

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing & Regular Meeting
April 17, 2007
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, Jr., called the Southington Planning & Zoning Commission to order at 7:04 pm with the following members in attendance:

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

Lisa Conroy, Alternate

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

Absent: Francis Kenefick, Commissioner
Brian Zaccagnino, Alternate Commission
Richard Hart, Alternate Commissioner
Robert Borkowski, Alternate Commissioner

The Chair seated Alternate Commissioner Lisa Conroy for Commissioner Francis Kenefick this evening. A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

Zaya Oshana, Chairman, presiding:

Approval of Minutes a) regular meeting of April 3, 2007

MR. SAUCIER: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

PUBLIC HEARING:

(The Town Planner read the legal notices in the record at this time.)

THE CHAIR: Before we do move into the public hearings, we do have one announcement this evening. Item B on the Agenda, Hope

Ministries, Inc., the staff today has received a verbal notification from the applicant for Hope Ministries, that they will be withdrawing this application this evening.

Because of that, we will not be holding, or we will actually be -- we have not received the official written notification that the application is being withdrawn. We have received verbal notification that the application is being withdrawn.

For that reason tonight, we will be holding this public hearing open. We will not be taking testimony this evening either for or against it. Once we receive the official notification that the application has been withdrawn, it will be withdrawn and we will not be taking testimony.

If they choose to not withdraw the application, at our next public hearing on the 15th of this month, the application will move forward --- I'm sorry. Take it back. The next meeting is May 1st. I'm sorry. We will continue that public hearing.

But this evening, there will be no testimony either for or against it and we are tabling the two items and the Regular Business Item B and Item C this evening. All right?

So, if you are here for Hope Ministries, we will not taking any action on that this evening.

A. Tilcon Connecticut Inc. - West Queen Street Extension & Welch Road (E.E. #24.10) - removal of approximately 108,000 cubic yards of earth material.

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 off of DePaolo Drive and West Queen Street and also Welch Road. It's 184 acres of property. Zoned R-40. The application is regulated by Section 11-16 of your regulations.

Part of the application, we have submitted the A-2 survey, the 500' foot radius area map with names and addresses. I'll enter a reduced copy for the record.

Property owners within 500'. The notifications were mailed out. The grading and erosion control plans are provided in your packet.

The hours of operation are 8:00 to 5:00 excluding holiday. On the cover sheet the truck access route is from West Queen Street. Explained.

The appropriate notes are on the submitted plans in regard to erosion controls and dust controls. Water truck is available always on the site to take care of any dust that might occur during the operation.

The current application is for Tilcon property, only. The other two sites, the Norton and Reynolds sites were completed and they were stabilized and restored and accepted by the Town.

Currently, there is \$211,000 performance bond and a \$3,600 erosion bond held by the Town to take care of any problems that may occur. I have a letter from engineering department recognizing that the two sites were stabilized to the satisfaction of the Town and the bonds are appropriate.

(Submitted)

The site is registered with the DEP and a permit was granted. The proposed activity is in the center of the site. I have some color photos to pass you can get a sense of where it is in relation to the abutting properties.

Explained the handout.

To the west is the Lake Compounce parking area that's used very seldom. There's gravel and lights, et cetera.

To the north is the Norton the property and to the east, Tilcon, and the other site to the northeast.

This proposal is not within 100' of the property line as your reg calls for.

We have received town staff comments. Reviewed.

We are requesting a permit for two additional years. This is an ongoing operation for many years and I believe they have a pretty good track record of what they've been doing over the years.

Extensive discussion followed regarding the duration of the operation.

In response to a question, the applicant provided the complaints that were recorded the few times they were open on a Saturday or after hours. Explained their records.

(Put the applicant's records into the record.)

In response to a question by Mr. DelSanto, Mr. Bovino explained the operation at the site noting it is basically a gravel operation.

FRANK LANE: Director of Real Estate for Tilcon. This site has been in operation since the 1950's. The large lake on the site was excavated. We've excavated adjacent properties. Explained.

This is a very important parcel for us. We do not sell any material to the public from this site. This is a source of supply of specification aggregate for our primarily Plainville asphalt and concrete operations.

We will be removing the material for Lake Compounce/Relocation of Mt. Vernon Road. That material will be screened. Some of it will be

washed and become concrete sand. So the actual life of it, we hope to prolong as long as we can. It's a valuable resource in close proximity to our Plainville operation.

Mr. DelSanto asked: Instead of an excavation site, why not call it a business. You're going to be there for a long time.

