

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing
November 1, 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: 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
Richard Hart, Alternate Commissioner
Robert Borkowski, 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 October 27, 2006 for 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.

SEV BOVINO: Planner with Kratzert, Jones representing the applicant. The applicant is still having discussions with the neighbors in regard to the drainage. We would request this be tabled again if there is still time.

The Chair asked if they had actually met with the neighbors. Mr. Bovino said there has been discussion and correspondence with the neighbors. Some neighbors are here tonight and maybe they want to say something.
Discussion.

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

TARA CYR: My mother is Rosalie Rich and it's her property. 112 Milldale Avenue is my address.

I didn't intend to speak but I did submit a letter that might've gotten passed around. We are obviously in favor of this application since it's our proepryt. We're really hopeful this subdivison goes through.

We're willing to work with whatever the Town has asked us to do and so is Mark Lovley. We just need to get it rolling.

The Chair called for those speaking against the appliclitation.

JEFF LOCKWOOD: 330 Mulberry Street. My property is affected by this proposal. I'm not sure of the procedures. I did meet this week and had an option of doing a swale or a pipe. What we decided to do is go ahead with the pipe. What is the procedure now?
Discussion.

Mr. Tranquillo explained it is a matter between the developer and the property owners.
Explained.

MIKE FALSETTI: 21 Fern Drive. My property abuts up against Jeff's property. I just want to make sure I'm on the contact list because the water problems pushes from Jeff's

yard into mine. I'd like to be able to say yes or no on whatever they do to resolve it.

MS. CYR: We just found out who you are. You are definitely on the list.

MR. BOVINO: We met with Mr. Lockwood and his wife. He was trying to decide between a swale, which allows the water to go on the surface versus a pipe. We need the agreement to match with the neighbor.
Explained.

The Phase I Environmental Study is coming.

Mr. Delsanto made a motion to table. Mr. Carmody seconded. Motion passed unanimously.

Continued to the meeting of November 21st.

Attorney Sciota requested the Phase I be done by the 21st when we might close the public hearing. Mr. Bovino said he would mention it to the applicant.

B. Continued Public Hearing from October 27, 2006 for 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 reminded the Commission this public hearing was continued in order to give the Commission an opportunity to review a traffic report to assess the impact of the traffic from Applegate being routed through Cortland Estates.

ATTORNEY LEANE KENNEDY: 133 Main Street, Southington, representing the applicant.

Tonight we don't have any additional information to present. There was much discussion over the last two public hearings and unless you have questions, we will rest on what we have set forth.

Commissioner Saucier asked: Suppose that we do approve this, what will happen to that 60' stretch of land that would be abandoned under your proposal as an entrance? Attorney Kennedy said the frontage would be abandoned that was granted to us by the ZBA. And, use the frontage off Applegate Road.

As far as that strip of land, immediately, I cannot tell you that that land would be sole to the Wal-Mart Plaza, but the developer, I believe did mention at the last meeting that that would be an intention of his.

Mr. Saucier asked if the applicant can abandon the frontage. Ms. Hughes said if the Commission approves what they're proposing on Cortland, then they could legally abandon it because they would have the 200' frontage that is required in order to have a multifamily development in an R-12 zone.
Discussion.

The Chair called for those speaking against the application.

Hearing none, the Chair closed the public hearing.

C. Continued Public Hearing from October 27, 2006 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 fronting on Curtiss Street ZC #528.

Ms. Hughes noted the public hearing was continued in order to give the Commission an opportunity to review some of the exhibits that were submitted during the public hearing phase.

SEV BOVINO: Representing the application. I'm sure you are now familiar with this project. It's located at the north end of the interchange, Exit 31. The zone change proposal includes 25 acres, which starts at the exit ramp, includes the gas station, a small factory, the house, the barn and an additional land heading north and along 84.

Approximately 15 acres is actually developable due to the fact we have already a gas station on the property, the factory and some steep slopes on the property.

The B zoned land in my opinion is scarce in this Town and there is need for more. The B-zoned land will be taxed at a higher rate even if the land is vacant for a couple of more years or more.

The 1990 Plan of Development indicated there was 105 acres of B zoned developable land. Since then most of that acreage has been developed or other uses, condos, hotels, other uses. Other than the land rezoned on the west side of West Street and Spring Street, most of the other land is basically gone.

The Plan of Development recommends this area to be commercial. Why not pave the way and take the first step in what can be a good thing for the Town and for West Street. In a time when industrial development is scarce why not allow commercial while it is an active area of development.

I recommend you look at this not from a prospective that you are giving away something but from the point of view that you are setting the stage for something to happen. If there is no goods in the warehouse, you can't sell anything. We're trying to prepare the ground for future development.

Explained the logistics of the site and why it's perfect for a B-use. It is the highest and best use with the least impact due to the proximity of I-84.

My track record is clear. When I propose something, you know it will get built sooner or later. Explained north of this project.

As for the concern about reducing the industrial area in the Town of Southington, there are sites on West Street, Spring Street, Wonx Spring Street, Townline Road and others that can be developed as industrial sites if the interest is there.

I did some research and I come up with quite a bit of land, if there is interest can be developed for industries and I'll pass this around. Explained.

(Submitted for the record.)

- Spring Street (two sites)
- Wonx Spring Road (about 10 lots)
- Carpenter Construction has property on Town Line Road. (Nine to 10 lots.) Two layouts.
- Carpenter Construction has land on Lazy Lane. (4 building lots)

- Spring Street -- Johnson Family (14 lots)
- West Queen Street (10 lots)
- West Queen Street near West Street intersection (2.2 acre lots - about 8 lots)

That is so you don't worry that all of a sudden we're reducing the industrial zone so much, we don't have an opportunity to be given to anyone coming to this Town.

We're looking at the ROD regulations when developing this property (landscaping, lighting, parking) and architecture.

Questions?

Mr. Carmody asked about the SEED Committee. I'd like their input on something like this. To me, this is a big deal changing high profile piece of property from industrial to business.

Ms. Hughes read a letter into the record from Louis Perillo, III, Economic Development Coordinator.

The Chair commented: Your track record is good. When you say something is going to get done, usually it moves forward and it moves forward very well. I think Lovley has done a lot of very nice work in the Town of Southington. My concern is we've got two sites we changed the zoning on from industrial to business. One on Spring Street and one across the street from this site. Two pretty substantial zoning changes.

Spring Street has been changed for several years. Something's coming, but it still hasn't happened, yet.

Across the street on West Street we have an extremely good opportunity for the Town of Southington.
Discussion.

Tomorrow, Wal-Mart and Target and whoever else, any big box store could come along and per our regulations would fit there. My concern is that changing another pretty nice sized piece of property is just going to allow us to make a couple of big clumps of potential big retail box stores around the very important interchange in the Town on West Street and then right down the street on Spring Street. That's a really big concern of mine. Once it's changed, retail can go there and we can't stop it because that's what the regulation says.

We're looking at our industrial regulations now to make our Town more industry friendly, to bring people in. We all would like to do that from a business prospective, from a tax base prospective and you did great research but we are looking at a very nice attractive site for a business and just logistically located right there at the interchange is a good site for a series of industrial set ups. I'm concerned about that.

I'd like to see this wait. I know you wanted once before. I'd like to see this wait until we got to the completion of the regulations review and changes. Maybe this is a right thing for this zone. I am just not sure right now and I'd hate to jump to a decision that we would ultimately regret.

I don't regret yet the change to West Street and I sure hope we don't, in the long run, regret the change to West Street.

Discussion of high-end female oriented retail. I don't want to see a low-end retail at a very important interchange for the Town. How do we prevent that if we were to go forward and do this?

Mr. Bovino said a box store would not fit on this site.
Explained.

The other is we are telling you what we are proposing. We do have interest for office space. This is not going to be totally retail. It's going to be office, some retail and different kinds of office space, medical and different kinds.

You're holding yourself back. What is the benefit for the Town to keep on holding this property back because you are worried about other sites. You're punishing yourself. You are preventing the opportunity to come.
Discussion.

Again, we are striving for high-end retail. Panerra Bread, a bookstore and maybe a financial institution. That's the only thing that people're interested in today.
Discussion.

MARK LOVLEY: Lovley Development, in favor of this application. Right now we're developing on the corner of Curtis and West Street about 24 to 26 thousand square feet. I have that 100 percent leased. I probably fill another close to 30,000 square feet.

UCONN Medical Center wants to expand their operation in Southington. Explained.

Architecture, I would do the colonial look. Spoke in favor of an Architectural Review Board. Clocktower Square was discussed.

There is demand in Town and it is a good tax base for the Town, also.

Discussion of architectures, landscaping, signage, lighting and facades in Town.

Stand-alone buildings were discussed as being part of a whole plan.

ARTHUR CYR: !03 Berlin Avenue. I'm speaking in favor of this development because of the quality of the developer and his track record.
Explained.

Look at Clocktower Square. Explained.

Give him a shot. Thank you.

Mr. Bovino added this is not a large building we're trying to build. It can be done nicer than a 100,000 plus building.

The Chair called for those speaking against the application.

Hearing none, the Chair continued the public hearing to November 21st, 2006 in order to receive comments from the SEED Commission.

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

Ms. Hughes said there was a deficiency in the Notice, so we'll need to continue this hearing as well as the following hearing until the meeting on the 21st.

