

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing
October 3, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Public Hearing of the Southington Planning & Zoning Commission to order at 7:02 pm with the following members in attendance:

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

Alternates: Robert Borkowski
Richard Hart
Lisa Conroy

Others: Mary Hughes, Town Planner, Mark Sciota, Town Attorney, Anthony 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:

Items for public hearing this evening:

(Ms. Hughes read the legal notice in the record at this time.)

A. Continued Public Hearing from September 19, 2006 for Subdivision Application of Northstar Centers, LLC proposing to resubdivide property for purposes of creating 3 lots within a Business and I-1 zone, Executive Boulevard South & West Street S #911.2.

Ms. Hughes read a letter into the record withdrawing the application this time. (Letter on file in the Town Planner's Office.)

B. Continued Public Hearing from September 19, 2006
Resubdivision Application of Lovley Development, Inc.
proposing to resubdivide property for purposes of creating 6 lots (Rich Gardens Estates), property located at 360 & 370 Mulberry Street S #503.1.

Ms. Hughes stated that this public hearing was continued to enable the applicant to meet with abutting property owners to discuss the drainage as well as to submit a Phase I Environment Assessment of the property we would be accepting. It needs to be continued, as we've not received the Phase I.

Mr. Bovino, on behalf of the applicant, can update you on the drainage.

SEV BOVINO: Planner with Kratzert, Jones representing the applicant. We met with the neighbors to discuss the slope rights issues and drainage issues and we are in the process of revising the maps and doing additional work on the property.

We'd like to table or continue this application.

Mr. DelSanto asked if they came to a resolution with the neighbors. Mr. Bovino said we discussed the things they want us to do and we have to do additional surveying and show them on the map to implement those things.

The Chair hearing no further speakers in favor or opposed to the application, continued the public hearing to the next meeting, which is October 17th, 2006.

C. Special Permit Use Application of Jose A. Rivera
proposing to establish a parent/grandparent apartment from an existing single family dwelling, property located at 44 Johanna Circle SPU #432.

Ms. Hughes advised this applicant received a variance from the ZBA for a 690 sf in-law apartment because of the size of their existing home. The application is more or less in order and I'll let Mr. Rivera explain.

One thing I need is for the applicant to fill out the affidavit.

When in regular session, if you are inclined to grant this approval, the four standard stipulations need to be added to the plan before the applicant's request for a zoning permit.

JOSE RIVERA: Contractor for Arlene (Inaudible) for this parent / grandparent apartment. We're looking to get approval for the apartment. Arlene is the caretaker for her father who has dementia. She currently lives in Waterbury and she has to travel back and forth. This will make life easier.

We have done everything in order to stay within the stipulations of the parent/grandparent requirements. We've altered our plans to meet the appearance, et cetera.

The reason for the variance was explained.

The applicant signed the affidavit and Attorney Sciota took her acknowledgement.

Hearing no further speakers for or against the application, the Chair closed this public hearing.

D. Subdivision Application of Calco Construction proposing a resubdivision of property within the previously approved Cortland Estates Subdivision for purposes of creating (7) single-family lots, property located at 235 Flanders Street S #1234.1.

Ms. Hughes addressed something that may have caused confusion. This is about the extension of Applegate, the road in Cortland Estates. There won't be an additional 7 lots. It's the original 7 lots that were approved.

SEV BOVINO: Planner with Kratzert, Jones, representing the applicant. This is a previously approved subdivision. The number of lots are the same. The road needed to be extended to provide frontage for the Applegate Condo complex because we are closing the access from Queen Street and providing access here.

The difference in the road length is this small slice of roadway in red here is probably 10 foot north to provide the proper frontage. That's the reason we are here because when you change a public right of way, you need to reapply.

The Queen Street entrance is being closed because it's a problem. The DOT, no left turn, no right turn? That was a difficult thing. We are providing access through the Baron's Apartments which will be at a future light and with electronic card to come into the project on that end and on this end, an open access.

Discussion of Queen Street/Baron's Access.

The strip is going to be abandoned, the asphalt removed, and seeded. It will remain a part of the Applegate development.

Discussion.

Mr. Kenefick said when this was approved, he thought it was brought up that we wanted two places to go in and out. I thought we made it clear that we wanted an exit on to Queen Street. Mr. Bovino said it is being provided through the Baron's Apartments. It is a safer location.

Discussion.

Mr. Carmody said they had one off of Queen and we asked them to get a second one off of Flanders. Personally, I don't want to see it become a cut through.

Discussion.

There will be a gate at the Baron's Apartments at the end of the property and you need an electronic card to access, provided it is approved. The Queen Street access has not been eliminated but it has been moved which makes it better, added Mr. Bovino.

Discussion.

The Lazy Lane light has been approved. That is being put out to bid right now. Next year some time it will be built. Discussion.

(Pause)

Mr. Bovino said this application is to provide a legal frontage to that project that used to have it on Queen Street and now we're providing it on this side. Now we have 200 feet of frontage.

Mr. Kenefick said he'd like to see the plan to go in through the Baron's and coming out on Queen Street. I think it's been a couple of years since we acted on this. Discussion.

Mr. Bovino said they have an agreement to be able to travel through that area.

Mr. Saucier said is this going to be the primary entrance? The only people who could enter through the Barons would be those who are carrying a card. Visitors can come through Barons to this. Mr. Bovino said if you do not have a card you cannot come through the Barons.

The Chair asked if they would consider doing the same thing at the end of this road? Attorney Sciota reminded the Commission it is a public road. Guest access is an issue. Discussion.

The Chair was concerned that this becomes the primary exit/entrance and it's tough enough now on Flanders Road to get in/out of. You'll have more people trying to get in/out at an area that's pretty heavily congested and traveled at this point. My fear is this will become the main entrance/exit. Discussion on that issue.

Mr. Bovino explained the entrance at Flanders will be improved. Sight distance will be adequate there.

Mr. Saucier requested a traffic study to determine how much traffic will be generated on Applegate and subsequently Flanders if this becomes a main entrance. Mr. Bovino said a traffic report would be provided if that's what you want.

Mr. Saucier said we need a full-blown study.
Discussion.

Discussion of approval by the STC -- will there be discussion about a turn around lane for people who don't have their cards on the Barons Apartment access.

Mr. Bovino said at the end of the Baron's Apartment there is a cul de sac that we are tying into. If you come to the gate with no card, you just turn around and get out.

The Chair called for those speaking in favor of the application.

(No response)

The Chair called for those speaking against this application.

ARTHUR CYR: 103 Berlin Avenue. I've been asked to speak to you tonight representing Southington Manor Condo Association where I lived for 18 years, at the request of the Board of Directors, three members who are in the audience tonight.

I'd like noted for the record, Town website is out of date. Explained the misinformation on the PZC website.

We are opposed, speaking for the 76 property owners and voters at Southington Manor to this resubdivision of Cortland Estates. And, we oppose it because it's one of our last opportunities to stop the adjoining development, Applegate, because we feel it was a mistake for this Commission to do the initial approval on November 18, 2003.

He voiced his opinion that this would be the main entrance and all people on Flanders and Pleasant and Darling will get the main entrance.

Discussion.

Discussion of gated condominium complexes.

Mr. Cyr did not believe there was an accurate traffic study that was done while school was in session for Flanders

Street.
Discussion.

We're also opposed tot his and we're asking this Commission to remember what a lot of you ran on for a platform which was to put the brakes on housing developments that use the maximum amount of space. Voters said we're tried of seeing people use every inch of property in a development. This is maxed out.
Discussion.

I believe this resubdivision should be denied simply because this Town doesn't have the manpower to supervise this developer.
Discussion.

This evening, the Board of Directors of Southington Manor put plans in place to arrest anybody from Calco Construction or any of their contractors from coming on to their property. They did today, putting up fence along the property line. Tomorrow, they'll be arrested.
Discussion.

The Chair reminded the speaker to focus on this particular application.

Mr. Cyr asked: Does this Town have adequate protections in place so that when they put water and sewer on Applegate Road, they'll be inspected? Do we have adequate safeguards to make sure the road is going to be properly installed?
Discussion.

This road that's already started, is it going to have a binder coat on it for a year or two with people trying to live there?

It's to say "no" to this developer.

That's all we're asking: Say no.

Thank you.

SUSAN ZONI: Dave Zoni, Councilman Zoni is my husband. We live at 340 Annelise Avenue. The effected property is directly behind my home.

Spoke of all the animals that used to frequent the area being gone now.

Every tree on the property has been cut down. Every tree.

Spoke of water problems at 350 Annelise.
Discussion.

None of the water problems in the area is taken into consideration in this plan.

The roadway was supposed to be emptying on to Flanders as a secondary emergency exit. That's what this Board approved. Now they want to change it and put all the traffic behind us. The traffic study that was done was one when school was not in session.
Discussion.

Traffic studies should be done when there is school in full session, full athletic schedule.

Spoke of difficulties leaving her street in the morning hours and turning right on to Flanders.

Spoke of the high school traffic. If you add all of the people that're coming in from this and make it a main entrance, we'll never get out of our house to go to work in the morning. The line of cars behind me could be six or eight deep. This is a secondary road, not a main road.

I'm concerned if you make any kind of exit or entrance through Barons. If you make additional traffic where there are children, you're asking for accidents to happen.

I ask that you please deny this. We value our peace and quiet. We value our property values. When you add traffic directly behind us, we'll have more noise and more people.

Please, please, deny this application and do not make this your main entrance/exit.

More discussion on the water issue in response to a question by the Chairman for clarification.

The Chair asked Mr. Bovino to respond.

Mr. Bovino said he would address the water problem, the other is a civil matter in terms of the property lines. We know about the water and discussed it at length with Tony.

We are capturing the water on our property, putting it into the drainage system, creating ZIRO and then delivering it to its destination.

Discussion of why water puddles on the property in question.

It was noted if the berm was removed, the water would drain a little easier. It's not a problem we are creating.

Mr. Tranquillo said the situation was looked at very carefully and this proposal will help the situation and not hurt it. It will receive the water more efficiently and once it gets on to this property, we'll conduct it very efficiently to the drainage system and then to the north. This will not back up water on to the Annelise Drive people. It'll only help them.

Mr. DelSanto commented, the problem that's there now probably will remain a problem, but this application is not going to worsen it. Mr. Tranquillo said none of this water is going to go onto that property. This property is lower.

The Chair brought up and discussed the secondary entrance/exit for this property. If you do gate Barron's, I do think this is going to become the primary entrance/exit. Would you consider leaving that 50-foot strip open, leaving it as an entrance with the understanding it was a left turn out, only. And, have a third entrance to the facility so that it wouldn't divert all traffic to Flanders?

Mr. Bovino said they would think about that.

Further discussion over which entrances and exits the people would use from this complex.

Mr. Bovino pointed out the Commission told the applicant to get another access, which we did. Now we have two full accesses instead of one full and one emergency access.

Discussion of the gate placement. Mr. Bovino said the main reason is to prevent traffic cut through. Extensive discussion.

Mr. Hart said the original approval was for the main entrance on Queen Street. Then why not put the gate at Flanders as opposed to putting it at the Barron's if the original approval was for the main entrance on Queen. Just flip the gates. Stop the potential for cut throughs.

Mr. Bovino said that is something to think about.

Mr. Saucier asked if it would require a card key on both entrance and exit out of Barons? Or the exit out of Applegate, is it going to be tripped by a sensor? Mr. Bovino didn't know the details of the design, but I can get it for you.
Discussion.

The Chair said we are looking for a follow up traffic study to take into account the time of year school is involved. So, I think to get that, we'll continue this public hearing to our next meeting on October 17th.

(Whereupon, the public hearing was adjourned at 7:45 o'clock, p.m.)

SOUTHINGTON PLANNING AND ZONING COMMISSION

October 3, 2006

Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Southington Planning & Zoning Commission to order at 7:45 pm with the following members in attendance:

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

Alternates: Robert Borkowski
Richard Hart
Lisa Conroy

Others: Mary Hughes, Town Planner, Mark Sciota, Town Attorney, Anthony Tranquillo, Town Engineer and John

Weichsel, Town Manager

Absent: Brian Zaccagnino, Alternate Commissioner

A quorum was determined.