Mr. Lane pointed out it is a nonconforming use on your regulations. Underlying zoning is R-40. This has continued and when the town developed the permit procedure, we presented the plans, bonded for ultimate reclamation to continue that. If you came up with a different zoning that would allow a business to operate there, we would probably then fall under that category. For now, we are an ongoing operation that continues to do what we have always done.

Discussion.

There are significant issues in this area of Town resulting from your own DePaolo landfill and resulting from the Bristol landfill.

Explained.

The Chair called for anybody speaking against this application this evening.

ROGER LEMEIX: 39 Cloverdale Road. We're over in this neighborhood in this corner here. Our properties about the Tilcon properties. Our basic concern is if there is ever going to be a time when they're going to come and excavate along our property lines and if they do is there going to be a buffer and what kind of a guarantee that our wells are going to stay in tact.

We all have individual wells that we're concerned about.

What would be the boundaries? What would that be like?

Several people indicated they had the same question.

Frank Lane said the area along the Cloverdale Subdivision has actually been excavated and it has been reclaimed. Explained.

It's over and done in that area including running all the way westward to the pond area. There'll be no additional work in that area.

Mr. Bovino said if there were any excavation to be proposed, it would be with a 100' buffer, anyways.

Hearing no further comment, the Chair closed the public hearing at this time.

B. Hope Ministries, Inc. - 92 North Summit Street (SPU #433.1) proposed church facility within existing building.

Being carried forward.

C. Zoning Regulations Amendments - ZA #535) Sections 6-04.2, 9-06, 11-020, 14-02.1E, 14-03.3, 15.08 and 15-09.

Ms. Savage presented the application. These three regulation revisions are what we would refer to essentially as housekeeping items. They're fairly minor and I will briefly explain what they are and then answer questions.

Section 6-04.2, 14-02.1E, 14-03.3 and 15.08, those revisions are to eliminate the listing of specific dollar amounts for fees within the regulations. Explained.

I proposed broad language stating that the applicable fee would be submitted and then fees will be able to be adjusted as the governing bodies see fit.

Section 9-06 and 15-09. This is revised language regarding the types of bonds that the Commission will accept for work. You may recall that you sometime before my tenure did the same regulation revision for the subdivision regulations. That change has worked very well administratively and we're proposing the same exact language in the zoning regulations.

New Section 11-20 is language regarding the locational requirements for those collection and drop off receptacles. You are all familiar with those charity or donation bins. They seem to proliferate in some locations.

At the Commission's request, we've drawn up some guidance criteria regarding where those receptacles may be more appropriate within town. This will provide the ZEO some kind of guidelines to actually enforce.

We are proposing you limit these to property zoned B providing the following criteria are met:

- a. Parcel shall be at least two acres in size.
- b. Proposed location of the bin will not be in the frontyard setback and will not affect sightline concerns or the aesthetics of the business strip.
- c. The receptacle shall be on a paved surface.
- d. Before any receptacle is installed, the Commission needs to receive and act on a site plan modification.
- e. No more than two receptacles shall be located or installed on a parcel or site.
- f. The owner or purveyor's nonprofit status be submitted with the site plan modification application.

The CCRPA response is in your package. They find no conflict with the regional development plan or any other plan of the agency.

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

SEV BOVINO: 285 Hightower Road in Southington. I have a question: Who is going to be deciding on the fees and what procedure will be used to do that?

Attorney Sciota said the fees will be recommended by the Planning or Engineering office and the final word is with the Commission.

The staff recommends and the Commission in charge of the fees will okay it. Possibly on a yearly basis the Planner will come to the commission and say, I recommend the following fees based upon the work level or her particular department and the Commission will vote on it. Not necessarily will there be public input involved, unless the Commission wishes.

ARTHUR CYR: 103 Berlin Avenue. A couple of questions. In looking at all the astronomically low fees in your regulations right now, I would hope that you'll make some things a lot more than they are.

The zone change fee right now is \$25. I think any developer that wants to come in and suck up a lot of your time and staff time on a zone change should have to pay not \$100 but probably \$250 because it's a major thing.

A \$10 fee isn't worth anything.

Anything that requires a mailing to everybody should be in the several hundreds of dollars. It's not only cost of mailing, but also the cost of staff time. Then the public hearings.

Anything that requires a public hearing should be \$200 to \$250. Especially a zone change. Let the developer pay for it if he wants to come in for a zone change.

Calling for and hearing no further comment, the Chair closed this public hearing.

(The Chair closed the public hearing section at 7:35 o'clock, p.m. continuing with the business meeting.)

6. Business Meeting:

A. Tilcon Connecticut, In. - West Queen Street Extension & Welch Road (EE 24.10) - removal of approximately 108,000 cubic yards of earth material.

