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Planning & Zoning Commission  
February 21, 2006

SOUTHINGTON PLANNING AND ZONING COMMISSION  
Public Hearing  
February 21, 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 DeMello, John Carmody\*, Francis Kenefick, Noreen Laurinaitis and Michael DelSanto

Alternates: Robert Borkowski  
James Sinclair  
Brian Zaccagnino

Others: Mary Hughes, Town Planner, A. Alan Sheffy, Assistant Town Attorney, and Anthony Tranquillo, Town Engineer

(\*Arrived with meeting in progress.)

Absent: Patrick Saucier, Commissioner  
Richard Hart, Alternate

John Weichsel, Town Manager  
Mark Sciota, Town Attorney

A quorum was determined. Alternate Commissioner Robert Borkowski was seated for Commissioner John Carmody and Alternate Commissioner James Sinclair was seated for Commissioner Patrick Saucier for this evening's meeting.

The Pledge of Allegiance was recited by everyone in attendance.

(Summary Minutes - meeting recorded on tape, as well)

**ZAYA OSHANA, Chairman, presiding:**

Mr. DelSanto advised he was absent at the last meeting, but he did listen to the tapes and read the Minutes, as well.

Items for the Public Hearings this Evening:

A. Continued from February 7, 2006 public hearing - subdivision application of Don A. Florian proposing a resubdivision of property for purposes of creating 2 lots (Riverside Section II), property located at 143 & 145 Curtiss Street S #1137.2.

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

SEV BOVINO: Planner with Kratzert, Jones & Associates representing the applicant. The property is located at the corner of Riverside Court and Curtiss Street.

There's an existing two family on the property served by public water and sewer. We are eliminating the two family. We are reducing it to one family. Therefore, the lot line will be revised. The lot area requirement reduces to 12,000 each unit, so we are proposing to cut a building lot and propose a new home on the south side of the existing home.

I have the Town Planner's comments. They are very minor in nature. She's requesting I check the sight distance at the driveway. And, I think it's up to the Commission now.

Questions?

Ms. Hughes noted for Staff review, she has a couple of issues to bring up. I know Tony has completed his review, so he can address the Commission.

The ZBA has received a number of applications recently for homes that have been constructed on lots with a little bit of an unusual configuration where they go to get their certificate of zoning compliance and they're in violation of one or more of the setbacks. I'm going to request on this particular lot that the Commission stipulate there be an as-built of the foundation. That way, if there is there

is a problem, we'll know it when it can be corrected before the house is constructed.

The other issue is that because the existing dwelling is a two family, we're requesting the second kitchen in the house be removed and inspected by myself and Frank Vinci before the Mylar depicting this subdivision is filed.

Mr. Bovino said the applicant has no problem with those stipulations.

(Mr. Carmody joined the meeting.)

Mr. Tranquillo said his comments are fairly minor. The most important one is Zero Increase in Peak Runoff. How are they going to achieve that? Mr. Bovino said they are proposing underground drywell storage for it. It's pretty common we do that for single families.

Mr. Bovino noted they are removing a large structure on the property almost, so it's almost going to compensate itself.

Mr. Kenefick asked the size of the proposed house. Mr. Bovino said about 1200 to 1500 square foot.  
Discussion.

The Chair asked if the drywell satisfied his concern. Mr. Tranquillo responded they have to quantify but that's a good and appropriate solution.

Discussion about the foundation as-built being required by the Town Planner.

The Chair called for anybody speaking against the application.

Hearing none, he closed this particular public hearing.

B. Continued from February 7, 2006 public hearing - Special Permit Use Application of Sam's Food Stores proposing to construct multiple buildings on one site within a Business zone for purposes of establishing two office buildings with related infrastructure, property located at the rear of 438 Queen Street, SPU #415.

Ms. Hughes advised this public hearing was continued to

enable the Staff to complete its review. Sev has my comments. I know Tony had an opportunity to review it and he had some stuff he'd like to bring up. Mr. Tranquillo noted his comments are being typed now. There is nothing unusual there except for the turn around for the Highway Department trucks.

Old Spring Street is an old dead end road, cul de sac. I've asked the applicant to provide some form of turn around. It hasn't been worked out.

Additionally, there is some issues with the Town Council in terms of improving Old Spring Street. Those should be worked into the plan, also. Some statements.

I know the Council is asking for some assurances that when we do the improvement of Old Spring Street that this project is going to be a reality. So, we don't spend 250,000 on the street and then they pull the plug and don't do anything. Those are some of the major issues.

SEV BOVINO: We would like to have a decision on this so far as the public hearing issue which is more than one building on the site. We'd like a decision on that if the Commission would approve such a proposal.

The other issues are site plan related and we'd be glad to have all the notes that Tony wants. Right now, the Planner has requested that I would look into if this is a phased project and the answer is: yes. Two phase project.

They will move into the first building to be built and then the area would be constructed to provide parking and proper circulation. Then the rest of the project will be built based on they're going to look for people to lease the building, basically. Then they'll build that.

They will build the entire infrastructure insofar as sewer, water and drainage. Particularly the detention area because the Wetlands Commission approved this project and preventing any erosion or siltation, we're going to build that first as stipulated by the Wetlands Agency.

The others were questions on the type of building and I supplied Mary with a couple of sets of plans for the building. It's basically a glass building with bronze type of aluminum frame for the windows. And, the area in between

will be looking like windows, but it will be opaque in nature. This will be marble or some type of a real nice finish. That kind of look. Both buildings will be similar in nature.

The sight distance on the end of Old Spring Street, I checked it and its about 1000 feet either way.

There will be a dumpster on the site.

The parking requirements is based on office, alone. No mixed use on this property.

Discussion of access to the site from Queen Street.

Sight distances were discussed.

Mr. DeMello asked if the Price Chopper trucks would still be able to use that roadway. Mr. Bovino commented it is a public road and we can't stop them.  
Discussion.

Mr. Tranquillo noted the Town is going to pay for improving the roadway. The applicant is going to pay for water and sanitary sewers.

The road is going to be 24 feet wide. Discussion.

Exiting traffic was discussed and stated not to be a problem.

Mr. Tranquillo noted this road cannot be extended. It is basically a 24-foot, 800-foot long driveway to this site. In essence, Price Chopper has a curb cut on it, but that is fairly low volume traffic using the area.  
Discussion.

Ms. Hughes noted you can act on the SPU. There are outstanding site plan issues, but they've complied with the requirement to submit a preliminary plan depicting what they're proposing.

The Chair called for anyone speaking against the application.

ARTHUR CYR: 273 Queen Street. I was in between standing to

be in favor or against this. This is the kind of building that should have been in there a long time ago -- office building will bring better tax revenues than more retail on Queen Street.

My concern is and it wasn't until tonight I heard that the Town will spend \$250,000 to revive Old Spring Street. For all the years I've been in this Town that has been basically a gravel driveway that trucks occasionally park there.

We, as a Town are going to spend 250,000 so they can put these up. I realize it is Town property but it seems unfortunate that we as a Town have to spend the 250,000 to bring this back up to where it should be instead of the developer either paying for some or all of it.