ZAYA OSHANA, Chairman, presiding:

Approval of Minutes - Regular PZC Meeting of September 19, 2006

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

UNFINISHED BUSINESS:

A. Continued Public Hearing from September 19, 2006 for Subdivision Application of Northstar Centers, LLC proposing to resubdivide property for purposes of creating 3 lots within a Business and I-1 zone, Executive Boulevard South & West Street S #911.2.

THE CHAIR: This has been withdrawn so we'll move on. Just a comment, we'll make it clear on the record that one of the discussions that we had when Northstar was originally here, they had talked repeatedly about upscale, female-oriented shops going in there. So, I hope when they continue to look at their anchors, they continue to look at upscale, female-oriented shops and not, let's say ---

MS. HUGHES: Tony wants to know if that is discriminatory.

(Chuckles)

MR. CARMODY: Did you do something at home?

(Laughter)

THE CHAIR: I just don't want to see it become a lower scale ---

ATTORNEY SCIOTA: Male-dominated stores.

MR. DELSANTO: Fishing and bowling ---

THE CHAIR: Having said that, we'll move on to Item B.

B. Continued Public Hearing from September 19, 2006
Resubdivision Application of Lovley Development, Inc.
proposing to resubdivide property for purposes of creating
6 lots (Rich Gardens Estates), property located at 360 &
370 Mulberry Street S #503.1.

MS. HUGHES: Needs to be tabled.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passes unanimously on a voice vote.)

C. Special Permit Use Application of Jose A. Rivera
proposing to establish a parent/grandparent apartment from
an existing single-family dwelling, property located at 44
Johanna Circle SPU #432.

MR. DELSANTO: Motion to approve this application with the
designated stipulations on the plan. Mary, anything else
outstanding on this?

MS. HUGHES: No.

MR. DEMELLO: Second.

MR. SAUCIER: Second.

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

D. Subdivision Application of Calco Construction proposing
a resubdivision of property within the previously approved
Cortland Estates Subdivision for purposes of creating (7)
single-family lots, property located at 235 Flanders Street

S #1234.1.

MR. KENEFICK: Motion to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

E. Site Plan Application of Northstar Centers, LLC proposing to construct a multi use shopping center including construction of parking facilities, access drives and miscellaneous site improvements, property located off Executive Boulevard and West Street SPR #1434.

MR. DELSANTO: Move to table.

MS. HUGHES: That's been withdrawn.

THE CHAIR: Okay.

F. Subdivision application of Ravenswood Construction, LLC proposing to subdivide property for purposes of creating 9 single-family lots (Wyndcrest Estates) property located at 120 Clark Street, Milldale S #1242.

MS. HUGHES: Tony would like to have a little bit more of an opportunity to go over some drainage issues with Mr. Giudice. So, we would request that we receive a 65-day extension, or at least two week.

MR. GIUDICE: I'll give you two weeks.

No, I'll request a 65-day extension, please.

MR. DELSANTO: Move to grant a 65-day extension.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Extension is granted.

Tony, what drainage issues are you looking at?

MR. TRANQUILLO: There are two issues on this that I haven't

had a chance to check. One is the sight distance on Clark Street. That's one issue.

The second issue is drainage. This site is very, very flat. So, I want to make sure that we have proper drainage particularly on the lots to make sure they don't have drainage problems.

THE CHAIR: There was no excavation here, correct?

MR. TRANQUILLO: No.

THE CHAIR: This is the site as it was.

MR. TRANQUILLO: They don't propose any excavation here.

MR. KENEFICK: Where is this water going to drain to, Tony?

MR. TRANQUILLO: It's going to drain to the north, eventually flowing down on to Burritt Street, under Burritt Street and then to the river. Existing drainage on Burritt Street.

MR. KENEFICK: So, it's going into the river, not my place.

MR. TRANQUILLO: Ya, we're going to aim it right at you.

(Laughter)

MR. GIUDICE: We tried that, but . . .

MR. TRANQUILLO: That was the first choice. Fran, that was the first option, we denied that.

(Chuckles)

MR. KENEFICK: Okay.

MR. CARMODY: Steve? Did we waive sidewalks on this?

MR. GIUDICE: No. We didn't request a waiver of sidewalks. We are proposing sidewalks.

We could.

MR. CARMODY: Just checking. I'm must testing you.

ATTORNEY SCIOTA: I would say don't.

THE CHAIR: We have a 65-day extension. Anything else, Steve?

Motion to table?

MR. DEMELLO: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

G. Subdivision Application of Lovley Development, Inc. proposing to subdivide property for purposes of creating 5 single-family lots (Shetland Acres) property located at 275 South End Road S #1234.

MS. HUGHES: The applicant has complied with all of the review comments and this is ready for action this evening.

MR. DELSANTO: Move to approve.

MR. DEMELLO: Second.

THE CHAIR: Any discussion?

MR. CARMODY: Wait! Hold on a second. I have a question. Here's the discussion, sorry.

Sev, I don't want to go looking back at the Minutes. Refresh my memory what we ---

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

MR. BOVINO: (Continuing) --- from here to there and then there will be a ramp coming into the pavement.

MR. CARMODY: Okay. Tony? Or Mary or Mark? Or whoever else. We had a situation like this before, right where we had a new subdivision and there was an existing home on a corner lot. And, we thought it was grossly unfair to have the exiting property owner have to be responsible for that sidewalk. This is a done deal, I guess.

ATTORNEY SCIOTA: No, you waived it. You waived it on the house that's existing so they don't have a sidewalk.

MR. CARMODY: I know. But in the other subdivision, the other situation that was similar to this, what did we do?

ATTORNEY SCIOTA: No, the road was shortened so it's not in front of their property if I remember correctly.

MS. HUGHES: No, there were several.

MR. TRANQUILLO: Several situations like this that you waived.

MS. HUGHES: I know that on the extension of Cobblestone they ---

THE CHAIR: The one across the street from me, it was waived.

ATTORNEY SCIOTA: Remember the one off of Hart Street. It was shortened, the road.

MR. KENEFICK: So, what did we do on Cobblestone?

MR. TRANQUILLO: Waived it on the west side, on the corner lot.

MR. KENEFICK: That's for Ms. Telke.

MR. CARMODY: That's the one I'm talking about.

MS. HUGHES: Right.

MR. TRANQUILLO: You waived that.

MR. KENEFICK: We did waive it.

MR. TRANQUILLO: Because of the maintenance issue.

MR. CARMODY: We didn't assign it to --- we didn't do that. Okay.

MR. KENEFICK: And, we waived this, also?

THE CHAIR: Um-hum. What's that?

MR. KENEFICK: We also waived this.

MR. CARMODY: Okay. Just checking.

MR. KENEFICK: Tony, sight line on South End Road here?

MR. TRANQUILLO: This is fine. No problem with sight lines here.

MR. KENEFICK: A lot better than Dale?

MR. TRANQUILLO: A world of difference. This is excellent.

MR. KENEFICK: And, as far as the road going in, is that going to be like a steep drive going in --- flattened out?

MR. TRANQUILLO: It's flat going in. I don't remember the exact percentage. Three percent.

MR. BOVINO: It basically follows the grade of the driveway at the beginning. At the end of the cul de sac you'll see a slight cut because if you've driven in there, you seen the driveway climbing, you're going to have a cut at the end of the cul de sac. So, the grades are very reasonable.

MR. TRANQUILLO: The grade going in actually is only one percent.

MR. KENEFICK: One other question. That pond in the back there on the other piece of property, is that ever been resolved? Didn't they have ---

MS. HUGHES: Mr. Lovley is in the process of resolving that issue right now with the Conservation Commission.

When Mark Lovely purchased the property, there was money put in escrow to do the restorative work that has to be done and both he and Dennis are working with the Conservation Commission actively now to resolve that.

MR. KENEFICK: So that is going to be taken care of?

MS. HUGHES: Yes.

THE CHAIR: Any other discussion?

(No response)

Mary, call the roll.

(Motion passed 6 to 1 with Chairman Oshana opposed.)

H. Site Plan Application of Gregory Klimaszewski proposing the conversion of an existing residence into a mixed use of business and residential use totaling 3,412 square feet within a Business zone, located at 1004 South Main Street SPR #1440.

MS. HUGHES: As you may recall, Attorney Kilaszewski would like to convert the first floor to his offices and the second floor to his living quarters. This is ready for action this evening.

MR. DELSANTO: Move to approve.

MR. SINCLAIR: Second.

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

I. Site Plan Application of 1103 Queen Street, LLC proposing modifications to the parking and billboard in conjunction with the previously approved site plan, property located at 1103 Queen Street SPR #1410.1.

MS. HUGHES: As you are aware, we sent some information to you in your packet that there are a number of issues that are outstanding in this particular application. An area was paved that had not been previously paved in your original approval for the site plan, as well as the billboard had been rebuilt and relocated off premises. Then there was a property transfer and now it's on their premises. There's an order that has been issued against 1103 Queen Street based on your regulations advising that you can't replace a nonconforming sign.

We had a sign expert come out and it's the opinion of the sign expert that was hired by the Town that this is new build. The ZBA will take up the matter again on October 24th because they have only one meeting scheduled in the month of October.

ATTORNEY SCIOTA: From my standpoint, we have a structure on the site, whether it's --- the ZBA decides one way or the other, it doesn't make a difference. We have a structure on site, which by definition is a structure, without a building permit and without an electrical permit.

So, there's issues even beyond that issue. We have Jim Butler issues we have to worry about, too. So, we want to put that all on the record.

My department has serious issues with this application.

THE CHAIR: Serious issues in what portion of the application, Mark?

ATTORNEY SCIOTA: Well, the issue you have in front of you is the site plan. What shows on the site plan is the billboard in a different location. And, what our expert tells us is a new billboard, which has huge ramifications when it comes to your regulations and the ZBA.

Also it has huge ramifications when it comes to the building department. Just like any other site plan. We see a building which is too close to the property line or shouldn't be there, you stipulate on your site plan that yes, you can approve the site plan, but the stipulation has to be something. Either it's removed or they have to reconcile with the ZBA one way or the other.

So, if you are thinking of approving this, you need stipulations pursuant to the billboard.

THE CHAIR: Legal remedies. What are the legal remedies?

ATTORNEY SCIOTA: They are going through the legal remedies. They're appealing Frank's order. The ZBA. That's step one. If the ZBA backs up Franks' order, then they go to Superior Court.

THE CHAIR: Okay.

MR. DELSANTO: Not even Frank's order, but Mary, did the ZBA turn this application down to erect that sign?

MS. HUGHES: Initially, yes. There was a request on not the current lessee, I believe, but on the previous lessee ---

MR. DELSANTO: The old one, right?

MS. HUGHES: Yes. They applied for a zoning permit. Frank turned the zoning permit down. The applicant appeals to the ZBA. The ZBA, I believe, upheld Frank's order. And, then there was an appeal taken to Superior Court.

ATTORNEY SCIOTA: They also applied for a variance at the same time.

MS. HUGHES: Yes, at the same time.

MR. DELSANTO: And, that variance was denied, as well.

MS. HUGHES: Correct.

MR. DELSANTO: I was at that meeting.

ATTORNEY SCIOTA: Then it was appealed to the Superior Court and that's one of the issues here is that the applicant was fully aware about that because they were in front of the ZBA before.

This is an issue, right now, from my standpoint, it won't get into my hands until the ZBA makes a decision as Mary mentioned. And, then assuming the ZBA upholds Frank's orders, then the applicant moves on to the next step, which is Superior Court.

Technically, legally, they could be in front of you. Now, I'm telling you, obviously, if this Board wishes to move forward with the site plan, there's got to be stipulations just like any other illegal structures that we've had on site plans.