MS. SAVAGE: Enclosed in your packet with your memorandum on this application is a copy of the review checklist. And, Mr. Bovino did a very good job running through them and responding to us. I will note that we still do need a written response to the checklist.

Staff is generally satisfied with the application. I would note to the Commission that comment #4 on Mr. Tranquillo's checklist talks about a parking lot which has been constructed and it does appear based upon tonight's testimony that it may be still on the Tilcon

property but perhaps off the property being considered by this application. I would note to the Commission that construction of a parking lot typically would require site plan approval.

To the best of my knowledge and to the best of Mr. Tranquillo's understanding, we have not received any application for a site plan or permitting of any kind. My suggestion to you on this earth excavation application, staff would be agreeable to approving it providing we get a written response to comments.

However, I do think if there's somehow the Commission could encourage or compel the applicant to come in retroactively, that number 4, the parking lot should've been before you for consideration before it was constructed, unless of course, it happened before I was here and maybe I'm in error.

THE CHAIR: I think the question then is it beyond the current property.

MS. SAVAGE: It might be beyond the realm of this ---

THE CHAIR: Correct?

MS. SAVAGE: Correct. But I did want to note for the record.

THE CHAIR: And, the question is it beyond the current pegged property line, correct?

MS. SAVAGE: I believe it is beyond.

MR. TRANQUILLO: Our guess at this point is that it is on the Norton property but we don't have mapping that verifies that. But what I would suggestion, not as part of this application but for future action, is we investigate this and possibly issue a zoning violation because that's a business lot and it's 400 or 500 cars, that's the size of that lot, in a residential zone.

I assume it's going to be used for the Compounce property, but that was never part of the original SPU. So, if that's going to be added, it should go through the formal procedure.

THE CHAIR: And, the violation would be for ---

MR. TRANQUILLO: They're parking cars.

THE CHAIR: No. For Tilcon? Or for ---

MR. TRANQUILLO: No. It would be for whoever's property it is on.

THE CHAIR: Whoever is utilizing the business, right?

MR. TRANQUILLO: Whoever's property it is on.

THE CHAIR: So, if it's beyond the pegged areas and it's not part of the Tilcon property, then it wouldn't be a violation of this particular site, correct?

MR. TRANQUILLO: I might add the comment that I think Mike DelSanto made about when is this going to end and is this really an earth excavation for is it a business use. I think those are all relevant comments, which I kind of mentioned in my checklist.

But the applicant has already stated that --- he didn't state it in these terms but he's saying that he's grandfathered. So, if that's the case, there's nothing to be done about it. He states he has been in business 50 years there, I believe, was the statement he made, over 50 years and that would bring it just about the time when zoning was approved.

MR. SCIOTA: It would depend on the aerials from 1957 to see what area was covered during that period of time. Anything past that particular area that was being worked on in 1957, would be under our regs. But Tony's right, anything prior to 1957, the EE was being worked on, that would be outside of our regs.

But certainly this application is for an additional two-year period so they would be coming back here in two years.

I'd also agree with Tony that you could stip the section that's not part of the EE --- if there is a parking lot there, you could stip to the fact that the applicant could submit additional information that it's not on their property, plus the other stip that Tony's looking for with the approval.

THE CHAIR: What do we have on the record in terms of --- there was some discussion about potential complaints about the project. Do we have any complaints on the record?

I think from what we heard tonight from the testimony was the concern is is it going to be coming close to our property. But I don't know if we have any actual issues or concerns with it, do we?

MS. SAVAGE: I will start and then I'll turn it over to the Town Attorney. I did receive some phone calls from people once they received their notices and I encouraged them to submit written testimony, as they were not able to be here. And, I didn't receive any.

I will anecdotally tell you that the concerns were very similar to what we heard tonight. Concerns about water quality, private wells, there's been some problems with radon and is the ongoing work somehow going to cause additional problems for the health and safety of the residents over there.

And, so those are the types of concerns that I heard and I can't specifically tie them to this operation. There is quite a bit of distance but, they were brought to my attention. Previous complaints, the Town Attorney received.

ATTORNEY SCIOTA: We've received, my office has received, and like most complaints, they're anonymous, but the --- I informed them that they do have complaints, they would come here and this is their forum to talk about if there is any violations of our regulations as

for timing and dates and from what I heard here tonight, they understand the applicant stated what they understand truly what the time is and what the dates are and as long as they live with that, I don't expect to hear any more complaints.

THE CHAIR: Just from my perspective, I haven't heard complaints. Basically, what I've heard is this has been a good neighbor. It's been a good business in the Town of Southington. That's what I've heard and I was going to be interested to see what the public hearing was. I just haven't seen an issue with this.

