two of these trucks. The majority of their trucks are 30-foot box trucks. This is a very conservative truck turning analysis.

You can see the trucks coming up Knotter, making a left on to 322. There's ample intersection width there and similarly making a right turn on to Knotter, the radius is a large radius there. They can safely and efficiently make that turn without encroaching on the imposing lane of traffic. This intersection, I won't go into the other two in detail, but these are the two 84 ramp intersections. You can similarly the ---

(End of Tape #2, Side B)

(Beginning of Tape #3, Side A)

-- on Route 322, the two 84 ramp intersections as well as the 322 at Knotter Drive intersection. The two 84 ramp intersections currently operate efficiently at level of service B. There is reserve capacity and there's no reduction in level of service as a result of the additional traffic we're anticipating from the Napoli development.

The Knotter Drive intersection currently operates at level of service C which is an acceptable level of service and again there is no reduction in level of service as a result of the additional Napoli traffic.

I did want to talk about the ques just for a minute. In general, those three intersections on 322, we had a minimal queue impact as far as additional, from the additional traffic from Napoli. The approach ques on each intersection generally increase by one vehicle length or less on average with two exceptions. The 322 westbound approach to the 84 eastbound ramps, the queue increased by about 70 feet which is about three vehicle lengths but the back of queue during the pm peak hour still did not extend back to the truck stop Knotter Drive intersection. There was still additional space there.

And, the Knotter Drive northbound queue, the left turn queue on to Route 322 increases by about 90 feet in the afternoon peak hour. But again, that queue, there is ample storage capacity on Route 322 heading south that back of

queue will not obstruct the Home Depot driveway which was recently constructed there.

I thought it was important briefly just to note what the truck operations are on this Napoli site. There may be some perception that this is a huge truck generator. The Napoli distribution center only operates 16 to 18 trucks per day. And, they also have 16 to 18 receiving trucks. So overall throughout the course of a day we're talking about 34 trucks.

Most of these trucks will come in/out during off peak hours. They come in scattered throughout the day. The receiving trucks come in over a 7-hour period. And, also, the workers on the site work in shifts, so they are coming in/out at sporadic times. So, during the peak hours themselves, the impacts are fairly minimal. Our traffic study was actually very conservative in that we used the IT rates which assumes most of the traffic will come in during the peak hours.

If you divvy out those 34 trucks per day and you consider the fact they're really spread out over about 10 hour period, average trucks per hour, we're only talking 3,4,5 trucks additional per hour and not all of them are even going out to 84. Some of them actually are going on West Johnson or 691.

Just to give you a comparison, when you have 4 trucks per hour, the Route 322 and Knotter Drive intersection currently has about 2,000 cars per hour in the peak hour. So, it's really a negligible increase when you put it in that perspective.

Lastly, I did want to touch upon the accident analysis. I did mention the accident pattern that we identified in the last meeting. The accident pattern at the Route 322/Knotter Drive intersection, well it's right here, the pattern involved eastbound left turning vehicles on Route 322 turning into the truck stop. They were colliding with westbound through vehicles on 322. If you're familiar with the intersection there is a crest curve just to the east of Knotter Drive and it really restricts the sight distance coming through the intersection if you're heading east and west. So, these left turning vehicles, many of whom are trucks going into the truck stop, they make a very slow turn, people are barreling over this hill and they can't

see the truck and there were a few collisions and a fatality involving that type of accident.

It's important to note though the turning movements that we're adding traffic to are the movement in yellow here. The lefts coming out of Knotter and rights going in. We did not identify an accident pattern or an abnormal accident frequency with those movements. And, those movements go during a completely different signal phase as the Route 322 through movements there.

We did however, as a result of this accident pattern, we did recommend some signal timing or phasing modifications in our traffic study. There is a permissive left turn phase at the truck stop now and we are recommending that be removed and there be a left turn only arrow phase at that intersection. Again, that's to accommodate the existing conditions and not to accommodate additional Napoli traffic. But we will be discussing that with DOT during the STC application process, which is the last thing I wanted to mention.

Just to remind you, we are submitting to the STC. This is a certificate application required for this project as it does meet, it does about 691 and has a greater than 100,000 sf of development, so it does meet STC thresholds.