My other concern is cars trying to make a left hand turn on to Queen Street from this site at the end of the workday. Very interesting. Because there is a curb cut into Price Chopper, is there any way to divert most of the traffic into that lot so the cars can exit at the light rather than forcing them to go on Old Spring Street because I'm going to guess the vast majority are headed for the highway. If that is so, you're talking about at least 50 left hand turns on to Queen Street at 4:30, 5:00 and 5:30. Trust me, I take left hand turns on to Queen Street all the time. It's suicide.

Something has to be looked at. Maybe it's a site plan issue, but we don't talk at site plan. We need to do what McDonald's did and throw all the traffic to come out at a traffic light and that works well.

Other than that, I think it's a nice looking concept.

Mr. Bovino responded it's a Council decision if they want to invest the money to bring these jobs into the Town and I believe the Town has the obligation to maintain their roadways and it hasn't been done for years. The money not spent over the last 30 years, will have to be spent now if they want this business.

As far as the traffic, it's a personal decision on the employee's part. They can turn into Price Chopper and I'm sure some will make that decision if they feel it's safer. Discussion.

Ms. Laurinaitis asked about a Traffic Study. Staff advised one is not necessary unless there's more than 75 trips generated. Trip generation will be checked.

Proper turning radius will be provided on the road to get trucks in and out.

The Chair closed this particular public hearing.

Ms. Hughes read the legal notices into the record for the next two items.

C. Petition of Roy Florian to Change the Zoning District boundaries from Industrial I-1 to business B for approximately 25 +/- acres located to the east of West Street and westerly of I-84 at the exit ramp, 1137 & 1145 West Street, ZC #527.

SEV BOVINO: Planner with Kratzert, Jones & Associates for the applicant. Submitted a booklet containing his entire presentation.

(Reviewed the booklet information.)

(Booklet is on file in the Town Planner's Office for review.)

Mr. Carmody expressed concern about the impact as it relates to this development, more of an overall picture; I have concerns over the continued prowess of commercial development of West Street as it relates to the viability of Queen Street.

Discussion.

Mr. Carmody asked the intended use. Mr. Bovino said it is going to be some office space, retail and potentially a hotel, which is already approved on the site. We want to include some retail.

Discussion.

ROGER TOLLES: 712 Spring Street. I think it's time for change.

The property has sat in industrial land and it just sat

there for 34 years. I think something needs to be done and I think it's a good time for change.

We have 20,000 to 25,000 cars a day go through there now. It seems to be increasing.

I'd like to throw a suggestion at your folks. Instead of the West Street Corridor, how about Gateway North. It has a much more appealing sound. You may look at that and capitalize on that.  
Discussion.

Yes, I'm in favor of it.

The Chair called for those speaking against the application.

Hearing none, he closed this public hearing.

D. Special Permit Use application of Anthony Bagliore proposing to reestablish a nonprofit dog rescue kennel facility within an existing garage structure, property located at 1191 Meriden Avenue, SPU #416.

ATTORNEY JONATHAN (Inaudible): I'm an attorney with Mastrianni and Seguljic, LLC at 128 East Street, Plainville, CT. Today, Mr. Bagliore would like the Commission to grant his application. It will be a dog rescue nonprofit organization.

The operation will take place out of Mr. Bagliore's garage, which will be soundproofed with full heat, air conditioning and proper ventilating system.

I think it's a great service and we ask the Commission to grant the application.

Mr. DeMello asked for an explanation about what the rescue is all about, how many dogs, et cetera.

ATTORNEY: The rescue would deal with dogs that are either abandoned or displaced and it would only be ten dogs at a time. If and when the dogs go outside, it would be only one at a time. Ten dogs, rotating as the applicant is able to find property placement, adoption of the dogs.

Discussion.

ATTORNEY: The property is enclosed in a fence. They're not going to be cooped up in a garage all day.

Ms. Hughes asked if it was ten dogs in total or ten dogs in addition to the three he's entitled to have licensed? Mr. Bagliore said it would be ten in addition. Thirteen dogs at the location.

Ms. Hughes further asked where the dogs are acquired from. Mr. Bagliore responded, dog pounds. We've taken some dogs right from Southington.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Discussion of the garage location. In particular, the yellow area on the map was pointed out and discussed.

The Chair clarified that the applicant said the garage is in the front, indentation. Or bump out?

TONY BAGLIORE: 1191 Meriden Avenue, Southington. The garage is a 20 x 20 building. The whole yard is completely fenced in. Six-foot stockade fence with deadbolt locks.

Mr. Carmody further asked if he had spoken with his neighbors about this. Mr. Bagliore said he spoke to the guy next door. There are not neighbors within 200 feet. We specifically bought this house for that reason. The neighbors are pretty far away.

Mr. DelSanto asked if he had done this before to which he responded he had. Mr. DelSanto asked how that went. The Attorney responded Mr. Bagliore had the same rescue operation in Plainville. In Plainville the houses are about 6 feet apart and he had one disagreement with one neighbor, which originally started over where Mr. Bagliore parked his truck. And, I think the Commission is looking at that confrontation to see really as a personality conflict, number one, and it is a big difference in that you have geography in this situation.

Mr. DelSanto asked if there were problems with the Health Department in Plainville. Mr. Bagliore said several items in the letter you are referring to are unfounded. We have

police reports to back that up, also.

Mr. Kenefick said he went by today and there is new construction going on in the back of this house? The Attorney said there's a lot back there but it is a good 200 feet back. If that was a problem, Mr. Bagliore could plant some type of ---

Mr. Bagliore interjected he has a berm across his property line, a 4 foot high berm and as soon as it gets warm enough, we'll plant 30 white pine trees that grow thick and dense. You can't hear noise, anyways, back there. But that would block out any noise.

Mr. Kenefick asked about the new subdivision approved, Vintage Estates. Does that go anywhere near this? Ms. Hughes said it did. Behind the lot under construction will be a portion of Vintage Estates. (Explained over the map at the bench.)

Ms. Laurinaitis asked what the average length of stay is for the dogs. Mr. Bagliore said they don't destroy dogs. They are completely no-kill. Some dogs will be placed within a couple of days. We're selective which dogs we take. If it doesn't get placed, the dog stays with us for the rest of his life.

Ms. Laurinaitis asked if this was a full time business. Mr. Bagliore said no, this is nonprofit. Ms. Laurinaitis asked who would care for the dogs while you're at your employment. Mr. Bagliore said he or his wife or volunteers. Explained.

Ms. Laurinaitis asked who is monitoring their care during the day. Mr. Bagliore said he or his wife. They go out at lunchtime. Explained.

Ms. Laurinaitis asked when they were outside. Mr. Bagliore said in the morning, afternoon and at night.

Ms. Laurinaitis asked about waste disposal. Mr. Bagliore said he and his wife do on a daily basis.

Mr. Carmody said he thought it was great the applicant takes care of the dogs. But we're just trying to determine if this is a situation where we allow this kind of use, operation, and it's harmonious with the present neighbors.

And, you'll be a good neighbor.

As to handling waste, in the letters we're looking at, that was one of the biggest problems. Mr. Bagliore stated many of those statements in those letters were unfounded and untrue. It all stemmed from one neighbor. Explained.