MR. DEMELLO: Mr. Chairman, I'd like to make a motion for approval of this application. This is the tenth time that they've come before us. Like you indicated, I haven't heard personally any complaints about this site. You know, this Commission is concerned for the neighbors in the area. Relative to this application, I'd like to make sure that we have them stipulations relative to what was it, Article 4 or Section 4?

MS. SAVAGE: It's the written responses to Mr. Tranquillo's memorandum, his checklist, dated April 12th and additional information verifying that that parking lot is indeed off --- verifying the location of that parking lot mention in #4 of his checklist.

MR. DEMELLO: I make that as part of my motion. Is there anything that needs to be further stipulated as far as time or are we going to keep --- any restrictive times or should we just leave it what's in our regulation?

MS. SAVAGE: I have no additional stipulation.

ATTORNEY SCIOTA: My suggestion would be to keep to your regulations.

MR. DEMELLO: Okay. And, that's my motion.

MR. SINCLAIR: Second.

THE CHAIR: Any discussion?

MR. CARMODY: No, just that, look, they're not --- they understand the 100' buffer and from Mr. Lane's testimony, the area that his neighbors are concerned about has already been worked on and done for a number of years.

I'm interested to know though, the point that Commissioner DelSanto brought up about this being excavation versus a business. It's, I think kind of clear that it's a business use, but it very well may be grandfathered. We have two years to figure that out. You're right. They are a good neighbor. And, I'm in favor of it.

THE CHAIR: Anybody else?

(No response)

Ms. Savage, would you call the roll, please?

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

B. Hope Ministries, Inc. - 92 North Summit Street (SPU #433.1)
- proposed church facility within exiting building

MR. SAUCIER: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

C. Hope Ministries, Inc. - 92 North Summit Street (SPR #1445.1.)
proposed church facility within existing building

MR. DEMELLO: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

D. Zoning Regulations Amendments - ZA #535) - Sections 6-04.2, 9-06, 11-20, 14-02.1E, 14-03.3, 15.08 and 15.09

MS. SAVAGE: I would be happy to answer any questions.

MR. CARMODY: Mary, the only question I had has to do with the receptacles. And, we talked about his at length. The only question I want so ask Mary and everybody here, criteria (c) receptacles shall be located on a paved surface. I don't want it on the ground, either. But I'm wondering if, I can't think of a specific location in Town, but I'm wondering, does crushed stone work just as well? Let's say someone had an area and that area was not paved, are we going to force them to pave it or would crushed stone serve the purpose?

MS. SAVAGE: Crushed stone would be fine with me. Would you have a problem with that?

MR. TRANQUILLO: These are very light bins, clothing bins. I wouldn't have a problem with those.

MR. CARMODY: If I wanted to make the change, and if the Commission wanted to make that change, would it be:

Receptacles shall be located on paved surface or crushed stone?
I don't know?

ATTORNEY SCIOTA: I would say crushed stone as approved by the Engineering Department.

(Undertone comments)

THE CHAIR: You're looking so that you could block off an area on a piece of grass, let's say, an area ---

MR. CARMODY: Yah. I don't want to make it too cost prohibitive. Obviously, they serve a good purpose. And, if someone had an area and they wanted to do it and it wasn't already paved, I don't want to make it overburdensome.

ATTORNEY SCIOTA: I think crushed stone of the type approved by the Engineering Department would be fine in your language.

MR. CARMODY: Okay.

THE CHAIR: I wouldn't have an issue with that, at all.

MR. DELSANTO: Mr. Chairman, I'd like to make a motion to approve

ATTORNEY SCIOTA: Wait, wait. You want to make a motion to amend, first.

MR. CARMODY: Yah. Make a motion to amend our proposed regulation changes, specifically Section 11-20, with regard to collection drop off receptacles, criteria (c) I'd like to change from receptacles shall be located on paved surface to receptacle shall be located on paved surface or crushed stone of the type approved by our Engineering Department.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

MR. DELSANTO: Now, I'd like to make a motion to approve the amended zoning regulations, Sections 6-04.2, 9-06, 11-20, 14-02.1E, 14-03.3, 15.08 and 15-09.

MR. SINCLAIR: Second.

THE CHAIR: Discussion?

ATTORNEY SCIOTA: I would just like to thank the Planner and the Commission for taking surety bonds out of my life. Thank you.

(Chuckles)

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

E. Southington Water Department - 65 High Street (Mandatory Referral #417) Request for miscellaneous site improvements to Water Department building

MS. SAVAGE: I believe Mr. West is here to speak.

