

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing
March 7, 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, Patrick Saucier and Michael DelSanto

Alternates: Richard Hart
Brian Zaccagnino

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

Absent: Robert Borkowski
James Sinclair

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

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

ZAYA OSHANA, Chairman, presiding:

The Town Planner read the legal notices for this evening's public hearings.

Mr. Saucier advised he had listened to the tapes of the previous meeting and read the Minutes.

Items for the Public Hearings this Evening:

A. 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.

STEPHEN GUIDICE: Harry Cole & Son. 28 Werking Street. Plantsville, CT.

I'm here on behalf of the applicant. The proposal is for property located at 267 Flanders Street known as Assessor's Map 134, Parcel 38. This property contains 1.05 acres of land.

The parcel consists of an existing house and an existing garage. The garage had been converted previously to an apartment. Both of those are serviced by private well and septic system.

This property was before in the past for a two-lot subdivision. The property to the north was previously subdivided off of this parcel.

We came back to get a variance to try to go forward with this subdivision and the variance was denied. The property owner then contracted with an abutting property owner to buy some land and that's why the lot is a little unusual shape. But we are in conformance with the regulations currently.

We are proposing to subdivide one lot of this parcel. It is R-20/25 zone. We're proposing to service this new house with public sewer and water. We are proposing to convert the existing house, eliminate the well and connect to public water. And, we're proposing to eliminate the residential use in the garage in the back, abandon that use.

We're waiting on staff comments. Right now it does meet your regulations.

Questions?

(No response)

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

(No response)

The Chair called for anyone speaking against the application.

(No response)

The Chair asked for staff comments. Ms. Hughes indicated that staff would be concerned that that existing apartment be removed prior to that, ultimately if the Commission approves it, Mylar being filed.
Discussion.

The Chair closed this portion of the public hearing.

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.

CARL MATTSON, JR.: Representing the Migliores and also Paradise Developers, which would like to construct this.

This is a fairly simple situation. Presently, there is a three-bedroom house with a bonus room on it and a two-car garage. We would like to make it into a three-car garage and move up the upstairs to make it into an in-law apartment.

We're within all the rules as far as setbacks are concerned. There's no sideline variance. The septic system should take care of it.

I would like to state that this is not going to be the main residence of the Migliore, Srs. They have a home in Florida. They have their grandchildren up here and obviously, they would like to be here for the holidays and for other times of the year. Certainly, not in the wintertime. Probably used six months of the year and the rest of the time it will vacant.

We're within the rules as far as the size is concerned. We've talked with staff on it.

Any questions?

It's 710 square feet.

Discussion of the access to the apartment.

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

DANIEL HART: 256 Pacer Lane, Plantsville.

SUSAN HART: 256 Pacer Lane, Plantsville.

MR. HART: We came here to speak in favor of this application for our new neighbors. We're all for it.

We just wanted to double check on a stipulation. The neighborhood covenant that we have says that two families cannot live in one home. We have no problem with that as an in-law apartment and we wanted to make sure that if the time ever came for the family to move on, that it would not be able to be rented by another party that was not family related.

Ms. Hughes responded it is not to be rented, at all. It is entirely intended for the purpose of an in-law living there or a child living there. The regulation prohibits it becoming a rental arrangement.

Discussion.

The Chair called for anyone speaking against the application.

(No response)

The Chair closed his portion of the public hearings.

C. 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.

MR. GIUDICE: Stephen Giudice. Harry Cole & Son.

I'm here on behalf of the applicant. Jeff Leone is with me here in the audience. He is the President of Air Temp Mechanical Services and this is hopefully going to be his

new home. They're moving from West Hartford to Southington. A good thing.

This parcel is 360 Captain Lewis Drive. Map 203, Parcel 3. It's a 2.32-acre parcel in an I-1 zone. (Identified the abutters.)

We're proposing to construct two buildings on-site and that's the reason for the public hearing for the special permit. They are proposing to have office space on the front building. On the first floor, on the lower level, he is going to be fabricating ductwork and things like that and then he's proposing storage in the building out in the back.

We feel this use would be in character with the surrounding area. It's again an I-1 zone.

We are providing the 35-foot buffer against the residential zone. On the north edge of the parking lot and the driveway, we kept everything down away from the property line. We are proposing a landscape buffer in that area.

The total square footage for the buildings combined would be 21,000 sf. We're proposing landscaping, pavement and drainage improvements.

Questions?

The Chair asked the height. Mr. Giudice showed the elevation of the front building. From the street, it's only one story. You can see the grade drops off toward the back of the building and in the back there'll be two levels.

The second building in the back is similar with the exception that we don't have any plans to put any garages in the lower building.

In the future, they may look at expanding some uses. They have still some good property in the back if they decide to use it. It's non-wetland.

The buildings are going to be metal for the most part. Some brick veneer in the front. (Showed elevation)

Ms. Laurinaitis asked about the storage building in the back. Mr. Giudice explained it was to store materials as

they fabricate the ductwork. They would store it in there until ready to go to the job site.
Discussion.

Mr. Giudice noted it would be used on a daily basis, first shift, only.

The Chair called for anybody speaking against the application.

RICHARD HARTIGAN: 18 Maplewood Rock Road in the Jensen Community, which abuts this property. This is my wife, Judy.

MS. HARTIGAN: We have some concerns about water runoff. We are right here (indicating). And, we've already experienced a lot of water runoff over the eight years that we've lived there. Jensen's has put in extra drainage when they set the home and since then, as well. But it has worsened since the lot has been cleared.

We have questions and concerns that proper drainage be incorporated into this as well as perhaps some landscaping to absorb water and prevent more runoff. And, we are also, of course, going to have to look at the back of the buildings and we're wondering what kind of camouflage the builder can put into this for either fencing or natural fencing of greens or something like that.

MR. HARTIGAN: The drainage is important because recently they had to put in a big curtain drain along here, big drainage ditch all along on the Jensen property which will help to try to keep the runoff from coming in there. We're afraid, since we're built on a slab, we're afraid that water underneath will cause some destruction of our property and the house.

The Town Engineer responded that staff will take a careful look at that. Over half the property is going to be developed and that's all going to be very well controlled, runoff from the paved areas.

JAMES ROGERS: 15 Maplerock Road. My concern is our street is a dead-end going into this property we're speaking of. I wouldn't want to see the public going through Jensen's end of this area. It's a dead end street and we'd like to keep it that way.

The Chair indicated the access is off of Captain Lewis Drive and it will not be coming off of your street.

Attorney Sciota added he does not live on a public street. He lives on private property. They have no authority to go through there. That's owned by Jensen's and not by the Town of Southington.

JOHN CLARKE: East View Road, one block over from Maplerock.

We've been subject to this past spring an excessive amount of water runoff. We're on slabs and the water is going underneath the units. My air-conditioning unit on the far end has actually washed out about 2 or 3 inches, just because of the water.

They need to do something, a detention pond, or something, it's going to be quite a problem. With two buildings and a paved parking lot, that's an awful big percentage of that lot which is going to dispense the water downhill. It's going to be a problem.

Discussion.

Discussion of a buffer existing between the Jensen's property and this property. There is about ten feet of brush and a few trees.

RICHARD HARTIGAN: 18 Maplerock Road. We've lived for the eight years and there has been a water problem, but nothing has been as bad as since they cleared the property, which was last year, I believe they cleared it. Completely cleared every tree and nook and cranny that was there down to within maybe ten feet of the boarder. Maybe 15. Pretty darned close.

Since then the water has been a really big problem. Explained.

We're on a slab and that's a major concern.

The Chair called for anybody else speaking against the application. Hearing none, the Chair asked for Ms. Hughes to read communication received.

Ms. Hughes received a letter from Francis and Rosemarie Bokowski of 17 Cedar Grove Road expressing their opposition

and a letter from Jensen's, which she read into the record. (On file in the Town Planner's Office.)

The Chair asked if the applicant had any responding comments.

Mr. Giudice said the property was cleared recently. And, along with this property, property to the south was cleared and another two parcels were cleared, as well. A lot of clearing in this area in anticipation of construction. That kind of increased some of the runoff that we've been seeing.

We believe our plan will help that situation. There's a detention basin recently constructed by the Town and all of our improved areas are proposed to be captured in the drainage system and directed into this detention basin where the runoff flows will be reduced.

The applicant is not opposed to doing some planting along the Jensen property line. He was thinking about doing a berm.