Those reports failed to mention we were building an addition in our backyard where there was groundwater and dirt that also had a smell to it.

Mr. Carmody pointed out the letters are from an animal control officer and the health department. Again, Mr. Bagliore said that one neighbor generated those reports by calling the health department. Extensive discussion.

Soundproofing of the garage was discussed. There will also be central air conditioning and ventilation.

This is an R-40 zone.

The Chair asked if he could present the documentation to prove the allegations were unfounded in the various letters and reports. Mr. Bagliore said he had copies of a police incident report. Reviewed the complaint. And, the favorable comments by the officer. Discussion as to why the applicant left the property in Plainville. The geography and the complaint with his neighbor were highlighted.

Discussion as to what would happen if this application doesn't work out in Southington.

The Attorney noted the applicant was involved in placing displaced animals down in Louisiana this past year. It's a passion for him to do this.

Mr. Zaccagnino discussed the memo from the Department of Health and Housing in Plainville. It doesn't sound like a complaint for unfounded issues raised by a neighbor. (Read the letter)

The Attorney pointed out Mr. Bagliore never had any dogs taken away from him. He was never told to cease his operation in Plainville.

Discussion.

Ms. Hughes explained the rules and regulations in Plainville regarding the number of dogs you can have.  
Discussion.

Further discussion of the points raised in the letter from Health and Housing in Plainville by Mr. Zaccagnino. Mr. Bagliore again stated all the complaints stemmed from one person.

Mr. Kenefick asked Mary to explain the regulations for dog kennels in Southington. Ms. Hughes said a kennel is defined as more than three dogs and there is no restriction on the zone it's located in. In this instance, because it is in a residential zone, and it abuts a residential zone, you're going to have to find that this use isn't going to be detrimental to the surrounding areas and be harmonious with the existing development and potential development in that area.

Mt. Sinclair asked the applicant: You stated all these issues were started by one neighbor. I'm confused. According to the police report you gave us, this was started by someone who went to adopt a dog and she was concerned about the way you were treating them? Mr. Bagliore said not. That was because we wouldn't bring her inside the kennel as it's against insurance regulations.  
Discussion.

Mr. Sinclair pointed out that according to the report, did you tell Officer Gates that you removed it once a week, if you had time, regarding the dog waste? Mr. Bagliore denied that comment. There are several things in the report that are untrue.  
Discussion.

Mr. Bagliore finally commented, we run a very clean operation.  
Believe me.  
Explained.

The Chair asked for anyone speaking against the application.

PETER WEISS: 741 Savage Street. I am here to submit a petition signed by anybody who is pretty much in close

proximity to the dog kennel. (Submitted)

There is 35 names on the list and 26 children that reside within that area.

Three concerns:

- Safety A lot of the dogs are not child friendly.  
Explained safety issues.

- Noise Dogs bark and the sound carries.

- Odor Him not cleaning up the feces in a timely manner.

We think it's an honorable thing that he's doing, but we don't feel it's the right location.

Thank you.

ATTORNEY THOMAS JURGELWICZ: Farmington, CT. 25 New Britain Avenue. I represent B & F Building Contractors, owners of the lot directly behind the property in question. They're building a house there.

They have many concerns about the business they're going to do on this property in front of them and they're vehemently against it. I'd like to present some pictures showing the site and the property. These were taken on the 19th of February and they accurately represent what was there on the 19th and what is there today.

Explained the pictures as he passed them around.

He's wanting to put these dogs in an ordinary house that was built in 1960, in the two-car garage. My clients as a general statement they don't believe --- this is an R-40 zone. They're trying to build a single-family house there to sell it to a single family as in harmony with the houses right behind them. This use would not blend in with that use. It would not be in harmony with the way the neighborhood is being developed and would discourage development by my client of building his house.  
Discussion.

Attorney Jurgelwicz questioned the sturdiness of the fence, with the cracks and the gaps.

One issue is the aesthetics. Just look at the fence itself, if that's an example of how he's going to operate there, what things are going to look like and how is he going to operate the kennel part of it. He indicates he's going to have ten kennels within the garage. His site plan is devoid of any detail.

Explained.

There is more like only 100 feet between houses and not like the 200 he's stating.

Explained.

He claims he's going to put shrubbery up, but we don't have no landscape architect, no plans of the type of plants that would go in there. I would think with this operation, you would want a buffer area between the front house and my client, being the back house. There is no buffer. He's right on the property line. The fence is built only about 8 feet off the property line.

Discussion.

The garage inside, we don't know anything about the bedding facilities, the cleaning, the bathing facilities. What type of medical care the dogs are going to get. He's very sketchy on the cleaning procedures.

Explained.

It's sketchy as to who is going to be there watching the dogs when they're working.

Explained.

The noise factor. The exercising of the dogs. What risk is that to the children in the area? What liability will you the Town take on by allowing this activity to go on? I viewed the property at 181 Tomlinson Avenue, Plainville, CT. And, the condition of that property makes me no more optimistic that he'll carry on a proper kennel here.

Kennels aren't meant to keep dogs there a lifetime. I don't think beyond the three dogs you're allowed to have, the other ten dogs should not be there forever. That's what kennels are.

We have heard nothing about medical care.

Explained.

There is a subdivision right behind my clients' house of newer houses built in there. A family subdivision probably with young professional people there. Many families with young children. Any dogs escaping or any risks, they would be exposed to those risks. The way this person --- see the building of the fence as I've shown, does not make me optimistic that those children will be protected from the risks that a dog could impose. A dog that has been mistreated. A dog that wasn't been properly taken care of is probably a dog that is a greater risk to a community than a dog that's been nurtured since he was a puppy with a proper family. Do you want to take on the safety problems at this point? Do you have enough information to take on that kind of problem based on the presentation given here?

It's our option that the site plan is deficient. Improvements made so far are of poor quality. And, he's had a questionable past operation in another Town. Based on that, it appears that probably an inferior operation would take place and would negligently affect the value and safety of the abutting property owners and thus we ask you to deny this request for the special permit.

Thank you.

JANET ZYGMUNT: 693 Savage Street. The back of my property is right up against the back of his property. We're the corner lot.

My concern is with the children in the neighborhood. In the immediate area there are about 18 young children. The dogs that were listed at the Best Friends For Life Animal Rescue -- the dominant breed being Doberman pinscher. Chow Chow. Pit bull terrier. Black Lab. Pit bull terrier, boxer mastiff, Pit bull terrier, lab, pit bull terrier, Llasa and beagle. Nine of these ten dogs specify no small children.

Not only do we have only small children in the area, we have Mountain Grove on Savage Street, which is a recreational area for children.  
Explained.

Our concern is the safety. We do have wildlife in the area, deer, turkey. They get scent of these and nothing is going to stop them from breaking through a hole in the fence.  
Explained.

We don't have fences around our yards and there is nothing to protect us from these dogs.  
Explained.

We are talking about dogs who are not brought up in that household, were not brought up in that neighborhood and it's not their home and their area and it doesn't belong in this residential neighborhood. It just doesn't fit in with the neighbors that we have here. Young families and young children.