MR. BOVINO: Representing the applicant. The application speaks for itself. The only thing we want to change on the verbiage in your regulation is that where it says: gross floor area. It should be net floor area. The requirements will be the same except it will be net floor area so we can take into account closets and wasted space so we don't have to provide more paving than necessary and allows us to do a better job. Provide a little bit more landscape and do a better job.

Ms. Hughes clarified when we had considered this with some industrial uses, we defined net floor area as the gross floor of a building minus areas used for vents, shafts, attics, basements, used for storage only hallways, stairways, foyers and the like.

Mr. Bovino said he agreed with whatever Mary said.

(Comments/laughter)

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

MARK LOVLEY: Lovley Development. We're trying to create at the different projects we're doing, we like to keep more green space and some more planted area. Explained.

If we have this and we do need more parking in the future, you can always add it on. We have the room to add it. To put more green space makes the project look that much nicer. That's basically our feeling.

The Chair called for those speaking against the application.

Hearing none, the Chair continued the public hearing to the meeting on November 21st.

E. Special Permit Use Application of the Town of Southington proposing to modify the previously approved SPU #376 to permit the operation of the town leaf composting facility on Fridays from 12:00 to 4:00 pm during the months of November and December, property known as Assessor's Map #53, Parcel #132 located off Old Turnpike road within an I-1 zone SPU #376.1.

JOHN WEICHSEL: My presentation and that of Mark will be fairly brief and to the point. What we are asking for a fairly diminimus situation. We're asking to extend the hours to be on Fridays from 12:00 to 4:00 pm during the months of November and December and this is very importation: for leaves, only. We do not have intent to have when the bulky waste transfer station is in full operation, we do not intend to have it as a general use of that station. That would really go against what we had previously talked about with the old station and the new station.

I want to try to assure you that this is not an attempt to get the camel's nose under the tent and then we'll expand do other things and other days. A few of the neighbors have written in support of this and a few have opposed it, as well. We definitely want to keep faith with the neighbors.

Focus on the fact: 12:00 to 4:00 -- two months only, Fridays only, for leaves only. A very limited situation, which I think, you can approve.

One or two highway employees will monitor the site.

I don't think there'll be a tremendous amount of usage for it. There'll be some. Who's going to come home Friday, rush home and try to get done by 4:00. It's very limited and the motivation is to reduce somewhat the traffic on Saturdays and secondarily, to actually help us on our leaf program to the degree that people do this, it reduces slightly what we have to pick up.

It's not the biggest thing in the world, but we would ask for your approval.

MARK SCIOTA: Just to clarify, the most important thing is that the bulky waste transfer was on for Saturday. Leaf and snow was not specifically limited to Saturday. The municipality is able to bring leaves in there any day of the week. And, snow, too.

This is specifically for the residents of the Town who wish to bring their own leaves in. We did get approved by the State so the site is now an official leaf site, so therefore, this gets going on Saturdays, the residents can bring their own in now.

We're hoping to alleviate the traffic on Saturday, so we give a four-hour period where the residents can bring their own leaves in.

Trucks go in there 7-days a week during the months of November and December, anyway, so it's not like the site is going to be open from 12:00 to 4:00 just for this thing. This is already open for leaves as it is.

Highway personnel will be there to make sure there's free flow and safety with people going in and out Friday and Saturday.

Mr. DelSanto asked if there was a big percentage of people who just bring leaves to the dump on Saturdays? Attorney Sciota said Steve said there are some who do it.

(End of Tape #1, Side A)

(Beginning of Tape #1, Site B)

Mr. Carmody said the sensitivity of this goes back to the original approval and just the posturing that was made with the original approval on the times of usage. What I wanted to know, how would you characterize, if any, complaints you've gotten from the neighbors about this proposal?

Mr. Weichsel said he hasn't had any. But you have in writing one person opposing it and three people supporting it.

Ms. Hughes noted the communication:

- In support, Mr. and Mrs. Albin, 79 Benny Drive
- In support, Mr. and Mrs. Ragazinski at 81 Benny Drive
- In support, Ms. DePathy at 80 Benny Drive
- In support, Charles Archangelo
- Against, M/M Menard 578 Old Turnpike Road.

Mr. Weichsel said we are talking about leaves, half a day on Friday, two months out of the year. I haven't had a call.

Attorney Sciota said he had received no calls.

Ms. Hughes said she had one call to ask a question about the application. We sent out 100 notices advising of this public hearing.
Discussion.

Neighborhood meetings with the original application was recounted.

Mr. Kenefick agreed in that he didn't think it would be bumper-to-bumper people going to dump the leaves on Friday afternoon.

The new site is ready for leaves. It will not be ready as an overall station until 2007.

This would be a good experimentation to see how it goes. The leaf site is ready now to be used.

Discussion.

Paving on the site was discussed in comparison to the gravel areas.

The Chair called for anyone else speaking in favor.

ARTHUR CYR: 103 Berlin Avenue. I'm here to speak in favor of opening this up Fridays from 12:00 to 4:00. My reasons are I think that once this new site is developed, whether it was approved for Saturday only or not, in 2007, we're a small city of 40,000 people. I work at 384 Old Turnpike Road. It's a real bear to try to go to work on a Saturday. From Carter Lane to Mulberry Street, there's vehicles from 7:00 am until 3:00 pm.

Discussed.

Dumping on the outskirts of Town was discussed.

There may be 15 people that're opposed to any opening of a new bulky waste center. We don't have Town pick up and for 40,000 to be held "hostage" by 8 or 10 who don't want to see that open -- you better get ready for it.

The Council is probably going to ask you to modify it again. Try this as a test. I think this City of Progress is going to need this open more than one day a week in 2007 or 2008.

Discussed.

Thank you.

SEV BOVINO: 285 High Tower Road. I'm in favor of this because I think it's a good idea. I have lot of leaves and they end up in the road and sometimes they don't get picked up. I may be one of those guys driving down there if I have a truck to deliver them there.

The neighbors have a lot of protection. We spent a lot of money to protect the neighbors. I don't think it is going to be a problem.

The Chair called for those against the application.

(No response)

Ms. Hughes read the letter in opposition from the Menard's.
(Letter on file in the Town Planner's Office.)

Mr. Weichsel rebutted a comment in the letter saying the
Town has used the area for snow and we'll continue to do
so. The question of

paved or unpaved was not a problem last winter. Regardless
of what you do, we will be dumping snow there.

For procedural reasons, we will keep this open until
November 21st.

(Public hearing was adjourned at 7:58 o'clock, p.m.)

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November 1, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Southington Planning &
Zoning Commission to order at 8:58 pm with the following
members in attendance:

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

Alternates: 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
Richard Hart, Alternate Commissioner
Robert Borkowski, Alternate Commissioner

A quorum was determined.

ZAYA OSHANA, Chairman, presiding:

Approval of Minutes - Regular PZC Meeting of October 17,
2006

MR. DELSANTO: So moved.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: I'd like to get a motion to add an item. Item E
in Miscellaneous.

MS. HUGHES: It's the reduction of the performance bond for
Ten Acres Estates, S-1214.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We'll add that as Item E.

UNFINISHED BUSINESS:

A. Continued Public Hearing from October 27, 2006 for
Resubdivision Application of Lovley Development, Inc.,
proposing to resubdivide property for purposes of creating
6 lots (Rich Gardens Estates) property located at 360 & 370
Mulberry Street S #503.1.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

THE CHAIR: This is being tabled because this public hearing has been continued.

(Motion passed unanimously on a voice vote.)

B. Continued Public Hearing from October 27, 2006 for 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: This is the subject of a couple of public hearings. I think that the Commission is aware that whether or not you approve this resubdivision, there will be traffic entering and exiting the Applegate Development through Applegate Road.

So, the purpose of this application was to create the 200 feet of frontage, which is required for the multi family development. If you do approve this application, it will enable, as Attorney Kennedy indicated during the public hearing, for the applicant to abandon the 60' strip that they have on Queen Street presently, that was going to be restricted, right turn in and right turn out, only. Correct? In and out, only. Right turns.

That's the purpose of this.

MR. CARMODY: I had a chance to read Tony's notes, as well. The biggest, we like to listen to what the public has to say, so during this site plan application, I don't think I heard one applicant not have concern over Flanders Street traffic. And, what the applicant proposed and I asked the traffic engineer about the scenario of either having just Queen Street, restricted access, non-regulated by a light or the Baron's Apartment, which one would have a bigger impact on Flanders. And, he said, I believe him and it's logical, that if you had the Baron's versus the Queen Street, you'd take away traffic off of Flanders because you'd have full access and you have a light helping you get in and out. And, plus it's probably safer. And, I believe him. And, that should help alleviate some of the concerns of those neighbors.

So, I am a little perplexed. Plus, I get Tony's first option, Option A, have them all. They are not going for that. They already said so. And, plus I don't think the State is going to allow them to have a curb cut on Queen Street and 100' down the road another one for the same access. I don't even think the State would allow, the Traffic Commission would even allow that even if he would go for that. I don't think that's going to happen.

But we have a chance here, I think, to make it safer, full access, at a light and we can cut our --- I'm sorry, we can close a curb cut on Queen Street which I think staff --- I don't mean specific to this application, but in a general sense, curb cuts, eliminating them on Queen Street, is probably a good thing.

MS. HUGHES: Well, as you'll recall, when you went through the update of the Plan of Development, that was one of the issues that the Commission had identified as something that was --- access management, not only on Queen Street, but to prevent what happened on Queen Street from happening on other state highways like 229 and 322. So, it was definitely an issue that the Commission has considered in the past and I think in the past that you've required certain curb cuts be cut or be closed when there was alternate access available.