JEFF LEONE: 47 Peachtree Lane, Bristol, CT. There is actually a berm, when we cleared the lot, the Town was in there redoing the detention pond last summer. The construction company doing that put a berm that runs along the backside of this property.

I did talk to Jensen's. We figured the berm would've helped to stop the water from running off. The storm drain doesn't come all the way up into my property, yet. The Town is supposed to bring that up into our property. In this lower area (indicating) there should be a storm drain at some point, which would help.

On top of this berm, we're going to put arborvitaes or something 8 to 10 feet to block any noise or light.

Our hours of operation are 8:00 to 4:30. Light manufacturing. Sheet metal should be no noise issues. All vehicles are taken home at lot so the lot is not going to be littered with vehicles on a daily basis.

Mr. Carmody asked Mr. Leone if he would be comfortable if this moves forward, if we stipulated those plantings would take place as part and parcel of this application. Mr.

Leone said he had no problem with that. We'll try to make it as nice as possible for us. Nice office and place to work. I don't want to make it difficult for the people that live behind there. We'll do whatever we can to make it work.

Discussion of the Town bringing drainage to this property.

Mr. Carmody asked Mr. Giudice: Your improvements over a big part of this --- the design is to take that and redirect the runoff to dramatically improve the runoff situation? Mr. Giudice concurred. Any water that runs from the parcel to this area including the building roof leaders are all going to be tied into a drainage system that runs this way into a detention basin. It'll all be controlled runoff at that point.

Hearing no further comments or questions, the Chair closed this portion of the public hearings.

D. Special Permit Use of Doug & Marsha 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.

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

The property is located on Pratt Street. It's a rear lot. Maps provided show the property is located in the back. (Indicating)

The proposal is to use the existing barn that's been there for a while. We applied to institute the regulations we are going to use to approve or disapprove of this application.

The request is to have up to eight horses. The reason is to take care of sick and in need of attention horses. A stipulation is to provide a letter from a Vet testifying that those horses need that kind of care.

The applicant has been doing this and is very familiar in how to operate such a facility. There's plenty of distance to nearby residences. The only residences near are their

own family. Explained.

On a regular basis they are going to remove the manure. The horses are in the barn most of the time with a small area for exercise, which is in place with a couple of shed they have there now. One shed is proposed along the westerly boundary. It used to be there and it was removed per the ZEO's request. We are requesting it to be allowed as it is in an area where the horse goes there and eats the hay.

Explained the maps provided.

Questions?

The nearest non-family neighbor is across the power lines. It's a neighborhood about 400 feet to the property line and 470 feet to the barn.

Discussion.

Discussion of where the horses are being exercised.
(Discussion over the map at the bench.)

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

MARSHA MITCHELL: 214 Pratt Street. We will be conforming to exactly how this regulation is written. A private stable, not for profit. Our only interest is giving sanctuary to eight or less aged or unrideable horses.

The property on three sides is buffered by woods and power lines and there really isn't anything very close to it.

Attorney Sciota asked: As each one of these horses passes on, the number will decrease? Ms. Mitchell confirmed.
Discussion.

Ms. Mitchell said they are allowed to keep two horses but the others will not be replaced.
Discussion.

Mr. Carmody clarified that under this approval, they can be replaced up to eight.

The Chair asked for anyone speaking against the application.

(No response)

Ms. Hughes read one letter in opposition. It's from Katherine Deconis Morris, 280 Pratt Street. (On file in the Town Planner's Office.)

Mr. Carmody asked Ms. Mitchell: The intention is to care for the horses that you currently have and there isn't an intention to replenish? Ms. Mitchell agreed.

Mr. Carmody asked if she would be comfortable with a stipulation with this approval that once the eight horses are down to two, you will keep two and no more? Ms. Mitchell said that would be fine.

The Chair closed this public hearing.

(The public hearing portion of the meeting was adjourned at 7:40 o'clock, pm.)

SOUTHINGTON PLANNING AND ZONING COMMISSION
Regular Meeting
March 7, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Southington Planning & Zoning Commission to order at 7:40 pm with the following members in attendance:

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

Alternates: Richard Hart
Brian Zaccagnino

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

Absent: Robert Borkowski
James Sinclair

A quorum was determined.

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

ZAYA OSHANA, Chairman, presiding:

Approval of Minutes - a. Regular Meeting of February 21, 2006

MR. DELSANTO: So moved.

MR. DEMELLO: Second.

(Motion passed on a majority voice vote with Mr. Saucier abstaining.)

Unfinished Business

A. Subdivision Application of Don A. Florian proposing to resubdivision of property for purposes of creating 2 lots (Riverside II) property located at 143 & 145 Curtiss Street S #1127.2.

MS. HUGHES: From a staff standpoint, we're ready for this. As you may recall at our last meeting, there were two stipulations that the staff was requesting you consider. One is that prior to the Mylar depicting the subdivision being filed on the land records, the current two family at 143-145 Curtiss be converted into a single family dwelling and that the staff have an opportunity to inspect it, primarily Frank Vinci and myself, and that we require an as built on the foundation just because of the configuration of this particular lot.

I don't know if Tony had any.

MR. TRANQUILLO: I'm all set.

THE CHAIR: What do you think, folks?

MR.KENEFICK: I'll make a motion for approval.

MR. DELSANTO: Second.

THE CHAIR: That's with the two stipulations.

MR. KENEFICK: With the stipulations.

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

B. 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.

MR. DELSANTO: I need to recuse myself from this application.

THE CHAIR: Okay. We will seat Commissioner Zaccagnino in for Commissioner DelSanto.

MS. HUGHES: This was the subject of a public hearing at your last regularly scheduled meeting. I don't know if the Commission wants to have an additional opportunity to review the exhibits submitted or if you're ready for action this evening.

MS. LAURINAITIS: Did we table this at the last meeting?

MS. HUGHES: Yes. You did.

MS. LAURINAITIS: For the purpose of waiting for the Master Plan to be done.

THE CHAIR: I think to review the documents that came in. There was discussion of that and actually I wanted to raise that as an issue.

I, my personal feeling would be that we're getting pretty close to completion of the Master Plan at this point which is going to look at the zones and the way this Town is going to be laid out in planning for the future.

I'd like to see it, personally, I know they'd like to get moving on it and there are issues associated with holding up, but I'd --- we're getting really close to the Master

Plan being completed and I'd like to see zone changes held up until we're there. I'm not sure how everybody else feels.

MS. LAURINAITIS: I would concur with that.

MR. CARMODY: Well, I'll make a motion to deny the application. Not that I don't ---

Let me explain why I'm making the motion to deny. Not because I don't think it necessarily a good idea, I just think, I'm being consistent with the application, it has nothing to do with this but was very similar, we all know what I'm talking about, a few months back. We're so close to getting this plan done, I don't want to box out some industrial uses that may be very applicable to this parcel that we, you know, that could be drafted into our new plan.

And, if we make this zone change now, I mean, we've talked about interchange zones and what could get included and what might not get included. I don't want to make this change and then forego all of that when we are so close.

This might end up being a great idea. And, the issues that they have here could very well fit into whatever we draft, but let's wait until we draft and that's why we deny it now. Timing more than anything.

THE CHAIR: We have a motion for denial?

MR. CARMODY: That's a motion.

MS. HUGHES: Hold on. Sev wanted to --

MR. CARMODY: I'll take my motion off.

MS. HUGHES: No, he can't address the Board. The public hearing is closed.

MR. CARMODY: Okay.

MS. HUGHES: I think the Commission's inclination is is not to consider this but not to consider this at this specific time. And, we are pretty close to wrapping up the Plan of Development and going to the public hearing process on it. I mean, if your client wants to withdraw it, that's fine.

MR.WEICHSEL: You can also deny without prejudice.

ATTORNEY SCIOTA: Well, the difficult thing with denying without prejudice is you have to put reasons on the record and that's a valid reason to put on the record.

But, you can approach the Commission to withdraw an application. That's proper.

MR.BOVINO: If I can speak, I would, if the Commission is inclined to deny it ---

(Laughter)

ATTORNEY SCIOTA: No, no.

(Laughter)

As the applicant's representative, do you wish to deny the application?

MR. DELSANTO: Well, I have a question.

ATTORNEY SCIOTA: You can't ask him anything. The public hearing is closed.

Withdraw the application, I'm sorry.

MR. BOVINO: We would prefer to be either without prejudice or we will withdraw the application. That way ---

MS. HUGHES: The cleanest way is to withdraw it, Sev.