It's a quiet area and I do hear muffled sounds. Explained a row of pine trees is not going to muffle 13 dogs.

I can't see you can take out 13 dogs, properly run them, let them have air and sunshine. Picking up after them properly. It's tough enough to pick up with one dog. It would be a full time job for two people to handle these dogs.

I am opposed to it along with a lot of other neighbors who have signed the petition. It is a noble effort but it doesn't belong in this neighborhood.

Thank you.

DEBORAH LONGLEY: 625 Savage Street. Actually very close to this property. They're behind us.

My husband and I and my children are one of the young families we are talking about here tonight. I have three children 5 and under.

Our first concern is the safety. Explained.

This is not the place for this type of rescue center.

We're very concerned about the dogs barking, howling, et cetera. I understand it will be air conditioned and soundproofed, but we know dogs have to go outside. I am not convinced that any of these lines of trees, what have you that will provide sound barriers are actually going to do that.

Another big issue is the sanitation issue. We have to explore the problems he had in Plainville in terms of

sanitation, barking, et cetera, we have to look at that before we have something like that placed in Southington. We do not want to experience the smell and odor associated with a dog kennel right in the backyard. Especially, in the summer, in terms of humidity and heat.

Another issue is where is the animal refuse going to be disposed of? Where and how is that to be taken care of?

Submitted article from the New Britain Herald, January 6, 2006 and it makes it sound as if this garage with all of its specifications is in operation already and just awaiting approval from the Town of Southington. We have a report from the Southington Animal Control Officer regarding a recent call for barking dogs. It was uncovered he has three of his own dogs and possibly six to eight more dogs already on this property. Is this already in operation without permission? That's another one of our concerns.

This is a residential area and the rescue facility would not be in harmony with the existing residential area.

Thank you.

ED REINHARD: 390 South End Road. I'm here representing Vintage Estates. Recently approved 21-lot subdivision, which is about 500 feet to the north of the subject property.

Without repeating everything that's been said, I'm just here trying to protect the 21 future families, including unknown number of children, that'll be living in that neighborhood.

I just wanted to add my opposition, on record, to this..

LORRIE FILLIONE: Builder. My husband and I. I had lived in Southington for 15 years. We frame for many of the builders in Town. And, it's a very easy Town to sell.

This is going to make it very hard for me to sell. I don't know if this becomes your problem, my problem, but I don't have a problem selling Southington and this is going to make it very hard for me.

I am concerned about the dogs --- I went there Sunday --- they have a door going out the garage. Explained. The barking was unbelievable there. We are right there.

That big pile of dirt just put in the back there --- I don't know what they're doing here and they don't seem to explain.

I believe that this is already in operation and they're just waiting. Who checks this out in the Town? Is there a permit for the fence?

Ms. Hughes responded there does not need to be a permit for the fence. Her office will be checking out whether or not this kennel is operational.  
Discussion.

The security of the fence, I could pull that fence over myself, locks or no locks.  
Explained.

I don't see any need for this in this area really at all.  
Discussion.

I would be willing to work with anything as long as it was safe and quiet. That's fine. It's not safe. Nothing pretty about it and it doesn't look like a lot of stuff is going to be done. It seems like it's already there.

ARTHUR CYR: 273 Queen Street. This not one of those NIMBY deals. This is going to be one of those Not in my Town deals.

We do have a nice quality of life in this Town. And, it's mostly your job to protect our quality of life.

Explained the problems with barking dogs as it pertains to his condominium and the neighboring condominium for the past 16 years.

This is not a good plan. You don't get answers regarding supervision, et cetera, during the day.

Quality of life and safety of the children in this Town should be our utmost concern and not whether somebody's

doing a good deed.

Thank you.

ROBERT BOTELHO: 144 Meriden Avenue. Less than 300 feet from said kennel. If you want to come to my house at 6:00 am and listen to the dogs, they're already out of control.

Number two; I'm a mason contractor. I build kennels. They're done with 8" 12" block, concrete floors, hoses, grates. This is a fly by night operation.

He has been reprimanded by the Town of Plainville, the Police Department, the Police Chief and the Animal Control Officer, plus Public Health.

I think if the Town tries to do this, I will do anything in my power to sue. I've been there 25 years. A ton of traffic on that road. I'm not going to put up with 10 dogs. Two dogs to me is plenty. I believe he has four dogs there now. They're not nice dogs. They're vicious dogs. The whole thing is totally absurd to me. To put a kennel in a residential area.

Discussion.

That's all I have to say. I am not very happy at all about this.

Mr. Carmody asked how this one differs from the kennels he puts up. The Speaker said this isn't a kennel. It's a garage and he soundproofed it. That's it. With a concrete floor. Kennels are done with 8 inch, 12-inch block, concrete floors, grates, hoses all around to clean up. This isn't a kennel. It's nowhere near a kennel. It's a residential doghouse.

Thank you.

WARREN REIS: 643 Savage Street. I am directly to the right and behind this gentleman. To answer whether he's operating a kennel or not, I took the time to get a copy of the police report, a complaint placed this couple. The police showed up and questioned them about the dogs. They stated they have 3 that are ours and we have 8 others as we plan to run a rescue operation. So, yes, it's already underway.

Unless they want to say that the police officers here, as well, lied.

Explained why he chose this area to purchase his home for his family. It's a place where he would love to raise his children. They play with my neighbors all the time. It's a beautiful community.

Had I known a kennel was even being considered at this place, there's no way I would have bought this house. This is not what I want for my children.

They have no regard for regulations if they already have 11 dogs on this property. I have to assume at this time it does not have the proper ventilation or the proper facilities to maintain the cleanliness needed to have this many dogs here.

I am one of many who oppose this operation and I hope that you will agree with all the neighbors and vote this down.

Ms. Hughes noted a letter received in opposition.

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

(Read letter which is on file in the Town Planner's Office from Matthew J. Richardson.)

The Chair asked for rebuttal.

(No response)

Attorney Sheffy added that if the kennel is in operation at the present time, the Town Attorney's Office will look into issuing a cease and desist and take whatever action is appropriate.

Mr. Carmody asked Mr. Bagliore if he had 11 dogs there right now. Mr. Bagliore said there are not 11 dogs there right now. There is more than 3, but not 11.

The Chair asked if he was running a rescue at this point. Mr. Bagliore said, yes, we have a rescue.

The Chair, hearing no further comment, closed this public hearing.

(Whereupon, the public hearing was adjourned at 8:40 o'clock, p.m.)

SOUTHINGTON PLANNING AND ZONING Commission  
REGULAR MEETING  
February 21, 2006  
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Southington Planning & Zoning Commission to order at 8:40 pm with the following members in attendance:

John DeMello, John Carmody, Francis Kenefick, Noreen Laurinaitis and Michael DelSanto

Alternates: Robert Borkowski  
James Sinclair  
Brian Zaccagnino

Others: Mary Hughes, Town Planner, A. Alan Sheffy, Assistant Town Attorney, and Anthony Tranquillo, Town Engineer

Absent: Patrick Saucier, Commissioner  
Richard Hart, Alternate

John Weichsel, Town Manager  
Mark Sciota, Town Attorney

A quorum was determined. Alternate Commissioner James Sinclair was seated for Commissioner Patrick Saucier for this evening's meeting.