DOT will thoroughly review this project and the impacts on the State road, the State intersections on Route 322 as ultimately it is under their jurisdiction. So, they will be reviewing that which should give the Town a level of comfort with those intersections.

Lastly, I did want to mention the Home Depot project, as you are aware recently opened, that project --- we also worked on that. And, I understand there were no comments or stipulations on that site regarding where truck traffic enters and exits to/from the site. In fact, we did show on our plan, we did show areas where there is heavy-duty pavement for truck vehicle access. You can see the shaded areas show the paths of the heavy, heavy-duty pavement right out to Knotter Drive. So, we were proposing all along to have trucks enter Knotter Drive and there wasn't a stipulation imposed on that against truck traffic going out to Knotter Drive, which I just wanted to note, as well.

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

MR. CARMODY: Mark, my questions are more for Tony. Did you have a chance to take a look at this?

MR. TRANQUILLO: That's brand new. I haven't seen that.

MR. CARMODY: Do you agree with his assessment of the pattern behind the accidents? The accident pattern?

MR. TRANQUILLO: I would have to take a look at that. I would request that you give me a couple of weeks to look at that new information that came in.

MR. CARMODY: Okay. And, then I guess, Mark or Attorney Fazzone could answer this. Hypothetically speaking, if we came back with a recommendation after Tony took a look and whatever this Commission decided where allowed right turns out of Knotter for local delivery but a left only for non-local, is that acceptable to the applicant? Out of Knotter?

ATTORNEY FAZZONE: Out of Knotter on to 322? Yes, that would be acceptable.

MR. CARMODY: Thank you.

MR. SAUCIER: I have a question for Tony. You made mention about the right now left hand turn into the truck stop, it's permissible. So in other words when that green light is --- left arrow's gone, it's a green, they can make that turn. With trucks making a turn out of Knotter, left hand turn on to 322, and with the shortness of that left lane, I mean I've been on there myself watching those trucks trying to make it into the truck stop and that light is not long enough for those queued up trucks to make that left turn, will that just exacerbate that queuing?

MR. TRANQUILLO: The queuing will definitely increase if they can't make a permissive left and will also, that restricted or dedicated left will tend to take away green time for the other movements in the intersection. So, it will solve some problems, but it may exacerbate others.

MR. SAUCIER: I'm also questioning too, granted a lot of these, they're saying that a lot of this traffic will be box trucks, but the deliveries and whatnot might be a full size and coming through and making that left hand turn out of Knotter, it's, we've all seen that light is yellow, the

truck is moving through the intersection, they're making that left hand turn and if you now have only a left hand turn into the truck stop, you may not even get a truck out of that lane.

MR. TRANQUILLO: Well, that's right. The movements are so slow that in any one cycle you can only get as few as one truck. Sometimes, if you have ideal conditions, you might get 4 or 5. But under adverse conditions, you might only get one truck through the intersection on a signal, a cycle. So, it's very, very peculiar. It's a very peculiar situation because in a normal intersection, you don't have a high percentage of truck traffic. At that intersection, the percentage is very high which a lot of the rules get thrown out the window because the trucks don't move the same as a car moves. So, to say it's a minimal increase is correct, but that minimal increase could cause a huge impact. So, I would ask to look at this information they gave us and give you a recommendation at the next meeting.

MR. SAUCIER: All right, thanks.

ATTORNEY FAZZONE: I would just reinforce what Mark said and that is that this application obviously, that whole intersection is subject to an application to the STC and they will look at the recommendation of your traffic authority before they make a decision.

ACTING CHAIR: What's your pleasure?

ATTORNEY SCIOTA: Is this 1/3/07 right on this one?

MR. LAVALLEE: No. They're okay until January 16th. Oh, nope. Actually, you are right. They need a 65-day now.

ATTORNEY FAZZONE: I don't think that's correct. I don't think this was accepted until your postponed meeting in November. You postponed your meeting on Election Day in November and then your meeting when this was accepted was at the following meeting, somewhere near the end of November. You have 65 days from that day.

ATTORNEY SCIOTA: The Agenda says: 1/3. I just wanted to make sure.