(Pause)

MR. KENEFICK: I'd just like to go on record that I'm in favor of the application as it stands right now. I know we're so close to the Master Plan and everything, but I think it's up to us to decide what's going to go in this zone right now. I mean, I think we made a good decision with the parcel across the street. I mean, this industrial land's been sitting around for years and years and years and nothing's happened until it was changed to a B zone.

I understand that this is going to take effect pretty soon. I understand the plan's on the way now. But you know, it's up to us to decide what we want there and what we don't

want there. As a Board. I mean, we're going to have to vote on it, anyways.

To me, I think, that that land is too valuable for industrial land. I mean, I've said this before. I think it's the best piece of land in Connecticut for business and you know, I think we better start doing something. Industry is not going to be coming the way it did 20 or 30 years ago. I think we have to look more commercial and I think we need more mixed uses.

To me, I think I am ready to vote on it right now. But . . . I'm sure that ---

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

MS. LAURINAITIS: (Continuing) --- plan, we've gotten some data and we need to get even more data. There are communities around us that are almost built out and this land could very well be used for industrial. Maybe it needs some improvements in some way, some utilities to the property, to make it more saleable. Maybe it's not quite right, as I-1 and maybe it needs to be something else. But I think we need to define that in a master plan for that, really that takes into consideration the effect on that whole West Street Corridor.

MR. CARMODY: There are several different types of industry and I think, you're thinking of one and I'm thinking of a different one, and the one I'm thinking about, the type of industry that might be more applicable to come in here, our zoning, our current zoning, industrial I-1 zoning regulations, don't really allow for it. It's not flexible enough to allow for this small type of industrial use that I'm picturing could --- I'm not saying commercial can't be there.

Like I said, I'm not sure that this isn't the best thing. You might be absolutely right, Fran. It might be two months from now we're doing the same thing, but I at least want to explore the possibility of getting some more flexible text and regulations in place that encourage some industrial use that's not --- I'm not talking about The Hartford. I mean, I don't think we are going to see that.

I'm thinking more about the smaller job shops, that kind of

thing that might want to locate to Southington.

MR. KENEFICK: Right on 84 like that?

MS. LAURINAITIS: Um-hum.

MR. CARMODY: Yah.

MS. LAURINAITIS: Yah. I know over the line the City of Bristol's building a new industrial park.

MR. KENEFICK: I sort of doubt it.

MR. CARMODY: Well, you might be right.

MR. KENEFICK: I think that land is too much money to put a job shop on that land.

MR. CARMODY: Well, you might be right.

MR. KENEFICK: I mean, what happened, what happened before? Why didn't that land across the street do anything? How long has that been marketed? It's an I-1 zone.

MR. CARMODY: Well, I think that's a bigger can or worms that's been, you know, that's a longer discussion you and I will have later.

MR. KENEFICK: Okay. Good. We'll have a discussion on it. That's the way I feel about it. I think we're going to be back here in two months and we're going to approve this thing as a B zone, which it should be, I think.

MR. ZACCAGNINO: I prefer Zaya's approach to just waiting on it just because it's been here, I know, some times it hurts the applicant, but I think in this case, it's better for everybody to just sit tight until we get the zones, the Master Plan there taken care of.

MR. CARMODY: I think I removed my motion. And, I think Sev's trying to kind of get a feel for ---

MR. BOVINO: I make a request that we withdraw the application and like you said, we can come back in two months. Save you a lot of concerns.

In the meantime, if you can look at this very precisely and

with goals to create a bigger tax base to the Town and all that, it will be very important.

So, I make a request that we withdraw it.

THE CHAIR: All right. So, this Item B is being withdrawn by the applicant.

C. 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.

MS. HUGHES: We are presently completing our staff review on this particular applications, so we request that it be tabled.

MR. CARMODY: Move to table.

MR. DEMELLO: Second.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We'll reseat Commissioner DelSanto.

D. 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.

MS. HUGHES: This application was the subject of a public hearing earlier this evening. I don't know if the Commission wants to have an opportunity to review the Minutes or if you are ready to act right now?

THE CHAIR: We have the appropriate affidavit and all on record?

MS. HUGHES: Yes.

MR. DELSANTO: Make a motion to approve the application.

MR. SAUCIER: Second.

THE CHAIR: Discussion?

MS. LAURINAITIS: Do we need to make any special stipulations based on the comments on the fire ---

MS. HUGHES: They'll be reviewed. The plans, the house plans will actually be reviewed by the building department.

MS. LAURINAITIS: Okay.

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

E. 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.

MS. HUGHES: This is the actual special permit use application for the two buildings to be located on one parcel which it's up to the Commission as to whether you're ready to act on it. It has a sister application which would be the site plan application which is when we can get into some of the screening issues and the building materials issues if the Commission has any concerns, and the drainage issue.

MR. DELSANTO: I'll make a motion to approve the application for the two buildings on one lot.

MR. DEMELLO: Second.

MR. CARMODY: I just have a question.

MS. HUGHES: Yes, I am listening.

MR. CARMODY: Yah. Should we stipulate on the SPU or more along the lines of the site plan?

ATTORNEY SCIOTA: If you feel more comfortable, you can put that stipulation on the screening, if you want to. It was on the record. You can put it into the motion.

MR. DELSANTO: With the stipulation that the applicant is

willing to provide a buffer.

MS. HUGHES: Well, what he had indicated was that he was going to have a row of arborvitae, minimally. That were 8 to 10 feet ---

MR. KENEFICK: And, a berm. On the berm.

MR. DELSANTO: I'll make that stipulation.

ATTORNEY SCIOTA: Whoever seconded that, just confirm it.

MR. DEMELLO: I second that and confirm.

MS. HUGHES: And, that's along the property line with Jensen's, not the other property line?

MR. CARMODY: No, just Jensen's.

MR. WEICHSEL: In terms of the SPU, it's important to understand with all due respect that the folks who seem to have some reservations, they are the nonconforming users. Industry is what this is zoned for. So, personally, I support the application. The drainage would be, as indicated, would be better and not worse. People sometimes look at a thing in process. Bare land of course is going to be terrible, but when they do it, as they heard from Giudice, it's to better control it. So, I'm sure the Board will keep that in mind.

For whatever it's worth, I support it.

THE CHAIR: Any other discussion?

(No response)

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

F. 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.

MS. HUGHES: Again, this was the subject of a public hearing

earlier this evening, it's up to the Commission whether you're ready for action.

MR. KENEFICK: I'm confused here.

MR. CARMODY: I'm going to make a motion to approve this application with --- this is by way of talking with Mrs. Mitchell, that the stipulation that once the horses that, the eight horses, the convalescent horses pass on, that they'll be left with their two horses.

MR. ZACCAGNINO: Do we read the names of the horses into the record?

VARIOUS: No.

ATTORNEY SCIOTA: The Veterinarian letter will have the names on there, believe it or not.

STENOGRAPHER: Who seconded?

MR. DELSANTO: I don't know if there was a second, yet.

MR. CARMODY: No one seconded, yet. I'm still going.

I think what they do is a great thing for these horses. And, it's come full circle. I mean, you know, we went round and round and I think the Commission did the right thing. And, we let the process work. It took a little time but it's come full circle and here they are. They're doing a good thing and we have a chance to help them out. I hope we do it.

MR. DELSANTO: I will second that motion.

THE CHAIR: I just have one question. The regulation says that they are allowed to have up to eight horses. Now, if we put a stipulation on it that says you can't ---

ATTORNEY SCIOTA: Up to eight horses. You're saying at the current time they're allowed eight horses. Up to. So, you're bringing it back down to two. Once the horses pass on.

THE CHAIR: Okay, so another ---

ATTORNEY SCIOTA: She's always going to be allowed to have two.

THE CHAIR: If this were to be adopted, someone else, they could have eight, but the Mitchell's, if this goes through, can never have more than two once these particular ones go.

MS. HUGHES: Not without having their stipulation modified.

THE CHAIR: Mr. Kenefick?

MR. KENEFICK: I'm totally confused. You've been through all this grief for the last six, eight months and now you're telling us that when these horses die, you don't want to replace them? If somebody's got a sick horse, you won't take them in if one dies?

MS. HUGHES: You can't take any more public input. The hearing's closed.

MR. KENEFICK: You know, I thought that's what we were --- I thought that's the business they were in, was to save these horses. Now, I'm completely confused. But, if she wants it that way, I mean, it's all right.

MR. DELSANTO: I think the thing that they wanted, the horses that are on the property now, they wanted to care for the horses that are on the property now. I think that came out in multiple meetings. It would've been a shame to get rid of the horses that they've cared for for so long up until this point.