(Verbatim Minutes - meeting recorded on tape, as well)

**ZAYA OSHANA, Chairman, presiding:**

Approval of Minutes - a) Plan of Development Workshop Meeting of January 26, 2006:

MR. CARMODY: Move to approve.

MR. DEMELLO: Second.

(Motion passed 4 to 0 to 3 abstentions with Mr. DelSanto, Mr. Sinclair and Mr. Kenefick abstaining.)

MR. DELSANTO: Mr. Chairman, once again for the record, I did listen to the tapes of the meeting.

b) Regular meeting of February 7, 2006

MR. DEMELLO: Move to approve.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

UNFINISHED BUSINESS:

A. Continued from February 7, 2006 public hearing - subdivision application of Don A. Florian proposing a resubdivision of property for purposes of creating 2 lots (Riverside Section II), property located at 143 & 145 Curtiss Street S #1137.2.

MS. HUGHES: I'm ready for action this evening. I don't know if Tony would prefer it be tabled until he has an opportunity to review the ZIRO?

MR. TRANQUILLO: There is still some minor issues that are unresolved. It can wait.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

B. Continued from February 7, 2006 public hearing - Special Permit Use Application of Sam's Food Stores proposing to construct multiple buildings on one site within a Business zone for purposes of establishing two office buildings with related infrastructure, property located at the rear of 438 Queen Street, SPU #415.

MS. HUGHES: From a special permit aspect, I think this is ready for action. From a site plan standpoint, which we'll have to deal with later on, we --

MR. DELSANTO: Move to approve this application.

MS. LAURINAITIS: I'll second.

THE CHAIR: Motion and a second. Is there any discussion?

Mr. Kenefick?

MR. KENEFICK: Tony, the building of the road has nothing to do with this until they come for site plan, right?

MR. TRANQUILLO: That's correct. It's part of the site plan issues.

MR. KENEFICK: This, we are just approving two buildings on one lot?

MR. TRANQUILLO: That's correct.

THE CHAIR: All right. We have a motion and a second. Mary, would you call the roll?

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

C. Petition of Roy Florian to Change the Zoning District boundaries from Industrial I-1 to business B for approximately 25 +/- acres located to the east of West Street and westerly of I-84 at the exit ramp, 1137 & 1145 West Street, ZC #527.

MS. HUGHES: This is the subject of a public hearing earlier this evening. I don't know if the Commission wants to --

MR. DELSANTO: Mr. Chairman, I need to recuse myself from voting on this at this time.

THE CHAIR: I'll seat Commissioner Borkowski.

MR. CARMODY: I was going to say; I'd be making a motion to table. We just took a lot of information in. It's a significant piece of property and a significant application. We should take some time to look over the information we took.

MS.LAURINAITIS: I'll second that.

THE CHAIR: Motion to table and a second. There's no discussion.

(Motion passed on a majority voice vote with Mr. Kenefick being opposed.)

THE CHAIR: Commissioner DelSanto is reseated.

D. Special Permit Use application of Anthony Bagliore proposing to reestablish a nonprofit dog rescue kennel facility within an existing garage structure, property located at 1191 Meriden Avenue, SPU #416.

MS. HUGHES: Again, this was the subject of a public hearing earlier this evening. I don't know if the Commission is ready to take action on this, or not.

MR. DELSANTO: I'd like to make --- go ahead.

MR. KENEFICK: I'd just like to say that I'm going to make a motion for disapproval of this.

MR. DELSANTO: Second.

MR. KENEFICK: This is the worst application I've seen in the last 12 years, I think. It does not fit. I'm just going to cut it short and say it does not fit the character and development of the area.

MR. DELSANTO: Second.

THE CHAIR: Any discussion?

MR. CARMODY: I was going to say I'd like to get out there and see it, but you know what? Fran saw it. Judging by the fact that he's not even here any more ---

(Laughter)

What I was going to say is, you know, there needs to be some more detail, some more, he's got to be accountable for more. We heard a lot of negative stuff from some authorities in another Town and actually from our own Town and I thought he had to be more representative of that and he wasn't. And, he's not here now.

So, I actually, I don't feel uncomfortable voting on this now.

MR. DELSANTO: Running a kennel or a shelter or a rescue center, it's important business. It's big business. I've seen documentaries on it. I've seen, I've been to kennels. I'm a dog lover.

Unfortunately, this man's reputation precedes him. We've seen the letters where he tried to run this operation in a different Town. You know. Bad stuff. Bad stuff.

MR. BORKOWSKI: I just think regardless of his reputation, there's still, it's still an issue regardless of who is running it. The area is not good for it.

MS. LAURINAITIS: Yes, I would agree with that. Thirteen dogs is going to be a public health issue and the fact that they're rescue dogs means that they could potentially be very aggressive and there are a lot of children in the area.

MR. DEMELLO: Mr. Chairman, like the gentleman said who builds or has built kennels, I mean, even taking a look at the one, our kennel here with the Dog Warden on Woodruff Street, that is not a proper kennel to be established here.

You know, the gentleman wants to do a good deed. It's just not the right place to do it.

MR. CARMODY: Well, we've allowed some kennels in residential neighborhoods. Let's not ---

MR. DEMELLO: Oh, no, no, no, I'm not saying that.

MR. CARMODY: The thing is, you've really got to dot your "I's" and cross your "T's" to make it a harmonious existence with your neighbors and I didn't catch ---

MS. HUGHES: The kennel you approved is not harmonious with the neighbors. It's ---

MR. CARMODY: You might argue, you might make that argument, but we are not talking about that one tonight. We're talking about this one. And, I didn't catch any wind of that being, those details being paid attention to and I'm uncomfortable with it.

MR. DEMELLO: But what I was saying, you know, as far as the letters and the correspondence that we got, this is the first time, like Fran said, this is a terrible application.

MR. ZACCAGNINO: You've got the Registered Sanitarian saying this guy is just a disaster. There's no reason to have it here.

THE CHAIR: I think it's pretty clear that this application, if you've seen the area, if you've seen the pictures, if you've seen the operation, it's a problem. I think the Town Attorney needs to take a look at the police report, which claims that there are eight dogs on the facility now.

MS. HUGHES: Well, Frank and I will have to go out there and do an inspection and then issue us a cease and desist.

MR. DELSANTO: Bring a steak!

MS. HUGHES: I'm bringing Frank. I don't need a steak.

THE CHAIR: And, I'm going to guess since there was no rebuttal, there's no real need to follow up.

I think we have a motion and a second. Mary, would you call the roll?

MS. HUGHES: Sure. This is a motion to disapprove.

MR. KENEFICK: Deny.

MS. HUGHES: Deny. Well, you said disapprove. So, now you're changing it.

MR. CARMODY: You threw us off there a little, Fran.

MR. DELSANTO: Fancy.

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

THE CHAIR: Motion to deny passes 7 to 0.

(Applause, applause)

E. Subdivision application of Waller Construction Company proposing to subdivide property for purposes of creating 31 lots in an R-20/25 zone (Laurelwood Estates) property located off Winding Ridge and Mount Vernon Road, S #1221.2.

