

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing & Regular Meeting
October 16, 2007
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, Jr., called the Southington Planning & Zoning Commission to order at 7:07 pm with the following members in attendance:

John Carmody, John DeMello, Michael DelSanto, Francis Kenefick, James Sinclair and Patrick Saucier

Alternates: Lisa Conroy and Kelly Kennedy Del Debbio

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

Absent: Brian Zaccagnino, Alternate Commissioner

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

Zaya Oshana, Chairman, presiding:

Approval of Minutes: Regular Meeting of Tuesday, October 2, 2007

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

Special Meeting of October 9, 2007

MR. SINCLAIR: So moved.

MR. KENEFICK: Second.

ATTORNEY SCIOTA: Procedurally, Mr. Chairman, you just have a motion to add all these things on the Agenda, first. Because these aren't on there. The special meetings and stuff are not on the Agenda, yet.

The list right here, that the Planner gave you, you can have one motion to add all those on.

MR. DELSANTO: I'll make a motion to add the following to our Agenda this evening:

4-B: Approval of the Minutes of Special Meeting of October 9, 2007.

4-C: Approval of the Minutes of Special Meeting of October 11, 2007.

6-J: Request for a 90-day extension for filing Mylar for 30 Kuhr Drive. S #1025.1.

6-K: Request for subdivision bond reduction, Shetland Acres, S #1243. Revised subdivision bond amount is \$52,700.

6-L: Request for release of a \$14,500 bond in lieu of site plan compliance, Mountain Lore Animal Hospital, SPR #944.1, 765 South End Road.

6-M: Request for the release of a \$1,000 E & S bond and the \$2,900 public improvement bond, Sunset Auto Sales, SPR 1442, 1223 Meriden Waterbury Road.

6-N: Request for reduction of E & S bond, Laurelwood Estates, S #1221.1. The revised E & S bond amount is \$5,000.

MR. DEMELLO: Second the motion.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We will look for approval of the Minutes for our Special Meeting of October 9, 2007. For that meeting, Commissioner DelDebbio was present at that meeting, so I'll seat Commissioner DelDebbio in for myself.

Ms. Savage, call the roll, please?

MS. SAVAGE: Mr. Carmody?

MR. CARMODY: Motion to approve the Minutes.

MR. SINCLAIR: Second.

THE CHAIR: Getting ahead of myself. Motion to approve and a second. Okay. Any discussion?

(No response)

Hearing none, now would you call the roll, please?

MS. SAVAGE: Mr. Carmody: Yes
Mr. DeMello: Abstain. I was out
of state.
Mr. Kenefick: Yes
Mr. Saucier: Abstain
Mr. Sinclair: Yes
Ms. Conroy: Abstain
Ms. Del Debbio: Yes

MR. DELSANTO: I abstain.

So, we have four.

THE CHAIR: The motion passes with four affirmative votes on that.

We're looking for a motion for approval of our special meeting of October 11th.

MR. SINCLAIR: So moved.

MR. CARMODY: Second.

MS. SAVAGE: Mr. Carmody: Yes
Mr. DelSanto: Abstain
Mr. DeMello: Abstain. I was out
of state.
Mr. Kenefick: Yes
Mr. Saucier: Abstain
Mr. Sinclair: Yes
Ms. Conroy: Abstain
Ms. Del Debbio: Yes

So, we have four.

THE CHAIR: Motion passes with four affirmative votes on that, also.

PUBLIC HEARINGS:

The Town Planner read the legal notice into the record.

Chairman Oshana reseated himself for the remainder of the meeting.

A. Dean Volodota, 826 Mt. Vernon Road, 2-lot resubdivision S #1260.

Stephen Giudice with Harry Cole & Son, here tonight on behalf of the applicant. It's a proposed subdivision located at 824 Mt. Vernon Road. R-20/25 zone in the front. R-80 in the rear.

Existing house on the property, existing driveway and septic system (indicated). We're proposing to cut out one R-20/25. Serviced by public water and septic system.

Lot is 22,500 sf. The remaining parcel would be approximately 128,000 sf.

We're not proposing any improvements to this area, this house or the driveway at this time. We are proposing a driveway and a house at this location here (indicating).

We're not proposing any improvements to the roadway. Sight distances are good from the driveway.

We're in the process of addressing staff comments.

We'll answer questions about the application.

We are not proposing any mature trees to be taken down, in response to a question by Mr. Carmody.

(Those speaking against the application)

No response.

The Chair closed the public hearing.

B. Richard Munson, proposed development of a 55+ active adult community, Berlin Street (Assessor's Map 89, Parcel 40) SPU #435.2 - continued

The Chair reminded everyone the statements and testimony on the record from the previous public hearings remain active as part of the record and will be taken into account by the Commission when we deliberate.

(Those speaking in favor of the application.)

Attorney Mike Dowley, representing the applicants. I want to compliment the staff and my clients for working together on a project that have resulted in significant changes.

Tonight, I'll have the development engineer, Sev Bovino take you through all the changes that have been worked on developed.

I'm going to have the traffic engineer who gave a brief presentation last month --- he's gone out and done an extensive study. He'll make that presentation.

Changes involved are reducing the density from 66 units down to 31 units. A very large building on the site and the question was did it really blend in with the rest of the neighborhood. They've eliminated the large building. With regards to staff's comments, we are in agreement with all of the comments from staff concerning drainage and easements, et cetera.

I've got a couple of technical things for the record. When Dan LaPorte was here the last time he gave some testimony concerning the neighborhood not depreciating in value and he was basing that upon information he had received. We have the letter which I'll read into the record and then I'll give the original to staff.

This is a letter to Mr. LaPorte, from John W. Nitz, MAI. (Read into the record, the original of which is on file in the Town Planner's Office.)

I have a second letter for the record. This is addressed to the Southington P & Z Department. It's from the Cardinal Crest Condominium Association signed by James Duquette, Treasurer/Director. (Read into the record, the original which is on file in the Town Planner's Office.)

I believe this is a situation where we've got a property where I think for most planning purposes it would be classified as infilling and this is in fact the proper development for the site. Instead of many houses that could increase your school budget and cause other concerns, I think the 55 and older development is the perfect fit for the neighborhood.

Staff's comments to you, there was a sentence that states: As stated previously, staff is of the opinion that this parcel is the appropriate location for infill development and is supportive of the proposal for age-restricted housing at this location.

One of the concerns for staff was the density of the project, which originally was for 60 units. I'm going to have

Sev Bovino take you through the multiple changes and the bottom line density is now 31 units.

Sev Bovino, Planner with Kratzert, Jones representing the applicant. Oriented the Commission as to where the location is on the map.

This property is served by public water and sewer.

Showed photos of the neighborhood. Olde Town Village, Wheelers Village, commercial use. (Submitted for the record.)

Showed photos of the roadway in front of their property and explained shots and visibility. (Submitted for the record.)

The property is zoned R-12. Showed the site plan. Request is for multifamily over 55 community. 5.92 acres. We have a letter from the water department indicating there's proper pressure and flows to be able to serve this project.

A new public road is proposed, 340 feet long, cul de sac. It's proposed with sidewalks and designed to Town specs.

The proposal was 60 units with 7 buildings. It has been reduced to 31 units with 6 buildings.

As requested by staff and indicated by the public, here were concerns with the way the buildings fit in the neighborhood. We have replaced the large building. We looked at providing larger buffer than required. To the north we have 35' buffer and easterly again for this entire length (indicated). And, there is a distance to the building itself to provide room to maneuver around the buildings.

An extensive network of walkways is proposed with the roadway and the proposed condos that provides walking area for the residents and it leads to the recreation area in the southwest corner of the property.

The passive recreation area is in excess of the required.

The parking is more than required. It includes visitor parking. Explained.

A mail pick up area has been provided. Explained.

There is plenty of green space throughout the project between the buildings.

Access easements have been provided to the neighbors to the south, Sabatella and the other property owner to the north, northeast.

All the improvements are to Town standards.

I've got reduced color copies of the project for the Commission to review. (Passed around.)

There are color copies of the neighborhood and the intersection.

It is my opinion that this proposal is in harmony with the neighborhood.

I'll answer questions.

Mr. Kenefick asked about the access easements and to whom. Mr. Bovino explained.

Discussion about whether the lots can be built on. Attorney Sciota made the point this wouldn't be taking any rights nor would it be giving them any rights. They still have to prove to the Town that they have a legal conforming lot as it existed on May 20, 1957.

Discussion.

Discussion about the Sabatella property.

In comparison to the last submittal, discussion was had on where the buffer is different.

Discussion about the style of the proposed condominiums. (Ranch style)

Sightlines coming out of the driveway on to Route 364 were discussed. Over 400' to the west and probably 700' to the east once you remove the birch tree. (indicating)

Speed limits were discussed.

Grades on Prosperity Court were discussed.

Approximately 20 single-family homes could be put on this acreage.

Mr. Bovino added they redesigned the drainage according to comments by the Town Planner and the Town Engineer.

I'd like to introduce into the record we are providing the full cut off lighting to prevent any glare.

Detention pond location as pointed out.

Mr. Weichsel said on the public street, you're not proposing full cut off are you? Our's is the other, semi-cut off. We do not agree with the prevailing stuff about full cut off, that creates a light/dark complex, which is really not desirable. Mr. Bovino said on the Town road, we'll put whatever the Town requires. This is within the development.

Drainage runs from east to west. Explained.

Ms. Conroy asked if they had worked with the lots 54 and 62 to come to some accord. Mr. Bovino said he personally did not talk to them. Explained the paper street.

Attorney Dowley said both owners cooperated in terms of an application and we've been in contact with the owners and they're fully aware of what's going on and I believe are supportive of the project.

Ms. Savage said one owner contacted her about how close the roadway was to the house and questioned whether or not we were requesting a fence along their property. I encouraged them to talk to the applicant and we certainly would work with them. The site plan process is where we'd fully evaluate that.

JOE BALSOKAS: Traffic Engineer from Tighe & Bond.

Submitted a full traffic report for the Commission to review. (Went over the report in detail.)

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

(Continuing) Review of Report continued.

Attorney Dowley gave his own example of trip generation and how it changes over 55. Essentially, as you grow older, your needs differ. The kid need isn't there any more.

Mr. Bovino commented as a result of removing the building in this location here (indicating) there was an additional curb cut here we eliminated. There is two curb cuts versus three.