ATTORNEY SCIOTA: And, this regulation change allowed me not to take an enforcement action and that was the whole point of it.

MR. CARMODY: I see what you're saying, Fran. You thought they were in the business of keeping doing it. I kind of thought to, too. That's why I asked that.

But here's the thing, if we stipulate this ---

MR. KENEFICK: Oh, hey. If they want it, that's the way to go.

MR. CARMODY: --- they can come back.

MR. KENEFICK: I mean, the neighbors ought to be thrilled about it.

MR. CARMODY: Yah, I think you're right.

MR. KENEFICK: I mean, these horses are near death now, aren't they?

ATTORNEY SCIOTA: I don't know.

MR. KENEFICK: Sounds like it.

THE CHAIR: I agree. I thought it was going to be a repeating coming through, a maximum of eight to be taken care of. If one were to pass, they would put another one in.

MR. KENEFICK: Whatever.

THE CHAIR: Any other discussion?

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

G. 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: There is some engineering issues that are rather minor in nature that we're comfortable stipulating that --- we have a meeting scheduled with the applicant on Thursday ---

ATTORNEY HECHT: Actually, either Tuesday or Wednesday of next week, if that would be permissible. Dave's going to be out of State prior to that.

MS. HUGHES: We will be --- they're relatively minor in nature.

MR. TRANQUILLO: Fairly minor.

MS. HUGHES: I know that the Commission had had a concern regarding the phasing on this particular project. I had an opportunity to speak to a couple of the Commissioners

earlier today and what we would propose to insure that the Mount Vernon section is built, is that it be incorporated into Phase I and that we require it be bonded in Phase I. And, that will even additionally make Mark happy, and stipulate that the bond has to be either cash or an irrevocable letter of credit. So, we're assured that we have a means and a mechanism to get the money. That we won't be fighting in court for ten years with an insurance bond.

So, that that will be completed within five years and then I'll let Kevin explain the whole wetlands process that he enjoyed going through twice.

ATTORNEY HECHT: Yes, Attorney Kevin J. Hecht, on behalf of the applicant, Waller Construction Company, with me this evening is Dave Carson from OCC Design Consortium, LLC and the principal in Waller Construction, Harvey Waller. So, they can help answer any questions because I probably can't answer most of them.

Basically, as you may recall, we've been here a couple of times. If the Mitchell's have been here six to eight months, I say we've been here 18 to 24 months. We've been here a lot longer than they have.

(Chuckles)

And, I suffer their pain.

But you've been very polite about the whole process and I thank you for that.

We did have a failed Wetlands or Conservation Commission application. We did reapply and that application was approved. It provided for the connection down to Mount Vernon Road. In that process, because it was probably the only way drainagewise and I think Mr. Tranquillo may be able to comment on that and Dave Carson can, but engineeringwise / drainagewise, this property should be developed from the top down. Really, what that does is allows any correction, if any be necessary, to be in that, what we consider to be the last phase, down towards the connection to Mount Vernon Road.

Given that, we do understand your concerns that that connection is made at the developer's expense. And, we are

amenable to any stipulation within reason that that be bonded as part of Phase I. We do, to make it quite clear, intend on developing from top down. That would be the last section of road, which is developed, but it will be within the five-year period and will be probably funded by an irrevocable letter of credit as long as Mr. Sciota approves that form of bonding and surety for the Town.

So, if you have any questions about the technical aspects of the plan, I'll turn it over to Dave Carson so you can ask him those questions. We do plan a meeting with Tony to iron out a couple of small details next week, either Tuesday morning or Wednesday afternoon, I think.

MR. TRANQUILLO: Tuesday morning.

ATTORNEY HECHT: Tuesday morning.

MR. TRANQUILLO: Ten o'clock.

ATTORNEY HECHT: What time, sir?

MR. TRANQUILLO: Ten o'clock.

ATTORNEY HECHT: Ten o'clock. So, if you have any questions?

MR. CARMODY: Dave, initially, this was a three-phase project. Is it still a three-phase project?

MR. CARSON: Yes. It's three phases in that the way the plans have been developed and submitted, there are three phases. It's principally three phases from a construction and drainage standpoint.

The first phase are these lots, the extension of Winding Ridge which goes to a detention basin located here in conjunction with a second detention basin that is part of Putnam's subdivision.

The second phase, which is this middle part, goes to a detention basin here.

And, the third part, this roadway connection goes to an underground detention system, pipe storage underground here in conjunction with the two existing ponds that are down below.

Principally, the reason for the phases are one of controlling the construction activities controlling erosion control. Being able to stabilize a complete section prior to moving on. You are aware of what a gigantic hillside this is.

MR. CARMODY: All three phases --- it's kind of hard to predict this, I guess. You have a plan for how long this is going to take? How many years?

MR. CARSON: Probably five years would be realistic.

MR. CARMODY: So, by statute he has five years to do Phase I.

MS. HUGHES: He could've shown no phases on this and bonded out the entire project and he's got to manage the construction with best management practices and he's got to protect --- the major sticking point or one of the major sticking points of conservation was protection of that stream.

MR. CARMODY: So, really, this is going to get done exactly how it was laid out just that you're going to get it done in five years.

MR. CARSON: Right.

MR. KENEFICK: Probably. Like he said, probably.

MS. HUGHES: But we'll have the money to make sure.

MR. CARMODY: But we'll have the money to make sure.

ATTORNEY SCIOTA: Normally, you phase for monetary purposes more than anything else and that's what I'm sure what the developer is doing here. It's not really a building issue. It's more of a monetary issue.

MR. KENEFICK: You know, in other words, this connection to Mount Vernon Road is still actually in Phase I but it's actually Phase III?

MR. CARMODY: Yah, it's the last thing they're doing.

MR. KENEFICK: So, nothing's changed.

MR. CARMODY: No. Except that ---

MR. KENEFICK: Except they changed the phases around a little bit.

MR. CARSON: Except that we're prepared to bond.

ATTORNEY SCIOTA: What changes is the fact that they, the clock starts with Phase I and if you don't give any extensions and they don't complete it within a five-year period.

MR. KENEFICK: But the major gripes up there from the neighborhood people was that there was no other road going on to Mount Vernon Road. And, this is still Phase III, I think.

MR. CARMODY: Well, yah.

MR. KENEFICK: Except we got some money. If you want to go build the road.

ATTORNEY SCIOTA: But the point is though, Fran, is that if they did no phases at all, they would still have five years to do it. You see what I'm saying.

We could say okay, Phase I, includes the road in Phase I and start the five year clock. It's not different than if they just did the whole thing and said, okay, five-year clock.

I don't think --- and the way it's going to be built, obviously, it's going to be the best engineering practice and Tony can answer that, I assume it's from the top down, but what I wanted and Mary suggested, also, was that I know that that road is protected. So, if we just did Phase I without that road and we didn't get any bonding for it, and they never came back for Phase II and III, that's where my problem would be. You see?

But by putting this in Phase I, I know that we are going to have money for it. Our concern was before, all three of our concerns were before that they would come in with Phase I which is just the main road coming off and then they would say, okay, we're not going to go farther. That's it. We're not going to do any more.

Now, we're stuck with the cul de sac coming through and nothing going down to Mount Vernon Road. By putting this in Phase I, we know that it will eventually be built because we'll have bonding money for it.

MR. CARMODY: But I know what Fran's saying. Our concern was ---

ATTORNEY SCIOTA: Timing, right?

MR. CARMODY: No. Our concern was the spirit of this was we wanted and it's not going to happen that way, but we wanted this thing connected before one house was built. We wanted this road to loop around.

MS. HUGHES: But that's just not --- that's just not --

MR. CARMODY: I'm understanding that now.

MS. HUGHES: No, but I'm saying if they showed no phase lines on this at all, the phase lines are more relative to the bonding than they are construction. So, if they showed no phase lines and Tony's guys came up with an estimate of \$2 million. Then they would give us a \$2 million bond. And, they would have five years to construct this. The phasing has more to do --- I know that you wanted ---

MR. CARMODY: Am I right, Fran? I'm putting, I hope I'm not putting words in your mouth. Is that what your thought process was?

MR. KENEFICK: Exactly.

MR. CARMODY: Yah, okay.

I get you, Mary.

ATTORNEY HECHT: What this does do is it takes a cul de sac which exceeds the length in the regulations and if this isn't approved that situation is never going to be corrected. An approval here will guarantee the bonding, which will allow, if nothing else happens, for that connection to be built with the developer's money.