MR. CARMODY: And, this is a chance to do that. I think it's safer. I know some people don't like Applegate in general, but that's not what we are here about. That ship has sailed. We're here to figure out, okay, this site plan, they have access, already on Flanders and on Queen. We have a chance, I think, to make it a better situation all the way around.

And, as long as, I don't know if we have to stipulate, but Pat brought up a concern about that strip. Approving this, does that automatically stipulating abandoning the frontage on Queen? Is that part and parcel of this?

ATTORNEY SCIOTA: It is no longer a requirement. You mean by abandoning, as a requirement for the particular site plan?

MR. CARMODY: I guess our concern ---go ahead, Pat.

MR. SAUCIER: The concern is ---

MS. HUGHES: If they were to abandon that, if they wanted to remove that from their development, it would require a further site plan modification. They couldn't simply abandon that strip and transfer it off to another piece of property. It's part of a valid SPU. It's part of a valid site plan approval.

So, if that were to happen in the future, or if the applicant was interested in pursuing that in the future, he'd be back before this Board and the Board would have to evaluate at that time whether it felt that was an appropriate request or whether they wanted that property retained because planning is the future and zoning is now.

ATTORNEY SCIOTA: Is that what you mean? Abandon or transfer?

Two different things.

MR. SAUCIER: What I'm looking at is, the ZBA gave them frontage. Okay? They gave a variance ---

ATTORNEY SCIOTA: A variance for frontage on Queen Street.

MR. SAUCIER: Variance for frontage on Queen Street and a variance stays with the proepryt, okay? So, therefore, if we turn around and like I said, yes, there would have to be a transfer. There'd have --- that frontage is now legal --- there's a lot there with legal frontage. Okay?

So, what I am looking for is you know, whether we approve this on this area here and then it's not on this application but it's on the one later on in the Agenda, would be to stipulate that they abandon the variance for the frontage that was granted them by the ZBA.

ATTORNEY SCIOTA: Stipulate on the site plan that their legal frontage under the site plan rules will be on the new road.

MR. SAUCIER: Will be on the new road.

ATTORNEY SCIOTA: They'll have no objection to that if it was granted. They have no objection to that. That's what they're asking you to do.

MR. SAUCIER: Well, not really. I mean, they're asking for

this development here, they're asking for this application here, they're asking for us to modify the site plan so that it gives them 200 feet of frontage so they can do that without a variance.

If that is granted, but on the application that is later on, they don't remove that frontage or we don't stipulate that they waive their rights to that frontage, now we have a piece of property with two legal frontages.

ATTORNEY SCIOTA: Your stipulation would be that the legal frontage for the site plan application be off of Cortland --

MS. HUGHES: Applegate Road.

ATTORNEY SCIOTA: --- Applegate Road.

MR. CARMODY: That's on the next one.

MR. SAUCIER: Exactly. That's not on this.

ATTORNEY SCIOTA: I know we are treating these as kind of one appliclation, but yes.

MR. CARMODY: Official. Okay. So ---

ATTORNEY SCIOTA: That would be the other application's stipulation.

MR. CARMODY: So, I'm comfortable with that. So, I guess for the reason I just stated, I'm going to make a motion to approve the site plan, I mean the subdivision application.

MR. DELSANTO: Second.

THE CHAIR: Any further discussion?

MR. KENEFICK: The applicant says he's going to have the Baron's Apartment gated?

MS. HUGHES: If I recall correctly from our last discussion, what the applicant has is an agreement with the Baron's Apartment. The Baron's Apartment, he will be or the applicant be responsible for making certain upgrades to the entrance to the Baron's, the private road into the Baron's Apartment.

The agreement with the Baron's Apartment is that that access be gated, that it be for the community itself.

The applicant testified to the Commission that if the Commission, and they are sister applications, if the Commission had a preference that Applegate Road be gated. That he would not pursue his agreement with the Baron's.

That he would use the access that --- the frontage and access that he legally has on Queen Street which is the 60' strip that was Pat was referring to and that he would use Flanders.

MR. KENEFICK: Was there some conversation about having both Applegate Road and Baron's gated?

MS. HUGHES: Yes. The Commission had had that discussion with him. His response to the Commission was, I'm not going to gate both of those. If I have to gate Applegate Road, I am not going to pursue my Agreement with the Baron's. I will us my frontage that I legally have currently on Queen Street.

MR. CARMODY: Meaning he won't do both. If you want Applegate Road gated, he's going to say fine, or whatever or stick with what he originally has but he's not --- and Baron's is out. And, I would not --- I'd rather see us go through Baron's. It's a lot safer.

MR. KENEFICK: What you're saying, John, makes a lot of sense. It is, I think I is safer. I mean, I was, I would like to see all three accesses. I don't think that is going to happen, but I agree with John that I think it's going to be safer to come out at a traffic light. It's just that I think it would be better for the people there that they both be gated.

MR. DELSANTO: The only comment that I wanted to make is that we've asked the applicant to get a second access to this property. He did it. Okay?

I know there was a lot of complaints from neighbors from the surrounding area that the high school causes a lot of traffic. Be that as it may, it's the high school. We can't shut down the high school. It's already a bad problem. Okay?

What John is proposing for this access is going to alleviate some of that problem because people will be using the access on Queen Street with a light. It's safer. It's in and out and all ways. Rather than the restricted access on Queen Street with right turn, only out. And, right turn only, in. You're going to get a lot of people breaking the law and Queen Street is already an unsafe road. Why make it more unsafe? It's already a bad problem.

MR. CARMODY: I just want to add, Fran, I just thought about it in my head. The only other problem with double gates is how do you get visitors in and out?

ATTORNEY SCIOTA: Fran's idea would be the right turn only, the right turn, either way ---

MS. HUGHES: The unrestricted access. I mean, the perfect scenario is both of those === Baron's and Applegate Road gated and then maintain the restricted access for ---

MR. CARMODY: I got you. On Queen. But he's not going to go for it.

MR. KENEFICK: You know, just forget about the other access on Queen. Stay with he Baron's, gated and go with Applegate gated?

MR. CARMODY: Yah, but he already kind of stated that --- at the last meeting, that if you want me to gate Applegate Road ---

MR. KENEFICK: I know what he stated, I know what he said.

MR. CARMODY: All right.

MR. DELSANTO: It brings up the question, how do you get visitors? How does UPS get through ? How does the mail --- well the mail ---

MS. HUGHES: There are other gated communities in the country, so I'm pretty sure it can be done.

MR. DELSANTO: Boca Raton.

MR. SAUCIER: Again, I'd like to echo John and Fran's comments here. It's that it's a safer access out through

the Baron's. Granted, separate applications. We only one in front of us here. I have other concerns or other questions for the others, but you know, coming out Queen Street, I think, will definitely, without the Baron's access would actually increase our traffic out on Flanders.

I know, you know, I'm viewing it now. Coming out on Queen Street at a lighted signal is best.

THE CHAIR: Anybody else?

MR. DEMELLO: Have we ever addressed the situation about these gates as far as them going down, becoming inoperative? What's going to happen at that point? Is there any stipulations that should be put in that within a certain period of time they have to be fixed, maintained, whatever?

ATTORNEY SCIOTA: We don't get into that level. Once a site plan is approved with the systems, we don't get involved in whether the systems, they work when it happens, but we're not going to have the people to say, okay, the thing isn't working on a certain day and we're going to go back there a couple of hours from now. Just like we don't go and check gazebos on site plans to make sure that they're working properly or other things like that.

It's very difficult for us to say, the gate isn't working, we get a complaint to the Town. It's private property. It's very difficult. I wouldn't get involved in that minutia.

MR. DEMELLO: So, what happens, Mark, when this gate goes down and they're got to leave it open?

ATTORNEY SCIOTA: The people are going to be upset because people that they don't want in there will be roaming through there and they're the ones, just like any other community, they would complain to whoever their managing entity is.

MR. DEMELLO: And, if nothing is done, then who regulates it? Nobody. So they can ---

ATTORNEY SCIOTA: Just like a condo association. Bottom line is if it gets so bad that they complain to the ZEO for a violation of the site plan, we probably have to take some action at that point. But it's got to go through the

process, first.

I wouldn't want Frank Vinci to go out there every time the gate is --- I know Mary wouldn't either.

MS. HUGHES: Actually, I wouldn't mind.

ATTORNEY SCIOTA: In that case, Mary'll go out there every time.

THE CHAIR: Ms. Conroy?

MS. CONROY: As everyone on the Commission knows and I don't know if everyone in the audience knows, but this is --- because of the size of this property, it has to go through the STC to get a certificate and as part of that, they do have to submit a traffic plan and it will be reviewed by the STC. And, they will comment on signals and driveways and such.

The volumes that are used by the developer to develop the traffic plan have to be approved by the DOT's planning department. So, those aren't numbers that they are just grabbing out of the air. They have to be looked at and they have to be approved by them.

And, if they're not, the department will, through the STC, ask them to go do it again. I believe that a lot of the observations that were spoken by this Board is correct from an engineering standpoint that a signalized intersection is a better access point for traffic than an unsignalized intersection. It's definitely better than a rights in and rights out. I'm not sure where the process is by the review for the department, but I think that they would also discourage having a rights in, rights out 100' away from a signalized access.