MR. LAVALLEE: I wouldn't go by that.

ATTORNEY FAZZONE: I don't think the Agenda, that would mean that it was November 3rd roughly.

MR. TRANQUILLO: We had our meeting on the 8th.

ATTORNEY FAZZONE: And, that meeting was postponed.

(Undertone comments/conversation)

ATTORNEY SCIOTA: We had a meeting the week of the 2nd, the week before.

So you were on the next meeting. They're okay, Dave?

(Undertone comments/conversation)

MR. LAVALLEE: I think that since we know we are moving forward with this, a 65 day cushion wouldn't hurt.

ATTORNEY FAZZONE: We're not in a position to give 65 days. We have a contractual constraint that has been extended ---

ATTORNEY SCIOTA: You might not need it, but ask for a 14-day extension and that'll cover you until the next meeting.

ATTORNEY FAZZONE: We will request a 14-day extension to cover us through the next meeting.

MR. CARMODY: Motion to grant a 14-day extension.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

MR. CARMODY: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

ATTORNEY SCIOTA: Before you go on, Mr. Chairman, I just talked to Sev. Some bad news for him. The sidewalk waiver requires a two-thirds vote and it was a 4/3, so there is no waiver of the sidewalks in that particular application.

MR. BOVINO: Mr. Chairman, may I make an addition

presentation?

ATTORNEY SCIOTA: The next meeting? Well, what we can do is, I would ask and I know procedurally it's a pain in the neck, I would ask that a person who voted in the --- one of the three people, make a motion to rescind that vote right now and we'll table it and you can make a presentation at the next meeting.

MR. SAUCIER: I'll rescind my nay and make a motion to rescind.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

ATTORNEY SCIOTA: You can make your presentation at the next meeting.

ACTING CHAIR: I'll reseat Commissioner Conroy.

M. Site Plan Application of LePage Homes proposing to construct a 19-unit multifamily housing development (West Street Condominiums) incorporating 2 existing homes and 2 proposed buildings totaling 22,828 sf property located at 179 & 191 West Street SPR #1448.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

N. Site Plan Application of Sachse commercial Contractors, Inc. proposing to construct a 423 sf addition to the existing building at the Apple Valley Veterinarians

veterinary hospital facility, property located at 1218 South Main Street SPR #1449.

MR. LAVALLEE: There are outstanding issues with this site. There's been some activity out there that may involve some upland review area for the wetlands. So, we're dealing with that at this point.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

O. Site Plan Application of Daniel J. Michaud proposing to construct detached garages totaling 11,000 sf for The Meadows Condominium complex, property located off Darling Street known as Assessor's Map #134, Parcel #4 SPR #1450.

MR. BOVINO: Mr. Chairman, the proposal is to add garages to this condo complex. We've received comments from the staff and they've been addressed. I indicated to you last time the type of units we intend to build and I believe it's ready for action unless you have any questions.

MR. LAVALLEE: Mr. Chair, we actually did have a consultant come onboard and he did a review of this. So, we'd appreciate one more meeting on this just to --- in fairness, get the applicant the comments from that consultant.

MR. TRANQUILLO: The consultant, Dominic Caruso, got a checklist coming.

MR. BOVINO: The comments are not ready, yet.

MR. TRANQUILLO: Dom Caruso made a checklist on this. I wasn't aware of that until today.

MR. BOVINO: I thought we went over this.

MR. LAVALLEE: He just came in with the checklist today.

MR. CARMODY: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

P. Site Plan Application of Briarwood College, Inc. proposing to construct a 16,500 sf dental school building with associated parking area in conjunction with the existing college facility, property located at 2279 Mount Vernon Road SPR #1451.

MR. BOVINO: Mr. Chairman, this is a proposal for a dental school at the existing Briarwood College. As stated the last time, this is in front of the Wetlands Commission for review and consideration, but this Commission needs to think about the sidewalks which were waived in the past and we're looking for that waiver, again.

MR. CARMODY: How big is this addition? Sixteen thousand five hundred feet?

ACTING CHAIR: Yah, 16.5.

MR. BOVINO: It's 5,500 square feet per floor. There's two floors and a basement.