So you take the situation that currently exists and make it better by having that connection to Mount Vernon Road.

MR. CARSON: If I may, also, interject. If in fact we are bonding the entire project up front than there is the likelihood that we're just not going to wait until year three or year four to do this. Because it's bonded. We will look into doing more of the project simultaneously.

MR. KENEFICK: I've got a question for Mark. Is there a way that --- don't want to use this terminology, but make the bond excessive so they have to do this. I'm serious.

(Laughter)

ATTORNEY SCIOTA: The bond's going to be big. The bond's going to be big, Fran. And, that's something I didn't want to say on the record, but Kevin volunteered it.

ATTORNEY HECHT: Yes, absolutely.

ATTORNEY SCIOTA: It's kind of leverage on the Town by asking for the bond now, that they use best engineering standards to try to do it as quickly as possible to release the bond.

ATTORNEY HECHT: The developer has every incentive to build this road sooner rather than later because the cost of the bond is exorbitant and it's an annual fee. So, you can bet that as soon as we can get it done, we will get done to stop the cost of the bond running on an annual basis.

MR. CARSON: That's what I was trying to get at. The bulk of the bond is right here (indicating).

ATTORNEY HECHT: Obviously, that's the most expensive part of the road to build.

THE CHAIR: If for some reason, Tony, if for some reason this doesn't happen, where would the road go to? If we bonded this road and it doesn't get completed?

MR. TRANQUILLO: May I make a comment? One of the things that happening here was if you Phase I over here and you have a certain length of road, and twelve, fourteen houses, that's obviously very economic for the developer. He has a great deal of incentive to build that.

If you build Phase II which is this road system, and maybe another 18 houses, that's very economic and profitable for

the developer.

So, he could develop Phase I and Phase II, all these houses in here, and all that was left was this road, with three houses, and Mr. Waller went away, we'd never get that road built. That's the real purpose of having a bond now. To guarantee that the excessive cost of this road is spread out over all the lots and then we guarantee that the road's going to be built. That's what the important issue is here. Guarantee that that road's going to be built.

Now, you're correct. If we take a bond for this, let's say it's 1.5 million. And, we take a bond for this, whatever that is, there is the possibility of this road being built and then the project dies? Then the Town would have the money to build just this portion of the road. So, there'd be a gap in here.

Keep in mind that that gap has an economic benefit because you have all these houses in here that somebody's going to build. They're not going to let it sit there. It will be a return available to the developer for Section II.

MR. WALLER: If I may address the Commission? Harvey Waller. I'm the applicant and just you know, you may know me just from the experience, I did the Windermere Ridge Subdivision. We did 45 homes up there with no problems with the Town, either wetlands or through Planning and Zoning. Any issues. Just that we have a record with the Town.

My intention is to build as quickly as possible. There's no benefit to me to drag this out whatsoever. It's a very nice section of Town, I'm sure as you all know. And, my intention is to move forward with it. It's as simple as that.

I've built probably over 400 homes in my day. Something like that. Just that I've got a track record. I've never been in court. And, so, my intention is to move full bore ahead. Simple as that. Just what my intentions are.

Thank you.

MR. CARMODY: Thanks.

THE CHAIR: Anything else? Other issues? Discussion?

MR. CARMODY: No, it's just that --- to the people living there it's going to look and feel a lot like we didn't safeguard what we said we were going to do, but in the end, it's going to be a better situation. It'll just be a few years. Please hurry, Mr. Waller.

(Chuckles)

Is that it? Are we all set with this?

MS. HUGHES: With the stipulation that the area depicted as Phase III be bonded as part of Phase I in the form of an irrevocable letter of credit or cash and the other stipulation is that the minor engineering issues need to be addressed before the mylars are filed and we've scheduled a meeting next Tuesday to go over those.

MR. CARMODY: I'll move a motion for approval with the aforementioned stuff that Mary just said.

ATTORNEY HECHT: Two stipulations.

MR. DELSANTO: Second.

THE CHAIR: Any other discussion? Mr. Kenefick?

MR. KENEFICK: I, uh, I feel uncomfortable about voting for approval but I'm going to. And, I don't see any other way that this land can be developed. They're right. It has to be developed from the top to the bottom. It just doesn't make any sense to go from the bottom to the top. It's just impossible.

I don't feel comfortable about it, but I'm going to vote for approval.

MR. DEMELLO: The only thing I want to say, Mr. Chairman, is looking at this plan, I mean, it's a lot better that we initially seen. And, like Commissioner Carmody said, it's something that the people aren't going to be happy with initially, but in the end, I think it's going to be satisfying.

ATTORNEY HECHT: I think it'll improve the situation there.

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

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

MS. HUGHE: The applicant is addressing staff comments and this needs to be tabled.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

I. Site Plan Application of Leone Realty & Development proposing to construct a 12,000 sf mechanical services building, accessory building and parking area, property located at 360 Captain Lewis Drive SPR #1426.

MS. HUGHES: The staff is completing its review of this application.

MR. DELSANTO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

J. 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.

THE CHAIR: This item has been withdrawn.

MS. HUGHES: That's correct.

THE CHAIR: So, we'll move over that and go to Item K.

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

(Already scheduled for March 21, 2006 Public Hearing)

New Business Items

A. Site Plan Application of Travel Centers of America proposing slope stabilization for the previously approved travel center facility, property located at 1875 Meriden Waterbury Road SPR #1326.2.

MS. HUGHES: This is an application to correct a zoning violation that we cited. Staff is currently reviewing this application, so it needs to be tabled.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

B. Site Plan Application of Vincent Nanfито & Stacey Raya proposing the construction of a 2,824 sf addition to an existing building with related parking improvements, property located at 200 Queen Street SPR #1427.

MS. HUGHES: As with the previous application, this was just submitted. It's a proposal for an addition and some additional parking. It's pending before conservation and needs to be tabled.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

C. Subdivision Application of Angelo Calandra proposing to

resubdivide property for purposes of creating 23 lots (Record Subdivision of Ryan Kelly), property located at 50 Matthews Street S #1238.

MS. HUGHES: The applicant has requested that this be tabled. This application involves variances, which he has not applied for.

MR. DELSANTO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

7. New Items to schedule for Public Hearing for March 21, 2006 or April 4, 2006.

MS. HUGHES: If I might ask, Mr. Chairman, we received an application late Thursday or early Friday morning and we were unable to add on to the Agenda, but the time clock is running and that's the application of Northstar properties for the multiple buildings on a lot on the other side of West Street where the zone change was granted last April, I believe.

So, if we could put that on for scheduling on either the 21st or the 4th?

THE CHAIR: Why don't we add that on to the 21st?

MS. HUGHES: No. You need a motion to add it to the Agenda.

MR. DELSANTO: I'll make that motion to add Northstar Properties application to put two buildings on one parcel.

MR. SAUCIER: Second.

ATTORNEY SCIOTA: Item 7-E.

(Motion passed unanimously on a voice vote.)

MS. HUGHES: And, if I might make a suggestion, we have the Wight application scheduled for the 21st.

John's Custom Carpentry involves modification of open

space. If we had John's Custom Carpentry and Northstar and the Wight Subdivision on the 21st, Items B, C and D, which are remaining, are our applications to change our own regulations.

We can't take action before April 4th on those anyway, so it just kind of naturally falls.

THE CHAIR: Okay. So, we'll add Item 7-A and 7-E for the 21st.

MS. HUGHES: I got it.

THE CHAIR: And, B, C and D for the 4th.

MS. HUGHES: Yup.

A. Resubdivision Application of John's Custom Carpentry, Inc., for modification of the open space for the Pine Hollow Estates Subdivison S #1236.1.

B. Petition of the Southington PZC to amend the Zoning Regulations text of Section 3-05.2 to permit expansion of Special Permit Uses in a Residential Office Zone, ZA #526.

C. Petition of the Southington PZC to amend the Zoning Regulations text for upgrading of the standards and considerations during review of a Special Permit Use, Section 8-2, General Considerations for a Special Permit Use ZA #527.

D. Petition of the Southington Planning and Zoning Commission to amend the Subdivision Regulations text to permit modifications of the bonding process for subdivisions pending final approval, Section 4-08 - Consideration of Final Subdivision Plan, SA #16.

8. New Items to Schedule for a Special Public Hearing on March 23, 2006:

A. Petition of the Southington PZC to adopt proposed Redevelopment Overlay District boundaries mapping as an amendment to the 1991 Plan of Development POD #1.