And, I do think that most traffic will utilize the signal to get left or right out especially in those morning peaks where you have the ques on Flanders because of the school. As we said, the school is there and it's going to be there. You know, they're going to work around that. By having at least one gate in there that's access from both directions, you are going to prevent the cut through problem that I think the Town was worried about someone trying to cut through this Applegate Complex to get to the drive through the Baron's. You won't have that.

And, Tony, maybe you can address, since it seems like the only access for people who don't live there will be on Flanders Street, is there going to be any conditions for a by pass area for people turning left or a dedicated left turn only lane into here? Was that warranted? Was it looked at?

MR. TRANQUILLO: No. That was not looked at. The volumes are not considered to be high enough to warrant a left turn lane and here is not sufficient right of way width there to provide a dedicated left turn lane.

I'm concerned about that access point that has been provided in terms of the sight lines and also the proximity of four major traffic points: Darling Street, Anelise, the high school driveway and now this road are all within about 400' of each other.

The high peaks that occur when students are going up to school and students are getting out. The character of that traffic with young drivers, all that is a reason why I recommended what I did because I am trying to disburse the traffic as much as possible.

I agree with many of the comments that have been made here about coming out at a light is far more desirable or safer than coming out at a limited access. But I think we're in a touch situation here.

There is no perfect solution. There's problems with any combination of these three access points. So, it's a touch decision for the Commission.

MR. DEMELLO: Mr. Chairman, as far as this gated access, there's a difference between a gated community and just gated access to control traffic through. I think there is going to be a problem with this. Time will tell.

THE CHAIR: Anybody else?

(No response)

My biggest problem right now, I think, and I think we all heard that we're not going to get three entrances to this community and quite frankly, we have approved this with two. We asked for the second and we got the second. I think

the only problem I'm having and it's a really big problem in my head right now, is that we continue on with these developments and we start looking at these things, there is always ways to make things better. And, I really believe personally that a gate at Baron's, a gate at Flanders and that exit on Queen Street, that second exit and entrance on Queen Street, is the safest way to go for this development.

I think it does a variety of things. I think it will cut down on the traffic on Flanders Street. I think maybe there is a bad situation there with the high school there, but if we have an opportunity to make it better, not worse, even to keep it where it is, I think it's incumbent upon us to do that. To try not to make things worse.

To say that there is an option to come out of Baron's with a traffic signal, I think, is absolutely safer than going out without it. I think that's a fact. And, I'm glad that option is there. But I just think that sometimes you've got to do the right thing. And, I know it may be costs a little more money or makes it a little bit more difficult or whatever, but sometimes you have to look at when you develop a Town, sometimes, you have to do what's right for the Town, too.

I think what's right for the Town is to make it safe. And, I'm really disappointed that we're not going to see an opportunity to have a safe, what I consider to be a safe way of preventing cut throughs, to keep traffic flows properly flowing and to have a win/win for the Town and for the development. So, that's my problem right now.

MR. DELSANTO: Zaya, I just have a question for that. I understand what you're saying, completely. But who can cut through if it's a two-way access on the Baron's apartment? How would you be able to cut through?

THE CHAIR: What do you mean?

MR. DELANTO: You're saying you want a two way access gated on Baron's and two way access ---

THE CHAIR: The problem I have is for some reason, if this got voted down, then there would be no gate anywhere. And, there would be no traffic signal. So, the best, and again, looking at the best of everything, the best possible thing for the Town of Southington, for the residents of Applegate

and for the citizens of the Town driving in that area, would be a gate at one end, a gate at Baron's for the traffic light and the unrestricted entrance/exit on Queen Street so that visitors could come, UPS could come, whoever else --- the trash could come. But we've got a way of controlling the flow of traffic and gearing it into particular areas.

I think if we have to gate it on both ends, the majority of the people would go to the traffic light. I think that's just obvious. I just think I'd like to see it safer than it is now.

I don't know if that means we made a mistake in the beginning in approving this the way we did, just unfortunate that we can't make it better right now or that the people aren't willing to make it better right now. Safer.

Any other discussion?

Mr. Kenefick?

MR. KENEFICK: Tony, what's your best scenario?

MR. TRANQUILLO : As I said, there is no perfect scenario here but my recommendation is gated at Baron, gated at Cortland and the right turn right --- right turn only at the existing curb cut.

MR. KENEFICK: So, I was right!

MR. TRANQUILLO: Well, I think, that's not a perfect solution, but the other solutions have problems, also.

The other point to be made is we have 94 units here at about 10 trips per day, roughly a thousand vehicle trips. The visitors and deliveries are going to be a small fraction of that, very small fraction. And, if you're giving directions to a delivery person or visitor, you're going to tell them, come from the south so you can turn in and when you leave, you have to make a right, so make provisions to do that.

I think that's less of a problem than putting the traffic on Flanders Street.

MR. CARMODY: I agree with you. The ideal is nice, but unfortunately, practically speaking, we're never going to see the ideal here. And, that's a separate discussion.

THE CHAIR: That's pretty said, though, that we wouldn't get somebody to work with us on that.

MR. DELSANTO: Well, I guess I'm still confused that if one entrance is gated, on Barons and the other entrance is not gated, who can cut through?

THE CHAIR: I think it goes beyond the cut through at that point with that scenario. I think that ---

MR. DELSANTO: Okay. What more though? You did explain it and maybe I missed something.

THE CHAIR: It may be beyond the cut through. The cut through is one issue and the other issue is actually trying to gear traffic into a safer pattern. I'm not a traffic expert. I think that's one of the --- advantages or disadvantages ---

MR. DELSANTO: I'm not trying to debate you. I'm confused. I just need to better understand.

THE CHAIR: I think if we had both of those sites gated and we had a free flow on to Queen Street, I think the majority of people would go out the traffic light on Queen Street through the Baron's through the gate.

I think the next level of people would go out Queen Street, unrestricted right hand turn because if they're going to work ---55 and over communities have people working for a lot longer these days, will go maybe towards 84, down Queen Street.

I think the folks that were going to go out to downtown, would probably go out either at Baron's, take a left, or Flanders go down to the light and take a left.

I think what we would be doing is we could be controlling or helping to control the pattern on Flanders to make that area safer by doing it that way.

MR. CARMODY: And, that's exactly what Tony thinks, as well, I would imagine.

MR. TRANQUILLO: Yes, that's correct.

MR. CARMODY: In a vacuum, that's exactly what he would do, exactly what you're saying, but we are not in a vacuum.

MR. KENEFICK: Now, if this application doesn't go through as your motion ---

MR. CARMODY: Right, if it gets denied ---

MR. KENEFICK: What's going to happen?

MS. HUGHES: It doesn't materially change anything. This is about frontage. And, because they're sister application or brother applications, I don't want to be accused of being prejudice ---

MR. KENEFICK: I'm saying, what's going to happen?

MS. HUGHES: Nothing. Nothing will happen.

MR. KENEFICK: There's going to be no Baron's apartment ---

MS. HUGHES: No, no, no. Nothing will happen. This is about creating legal frontage for a multi family development. The application that we're talking gate, don't gate, this, that and the other thing, is the site plan application that Applegate has filed.

MR. KENEFICK: But that's got a lot to do with this.

MS. HUGHES: I understand Fran, but the point is, is that there will be access from Applegate on to Applegate Road. If you do not approve the creation of the 200' of frontage, they'll just have 60', but they are still going to be able to have access in/out of ---

ATTORNEY SCIOTA: The reality would be on the other application, it would fall apart and you'd have what's already approved which means you'd have unrestricted access on the new road and the State, I understand, is asking for a right turn in ---what they have now is what they'll be left with.

(Undertone comments)

(Everyone speaking at the same time.)

THE CHAIR: Any further discussion?

We have a motion the table for approval and a second. Mary, would you call the roll, please?

MS. HUGHES: Carmody: Yes

DeMello: No

DelSanto: Yes

Kenefick: No

Saucier: Yes

Sinclair: Yes

Oshana: No

(Motion passes 4 to 3)

C. Continued Public Hearing from October 27, 2006 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 fronting on Curtiss Street ZC #528.

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

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

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

E. Special Permit Use Application of the Town of Southington proposing to modify the previously approved SPU #376 to permit the operation of the town leaf composting facility on Fridays from 12:00 to 4:00 pm during the months of November and December, property known as Assessor's Map #53, Parcel #132 located off Old Turnpike road within an I-1 zone SPU #376.1.

THE CHAIR: This is continued to November 21st.

MR. KENEFICK: No way we can speed this up, do anything? We lose a whole week here.

ATTORNEY SCIOTA: Procedurally, we have to table it. No way around it.

MR. KENEFICK: Can't have a special meeting?

MS. HUGHES: No. There was a deficiency in the notice and we have to renotece.

MR. KENEFICK: It's just that you blew half the season.

ATTORNEY SCIOTA: Two Fridays. We're missing out on two Fridays.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

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

MS. HUGHES: We've provided the applicant with our staff comments regarding this application. We're waiting for revised plans and some additional information. I don't know

if Attorney Meccariello has anything else he'd like to add at this time?

ATTORNEY MECCARIELLO: One thing, I had an opportunity --- Bryan Meccariello, 142 North Main Street, Southington, on behalf of the applicant. I did have an opportunity to review my comments from the last meeting and regarding staff comments, and they were inappropriate. So, I apologize to the staff for those comments I may have made.

I want to thank the staff for getting the comments to us. We're working with the staff. Tony has quite a list of things that we're addressing. We have an engineer out there for the soil composition. Testing will be underway and we'll have those findings to Tony before the next meeting.