TOM WEST: Good evening. This is an 8-24 approval for our 65 High Street improvements. I think many of you may be aware of what

we're doing there, but I'll just give a quick overview of those upgrades that we're going to do at the old 65 High Street facility.

Those upgrades include demolition of our old buildings. That includes our office, garage space. It includes the two other garages and also the old recycling facility on the northern triangular piece of property that we control, as well.

All of these are within the 200' protected radius of our well #1-A. Well 1-A which is the tan building, it's sort of in the center of the southern piece of property. That building's going to be upgraded. The roof will be redone. It's going to be something a little more aesthetically pleasing than what is there right now.

We're going to add a generator to run the well house and all the treatment systems within it. We are --- let me make sure I've got everything here.

Site improvements. And, we are going to do a small amount of regarding at the site. There is some material that we have to pull out of the ground. We're replacing an old water main inside of our site, replacing a 12" main with a new 12" main while we have the ground open. Things of that nature.

Putting our electrical systems underground as opposed to above ground. And, um, as I said, regarding of the site. It's going to become a grass area surrounded by trees and it's also going to be protected by an 8' fence around the well house itself that will be gated off normally. Except for when our personnel are on site doing maintenance in the facility. Otherwise it will be closed.

The rest of the facility, the perimeter will be surrounded by a lower fence. Four foot high wrought iron and it will be open to the rails to trails to the west of our site and also open to the YMCA property to the east, southeast.

That's just a quick nutshell, quick overview of what we're doing and I'll answer any questions.

THE CHAIR: Any questions from the Commission?

MR. DELSANTO: I have a question for Mary and Tony. You guys have anything outstanding with regards to this?

MS. SAVAGE: This project will still need to go before conservation and it will still need a site plan approval. So at this point, this is just a conceptual, mandatory referral.

MR. DELSANTO: Okay. I'll make the -- I'll make a motion to send back a favorable 8-24.

MR. SAUCIER: Second.

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

F. Elizabeth Gardens Site Plan - 836 Meriden Avenue (SPR #1456) - proposed to construct a35 multi family units.

MS. SAVAGE: I believe Mr. Giudice is going to speak.

MR. GIUDICE: Good evening, Mr. Chairman, Commission members. For the record, Stephen Giudice with Harry Cole & Son, offices at 28 Werking Street, Plantsville.

We are here tonight again regarding the application of Mountain View Farms for the Elizabeth Gardens 55 and older condo development. We've received comments from staff. We've revised the plans according to those comments.

I believe we have reduced a unit. We originally came in with 35 units and we're at 34 right now.

Some of the revisions included just modifying some of the units in this location. We propose some duplexes up in here. We took a unit out in here and turned these units around. Made some modifications to the drainage systems. And, the utilities on site.

A couple of the issues that we had to address --- one of the main issues was the intersection with Stewart Drive. There was a lot of discussion as to the best location for that. The sight distances for our project are very good, but the issue was increased traffic at Stewart Drive, would that cause a problem. We did meet with the State of Connecticut and they in turn submitted a memo stating that they would prefer to have the intersection located here opposite Stewart Drive. The applicant agreed to try and improve that sight distance to the best of their ability, within the State right of way in this area. And, they would also request from the property owner, if possible, to achieve a little bit better sight distance, some grading within their property. That's the direction that we're going with the sight distance issues. We were able to increase that sight distance from approximately 270 to about 390 feet. We can get it probably about 490 if we can grade --- the neighboring property gives us the right to grade within their property. If possible, we'll get it up to that point and if not, we'll get it up to about 390 feet which is somewhat of an - a pretty good improvement over what's there right now.

Again, this is an offsite situation, but the applicant is trying to make it as good as he can.

Some of the issues that are outstanding right now are the --- well the main, I might as well get right to the point: sidewalks. The big issue, obviously with the subdivision to the south, sidewalks on Meriden Avenue weren't required. However, with the site plan it is part of your regulations that we propose sidewalks on Meriden Avenue. We are requesting formally a sidewalk waiver.

We do have internal walks that go from the entrance through the site up to the community building and around in this area and down into these areas as well.

I took a visit today out to Meriden Avenue just to try and determine if there are any sidewalks and starting from approximately

southerly of Southington Avenue, there are no sidewalks throughout this piece, past Savage Street. So, I'd say it is about 90 to 95 percent developed. I don't anticipate any sidewalks being constructed anywhere in this area.

As you know, this subdivision in here was not required to put sidewalks and we also have wetland issue and a guardrail in this location. So, we believe the sidewalks, within this limited amount of frontage, really serves no benefit so we would request that waiver.