MR. CARMODY: This is a pretty big addition.

(Pause)

I don't know. I don't know what the Commission thinks, but we've been putting off putting sidewalks here for a very long time and uh, because they've been little bits and dribs and drabs and a lot of things happen at Briarwood, but this is a very big project you're undertaking. And, I don't know if you feel comfortable with us tabling it and thinking about it, but um, I'm usually a waiver of sidewalks. I don't know.

MR. BOVINO: I would be in favor of tabling it and also encourage the Commission to look at the previous record. There was extensive discussion as to why the sidewalks were waived here. As a matter of fact, there was a motion made that possibly the sidewalks should be terminally (sic) waived on this site.

The nature of the activity on this site has not changed even if this addition is substantial. We did have the previous application, which was a dormitory. That was a large application and in that case and the library and in that case it was waived.

So, if you can table it and look into this, I'll do the same.

MR. CARMODY: Okay, is that all right?

MR. DELSANTO: Dave, maybe we can get the Minutes from the last application? I remember there were some great issues and a brook or something to build the sidewalk on.

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

#### NEW BUSINESS ITEMS:

A. Floodplain Filling Application of James W. Reed proposing to level and regrade within the floodplain for purposes of establishing a front yard area, property located at 70 Squires Drive FF #200.

MR. LAVALLEE: Mr. Chairman, this was pretty much a case where a homeowner brought in some topsoil to seed over his lawn. Really a negligible amount of floodplain was displaced and the condition on the recommendation for this from the IW Agency that he remove some landscaping that was done further into the floodplain but within existing yards so it would balance out whatever amount was brought in.

It wasn't truckloads of fill. It was pretty much like I said, a top dress of his yard.

The Commission gave a favorable recommendation on this.

MR. DELSANTO: There's no other outstanding issues with it?

MR. LAVALLEE: No, the IW Agency didn't seem to have too much of a problem with it. They walked the site.

MR. DELSANTO: Move to approve.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

B. Subdivision Application of Woodruff Street Associates proposing to subdivide property for purposes of creating 8 single family lots within an R-20/25 zone, property located at 137 Woodruff Street S #1245.

ATTORNEY SCIOTA: Just to remind you, Sev. A very brief presentation because there's going to be a public input session.

MR. BOVINO: Chairman and Commission members, Sev Bovino, planner with Kratzert, Jones representing the applicant. The property is located on Woodruff Street. Street address: 137. Property is served by public water and sewer. It's 12.7 acres. The proposal is for eight lots. There's two structures on the property. Wetlands approved the application. And, they recommended favorably on the floodplain application. That ends my presentation.

ATTORNEY SCIOTA: Less than a minute. Very good.

(Chuckles)

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

ACTING CHAIR: For those from the West Street (sic) area that was --- I'm sorry, Woodruff Street. There is going to be public input at the next meeting --- February meeting. The February 6th meeting. Okay.

(Motion passed unanimously on a voice vote.)

C. Subdivision Application of Magnoli Enterprises, Inc., proposing to subdivide property for purposes of creating 4 single family lots (April Estates) property located off Burritt Street known as Assessor's Map #040, Parcels 012, 013 & 021 S #1246.

MR. GIUDICE: For the record, Stephen Giudice with Harry Cole & Son on behalf of the applicant. We have a property, 3.3 acres known as 221 Burritt Street. It's actually two parcels that we're combining. We have an existing home located at the southerly end of the property on Burritt Street. We are proposing to retain that property and that home and we are proposing to construct a 150-foot cul de sac. This is an R-20/25 zone. Lots are all a minimum of 22,500 sf. The homes would be serviced by public sewer and public water. All the houses would technically front on the proposed road.

The plan calls for underground stormwater storage. And, we have a large diameter pipe proposed along the easterly boundary line of the property and one of the things that I did want to discuss you was a sidewalk waiver on half of the street. The reason being is that the right of way here is going to abut two private owners: Tellerico and Murphy. And, I know in the past that instead of burdening those property owners with the maintenance of those walks, you have allowed, you have waived half of the street in some areas.

I am requesting you do that tonight, if possible.