Also, with respect to the photo simulation, it's amazing how many people don't do something like that. It's not a very expensive proposition. It's just kind of complicated. You have to coordinate the photographs and all that. As well as working with the design and the colored drawings.

I see Mr. Carmody is jumping at the bit.

MR. CARMODY: I was wondering if you had any --- just to let you know, one of our concerns is how this looks from the street.

ATTORNEY MECCARIELLO: Exactly. And, I will have for you, I was able to get the Planner to draw actually the units in a row. What didn't happen is she didn't offset them because we're having two units up and staggering I so it doesn't look like a wall as your driving down Liberty Street as well as going up or down on Columbus, as well.

And, as for the colors, we're trying to alternate the colors as well to break it up to give you that look. So, we're working on the colors and I'm sure that you'll have input on that.

Stay away from the green.

MR. CARMODY: Remember there was --- not really nitpicking, you do what you want. We talked about it and I don't know if it was met favorably by you or your design folks about you know, the flower box area down, a little bit different shingle.

ATTORNEY MECCARIELLO: We eliminated the flower box, we're putting, if you will, for lack of a better word, we're breaking up the colors, different floors. You're going to see the floors. We're going to do that with I guess what's called the fish gill and other type of architectural or vinyl products that are out there.

So, we're working on that. And, our engineer's not here tonight, so Steve's not able to provide an update as to Tony's comments and concerns.

Is there anything else I can answer? I'll be happy, to, if not, we'll see you in 2.5 weeks.

THE CHAIR: November 21st, we'll be looking for answers to both checklists.

ATTORNEY MECCARIELLO: Yes.

THE CHAIR: Anybody else? Any other questions?

MR. CARMODY: Thanks, Bryan.

ATTORNEY MECCARIELLO: Okay, thank you.

MR. KENEFICK: Motion to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

G. Site Application of 1103 Queen Street, LLC proposing modifications to the parking and billboard in conjunction with the previously approved site plan, property located at 1003 Queen Street, SPR #1410.1.

MS. HUGHES: As you'll recall, this application was tabled pending the outcome of an appeal of an order that was issued by the ZEO regarding the construction of a new billboard off site at 1103 Queen Street.

On October 24th, the ZBA concluded their hearing. During the course of the hearing, the applicant's agents acknowledged that the sign was a new sign and in addition that it was not at the time located on 1103 Queen Street.

The ZBA upheld the ZEO's decision. Attorney Sciota was present at the meeting in case anybody has any specific questions.

I'd like to enter into the record, the Minutes of the October 24th public hearing regarding this matter. As your enforcement agent, the applicant has been found in violation of our regulations and I'm requesting that this application be denied.

ATTORNEY STRZEMENSKI: Good evening, for the record, Attorney Julie Strzemenski. As you apparently are not aware, we have also filed an appeal from the ZBA's decision. That was filed with the Superior Court yesterday. The Chair of the ZBA was served as was the Town Clerk. So, that will be in court. The return date is November 21st which is actually the date of your next meeting, as well.

THE CHAIR: Mark, what does that mean?

ATTORNEY SCIOTA: Nothing.

THE CHAIR: Okay.

I guess the question I have or the concern I have is that -- and I got the Minutes to the ZBA meeting and they're, I think, pretty straightforward. I think to boil it all down, we talked an awful lot -- several meetings here and at the ZBA about a sign. And, I think there was some discussion in here that we put an awful lot of discussion into the discussion of a sign and that it's --- I forget who said that but the issue comes down to, I guess that's it --- not I guess, it's a violation of our regulations.

We're in a tough spot here because I think everybody on this Commission thinks very strongly that what you did there with that building and what it was before and what it is today, is remarkable. It looks beautiful and you've done a lot of great work there.

I think the problem comes down to, at least in my mind, is that we have a violation of the zoning regulations and where do you start saying the violations of zoning regulations are okay and where are they not okay.

I think the remedy to this --- I think the remedy to this,

maybe Mark, Mary, is that the billboard comes down. I think that's the only remedy to this. Is that correct?

ATTORNEY SCIOTA: From my position that would certainly be a good remedy.

THE CHAIR: I don't think it can stay there right now. I think there has been an admission that it's a new sign or a conclusion that it's a new sign. That it was put on someone else's property when it was put up. That it wasn't owned by the applicant, it was owned by somebody else even though there might have been an oral agreement, but I guess that doesn't carry any weight.

ATTORNEY SCIOTA: There's probably some notes in the Minutes about the conversation.

THE CHAIR: There's a couple of them in there, yah. So, I guess from a remedy situation, is there anything else you see other than the sign coming down before this can go forward?

ATTORNEY SCIOTA: I would, I concur with the ZEO that I would never recommend to a Board to approve a site plan that has a violation on it. It's the position of the Zoning Department and the ZBA that there's a violation on it.

MR. DEMELLO: Mr. Chairman, the last we did was wait until a determination was made by the ZBA. They're going to be going to court over this matter, would there be any problem tabling it and waiting until ---

ATTORNEY SCIOTA: Oh, no. It's going to be months and months and months maybe a year to have that decided. It could be at least --- it would be months. At least six months, possibly eight to nine months before it is decided.

MR. KENEFICK: You people have been here for how many meetings?

ATTORNEY STRZEMENSKI: Oh, goodness. I've actually lost track to be honest with you.

MR. KENEFICK: Five meetings. That's almost three months.

ATTORNEY STRZEMENSKI: It's been a while, yes.

MR. KENEFICK: Let me just --- I don't know if I'm speaking out of turn or whatever but, your problem is you can't get a CO?

ATTORNEY STRZEMENSKI: Correct.

MR. KENEFICK: Why don't you just take the sign down, get your CO and then fight City Hall?

ATTORNEY STRZEMENSKI: Well, unfortunately, if we take our sign down, then we will have abandoned our use and we can't abandon our use, unfortunately.

MS. HUGHES: Well, it is our position that use was abandoned when that sign was --- was --- was built on a different piece of property.

MR. KENEFICK: This is almost a no-brainer, I think. Take the sign down. Get your CO. And, then do what you have to do.

What else can we do? You've violated our regulations.

MR. DELSANTO: To approve it we'd set a precedent and we'd never be able to ---

MR. KENEFICK: You know, we'd get laughed off this Board.

ATTORNEY STRZEMENSKI: Another thing that is important to note and Attorney Sciota will disagree with me, at the time our client moved the sign, there was an agreement that the property was going to be sold to my client, which gave him an equitable interest in the property.

Attorney Sciota disagreed with me. I even went back the day after the meeting and double-checked and made sure that I was correct in my position. And, even though there was an oral contract which is not enforceable should there be a breach, the property was conveyed.

MS. HUGHES: The property was 1127 Queen Street. The applicant owns 1103 Queen Street. A sign was erected illegally on 1127 Queen Street and it is the position of the ZEO and it's been upheld by the ZBA that the use was abandoned and that the sign must be removed.

ATTORNEY STRZEMENSKI: We would request, if we could, and

this has been our position since the first time we came in front of you, that you allow us to fight the sign battle with the ZBA. We filed our appeal with the Superior Court and we'd request that you approve our site plan and the engineer and the surveyor are both here to talk about that.

We ask you to please approve our site plan, allow us to get our CO, allow us to get our tenants in there and let us fight the sign battle in court where we have now filed our appeal.

MS. HUGHES: And, again, I reiterate that this is a violation of the zoning regulations and as the ZEO for ---

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

MR. DELSANTO: Motion to deny the application.

MR. SINCLAIR: Second.

MR. DELSANTO: The reasons for denial are it's against our zoning regulations. They've erected a sign without proper approval.

THE CHAIR: We have a motion and a second for denial. Is there any other discussion?

ATTORNEY SCIOTA: I would just like the statement and you could incorporate this, if you wish, number one it's already been adjudicated by the Zoning Board of Appeals that the Zoning Enforcement Officer's order stands in that the sign was not only moved but it's an absolute new sign in violation of our regulations.

The sign itself as of today does not have any kind of building permits whatsoever which includes structural permits, includes electrical permits and specifically in our regulations and in the Minutes you'll see the specific regulations we are talking about, violates your regulations and it is the position of the Zoning Enforcement Office and the Town Attorney's Office that in doing so, you would be violating your own regulations.

THE CHAIR: You'd like to incorporate that into the motion?

MR. DELSANTO: Sure.

THE CHAIR: All right. Those are incorporated into the motion. And, into the second?

MR.SINCLAIR: Yes.

THE CHAIR: Hearing no further discussion, Mary, would you call the roll, please?

MS. HUGHES: Mr. Carmody: Yes

Mr. DeMello: Yes

Mr. DelSanto: Yes

Mr. Kenefick: Yes

Mr. Saucier: Yes

Mr. Sinclair: Yes

Mr. Oshana: Yes

THE CHAIR: The motion is denied is 7 to 0 ---- or the motion to deny is approved, 7 to 0, excuse me.

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

MS. HUGHES: I don't believe that there is anyone here this evening to represent the applicant. We'll be requesting that this be tabled. I hope that you had an opportunity to look at the comments that I provided for you.

At the time of the 2005 aerial was taken of that property, there were over 40 cars on site. I think this --- probably Fran knows how many you can pack on there just by osmosis. I'd like you guys to take a look at the site and look at the site plan again before you make final decision on this application.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

I. 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 890 Applegate (formerly 235 Queen Street) SPR #1350.2.

MS. HUGHE: just as a matter of course, I'd like to just stipulate that the conversation that we had on the Cortland Estates Resubdivision be incorporated into your discussion regarding this particular application.