We've had site plans with illegal structures before. Because they divide the property and there's an old building that's too close to the property line. You always stipulate one of two things: either it gets relocated or it gets demolished. And, if that stipulation takes hold, then they can't get their certificate of zoning compliance until that happens.

MR. KENEFICK: Why did they --- why did they move the billboard in the first place and in which direction did they move it? Further away from Queen Street or closer?

ATTORNEY SCIOTA: I'm sure they can answer that question.

MS. HUGHES: Well, first off, Fran, they moved it on to 1127 Queen Street. They moved it off their own premises and they moved it closer to Queen Street.

MR. KENEFICK: They moved it closer to Queen Street and it wasn't on their premises ---

MS. HUGHES: Correct. They moved it to a ---

MR. KENEFICK: Whose premises?

MS. HUGHES: To 1127 Queen Street, which I believe is Computer Tune & Lube.

MR. KENEFICK: That's where the carwash is supposedly supposed to go?

MS. HUGHES: Correct.

MR. KENEFICK: Different story. Okay.

ATTORNEY STRAMENSKI: If I may, we can get a conversation going here. Julie Stramenski for the applicant.

MR. KENEFICK: That's a whole different story now.

ATTORNEY STRAMENSKI: Right. But the important thing to note here is the fact that our client had been in negotiations with the neighbor for quite some time and had an equitable interest in that parcel. He may not have technically owned it, but we had been in negotiations with them and had been trying to come up with final language in order to come up with a Purchase and Sale Agreement.

So, at the time the billboard was moved, there was an equitable interest in the property. I think it is significant to note that.

MR. KENEFICK: Let me ask you a question. Simple, simple question. Why didn't you wait to move this billboard? When you're moving it off of one property and putting it on a completely different piece of property?

ATTORNEY STRAMENSKI: My client indicates ---

MR. KENEFICK: Differently owned. Why didn't you wait?

ATTORNEY STRAMENSKI: Well, my client indicates to me that they have been having discussions with Mr. Tranquillo about giving a ten foot sewer easement to the Town and in order to give that ten foot easement, it would have been necessary to move the billboard from the location it was in before which is why my client had purchased the neighboring parcel. And, now as the sign stands, it's ten feet from the street, and ten feet away from the neighboring parcel so it is compliant with the sign regulations as they are now and now there's also room to grant the sewer easement to the Town.

I'm sure he can probably substantiate that ---

ATTORNEY SCIOTA: Tony, is that correct?

MR. TRANQUILLO: Some of what she said is correct. But in the wrong context. I did ask for a sewer easement but the sewer easement has nothing to do with the billboard. We could take the easement and they still own the property. There was no requirement on my part that they move the billboard.

The easement, the actual sewer line that we own, is a matter of a couple of feet away from the right of way line and the only reason for the easement is give us a little extra room if we ever have to dig there so that we're within our rights.

But there was no conflict between the billboard and the easement.

KEN PICKARD: I did the original survey there. That billboard actually hung over the highway line into Route 10. The backside of it was right up next to the building.

Again, we moved it, we're in, talking with Tony who wanted a sewer easement, we moved it back ten feet away from or actually eleven feet from the highway line. It's eleven feet off of Computer Tune & Lube's present property line.

MR. DELSANTO: How about the idea that it jumped from one piece of property to the other? You moved it. That's great. You moved it off the highway. You moved it away from the

building, but you also moved it into another person's property.

MR. PICKARD: At that time there was a negotiation for ---

MR. DELSANTO: Yah, I know, but it wasn't decided upon. So, in the midst of the negotiations, you just moved it from one piece of property to the other?

MS. HUGHES: I'd just like to point out to you that your regulations specifically state that no nonconforming sign may be changed except to a conforming sign. Structural alterations which do not materially alter the characteristics or exterior appearance of the sign may be made.

We had a sign expert --- an expert in billboards come down from New York City and filed a report. I believe Mark and Frank were there when he inspected the sign. This is not a relocated sign. It is his opinion that this is a new build sign. So, your regulations specifically say that even --- that the nonconforming use has been abandoned. That's an argument that's before the ZBA.

I fully appreciate that 1103 would like to get forward and have tenants on their property and I think Mark had the most reasonable remedy, you can approve the site plan, but you have to contingent it upon either removing the billboard or deferring to the outcome of the ZBA on the appeal of the decision of the Zoning Enforcement Officer.

MR. KENEFICK: What would be involved in taking that billboard down now? I mean the reason they want to do this is they want a CO. So, what is involved with taking that billboard down, getting the CO, and then going through all the right channels to come back and to put the billboard back up?

MS. HUGHES: They can't come before you and put the billboard back up.

MR. KENEFICK: Pardon?

MS. HUGHES: They cannot come before you to put a billboard back up. Billboards are prohibited by your regulations.

MR. KENEFICK: So, they're gone.

ATTORNEY SCIOTA: I'm sure, I'm sure their legal advice would not be to take the billboard down unless --- that's a whole issue about abandoning use at that point.

So, I think the point is, is that if they're looking for a CO, you do several different things. The first thing, the easiest thing to do is simply say, table it. You've got the ZBA coming up on the 24th. Now, that may not resolve it because assuming the ZBA, and I'm not saying they will or they won't, but if they back up the ZEO's order, then the next step is Superior Court and we're talking months before you get a resolution that. And, that's up to them. That's a business decision.

MR. KENEFICK: I just feel sorry because these people did a beautiful job on that whole area. And, now, you know --

ATTORNEY SCIOTA: Fran, Fran, Fran. I worked for the Town a long time. Almost as long as you've been on this Board. And, I have a lot of sympathy for a lot of applicants, but this applicant, was there at the ZBA months and months ago. I think one of your Commissioners was there that night ---

MR. DELSANTO: Sitting in the audience.

ATTORNEY SCIOTA: --- and the ZBA made it perfectly clear. That if you want to keep the billboard where it is, you may do some minor repairs, you leave it where it is and everyone went their merry way.

Now, and then the applicant either, this or the property owner or an agent of the property owner, on their own, without getting a building permit and without getting an electrical permit, moves the sign.

I have no sympathy for that applicant. Simple as that.

MR. DELSANTO: I just have a question maybe for Counsel or for the surveyor. Did you move the sign or did you have a new one erected? Will you answer that on the record?

ATTORNEY STRAMENSKI: We can't actually answer that at this point in time which is why the ZBA hearing was continued. We had an affidavit form Next Media's, I believe it was, I forget his title, from Charlie Giaone, attesting to the fact that the sign had not been replaced with a brand new

sign.

And, then we received this letter from the expert stating that under his opinion that it was a brand new sign. So, we have to table our ZBA hearing so we could investigate that further. So, I can't give you an answer.

MR. DELSANTO: So, you're going to hire a sign expert to see if --- I mean, to rebut our sign expert?

ATTORNEY STRAMENSKI: Well, we actually need to get in touch with the person who actually installed the sign and get their opinion, as well. We're trying to schedule a meeting to go out there with them.

MR. DELSANTO: I don't think it's an opinion. It's fact.

ATTORNEY SCIOTA: That's a ZBA matter, nothing we should take up.

ATTORNEY STRAMENSKI: Thank you. Attorney Sciota.

MR. CARMODY: Mr. Chairman, before I make the motion, I think we should --- I'm not going to make the motion just yet, but I think we should just table this and let the ZBA handle it.

ATTORNEY STRAMENSKI: Well, if I may, our request would be that you approve this site plan with the stipulation that we work this out with the ZBA regarding the sign. I actually brought a couple of photos for you in full color so you can take a look at the before and after and see what an improvement was done to this property.

Also, included on this are two pictures of the interior of the property, which my client tells me he is ready to lease as soon as he gets his CO from the Town.

ATTORNEY SCIOTA: On behalf of the Town, the property is beautiful. Nobody's disputing that.

ATTORNEY STRAMENSKI: I know.

ATTORNEY SCIOTA: what we are disputing is --- the events that took place.

ATTORNEY STRAMENSKI: I'm trying to make a compassionate

plea to you, if you could at least approve this so we can get tenants into the buildings.

ATTORNEY SCIOTA: There's one easy way. In all seriousness, there's one easy way. I don't know what you make a month on a billboard nor do I care. Get rid of the darned billboard.

The stipulation would be: get rid of the billboard or wait for final resolution from the ZBA or the Superior Court.

They can do that.

ATTORNEY STRAMENSKI: Our preference would be to get the site plan approval with the stipulation that we work this out with the ZBA or Superior Court.

MR. KENEFICK: How can we even do this? How can we do this? We're going against our own regulations.

ATTORNEY STRAMENSKI: Actually, you are allowed to approve this because the alleged violation of the sign ---

MR. KENEFICK: Mary.

ATTORNEY STRAMENSKI: -- it's an underlying zoning violation.

MS. HUGHES: All right. I respectfully disagree. I mean, you have a violation ---

MR. DELSANTO: I make the motion that we approve ---

MR. KENEFICK: Mark, what do you think?

MR. DELSANTO: I want to make a motion.

ATTORNEY SCIOTA: If you're asking my opinion, the 24th is the ZBA. Nothing's going to happen whether you approve it or not on the 24th. I mean, you approve it now, nothing can happen until the 24th. Until the 24th, anyway. So, I see no --- if it bothers you, just table the thing. One week after that we have a meeting.

MS. HUGHES: We're meeting on November 1st.

THE CHAIR: Before we move on, Mr. Hart has an issue he'd like to raise.

MR. HART: The problem I have is you want to wait for the ZBA to grant the ruling. They've done it and you've ignored it. From what I am gathering from the testimony.

ATTORNEY SCIOTA: That was the first time around. Now, they're appealing Frank's order which is a little bit different than the first one.

ATTORNEY STRAMENSKI: When we actually appear at the ZBA, we are going to have testimony regarding that, as well.

Our clients --- the sign, I should say, is involved in the middle of a huge sign war between two competing companies in Connecticut which have been papering the file during the previous application and fighting against each other.

We are going to bring in Mr. Giaone of Next Media to have him attest to this fact that these are two companies that will do anything to try to keep the other from doing business in Connecticut and I think that's another issues that needs to be heard by the ZBA.

MR. CARMODY: On that note, I'm going to make a motion to table this.

MR. DELSANTO: Second.

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

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

MS. HUGHES: Staff is in the process of reviewing this application. Attorney Meccariello and Mr. Giudice are here this evening.

I know that you had someone from the audience at your last meeting indicating that some people may like to make some public comment. Obviously, it's the Chairman's purview as to whether or not you'll accept public comment and to

establish the ground rules for accepting it at this time.

So, I don't know if you want to address the public and do it this evening or do it at a later date. I really don't know.

THE CHAIR: We had agreed back in January that we were going to do public comment, we will allow public comment.

We'll have the attorney and the engineer make their presentations to get any facts out on the record. I'd like to ask our Town Planner to help out with a five-minute limit. If you could keep track of the time, Mary. For each resident that is going to speak, a five minute limit. Try to keep your comments within five minutes. And, we'll go from there. We'll start off with the attorney who doesn't have a five-minute limit.

MR. DELSANTO: Just a question before we begin. If we're going to hear input from the public, it's going to be with regard to site plan, only. Not with regard to approving the application because the application has already been approved.

THE CHAIR: The application has been approved. What we have in front of us is a site plan, which I think the attorney and the engineer are going to go over. We've had some discussions as a Commission on this, already.

So, we are here to talk about the site plan, how the site plan is laid out and not the approval of the application, which is already---

MR. DELSANTO: That's not going to get undone tonight.

THE CHAIR: That's correct.

ATTORNEY MECCARIELLO: Thank you, Mr. Chairman. Commission members. Bryan Meccariello, 142 North Main Street, Southington.

I apologize for not having a suit and a tie on tonight. I'm in the middle of an event which I have to run back to but, I think it's important to have the public input because I met Paul, I apologize for not knowing his last name, but he and I had a chance to speak after the last meeting in the parking lot with concerns. That is what we're looking to

do, to hear and to incorporate.

One idea was to ask the police department to limit the time for, or perhaps prohibit parking on Liberty Street along the condo units. What we're trying to do is to discourage anyone from parking there and then making it a habit of parking there and then go home for the night.