MS. HUGHES: They have received Conservation Commission approval, however, we've just gotten a revised set of plans that we need to review, so we're going to request that this be tabled.

THE CHAIR: Mr. Kenefick?

MR. KENEFICK: Before we table this application, you have a set of prints?

MS. HUGHES: No, I don't think Jane brought them out.

MR. KENEFICK: Have you looked at them?

MS. HUGHES: I haven't looked at the revised plans, yet.

MR. KENEFICK: Is the road that goes on to Mount Vernon Road in Phase I?

MS. HUGHES: It should be. We've conveyed that to the applicant. If it's not, we'll double-check that.

MR. KENEFICK: Tony?

MR. TRANQUILLO: One of the comments on my checklist was it was to be included in the bond for Phase I. So, even if it doesn't show in Phase I, we're going to hold the bond for it.

We'll make sure it shows in this Phase I.

MR. KENEFICK: I don't know how the rest of you feel, but I feel very strongly that this road should be definitely in Phase I. If it's not, I'm not going along with this.

MR. CARMODY: I think --- I agree with you. I think it was Commissioner Oshana that made the suggestion from the get-go that this be, this road, this connection be part of Phase I. I don't know if we had a different Commission then and we might have ---

MS. HUGHES: No. We've conveyed that to the applicant's agents.

MR. CARMODY: Okay.

MS. HUGHES: On numerous occasions.

MR. KENEFICK: As long as they know.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

F. Site Plan Application of Sam's Food Stores proposing to construct two office buildings totaling 32,368 square feet and related infrastructure with associated filling of the floodplain area within a Business zone, property located to the rear of 438 Queen Street SPR #1425 & FF #192.

MS. HUGHES: This application needs to be tabled so the Staff comments can be addressed.

MR. CARMODY: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

G. Site Plan Application of Leone Realty & Development proposing to construct a 12,000 square foot mechanical services building, accessory building and parking area,

property located at 360 Captain Lewis Drive SPR #1426.

MS. HUGHES: This application is related to an application that's been scheduled for a public hearing, so it needs to be tabled.

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

H. Subdivision Application of Westridge Development Corporation proposing to resubdivide property for purposes of creating 2 lots (Westridge Development) property located at 267 Flanders Street, S #559.2.

(Already scheduled for March 7, 2006 public hearing.)

I. Special Permit Use Application of Leone Realty & Development LLC proposing to construct two (2) buildings on one parcel within an I-1 zone, property located at 360 Captain Lewis Drive SPU #418.

(Already scheduled for March 7, 2006 public hearing.)

AND

J. Special Permit Use of Doug & Marshal Mitchell proposing to establish a private stable to permit up to 8 aging horses requiring special care for nonprofit purposes to be housed in the existing barn facility, property located at 214 Pratt Street SPU #417

(Already scheduled for March 7, 2006 public hearing.)

THE CHAIR: Items H, I and J are scheduled for public hearing on Tuesday, March 7th, 2006.

Items to schedule for Public Hearing March 21st or April 4, 2006

A. Subdivision Application of Jeffrey & Allison Wight proposing to resubdivide property for purposes of creating 11 lots (Fox Hollow, Section II) property located at 157-167 Rahlene Drive, S #986.3.

B. Special Permit Use Application of paradise Developers, LLC proposing to construct a parent/grandparent apartment addition to an existing single family dwelling, property located at 260 Pacer Lane SPU #419.

C. Special Permit Use Application of Richard M. O'Neil for the construction and operation of a riding academy facility, property located at 776 Mount Vernon Road, SPU #420.

MS. HUGHES: We have had a request that Item B, which is the in-law apartment, be added to the March 7th public hearing schedule to accommodate a family. Neither one of those public hearings, I think, are going to take a great deal of your time.

And, the other two, I would suggest be on the 21st of March.

THE CHAIR: So, we would put Item B, scheduled for March 7th and we would take A and C for the March 21st meeting. To be scheduled.

#### MISCELLANEOUS

A. Request for Approval in Accordance with Section 8-24 of the State Statutes from Mr. James LaRosa for a driveway easement over a small portion of Town open space within the Cider Mills Subdivision located off Pleasant Street, Referral #401.

MS. HUGHES: Mark had checked after our last meeting and diminishing the size of the open space would in fact, this actual proposal would in fact require resubdivision.

So, Tony had proposed an equal swap of property. Mr. Bovino is here and I want you to tell him exactly what you want on the map, Tony.

MR. TRANQUILLO: Me?

MS. HUGHES: Yes.

MR. TRANQUILLO: Did I talk to you? I suggested deeding a small piece of property on the west side of the open space in the back, an equal exchange for the property that Mr. LaRosa needs.

MS. HUGHES: Was there anything else you wanted?

MR. TRANQUILLO: No. That's it.

MS. HUGHES: Okay.

THE CHAIR: So, if Mr. LaRosa deeds that over, this is acceptable. So, if we were to have a motion for ---

MS. HUGHES: We're just going to table it until we get that map.

MR. DELSANTO: Move to table.

UNIDENTIFIABLE: Quick question.

MR. DELSANTO: I take my table away.

Do you have something to say?

MR. CARMODY: No, I was just wondering what that all entails? Just like swap! A swap.

MR. DELSANTOS: Like the Indians.

MR. TRANQUILLO: Four hundred square feet to us and four hundred square feet to him. Everything stays even.

MR. CARMODY: Even Steven. Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

B. Request for Approval in Accordance with Section 8-24 of the State Statutes for a bond ordinance to allow installation of school access sidewalks on Pleasant Street and Woodruff Street, Referral #402.

MS. HUGHES: I am sure you are all aware that the Town of Southington is pursuing putting sidewalks in on gap locations on Pleasant and Woodruff.

MR. DELSANTO: Send back a favorable 8=24 to the Town Council.

MR. CARMODY: Absolutely. Second.

THE CHAIR: We have a motion and a second. I think it's an obvious thing for us to do.

MR. DELSANTO: Zaya, how do you feel about it?

THE CHAIR: I feel very strongly about this.

(Chuckles)

We have more coming. We have a motion and a second. Any discussion?

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

C. Request of Attorney Leanne Kennedy for discussion of release of the \$30,000 E & S Bond for the Orchard Estates Subdivision, property located at 122101137 Flanders Road, S #1216.

(Pause)

ATTORNEY KENNEDY: Do you want me to go ahead, Mary? I was waiting for you to put in your two cents.

MS. HUGHES: No. I mean, you can make your request, but Mark, I spoke to Attorney Sheffy already today because Mark has been part of the established policy, we're going to have to table this anyway this evening so that he can participate in the discussion.

ATTORNEY KENNEDY: Okay. For the record, Mr. Chairman and members of the Commission, LeAnne Kennedy. I'm an attorney with offices at 133 Main Street here in Southington. And, I'm here on behalf of Orchard Estates requesting the release of their E & S Bond.

Essentially, this was a subdivision, an eight-lot subdivision off Flanders Road that was approved in '04. And, since the subdivision all of the eight lots have been transferred out. And, one house has been built. A CO was issued in December of '05.