The other issue we have is the play area. Per your regulations we're still required to provide a play area. We are allowed to ask for a waiver of that play area. We are proposing a community building at this location, a gazebo in this location and we have again walking trails and some walking sidewalks -- the sidewalk connects to Nicola Way in this location here.

So, we believe we have some passive recreation on site and we do not need ----

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

--- I think he is, but I don't want to speak for him. So --- how're we doing, Tony?

MR. TRANQUILLO: Well I had promised Steve that I would do a review of his plan that he submitted late Thursday. But that was before we had 5" of rain on Sunday and the last two days have been absolutely brutal for the Engineering Department.

Let me just summarize a little bit for the Commission. We had anticipated that we would design a system that would discharge the water from the subdivision and these condos into a detention area that would go into Podunk Pond.

Then we would have a high level overflow down at the Misery Brook. Now what's come up in the past week is that Misery Brook kind of violates the eyeball. It's actually higher than Podunk Pond. So, if we make that connection, the water from Misery Brook would backflow into the pond. So, we have to change our thinking here. We're going to eliminate that connection and Steve has to perhaps add some additional storage for the fact that we are not discharging any water into Misery Brook any longer.

So, we are this in the throes of evaluating that and reviewing it. I can't really tell you that I'm totally comfortable, but based on the discussions I had with Steve, I'm pretty comfortable that they will provide more than enough storage to compensate for their runoff.

MR. DELSANTO: Is there enough room on the property to provide enough storage for runoff?

MR. GIUDICE: There is, actually. And, we've also gone through some calculations last week prior to the storm to determine what we have, we can achieve. We're looking for, we actually want to get a

little bit more. We just want to get a little bit better margin of safety. A little safety factor. So, you know, we're comfortable with what we have right now. I've spoken with the applicant about Tony's concerns and my concerns, as well. We want to make sure that we provide as much cushion as we can and that's what we're looking --- any revisions that we make would be above and beyond what we believe that we need.

MR. CARMODY: We've had a lot of rain, to say the least, over the last few days. Wasn't there also an issue with --- I'm not sure if it was the brook or the pond. I think it was the pond. That it had flooding issues and overflow problems. Were there any? I didn't see any.

MR. TRANQUILLO: Actually, the statement I made was that I've been here 35 years and I've seen the water as high as the middle of Meriden Avenue. That happened once in 30 years. I went by the pond just today and had Steve shoot the elevation. I believe the elevation there is 172.8, is what you told me?

MR. GIUDICE: Right, now, yah. 172, well yesterday at late morning it was 172.8, so we're anticipating that was probably one of the highest elevations it would be.

MR. TRANQUILLO: That is still 3' lower than the Meriden Avenue elevation that I called out. So, that pond has a lot of storage in it.

MR. CARMODY: With regard, we're going to have to vote on it, I think Steve's right with regard to the sidewalks. They're --- we're all pretty familiar with Meriden Avenue.

The only question I had was with regard to the play area. I'm not saying it should or shouldn't be eliminated, I'm just wondering if the site plan modification you can come back with --- I'm thinking out loud to be honest with you --- after this is built if the people don't want it. I know you're saying they're age restricted but, there are going to be a lot of grandparents there.

I don't know.

MR. GIUDICE: I think that ---

MR. CARMODY: I'm saying I don't know.

MR. GIUDICE: It is consistent with how this Commission has acted in the past, to waive them in this type of situation. And, like we've seen with normal condos that the condo associations will come back to this Commission and ask to get rid of them 10 or 20 years later because they don't use them and they don't maintain them and they end up just becoming rundown areas that are more of an eyesore for them than anything else.

So, we've also stated you could have grandchildren visiting here but they don't live here and we think there is enough open space on site if they want to go out and run around on the grass, they can do that.

I just don't think --- we don't think that's necessary.

MR. CARMODY: Where was it proposed? Show me. I don't have this map.

MR. GIUDICE: We have a community building that is designed for the residents to use for functions. If they want to have a birthday party or anniversary party. Any type of holiday event. There's parking in through this area, there's parking throughout the site and there's green space behind the building, as well.

And, there's also internal sidewalks and sidewalks that connect to Nicola Way which is a current cul de sac.

MR. CARMODY: But if you were going to, the play area is not shown on this, right?

MR. GIUDICE: The play area is not shown.

MR. CARMODY: If we said hey, you have to have it, where would you put it?

MR. GIUDICE: We would probably put something in this location down here.

MR. CARMODY: Well, I mean, it's marketing --- I guess at this point it's a market thing. Listen, you don't show it on there and people come there to buy it, they obviously know there's no play area and they don't want it, anyways.