So, that's beneficial. I'm glad he mentioned that. Some other concerns we're going to incorporate in this continuing site plan application.

Tony and I had a chance to speak briefly at the conclusion of the last meeting, as well. He asked me about doors on the back. Technically, the back, but they're on Liberty Street, so it looks like the front. We are working with the designer to incorporate that. We want it, the concept is to invite, to walk on the sidewalks, to get to where you need to go. The Renaissance. We want people to walk downtown.

We're trying to do that from a structural point of view because the main entrance is internal where the parking is. We wanted the parking to be internal. That way, again, there's no lights. There's no cars running that are going to bother the neighbors in that case.

Steve's here to speak about his continued work on the drainage issue. We have to get the notes from Tony, although we have his checklist from the SPU and we're well aware of the issues and anticipating the comments that Tony will have as well as Mary.

I'm here tonight just to kind of update you. We're trying to put together color schemes. We want --- I don't know if our designer is colorblind. I gave her some colors, but they didn't really come out that way, but the concept is we're using colors to break up the look. Although this is the rear, we're trying to incorporate that door that, entranceway, brownstone, if you will, New York or San Francisco type of feel and look, to incorporate walking.

The problem is, with the rear, that unit, that's a utility room where the mechanicals are. You've got your hot water heater, your furnace and we need to vent those things and that's the problem. Putting a door there, we're taking up some of the space. But, we're trying to incorporate that.

We're here tonight, obviously, with open ears. It's not going to be a very, very productive, but if public input helps, then we're here to listen and to talk to them. And, again, to incorporate anything we can reasonably within the site plan approval.

THE CHAIR: Did you say you were putting doors there?

ATTORNEY MECCARIELLO: Well, for the last two weeks, we've been trying to figure out how to build these things so we can have two doors. We do have one interior with a garage door. And, you have, when I say interior, this is the --- this is the Liberty Street side and this here is the interior side where you pull in.

And, you only need one means of access, but to create that look and to address Tony's question --- it wasn't much of an engineering question, but it was something that I'm glad he raised.

So, we're trying to incorporate that and we'll know within the next two weeks whether we can do that.

MR. TRANQUILLO: Obviously, I'm not an architect and I don't pretend to be, but if you're coming down Liberty Street either by car or by foot, you don't want to get the impression that you're looking at the back of the building.

It would be far more aesthetic for the streetscape to make it look like it's the front of the building. So, maybe a little bit of architectural design on the street side would help pretty up the buildings.

THE CHAIR: I agree. You don't want a big ---

MR. TRANQUILLO: Blank wall with some ---

THE CHAIR: --- blank wall with some --- I just wonder if a door there is --- it could be an issue.

ATTORNEY MECCARIELLO: We're actually looking at other developments that have similar facades, if you will, but that is absolutely, we don't want to see a wall. We are 11 feet and 15 feet on the average off Liberty, so we need to recognize that. But we also have to recognize the fact that we need to have a walkway between the building and the street. There's a sidewalk, which is going to remain, but

there might be something interior just to take it inside, maybe a fence area. So, nobody can really walk off the sidewalk and knock on the door unless there's a gate. We're still designing that.

But if there is any other questions that the Commissioners have, I'd be happy to answer them or Steve can do that.

MR. CARMODY: Bryan, there's no decks on these units, right?

ATTORNEY MECCARIELLO: Interior, there are decks. Some changes to the site plan that's been filed. The decks are going to be included as one of them.

MR. CARMODY: And, the decks are facing the parking lot?

ATTORNEY MECCARIELLO: They're interior, yes. And, there's one deck that's going to service two units. These units are going to be staggered, so you're not going to have that one wall effect. The units are going to be --- two units are going to be offsetting the other two units.

But there's going to be two units with one deck in the back. I could pass this around just so you have an idea.

MR. CARMODY: This is more aesthetic. I'm just curious. They're staggered and there's three different buildings, right?

ATTORNEY MECCARIELLO: Right.

MR. CARMODY: When you're talking about color scheme, are you going to mix it up? Are they going to be different colored buildings?

ATTORNEY MECCARIELLO: I think we need to keep the same base color, but in terms of the trim or the variation, that could change. You drive down 91 South and before you hit New Haven, you look to the left, there's a body of water there. And, they have these, I picked up the color scheme over there. If you look to the left heading south, I don't know the name of the place. I have to drive there. But, they have these same colors. The mauve, the green, the tan. And, it breaks it up. It looks nice.

MR. CARMODY: Do you have to have the same base color throughout?

ATTORNEY MECCARIELLO: Well ---

MR. CARMODY: That would break it up a lot if you didn't.

ATTORNEY MECCARIELLO: Well, we could. I mean, it's not an issue. It's just a matter of getting the right material for each building.

MR. CARMODY: Mauve and pink and ---

ATTORNEY MECCARIELLO: Right. And, again, that's the color scheme that the Renaissance Common, when it started, that's the color scheme, the colors that they selected. So, we're trying to keep consistent with that color.

Speaking of the site plan change, there's --- reviewed the plans with Jim Butler and there are type B units, which are not necessarily handicapped units, but the living space has to be on the first floor level. If you look on the plans, which they're going to be designated, there's one building with three units. We have to have 2.4 units, so rounded up to three. That's going to be the type B units, if you will.

So, that's going to be added to the site plan. So, for next meeting you'll have that before you, as well.

MR. KENEFICK: Bryan, is there any --- I probably ought to ask Steve this, but is there any way to get these things a little further away from Liberty Street.

ATTORNEY MECCARIELLO: We talked about that.

MR. KENEFICK: Okay? And, also, if you could do that, to do some nice plantings along there to break it up. Pear trees. I don't know. If you have enough room, would a pear tree -- - pear trees look great in Plantsville. Something ---

ATTORNEY MECCARIELLO: Absolutely.

MR. KENEFICK: Something to break that wall up. You know? Right now, you've got two trees here, whatever.

But the big thing is if you can get them away from Liberty Street.

ATTORNEY MECCARIELLO: Right. And, in driving around, I'm

trying to, my client, trying to look at other developments and the one on Meriden Waterbury, I think its Rivercrest, Brodach? The entranceway, I, you know, it's nice. They did a nice job. I mean, they have some pavers or some cobblestone. Just for that transition to come in.

That's something as well that we had initially on the plans. We have to incorporate that. We realize that.

MR. KENEFICK: Do you want Steve to answer it? Because, you are not answering my question.

(Laughter)

We'll have Steve answer that.

STEPHEN GIUDICE: For the record, Stephen Giudice with Harry Cole & Son. Offices at 28 Werking Street.

To answer your question, Fran, Bryan and I actually in the hallway were discussing could we move these buildings back and we're going to try to do that. I can't guarantee you a lot because we do have a sewer easement that's kind of restricting where we can place these buildings. It runs, the sewer easement runs actually parallel to this building and to get the proper distances for parking and things like that, travel lanes, so, we're going to try and definitely increase the staggering between units and try to move the buildings a little farther off Liberty Street. So, we are going to incorporate that.

THE CHAIR: That would make a huge different in appearance and a huge difference in feeling like you're driving down the street and there is this wall of houses that--- and I think from a safety prospective, God forbid, somebody veers of or has an issue, you're driving into someone's utility room or bedroom or backroom.

MR. CARMODY: Steve, how much additional parking do you have outside of what you're required to have?

MR. GIUDICE: Typically, we count the garage space and the space in the driveway as two parking spaces. So, with the exception of units 104 and 103, we have sufficient parking for each unit with the garage and parking space. Units 104 and 103 do not have garages.

We have 12 additional parking spaces for visitor parking and two spaces each, basically, two spaces each for 104 and 103 --- eight-visitor spaces. We probably could reduce that a little bit. But I don't know if that will help us in our quest to move the building farther off the street.

MR. CARMODY: That's where I was going.

THE CHAIR: I know this is for Mary, Mr. Weichsel or our Town Attorney: There is a mention of maybe restricting or limiting access or parking on Liberty Street. That's a public street. Is that possible?

MS. HUGHES: There's already a winter parking ban. But there's already a winter parking ban from I believe November to April and I know from having lived on Grove Street if your car was out there between November and April, you got a ticket.

THE CHAIR: And, then the remainder of the year it's a police issue and it would have to be put there and a request ---

ATTORNEY SCIOTA: Chief Daly and his highway division would make a decision one way or the other on that. But if there's a recommendation by this Board, you can certainly make a recommendation to the Chief one way or the other.

MR. DELSANTO: My concern with that is there is other houses on Liberty Street. So how can you delineate between these residents, --- oh, no, you live there, you can't park there, but across the street, if you have company over, staying overnight, oh, you can park there? Not going to fly. Not with me, anyway.

MR. GIUDICE: We have enough parking on site. I don't think it was --- I don't know. I think it was just precautionary.

MR. DELSANTO: A lot of the ones on Liberty Street are apartments. There isn't a lot of parking. On street parking is important for neighborhoods such as this.

THE CHAIR: Any other comments or questions?

(No response)

No? Thanks, Steve.

Just a point of record, when --- I'm sorry, Mr. DeMello?

MR. DEMELLO: Steve, were you going to talk about the drainage systems?

MR. GIUDICE: I can go over what I spoke about last time. Rehash for any of the public that wasn't here at the last meeting.

THE CHAIR: Hey, Steve. Can you bring the mike a little closer so people ---

MR. GIUDICE: Yes. Bad habit.

The drainage system, again, we're proposing was to --- our goal is to not increase any flows in this area or on to abutting properties. If anything, we want to provide storage for our site and to try and alleviate some of the existing problems on site or in the surrounding areas.

And, part of the task, we're proposing a separate drainage system that replaces an existing drainage system. Right now, there's a drainage system that runs from this property line through the site, up right by the side of where the old Sal's building was and then discharges into Columbus Avenue.

We're proposing to remove that system just because it seems like its in disrepair and it's laid at a very flat grade.

THE CHAIR: Hey, Steve. I'm sorry. The Town Attorney was asking me a question. I hate to make you start over again, but can you please start over again? This is important and I missed it. I'm sorry.

MR. KENEFICK: Where are we?

MR. GIUDICE: Well, I was saying in our task to design the drainage, we're trying to achieve a ZIRO for our development and not increase any or make any adverse impacts to abutting properties and the additional task on this site was to try and alleviate some of the existing conditions out there.

And, what we have right now is we have a drainage swale that comes through the properties in this location. They

get collected in a drainage pipe. It's approximately 15-inch concrete pipe that runs through the property up into this area through a series of catch basins and discharges into the drainage system on Columbus Avenue.

The plan calls for removing that system and replacing it, updating it, with a separate system that directs water in the same direction.

The original design kept the two systems separate. We had the water from off site that runs through this system and then we had all of our on site drainage come into a separate drainage system that went into a detention basin here, stored the water, and then discharged it out into Columbus Avenue. Separate of the existing system or the proposed replacement for the existing system.

In speaking with the Town Engineer, he is asking if we can try and incorporate some of that existing drainage into our detention basin to provide an additional amount of storage that will help some of the problems when we have large storms the Quinnipiac River backflows through that system and you get ponding in this area. I think that's the major or one of the major complaints from the abutting property owners.

THE CHAIR: Steve, this is that flat pipe you were saying that is so flat that you're not going to get the flow you were expecting to get.

MR. GIUDICE: Right. We were hoping to dig it up and lay it at a steeper pitch and get the water off the site but we can't do it. It's just so flat. It's, it's laid, you know, anything of -- it's almost flat, basically, is what it is.

THE CHAIR: So, you're looking at getting something additional to what you've got.

MR. GIUDICE: We're looking to make the detention basin larger so we can take that water and incorporate some of that water into this detention basin and provide --- basically, what we are trying to do is provide some floodplain storage so when the river does back up, it'll go into this area first before it discharges over, before it backs, not discharges, but backs into the abutting properties. But that's one of our goals.