It has been represented to my client and one of the owners to our office that the other seven owners will not be developing this property. One owner purchased three lots. He lives at 1407, I believe, Flanders Street, in an adjacent A-frame house and he bought three lots so he knows nobody's going to build next to him, essentially.

So, that leaves my client, well, is my bond going to sit with the Town indefinitely? You know, what's going to happen with that? Certainly the Statutes when they reference E & S bond or E & S Control Plans, they don't say anything about a bond. 8-25, which deals with the subdivision of land, requires that the Town have a provision for soil erosion and sediment control pursuant to 22a-329.

And, 22a-329 simply requires a plan. A plan that includes a narrative and a plan that includes a map showing the means to be used in that control plan.

There is no language in the Statute requiring a bond. The only language in 8-25 governing subdivisions that relates to a bond is a bond that the municipality should request for public improvements. But certainly public improvements are something separate and distinct from soil erosion and sediment control.

Essentially, the policy or the legislative finding behind 22a-329 and the Statutes in the Act itself, basically went to reducing the dangers that are involved with developing land and having storm water runoff, moving sediment and whatnot, due to erosion.

And, it all stems from land being developed. In this case, the land is not going to be developed. What our client would like to propose to the Board, is to protect against what a control plan does, is have a stipulation put on that whenever an individual goes to pull a building permit on one of those lots, that they would then be required to post some type of E & S bond to insure the proper controls when

they develop the site.

You know, if you look at the Statutes, it seems reasonable and logical to interpret the policy behind them to require a bond to be posted at the time of an application for a building permit.

And, actually, Wolcott is a Town that actually has that plan in place. And, our office was told today by the Town Planner there that they don't require an E & S bond except for at the time of an application for a building permit.

So, there are some Towns, surrounding Towns no less, that do have that practice.

The other thing I want to point out is in our subdivision regulations, under 5-07.3, where it talks about a plan for erosion and sedimentation control, it says: unless waived by the Commission.

So, here we are, and essentially, I would assert that you do have the power to waive a bond in this case. Maybe this is coming too late, but I don't think it's ever too late to put the right policy in place, at least with this particular subdivision and one thing you can perhaps do is review these things on a case by case basis if you're worried that now we are shifting the burden to purchasers of these lots where when they buy a lot from a developer, they're hoping that the subdivision is all done and all they have to do is get their building permit.

Maybe in order to protect that purchaser, you have a case-by-case review and certainly, in this case, with the seven owners that are basically going to sit on their properties, you know, there's 30,000 that's going to sit with the Town.

What're you going to do when the subdivision approval expires in five years? Are you going to put silt fencing, randomly? I don't know. I mean, certainly, that's designed, once you have the site plan for a particular lot, so if there's no plan for construction, I'm not sure how the plan can be implemented.

So, on that basis, we are requesting the release of that bond. Like I said, certainly one lot the CO was issued, so obviously, the proper controls were in place at the time

that that house was constructed.

I don't have anything further. I understand Staff's position with Attorney Sciota not being present and ---

MS. HUGHES: In a nutshell, the Town's tried it before and it hasn't worked. So, I'll let Mark weigh in on the problems that they've had in the past with trying to --- we offered in the course of conversation to have the bond replaced by the current owners. That they could draw down against that and they opted not to do that.

So, I will wait until Mark gets back in a couple of weeks and we can follow up then.

MR. KENEFICK: This is better than buying open space.

THE CHAIR: Any questions?

MR. CARMODY: So, let me --- the way I understand it, they have lots that may never get built on. But the bond was for the whole subdivision and it can't be released until it's complete. But it may never be complete.

MS. HUGHES: Well, I mean, if there's public improvements that aren't done in five years, then the subdivision, if it isn't extended, will be voided.

MR. CARMODY: What does that mean?

ATTORNEY KENNEDY: I believe the public improvements were done.

MR. CARMODY: What does that mean, voided?

MR. TRANQUILLO: Under a normal scenario, the subdivision, or the E & S bond is for the subdivision. The entire subdivision. And, there are usually public improvements. Roads, sewers, storm drainage, et cetera.

Now, theoretically, the subdivider could build the public improvements, get everything stabilized and run away for 50 years. Not build any houses.

In reality, that never happens. No one has the wherewithal to hold lots for even a minimal amount of time because taxes keep running.

So, ordinarily, you don't run into this problem because the subdivider builds the road and he's building the houses at the same time. And, at some point in the near future, the bond, the E & S bond gets released.

This is kind of a unique situation where there are no public improvements or almost no public improvements, but those have been finished. Now people have bought the lots that just want to speculate. They want to sit on them.

So, the guy that's created the subdivision, it really is not fair to him to hold his \$30,000 when he's done, he's basically finished. Now, the people who're going to come in later, whether it's a year or ten years from now, they should be the ones that put up the bond to guarantee E & S.

MS. HUGHES: Which is what we suggested they do at the closings, Tony, and they opted not to.

MR. TRANQUILLO: Which, as a matter of fact, we've been doing that under these circumstances, administratively over the last five to eight to ten years.

But Mark says that that doesn't work any longer, so I think you have to wait and find out Mark's opinion is when he gets back.

MS. HUGHES: No. He has no objection to the current owners giving us replacement bonding at the time of the closing.

MR. TRANQUILLO: I'm talking about waiting until the building permit is applied for.

MS. HUGHES: Because we had some problems with lots that were never going to get built.

MR. TRANQUILLO: Right.

MR. CARMODY: What happens in five years, though?

MS. HUGHES: Well, they've completed the public improvements. If the Engineering Department has approved the public improvements, then the lots exist so there wouldn't be any voiding of the subdivision.

ATTORNEY KENNEDY: But perhaps he's asking when would you

call the E & S bond?

MR.CARMODY: Yah.

MS. HUGHES: If you have an erosion problem.

MR. TRANQUILLO: Why, why would you call it?

I guess that's the question.

If the area is stabilized and there's no activity occurring, why would you call it? Why would you hold it?

ATTORNEY KENNEDY: The public improvement bond was released. I believe, November 19, '04.

MR. CARMODY: Well, we'll just wait for Mark. Okay. Thanks.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

D. Request for Release of the \$2,000 E & S bond for the Farmington Savings Bank Site Plan, 17 Center Place, SPR #1379.

MS. HUGHES: It's ready for release.

MR. CARMODY: So moved.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

E. Discussion regarding sidewalks as it pertains to reconstruction Mount Vernon Road.

MR. TRANQUILLO: I have to report to you that at the last Council meeting, we had a discussion, a rather lengthy

discussion at the table and I had recommended at that time that the Council take it's time making a decision.

But then they went ahead and they asked a very direct question of me. They said: In your opinion, should these sidewalks be waived, eliminated? And, I said: From an engineering standpoint, yes, I strongly recommend that they be eliminated.

At which point they immediately voted before I could even suggest that they hold off --- it was my fault --- and they went ahead and voted to waive.

THE CHAIR: What was the vote?

MR. TRANQUILLO: Nine to nothing.