And, to the north here, to achieve the 35' buffer area, we eliminated one unit at this building and this building (indicated).

We provided drainage calculations to the engineering department so if you need advice from Tony on the drainage, he has the data they can review and report back to you.

Rich Munson, 990 Andrews Street. I'd like to thank everyone that's involved for all their work effort. We've been at this project for going on four years now.

My partners, Dan LaPorte, Ed Reinhart, and I plan to build a first class project.

Thank you.

Attorney Dowley concluded by thanking the client and the staff. I think they've done a good job in trying to do what's best for the project.

That's our presentation. Thank you.

Peter Borchard: 62 Berlin Street. As of now, I use the gravel driveway to access my property. My family, and myself, maintained it since the 40's. As long as the Town doesn't have a problem with me accessing on the side on the driveway for myself and my business, I have no problem with the road.

Thank you.

(Those speaking against the application.)

Arthur Cyr: 103 Berlin Avenue.

Talked about the traffic generation.

Criticized the Traffic Study submitted.

Dairy Farms was discussed in regard to the traffic.

Spoke regarding the reduction in the units. It is still being over developed and its still too dense.
Discussion.

You have the power and the responsibility to use Section 8 to deny this application. If you used the diligence you used in your motions to deny Hillcrest, then your denial of this application will stand up in court.

In my opinion, if this proposal goes away and the land reverts back to the Town or other people, it would be a perfect place for Democrats and Republicans to put it on the top of their open space purchase list.

(Applause)

We have the responsibility to look at this and not give the developers everything they're looking for.

Thank you.

(Applause)

Karen Brunetto: 17 Taunton Street. I'm here to present information to you to consider regarding this application.

- The first is a petition signed by property owners within 500' of the proposed site. It has 143 signatures of the 227 property owners located within 500' of the proposal. That's 63%. Outstanding.

(Applause)

- A list of the property owners supplied by the Town and a recap sheet.

(Submitted both for the record.)

She noted that some of the homes in the area are outside the 500' boundary, but every one of the property owners will be affected when we try to exit to Berlin Street. That still has not been addressed - the affect on us, the safety issue.

A second petition was developed stating: We are Southington residents and property owners against the 60 unit housing project of Richard Munson currently known as Prosperity Park, SPU 435.2 on Berlin Street opposed site Berkley Avenue. We request the Commission deny the application based on excessive density, increased traffic and a proposal that would be out character with the surrounding neighborhood, that would devalue the existing home prices. It has 802 signatures.

(Applause)

We are not against development but we are against over development.

Discussion.

This is not a condo neighborhood. There are none in the area right now. They're all single-family homes, long established single family homes in long established neighborhoods.

She spoke about safety issues at -length. Different alternates were suggested.

Snow plowing in the winter was discussed as being a further safety factor to consider.

Homedale exits to Berlin are not feasible. Explained.

You should take into consideration all aspects of Section 8 under the zoning regulations. (Read into the record.)

It is impossible for anyone here to truly grasp what this developer is asking of us unless you live directly across the street or on the streets opposite this site. You have no idea of the danger this developer would be putting us in on a daily basis.

Again referred to Officer Mullin's letter dated September 17th. (On file in the Town Planner's Office.)

Submitted for the record photos of trucks parked in front of the Dairy Farms parking lot. Explained the photos.

Submitted copies of the 15 accidents at or near the Dairy Farms Store.

We believe we have presented sufficient information for this Commission to deny this application until and unless it is changed to conform to our neighborhood with the proper measures to insure the safety of all the residents and the families and children who cross Berlin Street daily.

Let's look at other options to access this site or additional stop signs to address the public safety.

It is imperative that we approach this development's proposed site access with diligence. We can't allow an innocent child or adult to lose their life.

Thank you.

(Applause)

Paula Palasky: 100 Berlin Street. My husband I have been residents at this address for 25 years. I am not pleased with this proposed condo establishment.

Spoke of the traffic issues on Berlin. Speeding was discussed.

Explained how visitors and she exits her property safely on to Berlin.

Described crossing Berlin in front of Berkley Market.

Spoke about exiting from the new access, Prosperity Park, heading east. Passing middle school and high school. It's a big danger with the traffic.

Spoke of children in her neighborhood and traffic in the neighborhood. Visitors to Prosperity Park were a concern.

Stop it now! We don't need it. If we wanted to live near condos, we would have purchased in an area where there were condos.

Poor examples were given in comparison by the traffic report. We don't live on West Street or Berlin Avenue.

Spoke of oak tree in front of her home.

I believe in what I believe and please, please listen to everybody here.

Thank you all very much.

(Applause)

Nancy Morrison: 15 Belleview Avenue. Their traffic engineer didn't even mention Belleview Avenue. It's a big cut through. Not once did he mention intersection with Belleview. The traffic is bad.

Discussion.

Property values were discussed. People are not going to want to move into an area where there are traffic issues. It's a major concern.

Discussion.

Safety has always been a concern and it should always be a concern. This is huge.

Please, say no to this. It's a bad idea. Just say no.

Thank you.

(Applause)

Paul Morin: 15 Taunton Street. My concerns are the same as the last time I stood up here and spoke.

Berlin Street is a major avenue for your school buses. That hasn't been mentioned.

Discussion.

Another concern is the 1.7-second delay. I have sat on that road trying to get out anywhere from 3 to 5 minutes to get out on Berlin Street.

(Applause)

That's a fact. Not just a one time occurrence, but repetitive.

Discussion.

If you were building single-family homes, you would allow maybe 20 or 24 homes on that area. You wanted to put in 55 to 60 units and now you're saying 31 on a 5.9 footprint. That's a major concern. The max that should be in there is maybe 20 homes.

(Applause)

Talked about a property owner wanting to put in a single family home on that little parcel of land --- but you're telling a contractor he can put in anywhere from 31 to 55 units. I think that's ridiculous.

Another problem is that once you get this development in here, is there going to be any restriction to stop these contractors from adding additional units in there after the fact?

Discussion.

That's all I have to say, thank you.

(Applause)

Ms. Cirincione: 220 Berlin Avenue. Spoke of cars coming down her street hitting neighbors' property and her's.

Some of the units look very tight on the site plan.
Discussion.

Where are the dumpsters going to be located?

Thirty-one units, I think he's pushing the envelope.
Discussed location of unit being tight on the property.

Within a half mile of these condos there is the dairy store, the hospital, the library, the Southington Arts Council, Doctor and dentist offices, senior housing, elementary school, middle school, high school, National Guard, small businesses are which are developing more business every day. Calendar House. Apple Harvest Festival within a half-mile and the Town Center

within a half-mile. Three churches. Town Hall, two banks and the cemetery. Don't you think we get enough traffic?

Let him have his development. Keep it down to 20 units and not 31. I hope he puts up something that makes the neighborhood proud.

Not 31 units, please, we don't need it.

Thank you.

(Applause)

Paul Keller: 6 Belleview. I spoke last time about the speed limits on Belleview Avenue.
Discussion.

The traffic is enormous in that area. Explained.

Told about a gentleman being killed in the area.
And other accidents in the area.

(End of Tape #1, Side B)
(Beginning of Tape #2, Side A)

(Continuing) Spoke of property damage done to his property and those in the area as a result of the accidents.

The most important thing that wasn't mentioned --- I'm in favor of all the people speaking about the speeding -- at the end of high school, the traffic is backed up from the corner of the intersection from Berlin Avenue and Berlin Street and Belleview Avenue and Oakland Road, you can look up where the market is and the cars are bumper to bumper. Explained.

Certain hours of the day, you could sit at my driveway for ten minutes and it's impossible to back out.
Discussion.

The major point is you've got to get together with the state and the town and install a traffic light at that intersection. We need a traffic light awfully bad there.

(Applause)

That's all I have to say, thank you.

Sev Hendrickson: 19 Taunton Street. I second the previous speaker. The effect of that four-way intersection at Oakland, Berlin and Belleview, is to create steady streams of traffic on the other roads. It doesn't condense traffic. Pulling out is difficult.

Discussion.

I haven't heard anybody mention, that road is dead east/west --- the sun factor.

Discussion.

Thank you.

Christine Dionne: 16 Belleview Avenue. The traffic study did not study Belleview Avenue. I don't know why when that road is a very, very busy road.

Discussion.

To back out from my driveway is very dangerous. Explained.

My biggest concern is the traffic issue.

They dropped from 60 to 31. I still think that's a little high.

The other concern, too, is the traffic and the trucks on Belleview. No sidewalks. You can't walk on it. It's just an unbearable road to do anything on. You need to look at that before you make your decision.

Thank you.

RICK DIONNE: 16 Belleview Avenue. I work at peak hours and 1.2 seconds is a big stretch. You can sit there for ten minutes just trying to get out of your driveway.

Traffic light isn't the answer, either. If you get a red light, you see how the traffic backs up now. It'll be twice as bad. What you've got to do is cut that --- from that being a cut through. Let them go down to the hospital and take a left.

Thirty more people is thirty more people we've got to dodge every day. I have kids.

Thank you.

Kathryn Lopicko: 24 Belleview Avenue. Three driveways down from this intersection. I was concerned they did not mention Belleview Avenue.

I've lived on that street for 15 years and the traffic has increased. Explained about the sun factor when traveling in the late day. Adding more cars to this issue is going to make it worse.

She objected to using the condos on West Street as the example. West Street has four lanes. It is not a two-lane road. Discussed.

I do oppose this for the traffic issues. I do not believe that we need another 31 units in this Town. If they can cut it down to 20, I would be happy. I think we're overdeveloping this Town as it is.

Thank you.

Jason Gucwa: 90 Berlin Street. I'm right after Berkley Market with the two kids next door to my neighbor. Explained speeding on Berlin and danger to the children.

I have an issue with traffic on Wheeler Village Road, too.

With Dairy Mart, there is no defined entrance or exit to that store. The entire frontage is an entrance or exit. Explained.

I don't want to hinder Mr. LaPorte or Mr. Munson in their development, but not in my neighborhood. Not near my house. Not with the traffic we already have.

(Applause, applause)

Spoke about traffic on Belleview Avenue and his experience.

I have a safety issue with my two kids. I would rather keep them in my driveway than anywhere on Wheeler's sidewalk, or the sidewalk in front of my house.