THE CHAIR: Tony, is that, I mean we had talked about this at the last meeting, one of the objectives was to make this better than it was, is, now. Is that one of the ways of making it better? Taking this water, collecting it, before it starts backing into the property?

MR. TRANQUILLO: Yes, one of the ways of making it better is to provide more storage in this area. That will help both this site when it generates water and also help when the river backs up. So, I have some definite thoughts, but the plan isn't far enough long to really give you the specific details. When we finish, it will be better than it is now.

Right now, as Steve has indicated, the area is plagued by the flat drainage, which was put in against the Town's advice over 40 years ago. So, it may be that we want to remove that pipe, open it back up, and get it more free flowing than an enclosed undersized pipe. But we haven't made those decisions, yet. We have to see the details.

MR. KENEFICK: This would be done underground? It wouldn't be like bermed and ---

MR. TRANQUILLO: No. This would be an above ground pond. Surface pond.

MR. GIUDICE: It's not bermed, though.

MR. TRANQUILLO: It's not bermed. It's an excavation.

MR. KENEFICK: And, also, Steve mentioned something about replacing that 15 inch pipe and you're saying to keep it open?

MR. TRANQUILLO: Well, as I say, we haven't gotten into the details. I have to look at what the elevations and what's possible with the minimal elevation we have to play with here. I think there's a couple of options. One is to put a larger diameter pipe, perhaps plastic, which is smoother, flows better or perhaps opening it up entirely, and creating a swale situation which will require less head, so there's some options we have to look at.

MR. KENEFICK: Fifteen-inch pipe isn't a very good ---

MR. TRANQUILLO: Fifteen inch laid flat is prone to clogging and very poor flow.

MR. KENEFICK: Yup. And, it's probably all clogged now.

MR. TRANQUILLO: Yes, it is. We've had complaints regarding the clogging.

MR. CARMODY: Who put it in? Against the Town's recommendation?

MR. TRANQUILLO: My understanding is the Town put it in under the direction of the property owners in that area. The Town resisted putting it in but there were some legal issues involved there and the Town, to ameliorate or to appease the neighbors, put the drainage in.

MR. CARMODY: Did you say two years ago?

MR. TRANQUILLO: No, 40 years ago.

(Undertone comments/laughter)

MR. KENEFICK: Tony, if you were going to fix that height, that fifteen inch pipe, what size pipe would you put, 30,36?

MR. TRANQUILLO: Well, we haven't decided. Something of at least 24 inch.

MR. GIUDICE: One of the issues is we're restricted by cover. We can't make the pipes any lower due to the outfall, so the larger the pipe, the higher we need to fill the site in order to get cover over the pipe. So, it's a difficult task.

MR. KENEFICK: Just leave it open.

MR. TRANQUILLO: As I sit here at this table, I would say that we'd probably want to open it up but that decision has not been made, yet.

MR. KENEFICK: But whatever you're going to do is definitely going to make it better?

MR. TRANQUILLO: Yes.

MR. KENEFICK: Sounds like it.

THE CHAIR: And, before any decision is made, those decisions re going to come here and are going to be aired out in public so everybody's going to go what direction we are going in.

MR. TRANQUILLO: Yes.

THE CHAIR: Any other questions for Steve or the Attorney?

(No response)

Okay, thank you.

We during site plan typically do not take public --- it's not a public hearing and more often than not there's not a public input. But we decided based on the input we've had from people on this --- it's a highly --- there's a lot of interest on this particular application.

We are going to take public input tonight. The stipulations on the public input is our Town Planner, Mary Hughes, has a little egg there. It's a timer. When you hear the --- it's five minutes, okay?

Come on up. If you want to speak on this, come on up. Five minutes. When the beeper beeps, that's five minutes.

All right?

When you come up, please state your name and address for the record for us.

PAUL HOCHSTRAT: 132 Liberty Street. And, I appreciate you letting me talk during the site plan phase. I know that's not normal.

I just have a few concerns about this since I can't fight it any more since you already approved it. But my main concern is how close these are to the street. Just like you said, Chairman Oshana, walking down that street, it seems like you're going to have a wall of three story buildings, ten or fifteen feet from the street. I think you could change this around.

What if you were to take these condos and put them here and move this driveway where the condos are and the same there,

just flip-flop them. They'd be farther away from the street and still be able to get that many in there.

Let's see. These condos here, I'm not sure what you said about the door. Is there going to be a door facing the street, or not?

THE CHAIR: I don't want to waste your time. Ask your questions so you don't run out of five minutes and we'll get you the answers.

SPEAKER: All right. Well, if there's doors there, that's just going to lend people to park all on the street there. I don't know how many units you got here, but they're just going to park there and walk to their unit. You want them to park in here. At least I would want them to park there. When Sal's was there, that's a mess trying to get in your driveways with cars on both sides of the street.

I'm concerned with the back of the units facing Liberty Street and what they're going to look like. I know they're going to make them try to look like the front of the building but how is that going to look? I can see a little bit here, kind of good, but ---

They're only ten feet from the sidewalk or a little bit more. I thought Mr. Tranquillo had specified in his stipulations they had to be at least 20 feet or the 20 foot landscaped buffer. At least I got that out of the Minutes. And, that was along Liberty Street, also with the house behind it.

I don't know what kind of buffer that's going to be. Is it going to be a fence preventing people from getting there? That would be great. If it's just going to be a couple of shrubs, everybody's going to be walking through there going to Liberty Street and parking there.

I think it's just going to block that whole intersection up.

Uh, I'm concerned about this, one bedroom thing that you talked about. I don't think there is anyway to enforce that once the people get in there. I'm just concerned about large families moving in there. You know, the mother, father, brother, sister, all that. You want to gear it towards young, professional type of people. And, I don't

think you can stipulate that, either, because that's discriminatory. But, I'm wondering if you can somehow address occupancy. Maybe these can't be occupied by more than a certain amount of people. I don't know if that's within your guidelines or if that's a condo-type thing. But if you say only two adults and two children max or something like that, you know, and maybe I'm way off there.

I want to insure that this driveway stays on Columbus and not changes to go out Liberty Street.

Just one thing I wanted to comment on is that when it was originally approved, it was for 20 units in 2004. In 2006, when Sal's property was added, it bumped up four units to 24 units. But I don't think anything was mentioned at that time that was property was removed. At least that's what I see here that property was removed. So, the 24 units is actually on less property than the 20 was originally. I think the PZC changed between the original approval in 2004 and 2005 where nobody picked up on that. But I could be wrong about that, too.

And, lastly, just insure that everything meets Mr. Tranquillo's stipulations about the buffers. And, something about a 15-foot minimum drainage shelf. Which I'm not quite sure what that is but if you only have ten feet there, there's no way you could have a 15 foot shelf, whatever that is.

But that is mostly concerns about what it's going to look like.

Okay? Thank you.

THE CHAIR: We're going to see if there is anybody else speaking this evening and then we'll address your questions.

Anybody else that would like to speak this evening?

Come forward and state your name and address for the record.

JOE MACCIO: 165 Liberty Street. I am just winging it. I don't have anything prepared and I can't see the map from way back there.

My concern is that right of way, again. There's, I know, I talked in length about this and really everything I said still stands, but one thing I failed to mention was in back of Evelyn Rowley's house, there's a stone for the sanitary sewer, there's a manhole. And, that manhole sits six feet off the ground. That should tell you what kind of--- where the level of the land is. In other words, if you climbed up this pyramid they built, and pulled the manhole cover up, off, I wonder, probably ten feet under would be the sewer.

The main sewer line coming from up north. And, I don't know how many of you people have even taken a walk back there, but it might be a good idea to take a walk back there and see with your own eyes and in back of well, it would be my next door neighbor, I'm 165, I guess it'd be the next lowest number, directly in the back there, I don't know if I could point it out on the map here, um --- is this manhole.

MR. KENEFICK: It's 157.

MR. MACCIO: Correct. Yah. And, it's worth seeing. But my main concerns are again the water problem, the table.

I read the Minutes of the last meeting real briefly, Mr. LaPorte had it here. Della Porta.

And, they talk about a four-foot basement? Did anyone catch that from the last meeting? I don't understand that, either.

But for now, I'm going to, if I have any more to add next meeting, if there's open, I'll speak.

Thank you very much.

THE CHAIR: Thank you. Is there anybody else who would like to speak this evening? Come on forward and state your name and address for the record.

Joe Dellaporte: 99 Eden Avenue.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

(Continuing) --- so I think that you need to take a look at that before you approve this. And, also mentioning that there's going to be units without garages, that tells me that they have actually reduced the number of square footage in the land. Maybe that's me, but that is the impression I have.

And, the concern I have is with the grading that they're going to put a nice long wall along Liberty Street there. And, it's going to be about 3 stories high and a 4' basement. I don't know what you' are going to do with a 4' basement. I call that a crawl space. I think you need to take a look at how they're putting these units together a little bit better before you give it approval.

Thank you.

THE CHAIR: Thank you. Is there anybody else that would like to speak this evening?

PETE POLANSKY: 62 Eden Avenue. I want to thank you, first of all, for opening this up to public comment again. I wasn't prepared at all this evening to make any type of speech. I didn't think it would be open. I just want to start out by saying, I'm disappointed that this was approved to begin with.

I spent many days and nights battling this, if you want to call it the word battling it, opposing it. I spoke a great deal in length, if you look at any of the Minutes, to standing ovation crowds who were totally against this.

My concern is the drainage and I hope this Board and everyone looks at the drainage issues. My property is the lowest one on Eden Avenue and where my property was, is, there used to be a stream which is underground now and I will be very upset if this project goes through and my property gets flooded and my house gets flooded and filled with mold over time.

Thank you.

THE CHAIR: Is there anybody else who would like to speak this evening?

(No response)

Okay. We have some questions we'd like to get answered. Maybe Attorney Meccariello and Steve would like to come up.

ATTORNEY MECCARIELLO: For the record, I'd like to provide the neighbors with a couple of phone numbers. My office number is 276-0585. Steve at Cole's office is 628-4484 and the builder's phone number is 302-020421 (sic).

It's important to have public input, but I feel like if they contacted us, if they really are concerned about these ideas, we could incorporate that because we have to go back to our Planner, we have to go back to the Engineer. And, I understand the concerns.

It's the same concerns that they raised two years ago and we're addressing those concerns. As for a 4' foundation or basement, we don't need a full basement here. There's nothing hidden. There's not an issue --- the way these units are going to be constructed, they are not constructed so that you are going to raise a family.

In our declaration or by-laws, the declaration, we could limit and we've talked about limiting the number of occupants per unit. We've also talked about limiting the fact that these are owner occupied units, not investment units. Once you do that, you tend to lose control. Owner occupied tend to have more pride.

As far as the water issue. We have an engineer. The Town has an engineer. If there's an engineer that the neighbors want to hire and consult with with both engineers, we'll be glad to do so.

And, we're glad to talk to them between these meetings to alleviate any concerns. Although I'm not hearing that and that, you know, it's said. You know, we're not here trying to pull the wool over the eyes. We've been coming back before this Commission. We certainly have to work with staff on the engineering point of view.

You know what, I remember when we were begged, literally, I got phone calls, take Sal's down. These are the same neighbors that called my office: Take Sal's down.

We came back and we removed Sal's Place. It took a while,

but we got it down. You know, so it's a difficult thing. I understand people have opinions and they have properties they wish to protect. I don't believe for one second that staff is going to allow this project to cause any harm, any detriment to the existing homes. Trying to better the situation. Spending a lot of money in doing that. Spent a lot of money in landscaping. A lot of the things for the appearance sake.

This project was approved. This is a fit. It's only a 10' setback. Building requirement. We're going to move it back as we can, stagger the units to create that look as we can. But we're well within the regulations in that building box.

Again, I encourage the neighbors, my phone rings, okay? Steve, the engineer, if there's an issue. The builder as well. The project is moving forward. We're going to back in two weeks hopefully with some firm engineering plans and some better color schemes.