B. Petition of the Southington PZC to amend the Zoning Regulations text to establish a New Section entitled

Section 11.19 - Redevelopment Overlay District regulations
ZA #525.

MS. HUGHES: Those are the related applications we had talked about. They are the amendment to the Plan of Development to establish the ROD and the actual regulation that pertains to the ROD. I've already scheduled this room for a public hearing that evening, so we should be all set to go.

THE CHAIR: What is the possibility of potentially changing that to the following week?

MS. HUGHES: It starts becoming very problematic, Zaya. It just truly is very problematic to get this room.

THE CHAIR: The week of the 27th. I think the 27th is a Council meeting?

MS. HUGHES: Yes. And, you also have the Board of Finance doing their budget stuff so this room is at a premium. Emilia's already been up to see me a couple of times, do you really need it this night? Do you really need it that night? So.

MR. DELSANTO: We need a bigger Town Hall.

MS. HUGHES: No. We just need a portable ---

MR. WEICHSEL: Consider they voted a few months back.

(Undertone comments)

MS. HUGHES: We just need a portable meeting room.

We already pushed it away from -- I think the possible hearing date was the 15th, as well. We're not going to be able to close it until April 4th, so we'll have to keep the public hearing open until April 4th.

THE CHAIR: Okay.

MR. CARMODY: Change your schedule there, big shot.

THE CHAIR: Can't.

All right. It'll be continued and there will be continued

discussion on April 4th. I'm not going to be here that evening ---

MS. HUGHES: I guessed as much.

Miscellaneous

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

MR. KENEFICK: This ought to get some discussion.

MS. HUGHES: We are satisfied with the property swap, so I think that had been the question. The easement versus the swap and then getting a map that adequately depicted the swap.

MR. DELSANTO: Move to approve the application.

MR. CARMODY: Second.

Are you sure you don't want to go out and measure it?

(Laughter)

THE CHAIR: Discussion?

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

B. Request for Approval in Accordance with Section 8-24 of the State Statutes for the proposed installation of an 8" water main to replace the obsolete 4" water main on Liberty Street between Eden Avenue and Center Street, Referral #403.

MS. HUGHES: I think it came up during a -- I think it was Stockverd that might have been the applicant or Whitetail and I don't recall, during the proposal to construct that 8,000 sf building on Liberty Street that the main was inadequate at that location. This is just an 8-24 referral for the upgrade of that main.

MR. WEICHSEL: Even if no such application goes forward and I'm surprised no one is here from Water. I know a little bit about water. Four inches, as we all can imagine, perhaps the firefighter can probably talk about it a little more, is inadequate and you improve the fire flows with an 8-inch for that central business district. So, that alone is a reason to support it.

MR. DELSANTO: I'll move to send back a favorable 8-24.

MR. KENEFICK: Second.

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

C. Request of Attorney Leanne Kennedy for discussion of release of the \$30,000 Erosion & Sedimentation Bond for the Orchard Estates Subdivision property located at 1221-1387 Flanders Road S #1216.

ATTORNEY KENNEDY: Good morning, Mr. Chairman -- good morning? Look at me.

(Laughter)

THE CHAIR: It wasn't that long of a meeting.

ATTORNEY KENNEDY: Mr. Chairman, members of the Board, Attorney Leanne Kennedy with offices at 133 Main Street here in Southington.

We're here again on my request to get the bond released. At the last hearing I did explain my case. I know Attorney Sciota was not here at the time and I know he wanted to perhaps give some input and I don't know, have you had a chance to review or do you want me to start from the beginning?

ATTORNEY SCIOTA: No, I've reviewed everything. In fact, we already talked about this, anyway.

ATTORNEY KENNEDY: We have. And, I just want to bring a couple of other main points back to your attention.

Essentially, I would assert on behalf of the applicant that

you as a Commission can certainly waive the bonding requirements for erosion and sedimentation control. It's in your subdivision regulations under 5-07.3.

So, certainly, you can waive it. All we are asking is that you look at this case as a specific case rather than lumping it all together with all the other subdivisions that may come before you which include road installation and other public utilities that are typical to subdivisions that are not the case in this matter.

Here, this was an 8-lot subdivision on Flanders Street, road, street, right?

MS. HUGHES: Road.

ATTORNEY KENNEDY: I've lived here all my life and I still have to think where I'm at.

Flanders Road. And, as I said at the last hearing, one house was built of the eight lots and the remaining seven indicate, the owners indicate to the developer that they're not interested in building. They are, in fact, keeping the lots as open space to insure that nobody builds. What they're told.

Certainly, the statutes regarding erosion and sedimentation control, especially 22a-329, does not require a bond. All it requires is a narrative and a map showing means to be used to control erosion and whatnot.

Certainly, Mr. Tranquillo -- sorry to put you on the spot -- said at the last meeting that it's unfair to keep this money in this situation. And, that administratively they can and certainly had in the past released monies or not called for an E & S bond.

MS. HUGHES: Well, I mean, that's not Mr. Tranquillo's department's responsibility.

ATTORNEY KENNEDY: Sure.

MS. HUGHES: It's my department's responsibility, so he doesn't realize the problems that that action causes. While I appreciate your input, Tony ---

ATTORNEY SCIOTA: If I may? Are you all set, Leanne? I know

I'll give you the same speech I gave you in court, but ---

ATTORNEY KENNEDY: I mean, what is the Town going to do? Hold this money indefinitely. I mean, that's the problem here and certainly ---

ATTORNEY SCIOTA: Here's my point. My point is this is that when Bob Nerney and I first started this bond situation, we used to do it the way that is in the Minutes is that when people would come in and say, oh, I'm not going to build. And, we'd say, we'll just get it from you when you did your building permit. And, I'm sure the building department and the planning department working together, nothing will be missed.

Let me tell you, it was a complete and utter disaster. What we did is we made this 7 or 8 years, we've made it part of the Town policy. We have not gone away from the policy. The purpose of the policy is to make sure that all the attorneys and developers know exactly what we do and we even put a policy in place. I know Leanne wasn't the attorney, so I am not going to blame her.

But at the time of the closings, we allow the developer to assign. Which means the person who buys the lot, takes over the bond, so the developer gets his money. The person who buys the lot knows that the bond is on there. Full disclosure to everybody.

The Town is not in the position administratively to do this stuff. We get the bond and if they don't want to do lots, then all due respect, abandon that part of the subdivision. They're allowed to. I mean ---

ATTORNEY KENNEDY: Certainly, when you go for a building permit, Mr. Sciota, as you know, somebody has to sign off that everything is in compliance and whatnot and certainly you can request the bond at that time.

ATTORNEY SCIOTA: If I may ---

MS. HUGHES: From an administrative standpoint, Leanne, that's just not a reasonable request.

ATTORNEY SCIOTA: I think you know it's a nightmare. I understand you are representing your client, but the point is that we have to --- Mary and I have to keep track of

every one of the bonds and not from your department, only, but all the bonds in the Town and as you know, a couple of them have been missed in the past.

We've set up very good safeguards. I am not going to bring another department in, in essence, the building department, to double-check these things. So, if you wish to do that, it's over my strong, strong objection. We spent the last 7 years trying to straighten this out and you're just setting us back again.

I feel sorry for the applicant, but they have to play by the same rules that everyone else has played by for the last 7 seven years.

And, they bought the lots --- I assume. These are not the developers you are taking about, right? The ones who own the lots?

ATTORNEY KENNEDY: Well, the developer is asking for the money to be released, but the developer does not own any of the lots at this point.

MS. HUGHES: But why didn't the developer take the option to assign the bonds, which we had indicated to, one of their agents was a perfectly valid option for them.

ATTORNEY SCIOTA: We have that option. Every attorney, including your office, knows it and every developer knows it. Even, as Sev can testify, we allow assignments. We know about these issues. That when a developer wants to sell the lot --- if you're a developer and you have ten lots, you want to make sure that if you're just selling lots, your bond money isn't tied up all the time, so you assign it. So, when the guy buys the lot, he knows it's his money on there, the E & S.

If he chooses not to build on it, that's his problem. The bond is on there. I know it may be unfair and I read in the Minutes someone said it was unfair. Hey. The point is, it's full disclosure on the Town. Why are we now putting on Town Departments, which are pretty stressed when it comes to these bonds anyway another level?

And, then if it's blown, I'm telling you and this is what happened in the past, is that the developer or in this case whoever owns the lot now, does a closing. And, we can say,

oh, we'll stipulate this and stipulate that. But, I'm not going to chase down, I'm not going to go to these closing, so when the person sells to the next person and they go for a building permit, we say, sorry, we can't give you a building permit until you put \$10,000 for E & S. Then they call me and say, wait a second, you can't do that. And, that's the problem.