MR. GIUDICE: It's just a fenced off area. It's up to the association whether they want to actually have swing sets and things like that in there.

With the last application, LePage, it was approved with just a fenced off area. That's not a 55 and older, but it was an issue that came up, put them on, show the fences and --- but again, we don't think it's necessary.

MR. DELSANTO: Have you thought about doing something different than a play area? I mean, if it's age restricted.

MR. GIUDICE: Well, the community center is not part of the regulations. That was something that the applicant felt would be a benefit to the development. So, that, the gazebo in the center of the island here, these are just additional items that the applicant ---

MR. DELSANTO: I'm thinking just like promoting fitness or like, I remember what we approved at one site was like a putting green or um, we're talking about chipping, a chipping green or a bocce court, horseshoes.

MR. GIUDICE: I'm looking in the back here. I guess they're proposing a gym inside the community building.

MR. DELSANTO: Oh, okay.

MR. GIUDICE: So, that's one area you have recreation. The other thing is that again, we have some internal sidewalks and I think they were proposing some walking trails or paths more or less, some mulch or something like that, around the site that they could use for passive recreation.

MR. DELSANTO: Where are the sidewalks? Sidewalks inside, at least one side of the whole property?

MR. GIUDICE: They come up along this side of the property, I believe, all the way up into this location where they cross over and come around to the community building and then they cross the street here and come around this area to provide access for these.

The only place I don't think I have sidewalks is this little piece right here.

MR. DELSANTO: Should be plenty, I think there should be plenty of sidewalks within.

MR. GIUDICE: The main issue was the main throughway here to have pedestrians off the roadway.

MR. DELSANTO: I would agree with Commissioner Carmody about, I mean, you're taking your life in your own hand walking down Meriden Avenue, it's a busy road. That's a tough corner, too, with the guardrail. I drive by it every day.

MR. SAUCIER: You did say there is a sidewalk connecting to the other cul de sac then?

MR. GIUDICE: There's a sidewalk that comes through the site and connects to this sidewalk on the cul de sac here, yes.

MR. DEMELLO: Mr. Chairman, getting back to the sidewalks. I agree with Commissioner Carmody. If you go north of there, where that Podunk Pond is, you're not going to be able to get them in.

MR. GIUDICE: Right, there would never be sidewalks there.

MR. DEMELLO: So you know, I agree with you know, --- the other thing is with the play area, 55 and older, uh, you know, um, I agree. I agree that it's going to be sort of useless and so doing away with that is reasonable.

MR. GIUDICE: Thank you.

MR. CARMODY: I'll make a motion to waive the sidewalks.

MR. DELSANTO: Second.

THE CHAIR: Waive the sidewalks where?

MR. CARMODY: I'm sorry. On Meriden Avenue.

THE CHAIR: We have a motion to waive sidewalks on Meriden Avenue.

MR. SAUCIER: Second.

THE CHAIR: Discussion?

I, my feeling on sidewalks is, I think relatively clear with most people. Although in this particular case, I agree with Commissioner Carmody and the others that have discussed it. I think if you walk this particular area, not only is it going to be very difficult to get the sidewalks in, I think it would be absolutely unsafe to put sidewalks here and to ask people to be walking in this particular area.

So, I would actually agree with this motion.

Any other discussion?

(No response)

(Motion on the waiver passed unanimously on a voice vote.)

THE CHAIR: Motion to waive sidewalks on Meriden Avenue, passes 7 to 0.

Now, what you've got for internal sidewalks right now, covers the entire area. You've got a walkway, a passive walkway that leads over to a temporary cul de sac.

MR. GIUDICE: May I interrupt? That will become a permanent cul de sac as part of these plans.

THE CHAIR: Right. But you've got internal walkways throughout the entire area that leads to each of the, from what I see, I think, each of the unit areas inside for safe pedestrian traffic.

MR. GIUDICE: I think I am a little short in this area, right her, but other than that ---

THE CHAIR: Show me where?

MR. GIUDICE: I think right --- this again is an older plan that doesn't have the sidewalk on it, but I think in this area right here, to the south, we may be short a little bit right there, but I don't want to say it's everywhere. I think we are a little short in that area, but I think in general we've provided pedestrian access to all the units.

Is it there?

(Pause, pause)

Am I missing something, Mr. Chairman?

THE CHAIR: I think there's a little spot, right you're one, there's one area that's a little --- would you put them in?

MR. GIUDICE: Yah, we'll put them in.

THE CHAIR: You'll put them in?

MR. GIUDICE: Yes.

THE CHAIR: I would just like to make sure that if we're going to--- if this goes forward that there will be sidewalks available to all the units.

MR. GIUDICE: That's not a problem.