THE CHAIR: Was there any discussion of safety during the --  
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MR. TRANQUILLO: Yes, there was. There was quite a bit of discussion about safety. And, I think the turning point and again I have to take responsibility for this were my comments that regardless of the safety aspect, it was my engineering opinion that they should be waived without even in the back of my mind, I didn't realize that you folks hadn't acted, yet.

So, I apologize for that kind of flaw in the procedure. If I'd realized what we were doing, I would've strongly recommended that they wait another two weeks to make their decision. But evidently, at that point, they must've felt fairly comfortable that they wanted to go ahead and listen to myself and Cardinal Engineering and waive the sidewalks.

So, I have to apologize to this Board. It was my fault for not realizing what was going on at the time.

MR. CARMODY: I guess my only question is what are we supposed --- we're not, what's our involvement now?

MS. HUGHES: There will be a 9-24 referral at some point, wouldn't there be, Tony?

MR. TRANQUILLO: Yes. There will be an 8-24 referral at some point and if you feel strongly enough you could recommend at that time that they install sidewalks.

THE CHAIR: And, then they'll review that and decide whether their initial vote was incorrect?

MR. TRANQUILLO: Well, as I indicated to you at the last meeting, your opinion is advisory. Even if you recommended that they put sidewalks in, they could kind of override that recommendation with a 6 to 3 vote. So, if their opinion was strongly that they should be eliminated, your decision would only be advisory to them.

THE CHAIR: Mr. Kenefick?

MR. KENEFICK: I'd just like to go on record that I'm opposed to the Town Council's decision. And, I don't like the way they do things to be honest with you. They should have waited for our vote. And, they should have enough sense, there's a lot of smart people on that Council and they should have known that we had to approve this, first.

But getting back to the safety issues, on the first part of Mt. Vernon Road, we all voted, I think, unanimous that we would install sidewalks and they made us look like a bunch of fools and waived it.

But that was a different situation. That was most R-80. We're talking about R=20/25. Heavily, heavily traveled road. A lot of people take that road to get away from West Street or Queen Street or whatever. I mean, it goes the whole length of Southington.

I definitely think that there is going to be a problem on that road and somebody's going to get hurt and they can thank the nine people on the Council for voting to waive the sidewalks when that happens. I just want to go on record and say that.

THE CHAIR: I'd like to join you. I think this Commission has spent an awful lot of time and the last Commission, an awful lot of time to try to put sidewalks in this Town where it's appropriate and we focused really heavily on public safety. We're looking at an area, a very busy road. I personally travel it quite often. Come around those corners, you come on that street, and there are people walking, running, pushing their babies in baby carriages and it just seems like an obvious situation where you're doing some road construction now to put that in.

Understanding there are some engineering issues associated with it.

I just hope maybe when the 8-24 comes up, I know there are some former members of this Commission on the Council and they might look at that and some previous decisions made by this Commission, previous decisions by previous Commissions to focus on public safety.

Any other comments?

(No response)

F. Request for Reduction of the Performance bond for the Old Cedar Estates Subdivision from \$107,000 to a new amount of \$60,000 to cover remaining site work, Cedar Post Drive S #1222.

MS. HUGHES: According to the Engineering Department, this is ready to be reduced.

MR. CARMODY: Motion to reduce the bond, performance bond from \$107,000 to 60,000.

MS. LAURINAITIS: I'll second.

(Motion passed unanimously on a voice vote.)

G. Plan of Conservation and Development.

MS. HUGHES: We should tell Attorney Sheffy, this Mark's favorite part of the meeting, because he leaves.

UNIDENTIFIABLE: He moves fast, too.

ATTORNEY SHEFFY: That's the part I, I take it as well.

THE CHAIR: Sometimes he leaves his coat.

ATTORNEY SHEFFY: Thank you, ladies and gentlemen.

EVERYONE: Thank you.

MS. HUGHES: It was good to see you.

(Attorney Sheffy and Mr. Tranquillo left the meeting at this time.)

MS. HUGHES: Just to give you an update as to where we are, I'll be meeting with Val and Pat on Thursday morning to sort of take our guiding principles and kind of assess where we are and how to translate those into action. So, we should have a draft plan in short order.

I'm just finishing up getting the last map together for the ROD. That'll be going to the Regions and our abutting municipalities. We have to amend the regulations; we have to amend the 1991 plan.

Because of the interest that has been expressed in this, not just the ROD, but people are fixating on one particular project, I would suggest, as much as I enjoy your company and I'm spending a lot of time with you all lately, that maybe we would want to look at doing a single public hearing night for this. The ROD, the map and the reg.

Because it becomes problematic once we have to go off site, and it --- Linda will tell you, from a taping standpoint, there's no good place. I don't care if I rent microphones --

MR. BORKOWSKI: There's no place like home.

MS. HUGHES: Well, I wouldn't call this place home, but ---

MR. KENEFICK: I agree.

MR. DELSANTO: Let's do it here. Standing Room Only.

MR. KENEFICK: Let the people stand up. What're you going to do?

MS. HUGHES: I'm going to suggest ---

MR. KENEFICK: We'll put some music on in the hall while they're in the hall.

MS. HUGHES: I think they took that out.

MR. CARMODY: We can't do that, Fran.

MS. HUGHES: Zaya, could you try? I think the clicker's under you.

(Laughter, laughter)

(Undertone comments)

I was going to suggest a public hearing date, because in March this room is booked, weird. I mean it's like almost every night something's going on here.

So, probably, the best available date would be March 23rd.

THE CHAIR: Thursday, March 23rd.

(Various comments)

I think it's important we have this as a stand-alone meeting, also. It's just that big of a deal. We will look at the availability of March 23rd. Thursday night.

MS. HUGHES: I know that Val wanted to follow up with us once we got the guiding principles translated into action sort of thing flushed out. So, I am going to get a few dates from her, see if the Community Room at the Police Department's available. For just a workshop, that's not a problem.

(Various comments)

MR. CARMODY: The Connecticut Federation of Planning & Zoning Agencies will hold their Annual Dinner on the 23rd!

MS. HUGHES: You've never been, Carmody.

MR. CARMODY: Has it been at the Turf all the time?

THE CHAIR: Yes, it has.

(Various comments)

(Laughter)

Mary had suggested the week before, unfortunately, I am not going to be here and I really would like to be here for

that public hearing.

MS. HUGHES: We keep growing this thing out and growing this thing out, you know ----

(Various comments)

We're trying to balance everybody's schedule. Plus, we have to finish the plan before March 29th.

That's my birthday and I don't want it to go on after that.

MR. KENEFICK: Mary, I'd just like to say that Frank Vinci did a marvelous job with CVS. They got the storage trailer removed. Now, they've got a big rental truck there.

(Laughter, laughter)

MS. HUGHES: I didn't say it was perfect, Fran.

MR. KENEFICK: It works.

THE CHAIR: What about Wal Mart? Are those ones inside the fence ---

MS. HUGHES: I'll have to check into that.

THE CHAIR: I haven't been there that often, but I was there the other day and they've got a bunch of them inside the fenced in area.

MS. HUGHES: I'll have to check.

MR. DEMELLO: That's all right. We talked about that before.

(Various Comments)

(Upon a motion made, seconded and passed unanimously, the meeting was adjourned at 9:15 o'clock, pm)