My point is that you would be setting us back to where we were before when Nerney and I spent hours and hours and hours trying to put this thing correct. And, we have not blown an E & S bond in 7.5 years and I don't want to start.

ATTORNEY KENNEDY: Certainly, I am ---

MR. KENEFICK: I've got a solution to the problem. Why doesn't the developer go to these lovely people that bought the lots and say you know ---

ATTORNEY KENNEDY: Well, then what would stop them from hiring me to come to you and say, look, I'm not building on the lot. Give me my \$4,000 or whatever it is.

ATTORNEY SCIOTA: I would give you the same point. You bought the lot knowing there is an E & S bond on it.

ATTORNEY KENNEDY: I am not asking and the developer is not asking for you to change your policy.

We're asking you for this particular piece, to use your power under your regulations, and waive this for this particular case.

ATTORNEY SCIOTA: And, no one else will do that?

ATTORNEY KENNEDY: How many, how many small subdivisions are never builds in the Town? How many subdivisions ---

MS. HUGHES: Leanne, this is not never going to be built because of the owners could drop dead tomorrow and their kids could go " hoo, hoo, I've got a \$150,000 lot that I can sell.

ATTORNEY KENNEDY: But, certainly the Town is not supposed to issue a building permit without an E & S plan. Correct?

ATTORNEY SCIOTA: Yes. And, I have the E & S money. So, why

should I worry about anything else?

Our procedures work this way. Before you got the Mylar, before you record the Mylar, you put your E & S money on. You record the Mylar, you sold the lots. So, you want your cake and eat it, too.

We're not in the position to do this at this point.

MR. TRANQUILLO: I want to ask one question, though. Let's assume that of the 8 lots, 7 have been built and one is left and that one lot stays there for 100 years. That means we hold that E & S bond for a hundred years?

ATTORNEY SCIOTA: Well, they would have to come back.

MR. TRANQUILLO: I'm saying, we hold that bond?

ATTORNEY SCIOTA: You're going to have it for a hundred years?

MS. HUGHES: They can have it reduced, Tony.

ATTORNEY SCIOTA: Yes.

MR. TRANQUILLO: I suppose, yah.

ATTORNEY SCIOTA: That's what would happen. You can come back and get it reduced.

MR. TRANQUILLO: Meanwhile, the person that has placed the money has long since passed away though and their estate is gone.

ATTORNEY SCIOTA: Why though? Because they assigned it. Whoever owns the lot ---

MR. TRANQUILLO: Oh, I understand. I'm just saying ---

ATTORNEY KENNEDY: I think but in this situation ---

MR. TRANQUILLO: -- there's other complications with doing it this way.

ATTORNEY SCIOTA: Well, certainly a lot less than doing it the other way and that's why we changed it that way.

MR. TRANQUILLO: I'm not so sure.

MS. HUGHES: Well, your office can take over bonding, Tony, how's that?

MR. TRANQUILLO: No. That's your job.

MR. CARMODY: Leanne, Mary started to ask you a question ---

ATTORNEY KENNEDY: I'm sorry. Yes?

MR. CARMODY: And, you didn't get a chance to answer or maybe you didn't want to. Why didn't the developer assign the bonding to each lot owner when he had the chance?

ATTORNEY KENNEDY: Unfortunately, our office did not represent the developer when they commenced selling these lots. And, evidently, there may have been, I'm assuming, a problem with the contracts that an agent or whomever never put that in there so then, I'm assuming, that closing, the buyer said "no way" I never agreed to that. It wasn't in my contract. I don't know. We didn't represent them. That's what I'm assuming happened.

And, here we are. Unfortunately. My, I guess, dilemma or my quandary is, when would you call this bond?

ATTORNEY SCIOTA: Well, the next question I --

ATTORNEY KENNEDY: At the end of five years are you then going to allow us to come back and request a release? I don't know.

ATTORNEY SCIOTA: The buyers who bought the lots believed that there is E & S money there? Correct? They own the lots. The people who don't own the lots are asking for release of the bonding money.

So, if we put a stipulation on that they have to put money on --- let's assume we go along with your argument. There's three owners, or one owner owns all three lots. Who we are now going to say to them, okay. I have no authority to say this, your building permit is subject upon you putting bonding money down after we released the ---

ATTORNEY KENNEDY: You do have authority, Mark. In order to get the building permit, you have to have the E & S plan on

file.

ATTORNEY SCIOTA: Specifics. They refute --- at the time of the closing you weren't there, and I wasn't there, but I assume they said, no way, I am not giving you back the bonding money. So, they're assuming the bonding money is there and the Town is protecting that bonding money.

We release it. And, then we say to them afterwards, you're not going to get a building permit until you put the bonding money up. You don't see an issue there?

ATTORNEY KENNEDY: Okay, if the applicant ---

MR.ZACCAGNINO: The current owners bought knowing there's bonding money there.

ATTORNEY KENNEDY: How about this suggestion? If I come back next time with consents from every single one of those owners, supporting the release, there you go.

(Everyone speaking at once.)

ATTORNEY SCIOTA: And, each of them put up their share, that would be perfect. Then we'll release yours.

ATTORNEY KENNEDY: They don't want to, similar as this developer, if they're not planning to build. So, you're going to go in circles and meanwhile thirty grand is going to sit in your account doing nothing.

MR. KENEFICK: They're going to have to add that on to the price of the lot, I think.

(Everyone speaking)

ATTORNEY KENNEDY: When do you call the bond? If there's no activity, when would you call the bond?

ATTORNEY SCIOTA: They're going to pay taxes on three building lots forever?

ATTORNEY KENNEDY: People do strange things for open space in this Town.

ATTORNEY SCIOTA: Well, if they want to donate the money to open space in Town, I'd be happy to release the money to

them. But that's not going to happen.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

(Continuing) And, I understand why, sometimes it makes sense to deal with specifics. But dealing with specifics in a situation like this, I'm tell you, this is not going to be the only issue that comes are. There are plenty of people who say, well, I have a lot and I'm not going to build on and in a couple of years, I'll do the building permit. Which is fine and dandy, but what you're doing is you're putting all the pressure on the Town. We have the money. That's the whole point. That's why we make them give us all the deeds and all the bonds before we give them the Mylar.

And, now what you are doing is you are eroding all of that by doing stuff like this. And, you're saying to Mary, oh, Mary, now you've got to maintain this part of it. And, then when she misses a bond because of something, it's going to come to me, and then we have to explain to the Town Council why the bond was missed.

The whole point of us doing all this, and it took us years to get to this point, what that this doesn't happen. I'm telling you, it still happens, but it is rarity.

MR.WEICHSEL: I think we've heard fairly full discussion of this and one way or the other, we should act on it.

(Pause)

THE CHAIR: We've heard both sides. I think we've heard from the applicant and we've heard from our Town Attorney. What're your thoughts, folks?

MR. CARMODY: Well, he's very animated over this and I'm sitting very close, so ---

(Laughter)

ATTORNEY KENNEDY: I could be animated, too, John. I'll come right over.

(Laughter)

MR. CARMODY: No. I'm not going to say a word. I'll let somebody else do this one.

MR. ZACCAGNINO: I think that the problem is the people buy the lots knowing there is a bond out there for this stuff and to put that back on them, it wouldn't be fair.

MR. DELSANTO: I think we have to really stand by the word and the trusting knowledge of our Town Attorney who knows more than anyone, I think, in this Town as to what's best for the Town of Southington.

So, I'm going to make a motion to deny --- is there any type of vote or is this just for discussion?

MS. HUGHES: She's requesting of bond so you either are going to agree to release it or ---

MR. DELSANTO: I'm going to make a motion that we hold the bond.

ATTORNEY SCIOTA: Deny the release.

MR. DELSANTO: Deny the release of bond.

MS. LAURINAITIS: I'll second.

THE CHAIR: Any other discussion?

MS. LAURINAITIS: I just wanted to say for the record I do see this as a change in policy. The developer may have made a bad business deal but I don't think the Town should create any risk on it's part and I agree with the Town Attorney's opinion.

MR. KENEFICK: I feel that it's a lesson well learned for somebody.

ATTORNEY KENNEDY: Can I just --

ATTORNEY SCIOTA: No. We have a motion and a second. It's a bad night for me and you and no, you can't talk.

ATTORNEY KENNEDY: After you rule, can I ask a question?

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

THE CHAIR: The motion is denied.