That's all I have to say. Thank you.

Dan Bombera: 65 Berlin Street, opposite Dairy Farm. The traffic is horrendous and I think that was understated by the traffic engineer. And, inappropriate the similarities he tried to show between his traffic count somewhere else.

The issue is bigger than the Commission is enlightened with. It's a major issue and it's got to be addressed.

Thank you.

Waldon Anderson: 51 Homesdale Avenue. I'd like to see the traffic commissioner get out of Homesdale Avenue in 1.7 seconds any time of the day. The earliest I've gotten out of there was 3.5 minutes --- 11:00 pm.

It's even worse on Berkley and Belleview. That's all I have to say. Thank you.

(Applause)

Bob Borchard: Stonegate Road, Southington. I've been related with 62 Berlin Street for 40 years. Explained.

As to the traffic report, I did my own. Explained the bus traffic (35 buses) morning session.

Discussion.

When you think about this, think about Section 8 in your book.

Thank you.

(Staff comments)

The Town Planner entered a few letters for the record with a copy for Attorney Dowley.

- Letter of opposition from Joyce Brotherton of 56 Homesdale Avenue.

- Letter of opposition from Lauren Doucette of Cardinal Crest Condos, #21.

- Letter of support from Cardinal Crest Condominium Association.

- Letter from David and Kathleen Albino of 78 Belleview Avenue opposed.

All of these letters of opposition do cite the traffic concerns.

(Rebuttal)

Attorney Dowley commented everyone understands that the public is concerned with traffic. I hope you listen to the traffic engineer. We're saying if you built the 20 houses, you'd have more traffic. That's really the issue.

With the 31 units, you essentially end up with lesser traffic than you would have with the 20 units.

With regard to the density, I think they moved mountains to reduce their density from 60 to 31 units.

You are familiar with the old regulation and the new regulation that you spent a lot of time working on. In fact, in terms of the density, we meet the density requirements of both the old and the new regulation.

Discussion.

The focus of the traffic issue really is will this development have a substantial effect and the answer from the engineer, who has done his homework, and he feels it will have no significant effect on the traffic whatsoever.

We believe in terms of the traffic and values of the houses in the area and in terms of not having a town that is going to have increases in school budget, this really fits well.

Discussion.

I think this could be approved tonight.

Joe Balskas responded to a few comments. The reference to the seconds recorded by the residents, 1.2 seconds, what I was referring to the increase in delay.

Explained.

And, we did review Belleview Avenue as part of the studies we did. It's clear in the traffic study.

School buses --- this is a state highway which is meant to carry the traffic on the state highway. This is where you want your school buses to go.

Explained.

Officer Mullins memo was based on 60 units and we now have 31 units. I disagree with his statement about the four-way intersection. This is an appropriate location for that. It makes sense from a traffic engineering principle standpoint to have access.

Discussion.

The speeds were discussed. We recorded the 85 percentile speeds. Explained.

Dairy Farms undefined entrance was discussed. Backing on the state highway is illegal. That's an existing condition.

Discussion.

Ms. Conroy, a traffic engineer, for the CTDOT for 8 years. After reviewing the report and hearing the presentations, the ITE cite generation book is the standard for determining the development traffic volumes.

Explained.

As to the violations that were brought up, that's happening today. Shame on us. This is our neighborhood and our Town. We are the ones who are doing this. These are concerns that should be looked at by the police department given the vocalness brought out here.

I don't see that a development of this size is going to be a significant impact based on what's going out there today --- the 9,000 vehicles a day that are using that.

If we can control the access at Dairy Farms, that would help some of the access along there.

Just my thoughts.

Sev Bovino responded to public points. The access to Wheeler Village is private and we cannot use that.

Over development, the regulation allows up to 25 percent lot coverage and this is less than 17 percent.

Required frontage is 200 feet, 80,000 sf minimums. 40' front setback. 15' side yard, 20' rear yard. We exceed all of those requirements.

As to additional units, we will not be allowed to put additional units.

Trash pick up is individual pick up.

Closest point to the property line is 32 feet, which is well above the requirements.

Attorney Dowley pointed out a lot of information has come in, we may have an election where your commission changes, if you're going to close it and continue it, I think the public's had the opportunity to have these people sit and listen, so in terms of making a decision, it might be wise to have everybody be able to make a decision before a possible change in the Commission.

The Chairman said the public hearing would be closed and we will deliberate that when we get into the general meeting.

We'll close this public hearing and move on.

C. AES Remedial Contractors, LLC, Special Permit Use Application for outdoor storage, Townline Road (SPU #444) - continued

Stephen Giudice, Harry Cole & Son, representing the applicant.

At the last hearing, I described our proposal for this property. Explained the building and parking. The biggest issue was the outside storage.

After discussions with the applicant, we came up with an area here of approximately 3400 sf. (40 by 85 feet rectangle). We're proposing vinyl fencing on three sides of it. We're proposing storage bins for the load of stone and load of gravel.

We've relocated the dumpster into that area, as well.

Our intent was to provide an area that could be monitored and enforced for outside storage that would clearly be defined on the plan. And, could be verified by Town staff and abutting property owners.

Mr. Sweetman is here with me tonight. We think this is a good way to protect everyone involved.

Ken Sweetman, 622 Reservoir Road in Berlin. I hope that showing a specific area for outside storage with the minimal items we have for outside storage will suffice for the requirement.

The rear of the lot is proposed just to be like a grassy area for now. The rest, the area around the building would be processed stone.

Thank you.

Mr. Giudice explained the drainage swale and a detention basin that discharges into another swale off the property.

(Those speaking in favor of the application)

Richard Soule: 344 Wedgewood Street. I have seen the plans and I myself hope to be an abutting property owner and will be in front of you in due time. I think this is a very good use for that piece of property. In today's market we're seeing other

needs for usage of the land we have in Town. I think this is an acceptable usage.

Thank you.

My business is Washington Concrete Products in Plainville, he noted.

John Skerritt: Carpenter Companies, Bristol, CT. We're the current property owner of this parcel. We are in favor of this development. They've developed a nice plan.

He gave background as to how we arrived at this point.

I hope that you will go forward and approve this.

(Those speaking against the application.)

Scott Barmore: 61 Metacomet View. One of the owners of Accucut. Gave the history of why they chose this land for the factory.

Compared I-1 to I-2 zone requirements: ie: outside storage.

We feel like it can only hurt our property values by allowing this to go through and will only lead to more applications.

We think they should build a larger building and store the equipment inside in conjunction with the current regulations.

We are concerned in that businesses tend to grow and want to grow. If this is only a 10,000 sf building with 3500 sf of outside storage, the next move is they're going to want to double that storage, I would think.

Discussion.

I've talked to every business owner on the street: Northeast Produce, Keith Jensen, Architectural Ironworks, UIC and Forestville Machine. And, they're all against outdoor storage. Not against the applicant if he wants to go by the regulations that exist right now.

When we moved there 9 years ago, that was part of our decision. Carpenter pitched this area differently than what they're trying to use it for now and that's why we're against it.

Mr. Kenefick asked Mr. Skerritt if he thought this was I-2? Mr. Skerritt said this is light industrial.

Discussion.

The changes were discussed pertaining to the area.

Keith Jensen: Vice President of Jensen's Inc. We own 3 55 and older communities in the Town. Forest Hills, is adjacent to this parcel.

The regulation change you made to the I-1, the addition of 5-01.2,h, which is the provision for outside storage in I-1, with this change, I believe the intention was not to change the distinction between I-1 and I-2, but to allow with your discretion, some outside storage, ancillary, in the I-1.

I do not think your intention was to negate the necessary distinctions between the permitted uses in the I-1 and I-2, which you clearly have defined in your regulations.

This proposal, I believe, is clearly a construction yard. In 5-01.2.1, which is permitted uses in the I-2 zone, under C & D it says storage of construction material including pipe, storage and repair of construction equipment. It is not allowed in an I-1.

I feel that this proposal is the storage of construction and construction material.

I do think with a buffer adjoining Jensen's, but I feel that if we allow this, what is to come on the next three parcels. I respectfully hope you deny this application.

Thank you.

Ray LeMay: 120 Churchill Street. I am also a partner at Acucut. I have invested my life savings and built this company to the size it is. I have nothing against AES. I am against the SPU because of everything said by both Keith and Scott.

I want it on the record I am also opposed.

(Rebuttal)

Mr. Giudice said we think what we have here is an ancillary use for outside storage which is really the issue tonight. The whole point of this special permit was to give the Commission more flexibility.

At the last hearing the Commission spoke up and we came back with an application that shows a very small area for outside storage. I know the neighbors have a concern about this use on this property, but with our without the outside storage you'd still have the same use here.

We're not going to have a negative impact from the proposed outside proposed. We've tried to propose something that will allow for easy monitoring to see the bounds are not overstepped.

Discussion.

Those fears of what could happen to this property in the future are unfounded. If there's a problem here, you'll know about it, staff'll know about it and it's not going to go any further.

Mr. Carmody asked for a clear articulation of the use here. Mr. Giudice said there is an office facility and staff. And, then we have storage of equipment and product in this location of the building. The outside storage here is just for some small items that you wouldn't store inside a building.

Any equipment will be inside the building. The outside storage is for dirt, which you don't store in a building.

AES runs a very clean operation, first class. This is a way to keep the site neat and orderly.

Discussion about what "construction" means.

Mr. Sweetman explained the day-to-day operation. It's being called a construction company. We're a contracting firm. We are specialized in the environmental field. We don't build roads. We don't do shopping plazas. But we have similar equipment.

We have dump trucks, we have excavators --- very small. We work inside of buildings. Demolishing sub slab or slabs and removing soil from beneath the slabs.

We also install mechanical systems that clean up contamination in place. Explained.

Yes, we do contracting work. In the building we store trucks, equipment and most of the time it is out on the sites.

Thank you.

Mr. Giudice noted similar uses on the development across the street. Explained industrial uses have changed from what they used to be.

We think this is a proper use for this site.

Mr. Kenefick said his feeling it is construction. These people invested their life savings and I think they have some of

the nicest buildings and factories in Southington. It's a tough call.

I don't think I would have a problem with seeing blocks stored outside or even sand. But to see construction equipment outside in an I-1 zone, unless you could shield it, I'm having a problem.