But I'll bring in sample materials if the Commission would need to see that, as well. Had those with me at the last meeting. So, we're willing to do and obviously we will do whatever is recommended to move this project along. But again, I encourage you, if the public has any questions, a lot of the questions could be answered ahead of time. And, the phone is always on the hook.

THE CHAIR: You did take down Sal's and that was an issue. I know it was an issue from the Commission and I know it was an issue from the public.

There was two statements that when Sal's came down, the lot size shrunk.

MS. HUGHES: If you'll recall, Mr. Chairman, during the initial application, Sal's was omitted from this but a piece of property that I believe is owned by Mr. and Mrs. LaPorte which is a two family house, was included in it.

The property line was adjusted. The two family house was taken out of the schematic that the Commission was considering. Sal's was incorporated. There may or may, I don't recall, there probably, there might be more units in the second proposal. The units are based on the density that's permitted in your regulations.

THE CHAIR: I just want to make sure, I don't think it was when Sal's came down, there was a statement that that house was coming out. So, I don't think it was --- I think it was on the record. I recall it being on the record.

ATTORNEY MECCARIELLO: I made it very clear the initial plan that was submitted, the layout was inaccurate. It's in the record. I brought it to the attention of this Commission that the piece of property, the two family, was not included in this.

THE CHAIR: I just don't want people to think that we were not aware of that. We were aware of that and I know this Commission took that into consideration when it came up.

MR. KENEFICK: When it was torn down?

MR. CARMODY: You already asked the question, but I think those residents that were speaking, their concern was net/net what we're looking at is a development with less land but higher density and that was their concern. I'm paraphrasing, but I think that's what you meant.

ATTORNEY MECCARIELLO: As for the location of the driveway, that is going to remain on Columbus. I'm anticipating that's the staff's recommendation. It makes sense. We do not want this dumping out because of the initial concerns of headlights going into --- and all we have to the north is the insurance --- Southington Insurance. So, I mean, their hours are --- they close before dusk. I don't think there is going to be an issue with the headlights.

Any other questions I can answer, I'll be happy -- -if not.

THE CHAIR: Did you mention in your covenant --- oh, I'm sorry. Ms. Conroy, please?

MS. CONROY: There were also a couple of speakers who mentioned that the number of units presented at the meeting, original meeting, was only 20 and it went up to 24. Could you maybe explain how that process happened?

ATTORNEY MECCARIELLO: Right. There were 20 approved and I think it was before you became a full member on the Board, Sal's was located in this corner. That building was removed. And, the computations were four additional units. There were 20, but that was having Sal's place remaining in

tact.

And, then there was a 20' buffer between the condo units and Sal's place. Obviously, there's an issue, buffer issue that has to be revised because that is no longer there.

I think Mary mentioned we don't want to have people smoking cigarettes outside of Sal's place and someone on their deck trying to enjoy a nice evening. So --- we incorporated that in there.

(Undertone comments)

THE CHAIR: Any other questions?

MR. KENEFICK: In other words, that other piece --- Joe and Anne LaPorte, right there? That was in the first approval for 20 units?

ATTORNEY MECCARIELLO: No. The map, the first map that was submitted as a map incorporating the LaPorte piece.

I was quick to tell the Commission that these two buildings were not part of that project. The ---

MR. KENEFICK: It was the house that was torn down.

ATTORNEY MECCARIELLO: That's correct. Actually, this back piece here was part of this property right here. So, there's been since a cut of that property. So, we have this property here, but we have the land back here. And, the important part was to take part of this land because that's where the water collects. That's where this drainage system is going to start and it's going to work because the water is flowing in this direction. It's settling in this area. This happened to have been as some developers call in their subdivision, the runt lot. The last lot. That's where everything gets dumped. This piece of property, as Tony mentioned, over time, 40 years ago was --- benefited the neighbors. It benefited the neighbors and to the detriment of this property owner. So, now it's being revisited upon this property owner who sold it and now we're going to incorporate anything we have to do to collect, retain that water and get it out in it's natural flow.

MR. DE MELLO: Bryan, when Joe Maccio was talking about the manhole cover in back of Mrs. Morelli's house, what's the

situation back there where it's so high off the ground.

ATTORNEY MECCARIELLO: I don't know what he's talking about. Maybe Steve might have some knowledge on that.

MR. GIUDICE: I'm really not sure why the manhole is so far off the ground. I really don't know. It was constructed a long time ago and I'm not sure if that's the way it was left or if the soil around the manhole settled. I really don't know.

MR. DEMELLO: Is that something that you could take a look at?

MR. GIUDICE: We could take a look at it, yah.

MR. DEMELLO: Thanks.

MR. GIUDICE: Sure.

THE CHAIR: Any other questions or comments?

(No response)

Hearing none, I think we need a table for this evening.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

K. Petition of Severino V. Bovino, Agent for Richard A. Duksa ET ALS to Change the Zoning District boundaries from Industrial (I-1_ to Business (B) for approximately 25 +/- acres of property located easterly of West Street and westerly of I-84 at Exit Ramp #31 and front on Curtiss Street ZC #528.

MS. HUGHES: That's been scheduled for public hearing on the 17th.

THE CHAIR: Okay.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

NEW BUSINESS ITEMS

A. Floodplain filling application of Lake Compounce Limited Partnership seeking to fill and grade associated with the relocating of part of Mount Vernon Road, property located at the northeast corner of Welch Road and Mount Vernon Road FF #197.

MS. HUGHES: Lake Compounce is interested in relocating a portion of Mount Vernon Road to increase the amount of property that they have for the amusement park. The application was referred to the Conservation Commission and they've given a favorable recommendation.

Tony and I still need to finish our review. I believe that this was approved previously, Sev? And, it went through the Army Corp of Engineer permitting process but what happened?

MR. BOVINO: What happened? Sev Bovino, Planner with Kratzert, Jones representing the applicant.

The original approval showed the roadway relocation running to the east of this wetland pocket, running in this direction, through this wetland and out to Bristol. Through negotiations, the road now is to the west of that wetland pocket and comes still through this wetland here and goes north. So, there's been a major change in the road location. Less impact to wetlands. Less impact to floodplain.

Tony, you didn't have a chance to review this during the wetlands application? Okay.

Basically, the Army Corp has agreed to this layout. They're going to issue a permit shortly. Wetlands approved the application and they recommended approval for the floodplain filling. It's a slight filling of floodplain at this location and we are compensating for that floodplain immediately along the roadway system here.

All the erosion controls are provided on the plan. All the schedules, construction is provided.

Any questions?

MR. KENEFICK: How far east is that road going to move compared to the old road? In other words, how far, the widest point there, how far is it?

MR. BOVINO: It is 250 feet east of the current location. That's the widest point.

THE CHAIR: Anything else?

MR. WEICHSEL: Yah, I have a question. How in God's name did you get approval of Army Corp?

MR. BOVINO: How?

(Chuckles/laughter)

We've been working on it for over a year and we have given up a lot of the previous approvals that we had. We had an impact here of .87 acres of wetlands which was granted approval by the Army Corp in the past. We lost the approval by a few months.

We went back, and we got to this point where we have probably .2 acres of wetlands impact. So, --- and, also we are providing an extensive conservation easement for all of this property on the east side of the proposed roadway. In addition, to preserving the wetlands and the buffer, we are giving up some property here, providing a conservation easement.

MR. WEICHSEL: With Army Corp approval, you folks have an easy task.

MR. KENEFICK: Looks good.

MR. BOVINO: They'd like to get started, so the sooner we can do this, the better.

THE CHAIR: We have some reviews still to be done. We need a table for this evening.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

B. Site Plan application of JDB Holdings, LLC seeking to rebuild 20' by 60' building which was destroyed by fire and to construct a 28' by 40' three-bay garage addition, property located at 1223 Meriden Waterbury Road SPR #1442.

MS. HUGHES: This is currently under staff review. You may recall there was a fire at one of the car dealerships on Meriden Waterbury Road. They're currently operating out of a trailer and they're seeking to rebuild their previous building as well as construct a three bay garage addition and a few other minor modifications to their site plan.

I don't know if the application has anything they' like to add at this point. Staff is going to request this be tabled so we can complete our review.

MIKE ROMANO: 2 Pratt Lane, Wolcott. I apologize about my appearance. I told my wife I had to come to a meeting tonight ----

(Laughter)

The building, I don't know if anybody is aware of it, it was a 20 by 60 building that burned down. We would like to rebuild the building there and just put a three-car garage on to the back of it.

As far as the site work, I'm sorry, the 28 by 40 addition that is going on the back, it is on an asphalt parking lot right now. There is no inland wetlands that would be disturbed. All this existing storm sewers and everything is all existing. We're not redirecting any flow of anything.

And, really the three bay garage is just being added so they can do detailing and all that to the used cars.

Right now that the site looks right now, there's a lot more cars on it right now due to the fact they're not able to do the detailing and minor repairs that they have right now.

That's all I wanted to say.

THE CHAIR: Comments/questions?

(No response)

Thank you.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

C. Site Plan application of the Housing Authority of the Town of Southington proposing the expansion of the parking area for Pulaski Terrace property located at 6 Carter Lane SPR #1443.

MS. HUGHES: As with many developments of housing for the elderly that were built in the 60's and 70's, they were built with the mind set that older people would not retain use of their cars which is not the case.

In terms of the number of cars that the residents have in addition to the caregivers that come to see them periodically throughout the day, they have a bit of a parking problem down at Pulaski Terrace.

Tony and I are in the process of reviewing the plans, so they're not ready for action this evening, but I believe Mr. Bovino can give you an overview.

MR. BOVINO: For direction, purposes, here is Main Street, it comes to the intersection of Carter Lane. You're familiar with the entrance to the facility. Here is the laundry room area and these are the individual buildings on the property. The location of the proposed parking is along the westerly side of the property.

We're going to start at the existing parking area and construct an access drive to proposed parking area. We have provided the drainage. We met with Tony a couple of times. Provided drainage computations for it. We have all the controls and notes on the plan.

The Housing Authority would like to pave this by November 15th because that's when they close the plants. So, we were

wondering if you could approve with the stipulation that the staff review would be incorporated into the plans.

MS. HUGHES: I think that Tony and I would prefer to wait the two weeks. I think we're committed to getting this reviewed and ready for action in two weeks, Tony?

MR. TRANQUILLO: Yes.

MR. BOVINO: Do you have any questions for the applicant?

THE CHAIR: The staff is committed to being ready at our next meeting, Sev.

MR. BOVINO: That's what it has to be.

THE CHAIR: Questions/comments?

MR. DELSANTO: Seeing that this is Town --- are we going to pave it? Do we have to have a company do it?

MS. HUGHES: The Housing Authority is going to contract with somebody to do it.

MR. BOVINO: It would be nice if you pave it. It's okay.

(Laughter, laughter)

THE CHAIR: I think we're looking for a table.

MR. CARMODY: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

D. Site plan application of Applegate, LLC seeking a revision of previously approved site plan to revise parking and some building dimensions and a proposed new access from Flanders Street, property located at 90 Applegate (formerly 235 Queen Street) SPR#1350.2.

MS. HUGHES: This application is related to the application

that was the subject of a public hearing earlier this evening.

I think that the Commission had a number of comments that were relevant to this application during the public hearing portion for the extension of Applegate.

Amongst other things, the applicant is proposing to abandon the 60' access way that was going to be restricted right turn in and out only on Queen Street and incorporate the full access at the Barons. Incorporate the full access at Applegate as well as eliminate a few of the visitor parking spaces and I am not certain about the building dimensions, Sev?

MR. BOVINO: Mary is correct. Many of those things she said. The building dimensions, we reduced the size of the community room in this area and we extended actually the proposed duplex dimensions along the Wal Mart Plaza here. And, we have added, made this duplex a little larger and some of these down here a little larger, these duplexes here.

What we're doing to each unit has a two-car garage now. They used to have a one-car garage. Right now we have a two car garage, each unit, so that means you have 94 units times 2, gives you already what's required and in addition to that, we have the two spaces in front of each unit and visitor parking in various locations on the project. Here, here, here, various locations through the project we have visitor parking and parking by the community center.