ATTORNEY SCIOTA: No objection?

ATTORNEY KENNEDY: No objection.

MR. CARMODY: Motion to approve the application taking into consideration all the vast discussion we had on the Cortland Estates Subdivision.

MR. DELSANTO: Second.

THE CHAIR: Further discussion?

MR. SAUCIER: I just have one. Has the --- as far as the gated access through the Baron's, has the applicant come to an agreement with Baron's apartments to restrict ---

MS. HUGHES: You made a motion and I don't think Attorney Kennedy can answer questions unless you want to ---

MR. CARMODY: I'll remove my motion to approve.

MR. DELSANTO: I'll remove my second.

MR. SAUCIER: All right. Now, I can ask my question.

ATTORNEY KENNEDY: Now, I'm confused. Were you approving that you're incorporating that or were you ---

ATTORNEY SCIOTA: No, no, no.

MS. HUGHES: No, no. No. they made a motion to approve the application and now they've got some questions for you, Leanne.

ATTORNEY KENNEDY: I was going to say, we all need to take a

breath after the last application. I don't want any of that coming over here.

(Chuckles)

So, I'm sorry? Mr. Saucier?

MR. SAUCIER: One of the questions I had is the access through Barons, right now they allow parking on one side of that access there and going through that it seemed to be a little tight. Has the applicant approached Barons to see if they can restrict parking on either side of that access into the apartment?

ATTORNEY KENNEDY: It is my understanding that the agreement that has not yet been executed by all the parties, but that is on file, I believe, in the Town's file, it does not restrict parking on that access way.

MR. SAUCIER: All right. I went through that and with the cars parked on the right hand side as you enter that complex, it does create a kind of a tight area and if we're looking at that as to be the primary access point to the residents of that complex and again what Tony's talking about, a thousand trips a day, um, that's a tight area to come in and out.

ATTORNEY KENNEDY: I believe it's a 20' == 28? A 28' access way. And, I believe that the applicant is going to do some repair to that access.

MR. SAUCIER: If you're taking a right hand turn into the -- if you're going into the Baron's complex, right? That right hand side is accessible for parking. The left hand side is posted: NO Parking. So there is parking currently on one side.

Now, when you travel in there, okay, again this is also a question for Tony, too. With the width of that access there, I mean, are we also -- not us, but of course, Baron's, opening themselves up to some issues there with the amount of traffic coming through that access with that area?

ATTORNEY KENNEDY: It appears, if I may add, that that access strip does allow for two-way traffic even though there's parking on one side of that driveway.

MR. SAUCIER: Understood. But you know, there's also no --- again, that is a private drive, okay? And, if someone is parking as I did went through there this weekend, parking off the curb, quite a distance, or I mean, there's no enforcement. It's not a public way. Anything done there ---

MS. HUGHES: The problem is ---

MR. SAUCIER: Or did I state it? The problem is it's a private drive.

MS. HUGHES: Exactly. And, you can't place a stipulation on property that isn't under the applicant's control or isn't even part of this appliclitation.

The reality is, we have streets that are 24' wide that people park on the side of. So, I mean, at some point you have to be a responsible driver, as well.

MR. SAUCIER: Understand. On one hand we're trying to make a gated --- not gated, but a lighted access at Queen Street -- makes it safe? All right. So, to, in my opinion, deny this application we're now back to a right in/right out of Queen Street and full access out of Flanders, nothing through Baron's, no light.

But I also look at it holistically to say, okay, great. We're making it safer to get out on to Queen Street but are we also opening up issues within the Baron's complex itself, granted it is a private community.

MS. HUGHES: Well, I think if the Baron's had any valid safety concerns regarding that they wouldn't be in negotiations at present with the owners of Applegate to provide the access.

I would just like to remind you that if your inclination to take an action this evening, we need to be careful how you stipulate what you want. It needs to be clear and on the record.

Do you have something to say, Tony? You are scratching your head.

MR. TRANQUILLO: I'm sorry, I'm sorry. Finish what you're saying.

MS. HUGHES: So that we from a staff standpoint understand you know, what you want.

THE CHAIR: Tony?

MR. TRANQUILLO: Could I make a comment? I agree with what Mary just said but slightly different.

Depending on what you decide tonight, there will be some other issues involved with this site plan. The signage. I assume that you're going to put the sign for the complex where the visitors are going to enter. So, whether it's on Cortland or on Queen Street will depend on what your decision is.

There is also an issue of sanitary sewer service into the complex. That may be changed. That access strip, you know, the limited access strip, that may be modified and eliminated. So, I would recommend that you make your decision on the access and then the applicant be instructed to change his site plan and present the final site plan to you.

That'll answer some of these other issues that you're talking about. I would suggest you decide on the access that you want and then we modify the site plan before you act on it.

ATTORNEY KENNEDY: May I, Mr. Chairman, just make clear what our application is because in reviewing the Minutes of the last few meetings, there's talk about gated community, gated Baron's, gated on Flanders and what not.

The application today and what the applicant is proposing is a gated access way at the Baron's where the residents of Applegate can go in and out to access the traffic light that will be put on Queen Street.

And, then full access on Flanders. They are not proposing to put a gated area or gate that access at all.

And, certainly as the current approval includes, it includes that Flanders to be a full access. And, I know there has been talk back and forth about all this traffic on Flanders Street. Certainly, um, between 1999 and today the applicant's were urged to go to Flanders Street and you

know, with all due respect, Mr. Chair, you had even said that back in November 16, 2004, that you felt Flanders Street would be a great access. You urged them to go and make any deals that they could with potential property owners and they did that.

You know, you had later stated when approving the site plan that you thought it could be a primary entrance/exit. So, we are still keeping that. We're just wanting to change the access on Queen Street because right turn in/ right turn out is not, is not safe. It's not a good entrance.

If you have someone coming off 84, coming to Applegate, they're going to be driving down Queen, see an entrance and they're not going to think. They're just going to make the turn and it's not safe.

By now having frontage on Applegate, you're allowing the site to have an Applegate address. So, if someone is coming to look for direction on MapQuest or whatever, once Applegate gets on MapQuest, that is, being new, they are going to be instructed to go up to Flanders go guests and visitors will know to access this community through Flanders and Applegate Road.

We shouldn't have too many people going through the Baron's getting to the gate and saying, oh God, I went the wrong way. But there is a cul de sac over there that will allow for a safe turn around to come back down to Queen should anybody take that wrong turn.

But certainly, this application is looking to get rid of that right turn in/right turn out access.

Additionally, I was informed that the DOT had talked to Scott Hesketh and had said, you know, why don't you go to the light at the Baron's because we don't want you to have another curb cut there. It's not practical. And, it's not really their policy to have two curb cuts like that in such close proximity, especially if there's going to be a light there. We already have the light at Wal-Mart. It will certainly tighten up the traffic there and make it an overall access point for this community.

I don't know if you have any other questions?

THE CHAIR: I do agree. I think it is safer to go to the

light. And, I did ask, I thought greatly at the time that I think we needed a secondary access from Flanders Street because I didn't think the access from Queen Street was, as a primary entrance would've been the best alternative.

I think though that from 1999 until now when this thing is now moving to its final stages, you know, there's a lot of things that've changed around here. The number of units of 55 and over housing with this plan going into place is now going to exceed the thousand mark in Southington. So, from a demographic prospective, long-term demographics in Southington is that really the best thing for the Town of Southington look at the demographics and how things are going to go in the future.

Looking at the road accesses, I think there are a lot of things that have changed and I think a Board like this, at least myself personally, I think we look at these things as time change.

And, to say that we have an opportunity that I think our Town Engineer is saying from his prospective at least, the best option. To have that third exit, to block off those other two, and to have a third exit out on to Queen Street as an unrestricted access, the original unrestricted access.

And, I understand there's a change. It is different than what this Commission originally approved.

I think though that it would've been nice to see that occur. And, I guess I'll ask you one last time, through the applicant, would you consider looking at three exits to potentially make this community of 55 and over, 96 units, safer as determined by, I think the Town Engineer and I don't mean to put words in your mouth, but to be the best possible entrance and exit on to this to be safe for the Town of Southington for the residents of Applegate and for the citizens who drive in that area including the high school students who drive up and down Flanders, would you consider a safer way of doing it?

ATTORNEY KENNEDY: I am going to answer "no" because we feel this is the safest way. Now there will be no attempts of travelers coming down south on Route 10 to make the left into that Queen Street right turn only because they see the first entrance and it's late at night and they don't see

where they're going. So, we feel by eliminating that, that we are making it ---this the best possible scenario for this development.

The other point that I just wanted to bring up again and I know Scott had mentioned this at the last meeting, when we talk about deliveries and mail service and trash removal and whatnot, there were concerns about, well where are they going to go now that they're all up Flanders. Well, Flanders is highly developed. People have trash removal already there. People on Cortland Estates, those seven houses, they're going to have deliveries from UPS. So, these trucks are already going to be in that area and for them to just access this Applegate community from Applegate Road, it's not going to be, you know, a terrible scenario because they're already going to be in the area.

So, I just wanted to bring that point up, as well.

MR. CARMODY: Leanne, I have a question that I don't actually think you will be able to answer, so it's either for the applicant or I don't know if another agent is here.

I'm about ready to make the motion to approve the site plan. But then I want to address what Tony just said. If we approve this access, are there material changes to the site plan that we haven't taken a close look at that we should do separate?