Mr. Giudice asked what part of the provided list did he have the most problem with? Is it the excavator that's the problem or is it the pipe and sand?

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

Mr. Guidice said in the small area, you are not going to have big equipment in that area.

Ms. Savage asked: didn't you state that most of the equipment would be inside the building? Is that accurate? Mr. Giudice responded it was.

Ken Sweetman said because of the use here, we were not planning on storing and equipment outside. Explained it'll all be inside, except for a couple of loads of materials and a tag along trailer.

The Chair closed the public hearing.

(Whereupon, the public hearing portion of the meeting was adjourned at 9:30 o'clock, p.m.)

BUSINESS MEETING:

A. Dean Velodota, 826 Mt. Vernon Road, 2-lot resbudivison (S#1260)

THE CHAIR: We've had a public hearing this evening, which we've closed. Ms. Savage?

MS. SAVAGE: Staff would recommend a table.

MR. SINCLAIR: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

B. Richard Munson, proposed development of a 55+ active adult community, Berlin Street (Assessor's Map 89, Parcel 40) (SPU #435.2.)

THE CHAIR: We had a public hearing this evening, which closed. I think just as a reminder, we're talking about a special permit use this evening, which is the special permit discussion as to whether or not this type of development is appropriate for this particular piece of property.

Ms. Savage?

MS. SAVAGE: Thank you. Um, yes, this is special permit use approval of this conceptual plan for this development. Should the Commission ultimately decide that this concept is appropriate here, there still is the future step of a site plan approval and that's where the final engineering details of the stormwater system, the exact location of the easements, the exact location of the buildings, that type of thing will be sorted out through a more detailed review.

I would remind the Commission that this application was submitted under the old Section 8 and not the new Section 8. So, when we review it and we look at the criteria to hold it up against, it is very similar to the previous Section 8 but here are some differences. And, I did cite the appropriate section in your memorandum.

Very briefly, I will just reiterate in the staff memorandum that I prepared for you, I did that actually before the density was reduced to 31 units. I suggested some issues that staff had with regard to traffic, stormwater, landscaping and adequacy of the buffer, the proposed density and the appropriateness of the apartment building.

All of staff's concerns and if I may, this memorandum that you received was from me and Mr. Tranquillo, and we both signed it. We prepared it together.

All of the concerns that staff had with regard to the design and technical details of the site could be addressed by a reduction in the density from the 60 units. The applicant did cooperate with staff and understood the comments that we heard here during the public hearing testimony and staff's concern with regard to the buffering.

We still feel that this is an appropriate location for the infill development. Staff did call out within our memorandum eight proposed conditions of approval if the Commission determined to act on this concept plan, this SPU application. We recommend the following eight conditions of approval and we

actually have added a ninth one. I would like to read these on to the record.

1. The landscape buffer on the northern boundary of the property shall be not less than 35 feet.
2. The development shall provide adequate access around the perimeter of the buildings and buildings shall not be located immediately on the landscaped buffer boundary to allow room for the mature growth of the trees and landscaping.
3. The stormwater system shall be revised to provide pre storage treatment for the water and an above ground detention system shall be provided.
4. There shall not be more than two curb cuts on the proposed cul de sac.
5. Access to landlocked parcels shall be provided by way of easements shown on the map and recorded.
6. The apartment building shall be eliminated and any additional replacement units shall be designed to match the other units currently proposed on the site.
7. Sight lines shall be improved to Connecticut DOT desirable standards or better for the 85 percentile speed.
8. Upon Town acceptance of Prosperity Court, the road shall be posted NO PARKING. And,
9. Landscaping shall be extended to fill in the locations where waivers are indicated on the plans.

There's two areas where the access easements are located and the applicant had cited landscaped waivers. Staff is of the opinion that those access easements may not be used for 20,30 years, if at all. We suggest that they would be planted with the understanding that at such time as an abutter was going to develop, that landscaping would be pulled out.

I would also like to say that we heard a lot of testimony about the traffic however, another big enough between single family homes and the these age restricted units are the nature of the trips and single family houses with small children, you're doing multiple trips, in/out at different peak times.

Staff does concur with the conclusions of the traffic report that 31 age restricted units will have a lesser traffic impact overall than 20 single family residential units and in our opinion this application is ready for action. If you were to

approve it, though, staff strongly recommends our nine conditions of approval for this SPU.

MR. TRANQUILLO: As Mary said, we prepared that together and we recommend approval with those conditions.

MR. KENEFICK: I have a question for Tony. The gentleman before said something about this Dairy Farms Store, that it is just one big curb cut. Is there, you know, is there any way that the Town could go to the state and say there should be something done about this? I know you said you had some concerns about it, also. Rather than just wait, is there anyway that we could put pressure on the DOT or whatever, to try to tighten that curb cut up and you know, before they repave the road?

MR. TRANQUILLO: Well, I don't think so much a DOT issue as it is a property owner issue. It would probably be more appropriate to contact the property owner and see if we can convince him to modify the curb cut. DOT would not unilaterally go in there unless they had a major project and try to close down that curb cut or narrow I down in any way.

If they had a major project there, then I think Joe Balskas is correct. They would go in and either buy the rights to close down the curb cut or negotiate with the property owner amiably to try to correct that condition.

But that's going to be very difficult to correct. That store has been there for 40 or 50 years. A good part of their business relies on that parking in front of the store. And, I think we'd have a tough time convincing that property to do it voluntarily.

But, I don't believe contacting the state and I could be wrong, contacting the state is going to do much good at this point. It doesn't mean you shouldn't try, but I wouldn't hold out ---

MR. KENEFICK: We could try. John, Mark what do you think?

ATTORNEY SCIOTA: I mean, certainly, we have no problem meeting with the property owner. I think Tony's right, this would be so low on DOT's list, but I think the property owner and I don't even know who the property owner is but the property certainly, if they're willing to meet with Tony, myself, John, Mary, whoever, we'll be happy to meet with them. I'm not sure what kind of carrot we can give them to do it but . . .

MR. TRANQUILLO: Just as a closing comment, we considered this very carefully. There was a hazard there from cars backing out and pulling into that site. However, that has to be balanced against this property owner's right to develop his land.

You can't necessarily put a condition on this property owner that you can never develop that piece of property until that store corrects that condition. That would be totally improper.

So, I think reducing the units to 31 is a big step in that direction. I think the use that he's proposing now is very reasonable. And, that's hwy we recommend approval.

MR. DELSANTO: Mary and Tony: I'd like to hear from staff. We had a lot of folks come up every time this came to a public hearing and people spoke very passionately about traffic as often applications such as this do. Can you talk a little bit about the impact or the less impact of the 60 to 31 units?

I mean, it's a mess. Already. Okay? It's a busy road. It's a busy intersection. I know Belleview. I know, you know, Oakland, that whole intersection even before where this property is. Can I get some input from you folks as staff, as engineers, as the Planner, a little bit about the traffic study that was presented this evening?

I mean ---

MR. TRANQUILLO: Well, I'd have to say, Commissioner, that I think the traffic study was very honest. They're telling you there will be a small increase. But keep in mind, if we develop something half a mile away on Berlin Street, there's still going to be an increase. Increased development leads to increased traffic generally all over Town.

Now, it impacts the immediate area more than it does say the other side of Town, but I think we have a Master Plan. We have zoning and if somebody's following the zoning, I don't believe we really should really single this application out as the cause of all the problems in that area. We've been developing for 40 years and that's why we have more cars on the road, obviously.

MR. DELSANTO: The reason why I asked the question is because we received a new study this evening and I guess I'm curious in my own head as to whether I need more time to look at this traffic study or is it --- it is what it is. Is black and white? Or is there still some gray in there. Is there something that I can look through this traffic study and say, well, gees, maybe it's not a good idea to approve this application because of the further impact on traffic. You know?

MR. TRANQUILLO: Well, there's no such thing as black and white. I think it's your opinion. I think in my own view the report is pretty straightforward.

I don't think it's a large development or has very complex issues associated with it. Although the public is very excited about it. I don't believe this is an extraordinary project. Some of the projects we've seen in the last six months are extraordinary: 260 housing units, 220 housing units. Half a million square feet of retail. Those are things to really be concerned about.

Twenty or 25 or 30 units, is not generally, on a Townwide basis, anything to really to be that concerned about. That's not say it's not important. But I think it's your opinion that matters here.

MS. SAVAGE: If I can, I could answer that for you. If you look in our report now, Table 1 has, which is the first table behind the first blue page separator, um, the second section down, shows the traffic generation rates for the proposed 31 units. Okay?

In the traffic statement we received at the very first public hearing, is the comparable traffic generation rates for the 60 unit senior adult housing. And, uh, the morning peak hour for the 60 units was expected to experience 5 total, which was 2 entering, and 3 exiting. So, that's on that second table down. You see more peak hour. So instead of 1, it would be entering and instead of 1 exiting, it would be 3 exiting.

And, then for the evening peak hour, it was going to be 7 total. And, it would've been 4 entering. Now with 31 units, it would be 2. And, it was going to be 3 exiting. So, the evening peak hour there's more than 50 percent reduction in the traffic impact when you go from 60 units to 31.

And, um, again, more than 50 percent reduction for the morning peak hour, which to a layman kind of makes sense because it's about half the units. So, I think that both proposed densities of the active adult housing still created less traffic than 20 single family units.

However, further reducing the density down to 31 units improved the situation even more.

And, I would also want to just echo what Mr. Tranquillo said is that yes, there are traffic concerns in the area, but when we look at this development, we have to weigh the traffic being generated by this and we can't just punish this landowner because there's already problems and concerns.

What we can do is balance the traffic being generated and think about are there any improvements needed to kind of mitigate anything being created that might be hazardous. Mr. Tranquillo

and I feel that we did that to a great extent when we prepared our memorandum with you and worked with the applicant.

MR. DELSANTO: Thank you.

THE CHAIR: Mr. Sinclair?

MR. SINCLAIR: Mary? Tony? I just have a question for you. Number 7, for your stipulations, sight lines improved to CT DOT desirable standards for the 85-percentile speed. How would you recommend they go about that? I know there are some issues there. The road does grade up and slightly come down after they pass the Berkley Market. Are you having any recommendations on how they would accomplish that?