I believe the last time was on Cortland Estates, if I remember correctly. It was a similar situation to this.

Other than that, we have submitted the plans and we're waiting for checklist review from the Town Engineer and maybe from Mr. Caruso or whoever is going to be doing that.

And, it's a relatively straightforward application. The grades are relatively flat and there's not a lot of earthwork to construct this. It's a pretty easy subdivision.

That's it for now.

MR. DELSANTO: Which side of ---

MR. GIUDICE: It would be on the easterly boundary. I forgot my laser pointer tonight and I stole Sev's for a little while. He needed it back.

In this location here we have frontage and again, because

we don't own these properties, we had to keep the pavement somewhat off the property lines to allow us to do the proper grade and so on for the road construction.

Once in the past we did acquire that land. Years back we did a similar situation like this where you required sidewalks and you required one of the lots to own that strip of land all of the way down to the road. The problem --- that causes somewhat of a problem for the other properties as far as it kind of landlocks those properties. If Tellerico ever wanted to subdivide in front on this cul de sac, he would not be able to do that. So, we felt that leaving the right of way up to that property line was the best solution.

I don't know if anyone else has any feelings on that or not.

MR. CARMODY: All of the houses are on that side of the street. It's like, you know, a difficult parcel to work with. He's right that we did it before. Cortland was the one off Hart Street?

MR. GIUDICE: Flanders.

MR. CARMODY: Flanders?

MR. GIUDICE: I believe.

(Undertone comments)

MR. CARMODY: It makes sense. You don't want to burden one property owner and you don't want to infringe on those other people who weren't part of this project. So, you're looking ---- I'll make a waiver --- I mean I'll make a motion for a waiver of the sidewalks on the easterly side.

MR. DELSANTO: I'll second that.

ATTORNEY SCIOTA: Be more specific and help Tony out. Is that from the bulb down?

MR. GIUDICE: It would basically go from the property line of Lot 4, the easterly property line, this location.

MR. CARMODY: From the property line of Lot 4 ---

MR. GIUDICE: To the intersection of the road.

MR. CARMODY: --- to the intersection with the road.

MR. DELSANTO: Second.

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

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

D. Site Plan Application of Mark & Gregory Ali proposing to construct a 4,500 sf building for retail use, property located at 1416 Meriden Waterbury Turnpike SPR #1453.

FRANK CAYHILL: Professional Engineer with Jones Engineering here in Southington, CT. The application is for Mark and Gregory Ali. The site is on the Meriden Waterbury Turnpike just across the street from Superior next to the Fishin' Factory in-between the cell tower site. There's an existing residential house on the site now.

This is the existing conditions. We're proposing to take down the existing house and put up a 4500 sf retail building located near the back of the property. The site, we've met all zoning regulations as far as setbacks, side yard, rear yard. Parking.

We've proposed drainage to contain any excess runoff that we've produced from the building and the parking area with underground storage.

It's pretty straightforward. Really not a whole lot to it. Just submitted last week and I'm sure you haven't had a whole lot of time to review it, so if you have any questions at this point, I'd be happy to answer them.

MS. CONROY: Is this a building for a single occupant or are they going to be divided for a few different uses?

GREG ALI: We're not sure, yet. We want to see if you're going to approve the 4500 sf and then we can decide on what type of building and how many tenants.

MARK ALI: We haven't decided on it, like Greg said, but maximum two. You know, one or two.

MS. CONROY: Thank you.

MR. CAYHILL: The only other thing I can add is we have sidewalks proposed in the front to carry on and extend the Fishin' Factory sidewalk. That's about the only other thing I can add at this time.

MR. TRANQUILLO: I haven't made a review, yet.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

NEW ITEMS TO SCHEDULE FOR PUBLIC HEARING: January 16 or February 6, 2007

A. Special Permit Use Application of Richard Munson proposing to establish an age restricted over 55 multifamily community with construction of multiple buildings on one lot, property located off Berlin Street and Prosperity Street known as Assessor's Maps #89, 101, Parcels 40 & 41 SPU #435.

\*\*\*Notification required to 200 property owners\*\*\*

B. Special Permit Use Application of Lori-Jo Saucier proposing to construct a parent/grandparent apartment from within an existing single family dwelling, property located at 81 Ashwell Drive, Plantsville SPU #436.