ATTORNEY KENNEDY: May I just ask an informational question? At this point, honestly, when would you consider or when you release the bond?

ATTORNEY SCIOTA: Want to modify your subdivision? If you want to modify the subdivision, sit down with me and Mary and we'll tell you exactly how to do it.

MS. HUGHES: I mean they would have to eliminate lots and we'd have to maintain bonds for lots that were there and then it would be a standard issue. It would be as the lots get developed, you request a motion for reduction.

ATTORNEY KENNEDY: Right, but ---

MR. WEICHSEL: She'll have to meet with the staff. We're not going to settle it all right here.

THE CHAIR: All right, we'll move on to Item D.

D. Request for Release of the \$1,000 Erosion & Sedimentation Bond for the JD's Restaurant Site Plan, property located at 713 Queen Street, SPR #913.1.

MS. HUGHES: This is ready for release.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote)

E. Request for Release of the \$1,000 Erosion & Sedimentation Bond for the Johnson & Johnson Site Plan, property located at 201 West Queen Street SPR #1220.

MS. HUGHES: This is ready for release.

MR. DELANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

F. Request for Release of the \$36,000 Earth Excavation Bond being held for the Glenwood Park estates Subdivision, property located off Barbara Lane, EE #116 & S #1219.

MS. HUGHES: We have a recommendation from the engineering department for release.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

MS. HUGHES: If I may just slip something in right before we go to the Plan of Conservation and Development. I'm sure it's of no interest to you, John.

MR. WEICHSEL: Good.

MS. HUGHES: We got a request for a zoning permit application for a duplex that was attached by a carport. And, it would be old construction, carport, new construction. And, if you don't think I've seen this before, I've seen it in Pawcatuck. They put two modulars up, two different colors, and then put lattice carports to attach them and called them duplexes and they met the definition at the time.

I sent you a memo with a picture of the zoning permit, photocopy of the zoning permit with a recommendation we change the definition of a two family dwelling to clarify that it is either attached ceiling to floor or side to side. Because I have seen this happen before.

MR. DELSANTO: So, they're trying to say that this should be a duplex connected through lattice? Or as part of a carport?

MS. HUGHES: No. They're saying they've got this building; right this is the existing two family. (Drew a sketch)

They want to convert it to one. And, then they want to build a carport and then they want new build.

MR. DELSANTO: Okay.

MS. HUGHES: As a second unit. And, I've seen it happen.

ATTORNEY SCIOTA: We actually have those. We have it right off of Bristol Street. Pre-existing one off of Bristol Street just like that, attached by a carport.

MS. HUGHES: So, I was going to ask for your authorization to go forward with the text change on your behalf with this definition which I got out of the Illustrated Book of Zoning Definitions. I didn't make it up.

MR. CARMODY: Do you need a motion?

MS. HUGHES: No, I just wanted to ---

(Everybody speaking at the same time.)

THE CHAIR: I think we need to go forward with this and get some uniformity in this Town.

G. Plan of Conservation & Development

MS. HUGHES: Just to give you an update. The draft of the future land use plan, which is the mapping component, will be a real marked up draft, I should have available to me in the next couple of days. I will let you all know. If you want to come in and see it. I won't have a reproducible copy, but if you'd like to come in and see it so you can have some thoughts on it.

And, they're actually working on the text part of the draft plan now.

MR. KENEFICK: I feel like we should -- we want to talk just a second about this ROD?

To me, I think that the density is too high. And, I think the height is too much.

MS. HUGHES: Well, but the agreement was to go to hearing with the way that it was and if you guys want to modify it, that's fine, Fran, but --

MR. DELSANTO: We can discuss it at public hearing, right?

MR. CARMODY: We've got the public hearing.

MR. KENEFICK: But that's the way I feel about it. And, I'd just like to get it out. I just feel that ---

MR. CARMODY: We're going to have plenty of discussion about it.

THE CHAIR: And, we're going to continue it to the next week.

MS. HUGHES: Next two weeks.

THE CHAIR: Next two weeks because we are going to --

MS. LAURINAITIS: So, we're here on the 23rd and then the 4th.

MS. HUGHES: The 21st, the 23rd and the 4th. The 21st and the 4th are your regular meetings. The 23rd we had decided to try and separate out all the stuff and have a special hearing.

MS. LAURINAITIS: A special public hearing in this room, right?

MS. HUGHES: Right.

THE CHAIR: So, we're set for that.

We have a gentleman that I think would like to address the Commission.

MS. HUGHES: Yes. I wasn't able to get it on tonight, Frank was going to try and get a hold of you. Why don't you ask the Commission your question?

VINNIE JASUNIS: 136 Rethal Street. I wrote a letter in for interpretation. What I would like to do is, the property is at 122 Spring Street, the I-84 Commerce Commons.

MS. HUGHES: It's I-1.

SPEAKER: What I would like to do is there is a vacant tenant space and I was wondering if I could put a detailing, an auto detailing center in there.

I approached Mr. Vinci and he couldn't come up with an answer. And, I guess he approached Mary and they couldn't come up with an answer. So, they said write a letter to the Board for interpretation.

MR. DELSANTO: What's the location again?

SPEAKER: 122 Spring Street.

MS. HUGHES: I-84 Commerce.

MR. CARMODY: That's not an allowed use, huh, in an I-1.

MS. HUGHES: I mean, you really don't address --- auto detailing.

MR. KENEFICK: Body shop in the I-1 zone.

MR. CARMODY: Can you have a body shop? Yah.

MS. HUGHES: Well, you don't really address that in our regulations. I don't know what you've done in the past.

SPEAKER: Just to let you know, there's not going to be any mechanics and there's not going to be any bodywork. It's strictly a detailing - strictly detailing.

MR. CARMODY: Is it allowed in Business? Does it say it in Business?

MS. HUGHES: There's reference made to needing a special exception for I think service stations. But no, you don't really address automotive uses very well in the regs.

I mean neither Frank nor I had an objection, but we didn't want to the poor guy to lease the space and then all of a sudden ---

MR. DELSANTO: What can we do, put it on for the next meeting?

MS. HUGHES: No. He's just asking you to make a determination.

MR. CARMODY: Let's give him an answer tonight.

(Everyone speaking)

MR. ZACCAGNINO: What is detailing? You know, car washes have to go through a whole bunch of environmental rigmarole -- does a detailing place have to go through it? Is it a carwash?

SPEAKER: It's under basically different guidelines. We hand wash our cars. We don't use the same chemicals as car washes themselves.

THE CHAIR: So, what're you going to be doing there, sir?

SPEAKER: Well, if a customer brings in a vehicle, then I'll have to hand wash the car, bring it in and buff it, detail it and send it out.

(Undertone comments)

MR. CARMODY: Does he have to go to the health department?

EVERYONE: No. Not for this.

MR. CARMODY: I mean, since, I don't know, my feeling, Mr. Chairman is, if our regulations are, if they're absent or ambiguous and it doesn't seem like it's detrimental to an I-1 zone ---

MR. DELSANTO: Nothing in there says it's against it.

MR. CARMODY: Let him do it.

THE CHAIR: I tend to agree but my only concern would be is are we saying then if it's not in the regulation, then it can go in there?

MR. CARMODY: No. I'm saying it's not detrimental to an I-1 zone. It's not an over intensive use for an I-1. It's less intensive.

THE CHAIR: I agree.

MS. LAURINAITIS: Right.

MR. CARMODY: If it's a less intensive use and he wants to bring it to I-1 and we don't have it covered, he's not going to hurt any I-1 ---

MS.HUGHES: You have farm or construction equipment sales and services in there, okay, which is different than automotive. What you need to do is make a determination if you're comfortable enough that this proposed use ---

THE CHAIR: Under the service area of that particular guideline --

MS. HUGHES: Right. Is of similar enough characteristic that you're not uncomfortable with it.

THE CHAIR: I don't think it has anything to do with that, but I'm surely thinking it's a lot less intensive than rebuilding equipment, rebuilding farm equipment.

MR. CARMODY: I would interpret it that it is an allowed use.

MR. KENEFICK: I feel the same way.

MR. DELSANTO: I concur.

MR. SAUCIER: Same thing.

MS. LAURINAITIS: Yup. Same.

THE CHAIR: So, do I.

Good luck to you.

SPEAKER: Thank you.

MR. KENEFICK: The most you can do is get thrown out!

(Laughter)

(Upon a motion made, seconded and passed unanimously, the meeting was adjourned at 8:50 o'clock, p.m.)