MR. TRANQUILLO: Well, I think you heard from the traffic expert that that has been accomplished. In an easterly direction they can accomplish over 700 feet, which will far exceed the requirements. And, to the west, they can see to the intersection, which is a stop control. So, the 445 they call out is more than enough. So, they're saying that they can meet that requirement.

MR. SINCLAIR: By removing a bush, no grading?

MR. TRANQUILLO: There's a couple of --- there's one tree and I believe a little bit of a bush that has to be taken out. But that's within the right of way, so they can easily accomplish that.

MR. SINCLAIR: Okay. Um, when I drove out there and I sat in the driveway, you couldn't see, with the rise and the drop off, you couldn't see cars coming at you. At least where I was sitting.

MR. TRANQUILLO: Well, they've measured it and they measured it at 700 feet. I stood there and I did not measure it but it was a good, long distance.

MR. SINCLAIR: Okay.

MR. TRANQUILLO: Just by eye. You know, I didn't measure it, like I say, but it appeared to be adequate to me. But that's why I put the condition in. Their site plan will have to prove that they have 700 feet or whatever the requirement is.

MR. SINCLAIR: And, Phase III, I know this is more of a site plan issue, but we're talking about density now, um, these five units in back, has the fire department looked at these plans at all about a -- I don't know if it would upon us now to cut those units out when we give them the density. I just don't see a fire truck getting in there and backing out again.

MS. SAVAGE: We did see these concept plans, a very similar situation, at our staff review meeting. And, the fire department was there. And, didn't indicate any object to the concept presented to staff. I have no written comments on that.

MR. SINCLAIR: You have no written comments on this?

MS. SAVAGE: No, I do not. But I will say that I have no written comments from fire on probably 95 percent of my applications. That's not uncommon and should not be interpreted to mean anything.

MR. SINCLAIR: Okay.

MS. SAVAGE: I would also, if I could just state for the Commission, too. We have these nine conditions of approval but um, the first eight of them have essentially already been done. We just are being overly cautious by asking them to be stipulated. And, the ninth one about the landscaping, I don't believe would be a problem but essentially these have all been agreed to by the applicant. The only new one tonight would be the landscaping one. And, they're shown on the plans that we have.

THE CHAIR: Well, we've heard from the staff. We've received a traffic report his evening. We got some information from Mr. Tranquillo. We heard from Ms. Savage. And, we've heard from the traffic engineer, we've heard from the public and we've heard from the applicant.

It's time for us to talk about what we wish to do going forward. We've had an opportunity to take a quick look at the traffic study. Are people comfortable with what they've seen in the traffic study and what we've heard?

MR. DELSANTO: I don't think it is a matter of --- before the traffic study was done, I think we all know it's a busy street.

THE CHAIR: It's a state highway.

MR. DELSANTO: It's a state highway. And, I know Belleview first hand. My wife lived on Belleview Street. It's a busy road. And, you're right, it's suicide trying to back out on to a street like that. It's tough. But it's already a problem. And, I take a lot of what Mr. Tranquillo says about not penalizing this property owner who wishes to develop his land and try to blame this horrendous traffic problem on this application. I mean, I have a real problem with that.

THE CHAIR: It's a real difficult call. I think we've heard a lot over the last several public hearings about traffic and I think that obviously traffic is a big issue in a lot of things this Commission has looked at.

But I think when we look at traffic and we look at the impact of traffic when we put a development or look at a development going into a particular area, we're talking about traffic on streets that has been there for a long time.

And, we're talking about 31 units, going down from 60 -- 31 units from 61 units. The difficult part is, how much is enough in terms of a reduction. Is -- and that's where I think we need to look at our staff -- professional staff to help us out with some of these traffic information issues.

And, when we start looking at professionals like traffic engineers, our traffic expert on our Commission, Ms. Conroy, and we start looking at what would 20 single family, 25 single family houses do versus 31 multifamily age restricted units, that means something in terms of --- if something is going to be developed here, I think our job is to look at what would be the least impactful on the area. And, that's weighing on my mind right now.

Anybody else?

MR. KENEFICK: Mary, what is the most they could -- units they could've put in there? I mean, if they really stretched it out.

MS. SAVAGE: under heir original application with those regulations, I believe it was 89 units. And, they came in with 61. It was in the 80's. I think it was 89. And, they applied with 61. And, I would also say Tony and I looked very quickly and this proposal now actually is less than what our newly adopted density regulations are. So, even ---

MR. KENEFICK: I was going to say, you guys did a fantastic job here. Whatever you did to make these people come down from 64 units to 31 units, I feel that it's probably some of the lowest density we have around, I believe. You know, it's over 55. There's not going to be any problems with kids going to school. You know, it's an R-12 zone, already. It's not that we're downsizing or down zoning, whatever.

And, like everybody says, there's traffic there but there's traffic, I mean, it's definitely going to make more traffic but you know, how much more is --- how much more could it do?

THE CHAIR: Lisa?

MR. CARMODY: Sorry to have to put you on the spot, but I guess I am. In your opinion, after what you saw in this traffic report, is um, the addition of 31 age-restricted homes, that traffic increase, negligible in your opinion based on what's already there?

MS. CONROY: I believe in the report based on the current background volumes and comparing that to what is proposed right now with the 31, they were saying it was maybe an average of a 1.5 second increase in delay. Now, that's an average. Saying that one person, they might be able to get out because there is a gap and another person might wait five minutes but on average, that's what it'll be.

I think if you were to go to 61 units for this type of development or even if it were like 20 just single family residential which could be built there, again, it might be another second, 2 seconds. It wouldn't significantly affect the level of service.

And, if anything, it would affect the level of service just for people getting out of Prosperity Court. It wouldn't necessarily affect anything that's happening on Berlin Street because Berlin Street is free flowing. Just a matter of how much delay there would be on the side streets getting out.

So, I feel it would be, you know, again, maybe an additional few seconds.

MR. CARMODY: And, that is not significant in your estimation? Or is it significant?

You're a traffic engineer.

MS. CONROY: I don't think it is significant. Not a few seconds. Especially when we're talking as he said, it went from a level of service C in that 1.5 seconds put it over to level service D. By adding another 5 seconds, you're still at a level service D and it would take another 20-second delay to get to a level service E. So, you're still range of level D.

MR. CARMODY: Thanks, all right.

THE CHAIR: What's your pleasure?

MR. DELSANTO: I'm going to make a motion to approve the application with the stipulations aforementioned, previously mentioned by the Town Planner including one through nine. Do I have to read those in?

ATTORNEY SCIOTA: Mary read those in, already. Nine of them, correct?

THE CHAIR: Yes.

MR. DEMELLO: I second the motion.

THE CHAIR: Motion and a second for approval with the nine stipulations as read. Any discussion?

MR. DELSANTO: Just, I mean, we got information from the staff. In my mind, people know the way I think about traffic. There's going to be traffic. Okay? The only way you're going to stop traffic is if you start taking driver's licenses away. That's not going to happen. Okay?

And, I would agree with staff we can't penalize this property owner because of an already horrific problem. It's a bad problem. It's a busy street. It's already a problem.

MR. SAUCIER: You know, the one thing I'm going to talk about again is the traffic what're we using to, what are the industry standards.

I mean, right now the traffic engineer went out of their way to take some other site and actually come up with worse numbers than the industry standards. If we can't follow the industry standards whether some certain individuals think they're bogus or not, those industry standards are used by all agencies. The applicant's traffic engineer, our traffic engineer, our engineering department, the State DOT. They are the recognized standards. Just as we have recognized standards for building codes, et cetera.

So while it may not be in the public's --- sometimes public's --- it doesn't go their way, it is the industry standards and I feel that this is not a significant increase versus a 20 unit single family development.

I mean, we're looking, if we just go purely by industry standards, morning peak are a volume of 2 for 31 age restricted. It's 23 for single-family development. So, I mean, take a motion out of it. These are just the guidelines that everybody is using. I'm not a traffic engineer, but we all have industry standards in our lines of work and we have to recognize those.

So, that's just one area I wanted to call out.

THE CHAIR: Anybody else? Mr. Sinclair.

MR. SINCLAIR: I'm going to disagree with most of the people sitting up here, unfortunately. I think that yes, there's traffic, but by adding this, we're adding fuel to the fire. I understand the standards they use. I'm not sure --- I've got to

be careful here --- I don't think that spending 1.5 day counting numbers on the street gives you a broad enough pool to make proper recommendations. I think that by putting this intersection here, we are going against our Police, Officer Mullins, who said that would be a bad decision and try to find another entrance. I don't know if the applicants tried to, but I think that this is a dangerous situation. This is going to make things more dangerous for people coming out of the Berkeley neighborhood and we're not doing the people who will be moving on to this street any favors by approving this.

THE CHAIR: Anybody else?

(No response)

Hearing none, Ms. Savage, would you call the roll, please?

(Motion passed 6 to 1 with Mr. Sinclair opposed.)

C. AES Remedial Contractors, LLC, special permit use application for outdoor storage & site plan application for industrial building, Townline Road (SPU #444 / SPR #1377)

MS. SAVAGE: Thank you, Mr. Chair. Staff is going to recommend that we table this, but I would first want to address the fact that the SPU is for the outdoor storage. And, it might be worthwhile for the Commission to go back and we can revisit the Minutes, too, when we discuss the SPU for the I-1 zone.

MR. CARMODY: Procedurally, are we allowed to ask a few question, or not?

ATTORNEY SCIOTA: The SPU? Between Staff? Sure.

MS. SAVAGE: Sure.

MR. CARMODY: Because I'm confused. The SPU is just for the outdoor storage part of it. So, then let's just talk about, this is an I-1 zone and the actual use. And, Mary, show me, and the backdrop of this is that I'm a big proponent of business development. And, we've done a lot of work and a lot of hard work getting ourselves to be as flexible as possible and I believe in that.

But I want you to show me where storing construction equipment is allowed in I-1.

MS. SAVAGE: I believe that this is a light industrial use. I think that there's a lot of focus on the actual tools of the trade. This gentleman does environmental remediation and contamination. As part of his business he has some trucks and

some backhoes, that type of thing. But I would say that, you know, the pool guy's got some trucks and probably some backhoes and so does the cable guy and so does the person installing electrical components and that type of thing. So, I think that there's a lot of focus on the actual equipment that the gentleman has but I think we're getting away from the overall nature of his use, which is, he's an environmental remediation contractor.