MR. TRANQUILLO: Do you want me to answer that?

MR. CARMODY: I want both of you to really kind of --

MR. TRANQUILLO: I'll make an initial statement and then they can elaborate.

Let's assume you want to eliminate this. Well, this has to be changed on the site plan. Right now it shows an access way going in here and that should be changed. The decision to put the project sign here should be shown on the project. And, now they're proposing to bring the sewer in down this access route eliminating the sewer running up this road. So, there are some substantial changes that need to be made. That's why I'm suggesting that you decide on the access and then we modify the site plan, bring it back before you.

ATTORNEY SCIOTA: Similar to what we do for sidewalks. What Tony's recommending is that you take a consensus. You can't really take a vote on the access. You can take a consensus on the access and with that you're pleased with. And, then the applicant will move forward and do the technical changes that Tony's talking about.

I don't think we can take a vote on the access, it's an application. What you would do is you would simply what's the consensus of the Board? And, it may be a split consensus. At that point, Tony's correct, they can go back and make the modifications they have to make and come back.

MR. BOVINO: I want to answer Tony's comments. Everything has been changed. The plans in front of you have all those changes other than the sign on ---

MR. TRANQUILLO: Including the sewer?

MR. BOVINO: Including the sewers ---

MR. TRANQUILLO: Even though we don't have an easement, yet. And, ---

MR. BOVINO: You don't have the easement but the plans have changed to show the sewer going down to Queen Street through the Barons. And, this does not show access here. It says: to be abandoned.

There's no proposed drainage and there's no proposed pavement.

MR. TRANQUILLO: Is there a project sign on Applegate?

MR. BOVINO: No. That's, as I said, other than the sign which it should be shown the way you requested it, the rest of the changes are on the plan.

MR. TRANQUILLO: Did you make the changes that the fire chief asked for?

MR. BOVINO: Yes.

MR. TRANQUILLO: And, you show on the plans clearly that that is going to be a gated access?

MR. BOVINO: Right here it shows that gated access.

MR. TRANQUILLO: That statement is on the plan?

MR. BOVINO: Yes.

MR. TRANQUILLO: See, I haven't reviewed the plan for action because I was still on the access decision.

MR. BOVINO: Just want you to know they are on the plans.

MR. TRANQUILLO: All right.

MR. CARMODY: I'm sorry, Tony. So ---

MR. TRANQUILLO : As I envisioned it, you were going to act on the access, make a decision on the access, so I didn't even look to make sure all the changes have been made appropriately. They may already be made according to what Sev says, but I haven't checked it.

MR.CARMODY: I'd feel more comfortable if you checked them.

So, we should get a consensus on the access?

ATTORNEY SCIOTA: Obviously, if you are going to wait for Tony to look at it, you need to table the application, but I think we have to send the applicant away tonight with at least a consensus as to what the heck the Board wants at this point.

THE CHAIR: Let's take a --- not a vote --- we will take a -
--

MR. SINCLAIR: Can I just ask Attorney Kennedy two questions when she has a second?

THE CHAIR: Leanne? Questions for you.

MR.SINCLAIR: Two quick questions: Leanne, just to clarify, as I also went down the Baron's, the applicant does not wish to make the Baron's no parking on either side even though it's kind of tight?

ATTORNEY KENNEDY: Unfortunately, that's not part of the agreement between the parties.

MR. SINCLAIR: I understand that, but they are in

negotiations, at the time with the easement, they could always write something into the contract.

ATTORNEY KENNEDY: It's my understanding that the negotiations have been had. They have documents that are just not executed at this point but that unfortunately the Baron's was not going to change their parking.

MS. HUGHES: I mean, that's clearly not part of this application. I appreciate what the Commission's saying, but it's just not part of this application and it really --

-

MR. SINCLAIR: And, the other question is to the Town. Tony, I think back in 2004 I think you recommended 60 to 70 units for this area?

MR. TRANQUILLO: Yah, I believe I went on record. I was asked by the Commission what I thought was a reasonable number. Obviously, that's not a great issue. They asked me what I thought was reasonable and stated 50 to 60 units.

Now, the Commission approved 94, so that's water over the dam.

MR. SINCLAIR: It is water over the dam. Is that with one entrance, two entrances or three entrances?

MR. TRANQUILLO: Well, we had a lot of discussion about the access into this and I think the staff was very clear they wanted more than one access.

MR. SINCLAIR: Okay, but 50 to 60 with one access is what you're saying?

MR. TRANQUILLO: No. No.

MR. SINCLAIR: Okay, I think I understand. Thank you, Mr. Chairman.

MR. SAUCIER: Just one more question. Nothing to the area. The gate. I'm assuming for emergency access, is that a -- for the Town services, fire, police, ambulance, are they going to be granted a key or is that a break away gate?

ATTORNEY KENNEDY: It's a break away gate.

MR. SAUCIER: It is, for emergency access, okay.

(Undertone comments)

Understand, but there's other things. I mean, some of these gates are made for that, though.

ATTORNEY SCIOTA: Also, some of our officers and our firemen have cards so I assume they'll grant a card to the ---

MS. HUGHES: A lot of these, they give it to the post office, they give it to fire, they give it to police.

(Undertone comments)

THE CHAIR: When I read it and I'm not a lawyer, but it's pretty clear that that agreement is going to be there and if Baron's sells, that agreement will stay there so that access will always be there.

ATTORNEY SCIOTA: It's in perpetuity. Obviously, I wasn't there for the negotiations, so I can't confirm that they refused to do something or didn't refuse to do something --

THE CHAIR: In there it says it's there forever.

ATTORNEY SCIOTA: It is in perpetuity.

THE CHAIR: So, that access can't go away. Okay, good. All right.

ATTORNEY KENNEDY: I just have one other comment, if you would. If the Commission is inclined to approve the revised application we have brought, the applicant just wants to make clear that if you approve it, that 60 foot strip, he is intending, hopefully in the future, to sell that over to Wal-Mart Plaza.

MS. HUGHES: That's the subject of a different application and the Commission may not be inclined to acquiesce to your client's desire because they may want to keep that because as I said zoning is now and planning is the future. So your client should be aware that that would be the subject of another site plan application.

THE CHAIR: Mark, you are suggesting ---

ATTORNEY SCIOTA: My suggestion is Tony has not had a chance to review it, yet but I am suggesting that for the applicant's sake, you do a consensus, Mr. Chairman, at least what the Commission's feelings are as to the access. The two access points that they're putting forth tonight.

THE CHAIR: And, I think the best way to do a consensus is to go around and talk about it.

John?

MR. CARMODY: Staying consistent with the sister to this, I -- sorry. Staying consistent with what we have talked about previously, I am in favor of the change to have the gate at Baron's --- I'm sorry. I'm hungry and tired.

Baron's apartment.

MR. DELSANTO: I echo the same sentiments as Mr. Carmody?

MR. CARMODY: The hungry and tired, too?

MR. SAUCIER: I again, same thing. We deny this and now we have or we're back to the original approval. So, I am also in favor of this.

MR. KENEFICK: I'm going to be inconsistent. I'm going to vote in favor.

MR. DEMELLO: As far as the gated? I have a problem with it.

MR. SINCLAIR: I think it's the lesser of two evils. The gated is the lesser of the two evils on this. So, go with the gated at the Baron's.

MS. CONROY: I'm in agreement with the plans as they've been presented.

THE CHAIR: I would've liked to have seen a third entrance. I think it would have been the safest way to do it, but if it's a choice between a lighted and an unlighted, I think we need to stay with the safest possible way going forward.

MR. TRANQUILLO: I read that as going with Option #3 that I called out on my recommendation.

MS. HUGHES: Stop confusing it. Gate at Baron's.

Unrestricted --

MR. TRANQUILLO: Applegate and one limited access eliminated.

MS. HUGHES: Yes.

MR. TRANQUILLO: Just want to make sure it was clear on the record.

THE CHAIR: All right. We have a consensus taken. I think you hear where we stand at this point. I'd like to table this.

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

J. Subdivision application of sultana Developers, proposing a 7 lot subdivision (White Oak Estates) on proeprtylcoated at 577 Meriden Waterbury Turnpike S #1244.

MS. HUGHES: We've completed our staff review of this application. The applicant's engineer is in the process of addressing our comments.

I would just like to note for the record that O.J. Shaw's real name is: Oliver!

(Chuckles)

So, unless Mr. --- Tony thought it was Orange Juice.

So, unless Mr. Shaw has something he'd like to add this evening, we'd request this be tabled.

(Mr. Carmody left the meeting)

THE CHAIR: With Mr. Carmody stepping out, I'd like to seat Ms. Conroy in for Mr. Carmody.

And, we're looking for a table.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

MS. HUGHES: Always wanted to say this: Good night, Ollie!

(Chuckles)

(Undertone comments)

K. Site Plan Application of the Town of Southington proposing to modify the previously approved site plan SPR #1411 to allow the operation of the existing leaf composting facility on Fridays from 12:00 pm to 4:00 pm during the months of November and December, property located at 617 Old Turnpike Road. SPR #1411.1.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

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

MS. HUGHES: Staff is in the process of reviewing this application. I don't know if Mr. Bovino has anything he'd like to add.

MR. BOVINO: Good evening, again. Sev Bovino, Planner with Kratzert, Jones. You haven't seen the plans the last time, we just spoke about them. So, I'd like to show them to you. If you have any questions ---

But for general directions, this is West Street. Here's Churchill Street. The proposal is to have a building right here facing West Street and the entrance will be off of

Churchill Street with parking on the south side away from Churchill. We have a drainage system that empties to a detention area that eventually goes to the State drainage system. It'll be served by sep system and public water.