ATTORNEY SCIOTA: I would stay away from February 6th.

MR. LAVALLEE: The 16th is good for both of these.

MS. CONROY: The 6th or the 2nd?

ATTORNEY SCIOTA: February 6th is the first Tuesday.

I would stay away from that. On the 16th you have a hold over, one continuance.

ACTING CHAIR: What do you recommend?

ATTORNEY SCIOTA: You are in charge again on the 16th, so it's up to you.

ACTING CHAIR: I am on the 16th?

ATTORNEY SCIOTA: Yah, you're the Chairman again on the 16th.

MR. DELSANTO: Can't go to the second meeting in February?

MR. CARMODY: B is a parent/grandparent. Ten minutes.

Put both on the 16th.

ATTORNEY SCIOTA: The girls okay with notification?

MR. LAVALLEE: That's fine.

ACTING CHAIR: Put them both on the 16th.

#### MISCELLANEOUS

A. Request of Janice L. Wood for a waiver of the 15% maximum slope required in order to construct a driveway to access her property located at 166 Cascade Ridge.

MR. LAVALLEE: Mr. Vice Chair, we do have a letter from the Fire Marshall's Office. Fire Chief Richard McDonough saying that it's unfeasible for fire trucks to safely enter the proposed driveway at 168 Cascade Ridge.

UNIDENTIFIABLE: That's a problem.

MR. BOVINO: When was that?

MR. LAVALLEE: January 2nd it was dated. Today.

MR. HART: The angle of entry for a fire apparatus to get in. The wheelbase is such that it's, whatever the apparatus

is, tailboard hangs out sometimes up to 8 to 10 feet, so as it comes in, it bottoms out and it can't proceed.

MR. CARMODY: Would it have that same problem with the existing lot?

MR. HART: Uh, I ---

MR. BOVINO: This location?

There is an exiting driveway serving the house and also ---

MR. HART: Wasn't the problem up by the new driveway? It goes up?

MR. BOVINO: That's what we're trying to find out. Where is the concern? At this location or here?

MR. LAVALLEE: Yah, the new proposed.

MR. BOVINO: The new intersection?

MR. LAVALLEE: Yup.

MR. BOVINO: Why would it bottom out when we're matching the grades?

MR. HART: I'm just giving what the rational ---

MR. BOVINO: If there's any bottom out, it would be at this location where you have a flat area.

ATTORNEY SCIOTA: Wait. Can you read the Chief's letter again?

MR. LAVALLEE: Yup.

"To Site Plan Review Board from the Fire Marshall's Office regarding 168 Cascade Ridge, states that it is unfeasible for fire trucks to safely enter the proposed driveway at 168 Cascade Ridge."

ATTORNEY SCIOTA: Mr. Chairman, there are two choices. If Sev wants to have us table this, he can go talk to Mac, that's up to him.

You can't possibly approve this with that letter because

the Town would have serious liability issues.

Two choices: You can either vote to deny or table and let Sev talk to the Chief. Those are really the only two choices.

MR. BOVINO: I would request a table. I just heard about this. I think the applicant has a right to explore this.

MR. SAUCIER: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

B. Modification of Site Plan for the Apple Valley Bank facility, property located at 158-160 North Main Street SPR #1225.1.

ATTORNEY SCIOTA: Before Sev starts, I must say on behalf of Tony and I, we can't give him a hard time on this. This is a request of the Town.

MR. BOVINO: The Town requested that we give two feet of land parallel to Mill Street from this location here which is the westerly property line to the intersection. In addition to that, to give ten foot of slope rights. The purpose for this is to widen Mill Street eventually, add a lane to Mill Street.

The applicant was able to accomplish this. We submitted it in a quick way. And, we're looking for approval on this. Part of this is a waiver of the sidewalk because to widen Mill Street, then it would not make sense to build a sidewalk and then rip it out.

Also, on North Main Street there is a small amount of work that the site plan calls for and we are asking to waive that part.

MR. TRANQUILLO: So, in return for the slope rights to the property, the applicant has requested not being required to do the sidewalk and curb work which in light of the situation, I would agree with.