He has various tools that he uses for his business most of which are always out on site and so, um, in my opinion, this is an appropriate use for a light industrial type of business. He is kind of like a specialized service.

He's got a warehouse there with a small office. So --
mean ---

MR. CARMODY: I feel like I'm pressing you a little. I just don't see it. Look, I'm reading the list of allowed uses. Where would you put it? What letter would you put that under?

MS. SAVAGE: F.

(Chuckles)

MR. CARMODY: You're smart, Mary.

(Chuckles)

(Pause)

MR. KENEFICK: Let's here what it says.

MR. CARMODY: Other uses which in the opinion of the Commission are the same general character as those listed as permitted uses and which will not in the opinion of the Commission be detrimental to the zone.

ATTORNEY SCIOTA: That's a very cleverly phased paragraph.

THE CHAIR: Who wrote that?

(Laughter)

MS. SAVAGE: And, based upon the discussions, I had extensive discussions with the applicant about the nature of his business and I explained to him that the Commission and the neighbors are very sensitive to the I-1 zone and some of the concerns that we had even when we discussed revising the regulations to permit outdoor storage.

The outdoor storage element of this gentleman's business is very minor. But I believe that based upon his characterization

of his business, to me, it is an appropriate use in this location.

MR. CARMODY: Yah, just to be clear, I am not concerned about the outdoor storage. I think it is ancillary to what he's doing and in the spirit of what we're trying to allow.

I was more concerned of where the actual main portion of this business where, it falls under the I-1 usage and as you clearly point out, under F, in your opinion. Thanks.

MS. SAVAGE: Well, he has a warehouse as well, so ---um, warehousing is not uncommon.

MR. CARMODY: And, I guess all I'm saying is I want to be sensitive to those I-1 neighbors especially when we talk about -- because this is new to us. We're making changes. This is kind of new ground to us and we want to get it right and before things proliferate out of control, let's make sure that we're, we're keeping our eye on the ball, I guess.

MS. SAVAGE: Exactly. Um-hum.

MR. KENEFICK: I probably heard the gentleman wrong, but I thought I heard him say tonight that the only thing, he would keep his backhoes and trucks in the garage? So, the only thing you need outside storage is for the sand and the stone?

MS. SAVAGE: He can't respond right now but ---

ATTORNEY SCIOTA: You can't a response from him. You get a response from Mary to confirm that's what he said.

MS. SAVAGE: He stated that within that outdoor storage area, he would have a dumpster, perhaps a tag a long trailer and then the process or the sand.

MR. KENEFICK: Well, I don't know because I got him shaking his head and now you're changing it.

MS. SAVAGE: That's what he said when he got up the last time when I asked him that to confirm that.

ATTORNEY SCIOTA: He can't ---the public hearing is closed.

THE CHAIR: I think last meeting we had talked about the trucks were going to be inside. That there was going to some dirt stored outside because we don't store dirt inside because it could ruin the building. But it was going to be some equipment, but no --- that's it. The bigger equipment was going to be stored inside because it's kept pristine. It's a sign of equipment. It's a signature of the business so you want to keep

it clean so that's going to be stored inside. At least that is what was said on the record at the last meeting.

(Pause)

I think the purpose behind this, what we did when we changed the regulation, was to try to be flexible. I think with this catchall phrase, we also want to make sure that we're not infringing upon the other business owners, also. So, that's what we need to keep in mind when we make the decision.

We've got business owner on one side who has put their life savings into a business, the business owner next door to him isn't going to mess up their business and the business owner that's looking to move in next to them is not going to do the same thing and spread down the line.

But we want to make sure that we are flexible in terms of what we're going to do.

I don't think, and I think we had this discussion at our last meeting, the better way of doing this was to identify an area as opposed to the specific items that was going to go into that area.

I guess the only question I would have at that point to our attorney is to say, if things start going out here that are detrimental to the area, whose decision would that be?

ATTORNEY SCIOTA: Well, I think we talked --- the new regulations in I-1 zone for outdoor storage require screening. So, what I'm saying is that if you do define an area and you define the screening aspect of that area, you could define it by saying that nothing could be viewed from the outside. Which means, if they wanted to put big equipment in there, of course, they'd be violating their SPU.

I agree that putting a list together and saying you can only store this out there is a monumental problem for our enforcement. But I think if you do the screening and you do a defined area, that's very easy to do. Drive by review of it can do enforcement on that.

THE CHAIR: I agree. I think one of the other issues that came up from the neighbors was if some of the stuff is stored out there, how do we, if it's dirt or if it's other equipment and you start scooping the stuff up and it starts spreading off and it gets into my property and messes up my area, how do we -- how do we protect against that? Screening isn't going to stop that.

ATTORNEY SCIOTA: Well, it would. If you screen it with fencing -- opaque fencing, that would stop it. I would suggest

to you screening is not something you just use landscaping for. I would suggest if you are going to have outside storage, you want the safety factor and you want the visibility factor. Not being a Planner or an Engineer, I would suggest some sort of fencing with the green, whatever that tarp situation is, or you use some sort of opaque fencing.

THE CHAIR: Something though that is not going to take away from the character of the area, make it look like a dump.

ATTORNEY SCIOTA: That's correct. That's why we have our Planner to tell us things.

THE CHAIR: Because it's a nice area. It's a nice business developed area. We want it to look nice but we also again, we want to make so people will come up there.

ATTORNEY SCIOTA: Actually, there is no prohibition in an I-1 zone that you can't --- you can fence in an area anytime you want. If you wanted to fence in an area in an I-1 zone, there's no prohibition against that. So, if somebody wanted to do it tomorrow, all they have to do is get the permit for it. There isn't a PZC action necessary.

We have this one under SPU because they want outside storage and the outside storage triggers the screening.

MS. KENNEDY DEL DEBBIO: I just thought I remembered the applicant saying that most of the pick up trucks and things went home with the workers. That they weren't store. That the majority of the vehicles ---

THE CHAIR: The regulation on road trucks.

MS. KENNEDY DEL DEBBIO: Yah.

THE CHAIR: That's how you get back and forth to work.

Just to Ms. Savage, the SPR is not ready for action this evening?

MS. SAVAGE: In fact, we can't act on either this evening. We're hopeful to have them ready for action for you on the 7th. But I would request to table both items tonight.

MR. SINCLAIR: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

*** Mr. Tranquillo left the meeting.

D. Stephen Sayers -825 Meriden Waterbury Road, 2,000 square foot office building with associated parking (SPR #1481).

NANCY LEVESQUE: I'm a licensed professional engineer consulting for Conklin & Soroka. Here tonight representing Stephen Sayers.

Mr. Sayers is proposing a 2,000 sf office building on a site. I believe he came in for preliminary review a couple of months ago. We've had several discussions with staff and several meetings and we've taken everything into consideration and have produced a site plan I believe will satisfy both the Commission as well as staff and my client's needs, as well.

Two issues I'd like to bring up. The first is my client is requesting a sidewalk waiver. If you've been by the site, which is located, next door at 825 Meriden Waterbury Road, next door to Fratelli's. Currently, there is a drainage swale in front of the property. It'll make it very difficult, if not impossible, to install sidewalks without piping this area which we'd need permission from wetlands for.

At this point, we're recommending or we're actually requesting a sidewalk waiver.

The next issue is the dumpster pad is located within a 20 foot buffer. It's a buffer that separates the two zones along the eastern property line. The dumpster pad will be enclosed and with decorative fencing and we're requesting that it be located within that landscape buffer.

The rest of the area along the eastern property line will be properly landscaped.

And, I would, I guess I would accept any questions from staff or the Commission. It is a fairly simple, straightforward site plan.

THE CHAIR: Mr. Carmody?

MR. CARMODY: What's going in the dumpster?

MS. LEVESQUE: It's an office building. Um, proposed office, there won't be a large amount --- at this point, it's basically required of the site plan in order to have a dumpster it won't --- it is an office building. You're looking at whatever an office would be producing.

If a prospective tenant were to walk in and require a special permit, we would be back before the Board. However, Mr.

Sayers is looking at, building, constructing a building as an office building so you'd be looking at paper, lunches, nothing, you know, detritus from an office environment.

MR. CARMODY: And, what's your reasoning behind looking for a sidewalk waiver?

MS. LEVESQUE: There is a large ditch in front of the property. And, because of that ditch, and swale, there is a guide rail right on top of the road, as well. And, as well as there are no sidewalks on either side of the property.

MR. KENEFICK: Is this ready, Mary?

MS. SAVAGE: I just have a few comments, but yes, it is ready.

MR. KENEFICK: I would like to look at the site but I don't know how you guys feel about it. I think I can remember there is a ditch in front of that property. Pretty deep one.

MS. SAVAGE: There is. There's a drainage ditch in front of the property at the moment, a drainage swale. And, um, for that reason staff supports the sidewalk waiver. There is, the water is channeled through that ditch currently. The applicant has already gone through wetlands and they discussed the fact that they're going to close off one part of the ditch for the driveway and they have their wetlands approval.

And, so the whole front of the property, the whole property was discussed with Conservation. Staff does support the request for a sidewalk waiver. We feel it's appropriate.

There were a few minor staff comments, which we've discussed with the applicant. The applicant has agreed to install more silt fence along the wetlands, improve the inlet protection. Show the turning radii, provide elevations for the roof drain. We need a better detail --- one of the technical details on the plans.

All of these we consider to be minor comments and we have discussed them with the applicant and we're all in agreement with that.

The only one item that is outstanding is staff supports both the waiver and the application and we recommend strongly for approval. We would recommend that should you act on the site plan that you stipulate that the enclosure for the dumpster be vinyl instead of chain link with privacy slats because the dumpster is located towards the front of the property and we also support the location of the dumpster.

Very briefly, as you recall, the applicant came to us several times with different layouts. And, there's wetlands at the back of the site. The parking lot was reconfigured to be more sensitive to the abutters.

If you look at the landscaping plan, the applicant has gone above and beyond our typical applicants in providing an appropriate landscaping plan to improve the site.

For these reasons, we feel with the dumpster, a vinyl dumpster enclosure, we are completely supportive of the entire project.

MR. CARMODY: Okay, so I'm going to make a motion to waive the sidewalks.

MR. KENEFICK: Topography.

MR. DELSANTO: Second.

MR. KENEFICK: Topographical conditions?