Again, we talked so much about this before, so you'd know, orientation purposes, here is Queen Street. Here is the proposed access now through Barron's Apartment. This is the location where the cars will stop to get into the project. And, come through this phase. This phase is the first phase that's under construction. And, here is the end of Cortland Estates where we intend to come in and connect.

And, the plan indicates that this will be abandoned as I stated before.

MR. CARMODY: So, you have more parking in each unit now?

MR. BOVINO: Same number of units, but we have more parking because we have incorporated a two car garage on each unit.

So, we have a lot more parking.

MR. CARMODY: But you haven't changed the visitor parking?

MS. HUGHES: They've eliminated a few locations.

MR. BOVINO: We have eliminated some.

MS. HUGHES: I think two locations were eliminated. We'll have to double check from the site plan approval.

MR. CARMODY: I guess what I'm saying is, sorry, to say this, but you've seen River Crest, right? I like that. What do they have for visitor parking?

MS. HUGHES: I'd have to go and double check their site plan.

MR. BOVINO: They have no visitor parking?

MR. CARMODY: No. That's my point.

MR. BOVINO: Not on Meriden Waterbury Road.

MS. HUGHES: I'll have to double check. The only problem and Sev and I have had this conversation and I've had this conversation with other people, the only time it becomes a problem is when people have parties or holiday functions. And, then people start to argue with oh, you're parking on the road or you're blocking my driveway. So, it's in a condominium community's best interest to have at least have some overflow parking to accommodate that.

MR. BOVINO: We recognize that and that's why we are providing visitor parking. We just cut it back a little bit because we increased so much more.

MR. CARMODY: No, I actually, I think we have to table this because eventually we are talking about the new access which is part and parcel of the other one and we want to see a traffic study. But, I have no issue with reducing additional parking from an aesthetic point of view. I understand the functionality of having some, but I don't have an issue with reducing it.

MR. BOVINO: That was the guiding factor in some of the areas we've removed it. The parking we had before, let's

say, was right next to this unit, so we felt it was better to have a green space there than a few parking spaces. So, that was the decision behind some of the removal of the parking.

MR. CARMODY: You're reducing the size of the community center, though?

MR. BOVINO: The community center was longer, but we made it a little shorter and we added a room in the back, which will overlook the pond area. So, in total square footage, it's pretty much the same, but we changed the shape of it.

It's not long and narrow like a ranch thing. It's going to have some style to it and it has a room in the back, right there, with a peaked roof, overlooking the pond.

MR. CARMODY: Okay, because when you first spoke, you said it made it smaller?

MR. BOVINO: Smaller in length.

MR. CARMODY: But not in square footage.

MR. BOVINO: If you're looking at the building from left to right, this is shorter than what was originally proposed.

But it has additional square footage in the back of the building.

MR. HART: Sev, if that gate is not removed and placed on Flanders, according to the map, all the traffic from this development goes out Flanders, correct?

MR. BOVINO: Goes out to Flanders?

MR. HART: Because the existing drive is not going to be used for access. The only exit from this development is ---

MR. BOVINO: Exit. Either entrance or exit on Flanders.

MR. HART: They will be ---

MS. HUGHES: That 60' that's labeled not an access at that time, that was an access way that was originally proposed when this was approved. They received a variance to go from 200' frontage to 60' frontage. The full access that they've

secured is through the Baron's Apartment, which will be across from Lazy Lane. So, what they are proposing to do is abandon that 60' access strip.

MR. HART: Right. But if there's a gate there, the path of least resistance for the people is out on to Flanders.

MS. HUGHES: If they don't have their key card with them.

MR. BOVINO: The gate is for the residents, to be able to get in. The idea is ---

MR. HART: That's why I think if that was the original plan, I think the gate should get moved up to Flanders.

MR. BOVINO: Yah, we'll look into that.

MR. HART: People on the easterly side of that, they're not going to drive through the entire complex to get out. They're going to go on Flanders and the traffic is going to balloon out there.

MR. BOVINO: I think it's going to work either way, but we'll look at your suggestion. Again, you are not discouraging the people living here with the gate. It's easy for them. They just go to the gate and come in. It's you are discouraging people to cut through. That's the idea.

Now, you do it on the Queen Street side or this side, I think it accomplishes the same. I don't think people will knowingly, once they realize they cannot go through, they're not going to come here, and then turn around. I mean it is going to happen a few times.

I probably will drive through there just to be nosey and look at the units, but after a while, you're not going to go through there.

MR. KENEFICK: I hate to ask this question but do you need to card to also get out or does that open automatically?

MR. BOVINO: That's the question I need to answer. If it's both ways or one way. I would say it should be both ways, probably.

MR. KENEFICK: A lot of places, they just break the beam and

they go out and that's not going to stop people from going.

MR. BOVINO: To prevent people from outside the development from entering this area and using it, we have to find a way to make sure that's controlled.

MR. BORKOWSKI: Why don't you just get rid of the gate?

I mean, the only people that're going to know there's two accesses are anyone that's been to these meetings.

(Laughter)

MR. KENEFICK: Word travels, Bob.

MR. BORKOWSKI: I mean, if you have emergency and you're dealing with a key card and do --- just --- it seems a little ridiculous to me.

If you're going to have a back up here, you're going to have a back up here. And, if there really seriously is a back up problem here, then the people that're coming down from Flanders or Anelise or wherever, are going to ultimately realize that its not any better to go through there when you have to deal with getting through here, weaving in and out. And, then getting out. I just don't see the idea of a gate.

MS. HUGHES: It's the high school traffic that's going to be a problem.

I know that you were a perfect student and would've never taken a cut through somebody's neighborhood ---

MR. BORKOWSKI: I definitely would have taken a cut through and I still think you don't need it.

MRS. CONROY: And, if Flanders is over saturated now, then they are going to try to get there and yes, it might be backed up through both, but do we want to introduce that through this division?

MR. BORKOWSKI: I'm just telling you, sometime --- you are going to have a situation at some point where someone's trying to get out of that gate and can't for whatever reason because their key car doesn't work. I'm telling you, there's going to be an emergency situation where that

becomes an issue. Guarantee it.

MR. BOVINO: Where's the emergency? I mean ---

MR. BORKOWSKI: If someone's trying to get out and they're going out wherever and you're going to have an issue with that gate.

MR. BOVINO: We have cul de sacs on either side. If you look at the plan, if you come in from Queen Street, come into the gate, you have a cul de sac where you could turn around.

If you come in from this side, you have a cul de sac if you realize you can't get out.

MR. BORKOWSKI: I understand that. I just think ---

MS. HUGHES: I think that's why Chairman Oshana had said one of the things he'd like to see possibly is to have that 60' accessway that was originally part of this be maintained as a right turn in/out only, unrestricted, so that in the event that there is some sort of malfunction ===

THE CHAIR: First of all, it lives up to what this Commission originally agreed to and voted on to approve, so I don't know why we need to go and change it.

Secondly, I think Commissioner Hart's idea makes more and more sense. If you're going to have any gate at all, put it on Cortland because that will stop people from cutting through. What're you going to do? You're going to pull in there the first or second time --- if someone's going to pull in there, they're going to hit a gate and they're not going to be able to go through, I think it'll help. I'd cut through there because it's a terrible place to try to go through if you know you've got access going out the other way.

So, I think that the gate would be much more beneficial if there is one up on Cortland. But I really think we should look at what this Commission originally approved in that 60' extension there. I'd like to see it stay. I'd like to see that be, as we discussed, the main entrance/exit and this is the secondary exit/entrance. Not emergency. I know that was said tonight. It's not true. It was never granted as the emergency. The emergency was going to be Barron's.

This was a secondary entrance.

I do like the idea of the light, though. I've got to admit. The idea of the light is good.

MR. BOVINO: That's a major change to the plan, which is for the better. Coming to a light. There we are arguing about putting an access in an area, which was told to us, was totally unsuitable.

I mean, come on. It's really not making sense now.

(Pause)

THE CHAIR: Makes sense to me. But that's just me. Any other questions/issues?

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

E. Subdivision application of Sultana Developers proposing a 7 lot subdivision (White Oak Estates) on property located at 577 Meriden Waterbury Turnpike S #1244.

MS. HUGHES: Mark, would you like to give everyone a brief history on Sultana?

ATTORNEY SCIOTA: No.

MS. HUGHES: I didn't think so.

This is a proposal for a 7-lot subdivision at 577 Meriden Waterbury Turnpike. It's the brown house that has a little white White Oak sign in front of it on the north side of Meriden Waterbury Turnpike. Top of the hill.

The application is also subject to a map amendment by the Conservation Commission. I'll let Mr. Giudice give you a brief overview.

MR. GIUDICE: Stephen Giudice with Harry Cole & Son. On behalf of Sultana Developers.

It's a 4.5-acre parcel of property located in an R-20/25 zone. And, it's at 577 Meriden Waterbury Turnpike. We're

proposing to take the existing house and relocate it off to the easterly side on to this parcel A which is technically not a part of our subdivision.

Then we are proposing to construct a 300' permanent cul de sac with 7 building lots. The lots will be serviced by public water and sewer.

We are proposing an underground storm drainage storage system with large diameter pipe. We are required to get a map amendment for this parcel. Town mapping shows wetlands on it, however a soil scientist did not find any on site.

We're proposing to access drainage on Paul Heights through a private property of Bacchio to the north and right now we're waiting for staff review before we go any further.

MS. HUGHES: Steve, I had one question. Are these houses sized to accommodate a garage?

MR. GIUIDICE: Yah, I would say so. Right now they're sized around 40 or 50 by 26.

MS. HUGHES: Okay.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

NEW ITEMS TO SCHEDULE FOR PUBLIC HEARING FOR OCTOBER 17,
2006

Petition of Lovely Development, Inc. to modify Sections 12-01.1.F and 12-01.1. J of the Zoning Regulations.

MS. HUGHES: Actually, you may want to put this off until November 1st.

THE CHAIR: Why is that?

MS. HUGHES: Because we have to do the regional planning

reviews. You have to give them 35 days. Plus you have two continued public hearings, plus the Duksa public hearing, so I don't think they're ---

THE CHAIR: This is going to have to wait because of the State regulations?

MS. HUGHES: Yes.

THE CHAIR: So, November 1st, 2006.

MS. HUGHES: Before we go into the Miscellaneous items, Mr. Chairman, I distributed to you a letter from Andy and Anna Turko. Mr. Turko is here in the audience this evening and he wanted to know if he would have a moment to address the Commission with his concerns.

THE CHAIR: We could add an item to our Agenda, a Miscellaneous item.

MS. HUGHES: You can take him before the other two items that we have.

THE CHAIR: Item A?

MS. HUGHES: Yah, A-1.

THE CHAIR: Would anyone like to make a motion to add an item to our Agenda prior to Item A. I'm not sure what's before A. We'll make ---

MS. HUGHES: A-1 and then we'll have A-2.

MR. KENEFICK: I'll make a motion to add A-1 to our Agenda.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

MISCELLANEOUS

A-1 MR. TURKO: Thank you for giving me a chance to bring my complaint. My name is Andy Turko and I'm from 364 Churchill Street. And, this is a formal complaint.

The Commission -- my family, me and my family, we believe that --- approved already and it's late for my speech but approved already a subdivision of the Sandy Ridge Estate depreciate the value of our house located at 364 Churchill Street.

The new road design for the Sandy Ridge Estates, it's falling right directly into our property. And, the common principles in designing the roads is to have a centerline of travel path align or centerline of the road align with line boundaries of a lots. And, in this case, we assume that the Town and the Commission wants to see a good practice continue in future Town developments. This is just the voice of one family, but in the future it could be prevented.

You have to ask yourself is the new road of Sandy Ridge Estates is it good for all residents affected by that project on it's own. The Sandy Ridge Estates project is going to bring additional taxes to the Town of Southington which is definitely a please to everyone.

However, it will devalue our property significantly. And, the worse is it will reduce also the comfort of our living at 364 Churchill Street. That is me, my wife and my son, when he comes to visit hometown.