Any comments/questions?

MR. KENEFICK: What is it going to be?

MR. BOVINO: Flex space. Occupied by John and Keith Keegan, the two brothers. They run or they have a construction business. But then there is additional space they can rent out to other people that want to move in.

Small factories or small contractors like a lawn care business or a mason, any kind of a small contractor that is seeking space.

MR. KENEFICK : Is that I-2 or I-1?

MR. BOVINO: It's I-2. It's allowed.

MR. KENEFICK: So you could put some pretty serious businesses in there, huh? Waste Disposal?

MR. BOVINO: No.

(Chuckles)

MR. KENEFICK: There's none in Town, you know.

MR. BOVINO: This is the kind of space that people're looking for and there it is.

MR. KENEFICK: How far off the road of West Street is that going to be roughly?

MR. BOVINO: It's on the plan, 238.13 feet.

MR. TRANQUILLO: Are you sure that's right?

MR. BOVINO: That's exactly right.

THE CHAIR: Any other questions for Sev?

(No response)

Hearing none, we need a table this evening.

MR. DEMELLO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Mr. Carmody is reseated with his return to the room.

MR. CARMODY: Thanks.

M. Petition of 1103 Queen Street, LLC proposing to Amend the Zoning Regulations Text Section 13-11 pertaining to Nonconforming Signs ZA #533. **Scheduled for the November 21, 2006 Public Hearing. **

(No action)

NEW BUSINESS ITEMS:

A. Site Plan Application of Gilman Albert proposing to construct a 4,350 square foot addition to an existing industrial building located in the I-1 zone, property located at 134 Union Stresse4t SPR #1446.

MS. HUGHES: I don't know if anyone is here on behalf of the applicant this evening. We just received this -- for some reason I wasn't able to get in contact with Mr. Giudice. It's labeled an existing house but we just request that this be tabled.

MR. DEMELLO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

B. Site Plan Application of AMEE, LLC c/o Ashok R. Patel proposing the placement of two containers for storage of clothing donations, property located to the rear of an existing retail plaza (formerly Petit's Dairy Store) 400 North Main Street SPR #166.1.

RAY RUTLEDGE: I'm representing Ashok Patel. I work for the clothing recycler, CMRK. I'm the director of field operations so pretty much I handle anything that happens out in any of the Towns.

What we're asking is we have had the containers there for quite a while. They were out in front of the building, we're asking --- what we did is we put them out in the back until we had this meeting. This way they're not in plain site from Queen Street.

What we're asking is if we could keep the containers there. They're serviced six days a week. I don't think there has ever been a trash problem there which I think would be a concern of the Town.

That's basically what we're asking. If you have any questions, ask me. Feel free.

MR.CARMODY: Four hundred North Main Street. Where is ---

MS. HUGHES: That's the old --- its like across from Mark's Dunkin / Star Cleaners / Autobody Shop.

MR. DELSANTO: Mark, you own that?

MR. SAUCIER: Next door to Rinaldo's Pizza.

MR. CARMODY: I know where it is. All right. Thank you.

MR. RUTLEDGE: I had some pictures here, the ones that are marked 400 North Main Street. You can take a look. I mean, they're way back. They're not on the street. They're way in the back of the building.

MR. DEMELLO: Now, you moved them from the front to the back. There's flooding that sometimes occurs back there, is this going to affect that at all or affect these containers?

MR. RUTLEDGE: With all the rain that we did have, some heavy rain, there's been no flooding back there.

MR. TRANQUILLO: Along that same line as John --- do these float? If there's a flood, are they going to float?

MR. RUTLEDGE: They're about 700 pounds of box empty, so they're not going to float. I don't think there would be that kind of flooding there, otherwise, the stores would be in a lot of trouble.

There is holes in the bottom, too.

MR. TRANQUILLO : So, water will get into them. Okay. That's fine. The clothes will be very wet.

(Everyone speaking at once)

MR. DELSANTO: These containers have been there for years and years and years and years. Right? Why were they removed?

MS. HUGHES: We received a complaint regarding the location of containers all over Town. So, Frank and I did a sweep and we sent all of the property owners that had these containers on their property letter advising that they were there without benefit of site plan approval.

MR. RUTLEDGE: There's probably a good majority of those containers that never had permission to be in these locations to begin with. We don't do it like that. We always ask permission from the property owners and we obviously never got permission from the Town, but ---

MR. CARMODY: I'll make a motion to approve this.

MR. DELSANTO: Second.

THE CHAIR: Further discussion?

MR. KENEFICK: Are we going to limit it --- how many?

MS. HUGHES: They've got two on the site plan, two it is.

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

NEW ITEMS TO SCHEDULE FOR PUBLIC HEARING ON NOVEMBER 21,
2006

Special Permit Use Application of Rev. Andrew Kauffman for Hope Ministries, Inc. proposing to establish a church facility from within an existing building, formerly the Southington board of Education alternative education building, property located at North Summit Street SPU #433.

THE CHAIR: With the outstanding number of continued hearings that we've got going on, why don't we schedule this for the December 5th meeting.

MS. HUGHES: I've already advised the applicant that it would probably be off to the 5th.

MISCELLANEOUS

A. Request for Hendel's for placement of a cedar fence structure between the DelMaro property located at 1651 Meriden Avenue and the new Hendel's gasoline service station/convenience store, property located at 273 Meriden-Waterbury Road SPR #1421.

MS. HUGHES: A letter was distributed to you in your packets. The abutting property owner has requested that the cedar fence be continued just for consistency sake. They've given Hendel's permission and an easement to do some work on their property and Hendel's is willing to maintain the fence in it's entirety. But because it is a change to the approved site plan, we just wanted to make sure the Commission had no objection.

THE CHAIR: I think it makes sense.

MR. CARMODY: Move to approve.

MR. DELSANTO: Second.

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

B. Request for release of the \$24,000 Performance bond for the Travel Centers of America Truck Stop Facility site

Plan, property located at 1875 Meriden Waterbury Turnpike
SPR #1326.2.

MS. HUGHES: According to the Engineering Department, it is
all set to go.

MR. DEMELLO: Move to release.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

C. Request of Miguel Coppola for the Royal Acres
Condominiums Site Plan #1422.1 whether a revised site plan
is required for placement of underground storage tanks for
storage of liquid propane, 2118 Meriden Waterbury Road SPR
#1442.1.

MS. HUGHES: The Commission tabled this request at its last
meeting so that we could contact the fire department. In
your packet was a letter from Inspector Hal Ballard
indicating that the tanks were safe.

MR. DELSANTO: Motion to approve.

MR. SAUCIER: Second.

THE CHAIR: Any discussion?

MR. CARMODY: What're we approving?

MR. DELSANTO: The storage of the LP tanks.

MR. CARMODY: No. He was asking us whether a revised site
plan is required.

MS. HUGHES: No. What happened was, there was a note that
was on the plans that said no underground storage.

MR. DELSANTO: The feasibility of the LP tanks.

MS. HUGHES: He wants to know, can he just take that note
off or is he going to have to come back and go through site
plan approval.

MR.CARMODY: So, we're making a motion he can take the note off.

(Underground comments)

THE CHAIR: We have a motion and a second. Tony, are you good with this?

MR. TRANQUILLO : I think the note should stay and the Commission should rule that they could put this type of tank.

MR. DELSANTO: I would agree with that or we'll have other types of tanks.

MR. CARMODY: Aha! Glad I brought it up.

MR. TRANQUILLO: A minor change.

MR.DELSANTO: With the stipulation that the note should stay but the allowance of LP tanks in the ground.

THE CHAIR: So as not to allow any other tanks in the area and the LP tanks as opposed to oil tanks.

(Everyone speaking at once.)

MR. DELSANTO: I amend my motion to leave the note but allow LP tanks.

MR.SAUCIER: And, I'll second that.

THE CHAIR: We have a motion and a second to amend that the note will stay but they will be allowed to put these tanks in.

Any further discussion?

(No response)

(Motion passed unanimously on a voice vote.)

D. Request for Release of the \$31,200 Maintenance Bond covering Hawk's Nest Drive within the Bradley's Mountain

Estates Subdivision S #1193.

MS. HUGHES: This request is all set.

MR. SINCLAIR: Move to approve.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

E. Bond Reduction for Ten Acre Estates.

MS. HUGHES: I have a memorandum from Dick Sullivan saying: based on the work completed to date, the following bond requirements remain. For a bonding total of \$33,000.

ATTORNEY SCIOTA: What is it being reduced from?

MS. HUGHES: I don't know.

ATTORNEY SCIOTA: Reduced from the current amount to \$33,000.

MR. DELSANTO: So moved.

MR. TRANQUILLO: 130, roughly.

MR. CARMODY: Second.

THE CHAIR: Motion and a second for a reduction from the current amount to \$33,000.

Any discussion?

(No response)

(Motion passed unanimously on a voice vote.)

THE CHAIR: Anybody have anything they'd like to bring up this evening?

(Comments)

MS. HUGHES: I'd just like to let you guys know that I distributed to you so that the whole Commission has the list that I gave to the subdivision subcommittee and the

stuff that I gave to the zoning subcommittee.

(Upon motion made, seconded and passed unanimously the meeting was adjourned at 9:14 o'clock, p.m.)