MR. CARMODY: Yah. Oh, do I have to say why?

ATTORNEY SCIOTA: Obviously, current conditions, there's a swale there. I don't know there is a swale there.

MR. CARMODY: Because there is swale there and pursuant to the staff's recommendation.

MR. KENEFICK: Sure there's a swale there?

I'll second.

THE CHAIR: Discussion?

(No response)

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

MR. CARMODY: I'll make a motion to approve the site plan with the stipulation that the dumpster be enclosed with fencing made of vinyl. That's about it.

MR. DELSANTO: Second.

THE CHAIR: Motion and second for approval with the stated stipulation. Discussion?

(No response)

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

Good luck!

E. Ghio Family Limited Partnership - 2000 (aka 2004)
West Street - construction of Dunkin Donuts with drive-through
and other office space, SPR #1419.1.

SEV BOVINO: Planner, with Kratzert & Jones representing
the applicant. This application is for a Dunkin Donut on West
Street next to Kizl's Restaurant.

We met with staff. Went over their comments, responded in
writing to their comments. There's a couple of items that
Mary'll bring up but I will mention it, also.

She would like a couple of more trees in the front along
West Street, flowering probably crabapples or red pear trees. We
agree to that.

The other was an issue with the sign. My standard signs
calls for 32 sf of sign. It's based on the linear frontage of
the building along the front of the property. The first part of
the building is 30 feet, so what Mary was saying is we are
allowed 30 sf.

My point was there was a jog here, so it, but we have no
problem either way.

MR. DELSANTO: Two feet?

MR. BOVINO: However the regulation reads. And, so I think
those were the only items. The other was an elevation for the
sewer or something like that. Nothing major.

If you have any questions?

MR. KENEFICK: Sign. Externally or internally?

MR. BOVINO: It actually doesn't say on the detail.

ATTORNEY SCIOTA: You could stip it then.

MR. BOVINO: Whatever is allowed under the zone, we'll be
glad to comply.

THE CHAIR: How about a stipulated externally illuminated
sign?

MR. KENEFICK: Do you have a problem with an externally ---

MR. BOVINO: I would have to ask the attorney that represents the applicant on that. We haven't discussed that issue.

THE CHAIR: Looks like you could do it right now.

MR. BOVINO: This is Dunkin Donuts, so they might have some requirements. Their Attorney is Tim Furey.

MR. KENEFICK: They've done a couple of them.

THE CHAIR: Yah, they have up on ---

MR. KENEFICK: Three or four places in Town, I think.

ATTORNEY FUREY: We could design it either way. I guess my only concern is when we're finished here, we have to go work with the DOT and sometimes,--- we had an experience on Route 4 Burlington where they didn't want the externally illuminated because sometimes the lights can affect the drivers. So, we can work with staff and DOT on that. We do have some flexibility.

But I do have a concern that DOT says we'd prefer an internally illuminated because we don't worry about spotlights. We've gotten that comment.

ATTORNEY SCIOTA: In the past, when a State agency, you would just come back and tell us the State agency and why and the Commission would relook at it.

ATTORNEY FUREY: I just want to raise that as a concern. Either way we'll accommodate the Commission.

Mr. Ghio is here, as well.

THE CHAIR: The small one on the ground so it's not bright, glaring.

MR. CARMODY: So, Mary, what stipulation? This is ready to go?

MS. SAVAGE: Yes. As Mr. Bovino mentioned there are a few minor technical engineering comments outstanding which have all been agreed to. We consider them technical in nature. Citing the correct size of the grease trap on the plan, putting in more appropriate roof outlet pipe location, adding in the elevations of the sewer at the building and the main.

The Assistant Engineer and I both feel that these are all very minor and should not stand in the way of this application getting action.

Staff would like to recommend that the Commission require additional trees along the street frontage, which the applicant has agreed to do.

We also do point out to the fact that the sign detail on the plans exceeds the zoning ---

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

(Continuing) -- Two street trees per 50' feet of linear feet or fraction thereof is how our regulation's worded.

MR. CARMODY: Hold on. So, if I'm going to make a motion to approve this application with the two following stipulations:

- that we add to the plan details for two streets for every 50 - linear 50 feet and

- a 30' externally --- 30 square foot externally illuminated sign provided DOT doesn't have a problem with it.

ATTORNEY SCIOTA: Well, you would just put externally illuminated sign and if it's a problem it comes back to you.

MR. CARMODY: All right, that's fine. Cut out that last part.

MR. SINCLAIR: Second.

THE CHAIR: It would also include the other stipulations as stated by the Planner.

MS. SAVAGE: The minor ones, we don't feel that because the applicant has agreed to them, we don't feel we need to stipulate it. We're working together with the applicant.

MR. CARMODY: All right. So just those two stips.

THE CHAIR: We have a motion and a second. Any discussion?

(No response)

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

Good luck!

F. 4M Associates, 325 West Queen, 25,300 square feet addition, SPR #1482.

ROB BLANCHETTE: Good evening. For the record, my name is Rob Blanchette and I'm with Borghessi Building in Torrington, CT.

We're here on behalf of the clients, 4M Associates. The company itself that's located here which is on the corner of West Queen Street and Captain Lewis is REM Chemical. And, what we're proposing to do is their existing building, which is the square portion in the front which runs parallel to West Queen Street is 11,700 sf. And, they're looking at adding on an additional 25,300 sf in the rear of the building.

The way we've laid out the building, you're now able to get tractor-trailers into the property, turn around, back into the loading docks and come out. So, we've actually increased the safety factor there with that.

The coverage, we meet all of the zoning requirements for coverage, setbacks, all of those items.

A couple of other things that we have done to improve the site is presently all site drainage is just collected directly in catch basins, deposited directly into the storm sewer system. What we've done on this is we've added a large detention basin in the rear, actually depending on which side you're looking at it, but in this area right here, there's going to be a detention basin for ZIRO.

We've also added an oil/water separator sediment, basically a stormwater treatment system on this prior to exiting the site.

The other thing that we've done is really limiting what the clearing is. If you look on the site, the only area that's going to be cleared is for the graded area and then we have a fairly extensive amount of new plantings, which are going in.

There were comments from the staff, from engineering, from planning. All of those issues have been accepted by us. They were addressed and those new drawings were submitted actually last week. So, the drawings that you've got are, have included addressing all of the outstanding issues.

I'm not sure if anybody on the Board has any questions or comments?

MR. KENEFICK: Same type of concrete type of building or concrete block?

MR. BLANCHETTE: We're actually going to --- the masonry that we're going to use on here is presently, only the face that goes against West Queen Street is, I'm going to say, of an architectural block. The rest of the building is just a standard block, which is painted which has become a maintenance issue.

What we are going to do is there is going to be a split face tinted architectural block, which will match the same color that's on the front of the building. That'll go around the entire perimeter of the proposed addition. Then everything that's above that is going to be a metal panel but what we're going to do is go back and reskin the existing building which has become a maintenance issue, so it won't look like an added on building. Now, it'll look like one complete building.

THE CHAIR: Anybody else? Ms. Savage?

MS. SAVAGE: Just, Mr. Blanchette, there are a couple of minor engineering comments outstanding and I don't feel again that we need to stipulate them but I just wanted to call them out.

We will be looking for you to fine tune the sanitary line. This goes along with comment #24. We feel that this can be handled as a field revision so we don't need to stipulate it.

MR. BLANCHETTE: Okay.

MS. SAVAGE: We also do need a benchmark on the plan. The engineer looked and looked and wasn't able to find it, so he'll be looking for that.

MR. BLANCHETTE: Okay, not a problem.

MS. SAVAGE: And, he'll be looking for a better or more readable watershed map.

Those are all very minor things and they've all been provided to us. We feel we don't need to stipulate them. This application is supported by staff and ready for action.

THE CHAIR: Fantastic.

MR. DEMELLO: Like to make a motion for approval of this application.

MR. SINCLAIR: Second.

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

G. Apple Valley Bank and Trust, 158 North Main Street (SPR #1225.1) Request for release of \$2,200 E & S bond and \$11,000 Public Improvement Bond.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

H. Shetland Acres Estates, request for release of an 18,000 public improvement bond, S 1243.

MS. SAVAGE: Staff supports this.

MR. DEMELLO: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

I. Discussion of calling of bonds - Pine Hollow Estates S#126.2 John's Custom Carpentry, EE #115 and EE #120. West Pines, S #1213.2.

MS. SAVAGE: Yes. Very briefly, this is the property, Pine Hollow Estates. It's associated with the Mackiewicz properties. There's been a lot of history down there and without going through all of it, the matter at hand at this point is that there's a house being built on Lot 2 on Pine Hollow Estates.

They will be looking for their CO approaching November/December timeframe. Very recently staff intervened to work with the property owner to insure that the actual utilities were charged and turned on.

There were a few unfortunate events associated with this development recently and kind of all work on the developer's end had ended. Meanwhile, there was a homeowner who purchased a property in good faith and was developing and then contacted the Town and said, I'm approaching being ready for my CO and I don't have power and I don't have water and I don't have a road and what do I do? Winter is coming. What's going on?

So, and I'm very briefly and broad brushing, you know, this topic that I'm happy to provide details for you if you'd like.

At any event, Mr. Tranquillo, Mr. Sciota and I and Mr. Grappone were talking about this and the item at hand tonight is a discussion of calling the E & S and perhaps the EE bond associated with EE #115. There's an EE Bond for \$54,000 and for S 1213.1, there's an E & S bond for \$26,000.

The reason why staff is discussing calling these bonds is that the roadway is not finished. It's not paved. It's not stabilized. And, we're concerned going into the winter season for a number of reasons. We're worried about erosion and sedimentation. We're worried about having to go in and perhaps restore some of this property if the erosion becomes severe.

We're also concerned about insuring that our public safety personnel have access to this property. We're looking at having a street with a house that now or very soon will have power to it and will be hopefully finishing their construction, so there'll be power tools and ongoing construction activity and then come November or December, there'll be people living there.

And, we need to be sure that our fire trucks and our public safety vehicles can access the site. So, very briefly, we had added to this to the Agenda for the Commission to call these bonds and we had talked with the developer and said we would like you to show us a contract by today to show that you have hired someone to finish the roadway.