ATTORNEY SCIOTA: This is one piece of a puzzle that we're trying to put together over the next ---

MR. CARMODY: So, then there is nothing to stipulate. It's all on this?

MR. BOVINO: It's indicated on the plan. Waiver requested.

MR. TRANQUILLO: Is this an official plan or is this the ---

MR. BOVINO: Right there.

MR. DELSANTO: Motion to approve.

MR. SINCLAIR: Second.

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

MR. BOVINO: Thank you. I just want you to know that obviously the legal paperwork has to be exchanged, the legal description and all that.

ATTORNEY SCIOTA: We'll be working on that.

C. Request for Approval in Accordance with Section 8-24 of the Connecticut State Statutes for the acquisition of the 8.70-acre "Goat Island" parcel bounded by Rails to Trails and the Quinnipiac River Referral #414.

ATTORNEY SCIOTA: This is a referral from the Town Council and the Open Space Committee. You are all familiar with the property. It's approximately 8 acres. It's between the Rails to Trails and the Quinnipiac River. We all feel this is a good acquisition for the Town and hopefully you can give a favorable recommendation.

MR. CARMODY: Motion to grant a favorable recommendation.

MR. SAUCIER: Second.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

D. Request for a Bond in Lieu of Site Plan Compliance for a

period of 90 days for the Sponge Brothers Car Wash facility, property located at 312 Queen Street SPR #1416.1.

MR. LAVALLEE: We held out a bond for \$20,000 for some landscaping that hasn't been completed, yet.

MR. TRANQUILLO: We recommend 90 days. They'll probably have to come back and ask for an extension, but 90 days will allow them to move in.

MR. DELSANTO: Request a bond?

ATTORNEY SCIOTA: This one we already have the \$20,000 bond administratively because of this, we granted it last week only to today. Now, they need 90 days from today.

MR. CARMODY: Motion to grant the bond for a 90-day period.

MR. DELSANTO: Second.

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

E. Request for Release of the \$6,400 Subdivision Bond and the \$3,600 Public Improvements Bond for the Tomczak Estates Subdivision, property located off West Center Street & Autran Avenue S #1168.1.

MR. TRANQUILLO: Mr. Chairman, we should table this. There's some questions still on this.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

F. Request for Release of the \$20,200 maintenance bond for South Woods Subdivision, property located off south Woods Drive S#1205.

MR. LAVALLEE: This is ready to go.

MR. DELSANTO: So moved.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

G. Request for Acceptance of Baldwin circle (700 ft) and MacIntosh Way (1,900 ft) within the Cider Mill Estates Subdivision contingent upon receipt of a \$171,000.00 Maintenance Bond to cover the new roadways S #1192.

(Mr. Carmody left the room.)

ACTING CHAIR: I'll put in Commissioner Zaccagnino.

MR. LAVALLEE: This is all set.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

ACTING CHAIR: I'll reseal John Carmody, Commissioner Carmody.

H. Request for Reduction of the Subdivision Bond for Fox Hollow Subdivision, Section II from \$235,000 to a new amount of \$83,000 to cover remaining work, property located at 157-167 Rahlene Drive S #986.3.

MR. LAVALLEE: This is ready to go.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

I. Request for Release of the \$22,500 Public Improvements Bond for the Home Depot Site Plan, property located at 1816 Meriden Waterbury Turnpike SPR #1402.

MR. LAVALLEE: This is ready to go.

MR. SINCLAIR: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

J. Request from Ravenswood Homes for a 90-day statutory extension in order to file the mylar and bonds for he approved Wyndcrest Estates Subdivision, property located at 120 Clark Street S #1242.

MR. LAVALLEE: This is ready.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

K. Request for Bond in Lieu of Site Plan Compliance for Valley Bank Site Plan in order to obtain a Certificate of Occupancy for January 3, 2007, property located at 98 Main Street SPR #1424.1.

MR. LAVALLEE: We can skip this one. Take it off.

ACTING CHAIR: Okay, Item K is removed.

Any further business?

MR. DELSANTO: Motion to adjourn.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 10:57 o'clock, p.m.)