The car headlights will beam into the front doors and windows every time someone will turn onto Churchill Street from the new road.

Also, we may see some effect on the traffic itself since new houses are much larger and it's common for one or two cars per household. Existing traffic and congestion on Churchill Street will increase and will also make the often hazardous exit on to West Street more risky.

And, the purpose of this appeal of my speech, I tried to sound kind of positively --- however, I will please review to relocate the new road to move into the centerline of the road into the boundary of the line of our property. And, I'm hoping that the good practices or what we call work standards will allow the Commission in the future to look for that more positive evaluation or the only way for us would be just to provide a positive input is probably by the voices like my voice to be heard in front of the

Commission.

And, I attach the pictures sometimes pictures is better than a hundred words, taken directly from the entrance of the opening of my front door. And, I'm --- (pause)

For the Commission itself I have revised a revision, a revised Petition since my original one was crossed at the top and then changed, addressed incorrectly. I provided a new one, revised to Revision A.

Thank you very much for the time that you were willing just to spend, that you were willing to hear my complaint.

THE CHAIR: Thank you, Mr. Turko.

(Undertone comments.)

MS. HUGHES: Item A-2?

A-2 Request for release of the \$1,000 Erosion and Sedimentation Bond for the R W Mex, LLC, site plan, property located at 235 Summer Street SPR #657.1.

MS. HUGHES: Property has been inspected and recommends release.

MR.DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously n a voice vote.)

B. Request for release of the \$1,000 Erosion and Sedimentation Bond for the Travel Centers of American site plan, property located at 1875 Meriden Waterbury Turnpike SPR #1326.2.

MS. HUGHES: Staff has inspected the property and recommends release.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Just real quickly. I have a couple of quick things. To go back to Item A-A-1. The street has been approved.

MS. HUGHES: That's correct.

THE CHAIR: The Sandy Street ---

MS. HUGHES: Sandy Ridge Estates. It's Amber Lane that has been approved. There's really nothing that the Commission can do at this point to modify that approval.

THE CHAIR: So, I think ---

MR. DELSANTO: So, I guess my question is: Is that common practice where a road ends directly across from a home.

MR. CARMODY: It has something to do with sight lines.

MR. TRANQUILLO: Yes, it is. It's never been a consideration. The only thing in our regulations that is a requirement is that we stay at least 150 feet away from another roadway. But it's silent regarding alignment with existing houses and property lines.

MR. DELSANTO: So, it happens.

MR. TRANQUILLO: It happens all the time.

As Mr. Turko indicates, if all else was not considered and the only thing was that particular issue, it would be a great idea to go at a property line but that often means a property owners gets an unusual arrangement or loses a lot and the regulations are silent on that.

MR. KENEFICK: There's a lot of streets in Southington where this happens.

MR. TRANQUILLO: Old and new.

ME. KENEFICK: There's tons of them. I feel sorry for him, but what're you going to do?

THE CHAIR: All right.

We had at our last meeting, two meetings ago, set up two subcommittees. One to look at zoning regulations and one to look at site plan regulations. And, what I'd like to do is see if Commissioner Kenefick and Commissioner DeMello have some dates that they could set up the first round of our meetings.

MR. KENEFICK: What night is good for you, John? Tuesday?

MR. CARMODY: Next Tuesday?

MR. DELSANTO: First and third Tuesday is good for me.

MR. CARMODY: Pat?

MR. SAUCIER: Next Tuesday, uh ---

MR. CARMODY: What've you got, a date?

MR. SAUCIER: Next Tuesday is fine.

MR. KENEFICK: Tuesday. Where?

ATTORNEY SCIOTA: Downstairs we have a new conference room. All you have to do is write --- there's a calendar right there. Just put your name right on it for that.

MR. CARMODY: Or a restaurant.

ATTORNEY SCIOTA: Or a restaurant?

MR. KENEFICK: Mary, your tab?

MS. HUGHES: Pardon?

THE CHAIR: The conference room is looking really good.

MR. CARMODY: What's our budget?

MR. KENEFICK: I think John's got a good idea. I'd like to go to a restaurant.

THE CHAIR: Next Tuesday?

MR. KENEFICK: Next Tuesday, definitely.

MS. HUGHES: Can I just ask you guys, I had sent you some stuff regarding industrial zoning regulations to get you started on that. If you guys could during the course of your conversation, just give me some priority issues. I know that we had talked about the design standards as being a priority as well as maybe looking at some resource-based zoning. I can pull stuff together for you to start your discussions with.

John, I have not had an opportunity to catch Tony or Mark to sit down about the subdivision regulations to get your list. But if you guys could get us a list of your pest peeves, then that would be a jumping off point for us to try and get some stuff back to you. Okay?

THE CHAIR: John, what've you got?

MR. DEMELLO: I didn't put any dates together because I know you asked me to but I just wanted to see what people are available, what good nights would be.

MR. DELSANTO: I, on the record, I'm out for at least a month. I'm in the midst of a big construction on my house and I need every night for the next --- being here tonight, sets me back three days. But I mean, I'm painting every night and I'm out for at least the next month.

MS. HUGHES: But I can get you, I mean, if they get me ---

MR. DELSANTO: Fine. I could jot some stuff down and get it over to John, by telephone, but I can't sit at a meeting and --- I just can't do it.

MS. CARMODY: Have a painting party.

MR. DELSANTO: If you guys know how to paint, you can do it in my family room.

MS. HUGHES: I prefer rolling to cutting end.

(Laughter)

(Undertone comments)

(Mr. Weichsel left the meeting.)

(Undertone comments)

MS. HUGHES: Mr. Turko said thank you, everyone!

MR. CARMODY: You're welcome, Mr. Turko. Sorry.

(Undertone comments/conversations)

THE CHAIR: We have our first round of meetings. We're ready to go. I think it's important everybody, hopefully, like we did with the Plan of Development, you're on one group or another or everybody's involved but we can't meet more than four people without having a quorum so if you've got issues, you've got items, you've got suggestions, you've got pet peeves, let's ---

MS. HUGHES: I'm your information exchange.

THE CHAIR: Get it to Mary, get it to Fran, get it to John, get it to myself. Let's start. We have a lot of work to do if we're going to start plowing through these zoning regulations and I'd like to see us have some things on the record for public hearing. This shouldn't be a long, drawn out process.

Anybody else -- Fran?

MR. KENEFICK: I just want to say something about sidewalk waivers. We missed the boat on the sidewalk waiver on that new building on Queen Street that goes up by the police station. It was mentioned that there was no sidewalks on --
-

MS. HUGHES: You mean the addition to Raya/Nanfito building?

MR. KENEFICK: Yes. They asked for a sidewalk waiver and the word was that there was no sidewalks at all on Lazy Lane, which there's about 700 feet of sidewalks in front of the police station that this would've hooked up to.

We waived the sidewalks. Wrong information.

Two weeks ago we got a sidewalk waiver for this veterinarian place on South End Road. Mount Laurel. They asked for a sidewalk waiver.

MR. CARMODY: They already had one in place, I thought.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

MR. KENEFICK: So, what I'm saying is, if somebody asks for a sidewalk waiver, I think we should take it upon ourself to investigate it ourself. Because there's two places there that we blew some pretty good sidewalks.

ATTORNEY SCIOTA: Just don't act on it that night. There's no need to act on it that night because they're usually in the middle of their site plan anyway, so there's no rush you have to act on it.

MR. KENEFICK: Exactly.

And, it has happened other times, also, but I can't remember.

MR. CARMODY: Fran, what did he have --- didn't the Mount Laurel people have some kind of --- what did they have?

MS. HUGHES: No, what happened was there was some sidewalk -- I don't think Tony and I could recall, and it's hard because you know, you guys can't recall from driving by. You need to stop and drive by.

What happened was, there was sidewalk on South End Road and then there was like a 40-foot gap on the driveway that didn't have sidewalks and that's what we waived. So, I hadn't recalled that we waived it and the Commission was going to require it. Tony had brought it up and the engineer for Mt. Laurel, whatever it's called, had said, oh, I got a waiver!

MR. CARMODY: So, did he have a waiver?

MS. HUGHES: Yah, because you had granted a waiver earlier in the application.

MR. CARMODY: We waived it earlier --- years ago?

MS. HUGHES: Nope, nope. Earlier during the review process of the application.

MR. DELSANTO: My only take on that is if someone's putting

and addition on a building, and you know, it's a budgetary thing and they're going to add a room to a veterinarian clinic, whatever, then to tell them that they have to add on sidewalks --- I guess bad example for a vet because they're a doctor and they do pretty well -- but I'm talking about the businesses that come before us ---

MS. HUGHES: But the bottom line Michael is you have really good criteria in your regulations that you don't refer to. I mean, that's the basis you should be making that decision on.

MR. DELSANTO: But I'm looking out for people's pockets. People trying to better their businesses and to put a ---

(Everyone speaking at once.)

MS. HUGHES: That's something you have to change in your regs.

MR. DELSANTO: --- they've got another \$10,000 to add sidewalks where there are no sidewalks around ---

MS. HUGHES: But that's what your regulations say. You have to take a look at the area within 750 feet.

MR. DELSANTO: I know, I know. I feel bad for --- you know.

MR. KENEFICK: Like a couple of times there, businesses come before us and they want to put a walk in cooler. Waive the sidewalk.

THE CHAIR: On West Street.

MR. KENEFICK: Waive the sidewalks.

MR. DELSANTO: When it cost the whole addition \$8,000 and we want them to put \$20,000 worth of sidewalk in.

THE CHAIR: The only other thing I wanted to bring up was, and we've been seeing a lot of this and it's been happening more and more and more lately. Tonight, I think it's a little bit of --- a lot of water issues, a lot of water flow, a lot of drainage.

And, I had a quick conversation with Mary and Tony's gone, but one of the things I wanted to look at maybe as part of

this subcommittee issue for zoning regulations is to look at ---

MR. BORKOWSKI: Banning rain.

THE CHAIR: We're not experts at this stuff. Tony is. And, we need to rely more on him. But I think I personally would like to hear more about it, where this water is flowing to, underground aquifers that are there. So, =--=

MS. HUGHES: What Tony had suggested and I didn't mean to cut you off is that especially when you come to ground and which I agree with him and Lisa's a civil engineer as well, so I mean, groundwater fluctuates. It does. It's just, that's the nature of the beast.

So, you can have a hydraulic study that'll give you a benchmark, but it's not going to give you imperative forever data. What Tony asked for me to ask is that if you could get a bunch of questions that he might be able to respond to in writing. If you can get those to him and me, then he'd be more than willing to give you his thoughts so that you guys have something to look at and chew on.

THE CHAIR: The underground flow over it. And, then looking, we talked about, when you start looking at some of these subdivisions and you walk up to the subdivision before the thing is start to built and you know you're standing here and the land is up here and the next think you know when you go out to clear the property, the land is way down here.

So, what I've done is I've now lowered the property 4,5,6,8,10 feet. Whatever it may be that they've cleared out. I've now brought ourselves that much further down to the water table at that point and anything else that might be going down on there.

Now, I'm going to dig out a basement that's going to go down, I don't know how many feet, 8, 10 feet or 4 feet, in the area which now I think we're --- I'd like to look at that as an issue.

I'd like to look at this type of a thing as an issue. It's been a long time on my mind.

MS. HUGHES: If you can get the questions, Tony said he

would address them.

THE CHAIR: I don't know if anybody else feels the same way, but I think it's sort of important because we're seeing more and more issues of areas where there's never been water issues before with the development that's going on. We're seeing that.

MS. HUGHES: Like I told you: If the hose let's loose in your washer/dryer, 40 gallons of water goes to a wash cycle.

THE CHAIR: Anybody else?

MS. HUGHES: You get 3 inches of standing water in your basement.

ATTORNEY SCIOTA: Thank you, Mary.

MR. CARMODY: Well, that's water under the bridge.

MR. DELSANTO: Motion to adjourn.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 9:35 o'clock, p.m.)