We did get a contract today showing some progress to that end. We feel that the developer is at this point working in good faith with us. However, what we feel is appropriate at this time is for the Commission to call these two bonds but give Town staff the authority --- you know, we would prefer not to call these bonds if the applicant continues to move forward with us. But we'd like to be in a position so that two days from now, if the progress stops, we will have the authority to complete the work before the winter season arrives.

MR. CARMODY: I have a question: Why would you not want to pull the bond?

MS. SAVAGE: Well, certainly, if the developer does move forward and completes the work by herself or with her agents, it would be less costly to her. And, certainly there is a lot of other issues going on with this development. It's a lot cheaper for them to do it themselves. It's just that it's a last ditch effort. If they won't do it in time, sure, we'll do it. But we'd rather they did it.

THE CHAIR: Do we really want to take that risk since we've one through a whole process of a cease and desist order and we've had to go through that whole, that whole issue? I think that the Town gave a deadline of today of having a contract in hand, right? Did they meet their deadline?

MS. SAVAGE: In part. I have a contract. In fact, some of the work was done. Um, I was told today, but I did not have time to get out and inspect. I will go out tomorrow and inspect.

There was a drop off from the finished roadway on to the new roadway, so that, I was told, process was put down and that was smoothed out to make it passable.

What I need to go out and inspect is that indeed from the roadway down to Lot 2 is passable. If that is actually the case, then I think that it would be more appropriate certainly for the developer, for us to not call these bonds.

ATTORNEY SCIOTA: I guess I am the perpetrator of this idea because I don't want to wait three weeks. I don't want to wait -- - we're talking about just having you guys table it but I need, three weeks between now and your next meeting and your next meeting is your organizational meeting and I don't want to bring a headache up at that point in your life. So, what I talked to Mary talked about and I think Mary's onboard with this is that you give us, you authorize the pulling of the bonds. Put it in my hands and Mary's hands. We'll work with them. But if --- it's a very short leash. If the short leash runs out, then I want the authority to just go over to Emilia. It's a cash bond. I can go over to Emilia and get them anytime I want once you give me the authority to do that. So, that's what I'm hoping for tonight. I don't want to wait three weeks in case something does happen.

MR. KENEFICK: Mary, when was the last time you were there?

MS. SAVAGE: Huh, the last time I was there had to be six weeks ago.

MR. KENEFICK: All right, because I was there a couple of weeks ago and there was no road there. There's no asphalt.

MS. SAVAGE: Oh, there's no asphalt, no. Certainly, it's just compacted. And, what we would like to see is process or gravel down at least. We are not going to get a binder coat at this time, but we need it passable.

MR. KENEFICK: They can get a closing without a binder?

ATTORNEY SCIOTA: Oh, yah.

MS. SAVAGE: Yah.

ATTORNEY SCIOTA: A lot of them have it. The one on Meriden Avenue has it, too. There's two houses up there and we had the same problem with the fire department is all over us on these two houses up on Meriden Avenue, too, that we just --- there's only binder coat --- there's not even binder coat. There is not even gravel on those.

MR. KENEFICK: I thought you had to have a binder coat to get a CO.

MR. DELSANTO: Well, all this aside, I'm going to make the motion to call the bonds. Both the EE bond and the E& S bond. Right? That's what --- yah.

MS. SAVAGE: We'd like you to authorize calling them and give us the ---

MR. DELSANTO: Without prejudice or something?

MS. SAVAGE: --- discretion to ---

MR. DELSANTO: How do we say it?

ATTORNEY SCIOTA: You're just calling the bond and giving the --- giving my office discretion to actually execute the calling of the bonds when we feel necessary.

THE CHAIR: We have a motion.

MR. CARMODY: Second.

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

J. Request for a 90-day extension for filing the Mylar of 30 Kuhr Drive, S 1025.1.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

K. Request for subdivision bond reduction, Shetland Acres S1243, the revised subdivision bond amount of 52,700.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

L. Request for release of a \$14,500 bond in lieu of site plan compliance for the Mountain Lore Animal Hospital, SPR 944.1. 785 South End Road.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

M. Request for release of a \$1,000 E & S bond and a \$2,900 public improvement bond, Sunset Auto Sales, SPR 1442 1223 Meriden Waterbury Road.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

N. Request for reduction of E & S bond for Laurelwood Estates S 1221.1, the revised E & S bond amount is \$5,000.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

7. Items to schedule for public hearing

MS. SAVAGE: I have nothing listed. We do have applications. There are applications that will require a public hearing and in fact I'm fielding calls from people daily requesting when they will get their public hearing.

However, I will tell you that you already have on November 7th all three of the Hillcrest applications as well as Washington Concrete's public hearing.

So at this point, I am trying, with your support to not add anything else on to that meeting Agenda. I think that will be more than sufficient.

THE CHAIR: We are scheduled for that, our next meeting to be here, in the Town Hall Council Chambers.

MS. SAVAGE: Correct.

8. Administrative Reports

MS. SAVAGE: I have a couple of items for the Commission. I'd like to pass around some material for you. These are just your copies of the revised regulations. And, your names are on them. So, please take your's.

I'd like to report to you just very briefly, we had a, the Commission asked us to take a look at 11 Spring Street. And, um, we wanted to look at Hollywood Video with regard to that sign and we wanted to look at Staples for removing a landscaping island.

Copies of the letters that I sent out were in your packet. I will tell you that I was contacted expediently by representatives of both places. The Hollywood Video people that contacted me have a tenant. The tenant has responsibility for that site. So, they are using their leverage to have their tenant remedy the situation and they're keeping me posted on their progress.

With regard to the Staples Plaza, I had a lovely discussion with the property owner and he has assured me --- we discussed the fact that he can either replace the site to the state it was approved, or he can apply for a site plan modification. And, after a lengthy discussion, he determined that it would be most expedient to just replace or return the site to it's approved condition. And, we will be working closely together for that to move forward.

And, my only other comment that I'd like to bring to your attention is that at the last meeting the Commission wanted to know from staff both engineering and myself what was our sense on when --- if people submitted revised plans to us, what would give us a reasonable deadline to be able to assure that we will review the revised plans and responses to comments in time to speak about it at the next meeting.

Engineering and I talked about it. We decided that noon on Tuesday, one week prior to the meeting, would be the deadline.

Now, this doesn't mean that if you get your plans in, by noon on Tuesday, the week before the meeting, that you're definitely going to be approved or definitely going to action. If we review those plans and there are still substantive issues

outstanding, it will be our professional responsibility to sit here and recommend that you table it.

However, we feel that when we look to the agents to diligently pursue revising their plans in accordance with our checklist, we feel that we can tell them that if they respond to us by that deadline, then we will find the time within our schedule to review those prior to the next meeting and be responsive to them.

I have no other administrative reports.

MR. KENEFICK: Did you make that a regulation?

MS. SAVAGE: Nope. It's a policy. We're already doing it and um --

ATTORNEY SCIOTA: That we're going to live by.

MS. SAVAGE: And, everybody's happy.

THE CHAIR: And, that is in effect today.

Do you have new applications?

9. Receipt of New Applications

MS. SAVAGE: I have one new application, only. It is a resubdivision application of G S Property, Robert Porter Road, S #1261.

THE CHAIR: There are a couple of things tonight before we go. Couple of people have a few things to say. I just want to mention one thing. Today is the last meeting of this particular Council. There are two members that are going to be leaving this Commission. Vice Chairman John DeMello and Commissioner John Carmody.

Just briefly I want to say, from my perspective, it's been a pleasure serving with both Johns. And, both gentlemen have put in countless hours working on applications, working on the benefit of the Town of Southington, researching applications, doing their service to the Town. Going out and getting dirty. Looking at sites, reviewing applications. Doing what's right for review of these applications. It's not an easy job.

People think that it's an easy job. People think it's a couple of hours a night or actually lately you know, five, six, eight hours a night sitting up here on every other Tuesday night.

It's a lot of time. It's a lot of effort. Outside of these meetings every other week.

I think that the Town of Southington owes John and John a debt of gratitude. And, I just want to personally say thank you. It's been a pleasure serving with both of you.

I wish John, who is leaving the Board, great luck and great success.

And, John Carmody, who is going on to try something else, good luck and good success. Thank you both very much. Best of luck to you.

(Applause, applause)

And, there are also a couple of members that are going to be up for election this year. Commissioner Sinclair, Commissioner Del Debbio, good luck to both of you and hopefully we'll be seeing both of you back here in a couple of weeks.

MR. CARMODY: Thanks, Zaya. Appreciate it.

THE CHAIR: Good luck!

MR. DEMELLO: Thank you.

THE CHAIR: Anybody else? Who has something they'd like to say?

Commissioner DeMello?

MR. DEMELLO: The only thing I want to say is it was a great opportunity. For almost the last eight to nine years sitting on this Board and seeing how things happen here in Southington. And, all for the better.

You've got a great group of people here and thank you very much for the help that you've given me and I'm going to miss it.

So, thanks.

THE CHAIR: Thanks, Johnny.

(Applause, applause)

MR. CARMODY: With my big mouth, like I wouldn't say anything.

(Laughter)

MR. KENEFICK: Wait a minute! How long is this going to take?

(Chuckles)

MR. CARMODY: Two seconds. Two seconds. You know, I guess I've been around the same time, about eight years. My gosh.

But I feel like we've accomplished so much especially in these last, I guess, over the last three years. We did the Master Plan. I'm excited about it. Some of the changes that we're doing now with our industrial regs. Some of the changes we did with our residential zoning. I personally feel like we're really, really heading in the right direction.

It's never easy. Tonight's a perfect example of what we go through it and people not always have a full understanding of the complexities of the thing, the tasks that we have at hand.

And, I think everybody here does the best job they can do and it's never easy. You know, I'll miss it, too. I'll miss working with you guys. I think, you know, I live here. I've lived here for 37 years. I hope I live another 37 here. So, this stuff matters to me. It matters to my family.

So, keep up the good work.

(Applause, applause)

MR. DEMELLO: The one thing that I wanted to add, I'm saying that I took over Congressman Murphy's spot. This was the first elected office that he had ever had. He's a Congressman now and I'm still sitting in his seat.

(Laughter, laughter)

THE CHAIR: All right. Anybody else?

Good luck guys and girls.

MR. DELSANTO: Motion to adjourn.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 10:42 o'clock, p.m.)

GOOD LUCK !!!!