(Undertone conversations)

MR. CARMODY: Yah, we have to discuss this -- the question about the play area.

Look, they're providing a community center. There's recreation in there with the gym. And, the truth of the matter is, you know, if people are coming there to buy this, and oh gees, there's no play area, they're going to come back and say, we need to add back the play area because that's what it is going to take to sell.

The market will bear what they want, what kind of customers are going to come here. I don't think it's, I don't think it's absurd for them to ask for a waiver of the play area. We've done it plenty of times in the past. It's age restricted plus they've added a community center. So, I'll make a motion to allow them to forego the play area.

MR. DEMELLO: Second.

THE CHAIR: Discussion?

(No response)

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

MR. CARMODY: All we have left is to add some sidewalks?

ATTORNEY SCIOTA: Drainage issues.

MR. CARMODY: Is there a stip with regard to drainage. It sounded like you guys were on the right track.

MS. SAVAGE: We do have a stip and just a point of clarification, on the sight lines, you stated that you have 390' and you could get 490 if you spoke to the neighbors?

MR. GIUDICE: Actually, I believe one of the --- the numbers I don't have exactly but I believe the existing sight distance is 268'. The proposed revision would bring us up to 390 and then with revisions to the neighbor's property, we could get up almost to 500. I think it was 490 or something like that.

It is included in your set of drawings. There's a sight line profile map. I believe it's one of the last three sheets.

MS. SAVAGE: Just as a point of clarification, I wondered if the intent was to approach the neighbors or if you were going to just stick with the ROW improvements?

MR. GIUDICE: Our intent is to approach the neighbors. Actually.

MS. SAVAGE: We certainly can't require you to do that but we encourage you to.

MR. GIUDICE: That's the intent. We would want to do it. If they let us, we will. Otherwise, we'll do the site work in the ROW only.

MS. SAVAGE: Then Mr. Carmody, with regard to the stipulations, I defer, I believe a stipulation should be that the drainage calculations are -- go ahead.

MR. TRANQUILLO: I'd recommend two stipulations. The first is that the drainage computation are revised and verified that proper storage is provided. That's the first.

The second is that the applicant meets all the engineering department checklist items. We had a meeting on Thursday and we went over that. But there's been some additions to this mapping that I just looked through, the sight distance, some of the subdivision issues, some of the drainage easements. So, I need to verify all that.

THE CHAIR: With the change in drainage, going one way to the other with the discovery this past week. What, you think that there's enough storage on site, the engineer thinks there's enough storage on site. How comfortable are you with it?

MR. TRANQUILLO: Well, at this point, I'm very comfortable because they have to meet that criteria. So, they won't have an approved site plan unless they can meet the storage requirement.

If you put it on as a stipulation, that'll guarantee that they have to have it.

THE CHAIR: If they don't meet the criteria, site plan, if it were to be approved, is dissolved?

MR. TRANQUILLO: Well, they have to come back to you. Modify the plan and come back.

THE CHAIR: If they don't meet the stipulation and the site plan is approved, this site plan, as it stands, would no longer be approved and they'd have to come back for a modification.

MR. TRANQUILLO: That's correct.

THE CHAIR: And, it's up to the Commission to decide at that point if it were to go forward.

MR. TRANQUILLO: That's correct.

MR. SAUCIER: Steve, go ahead.

MR. GIUDICE: I'm going to keep my mouth shut.

MR. SAUCIER: All right. No, we haven't made a motion, yet.

I would like to make a motion that we approve the site plan with two stipulations. The first one is that the drainage computation is revised and cleared through the engineering department and secondly, that the site plan meets all the engineering items on the checklist.

MR. SINCLAIR: Second.

MR. SAUCIER: Oh, and, sorry ---

MR. SINCLAIR: I'll remove that.

MR. SAUCIER: Sorry. And, that the plan is revised to indicate the sidewalks on the southerly portion of the site.

MR. SINCLAIR: Second.

THE CHAIR: Motion and a second for approval with the stipulations as stated. Is there any discussion?

MR. CARMODY: No. You know, I'm glad you guys are doing the work in the ROW and if, I hope you're fortunate enough to improve the Stewart Drive sightlines as much as possible. That'd be great.

MR. DELSANTO: I think it's interesting that you've had your first real test over the weekend with the rain we've had, I drive by it every day ---

MR. GIUDICE: Perfect timing for us. Not for anybody else, though.

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

G. Louis Perillo - 210 & 218 Queen Street (SPR #1458) - request for an extension

MS. SAVAGE: Staff recommends you approve this.

MR. DELSANTO: Move to grant a 65 day --- go ahead, Jim, you've got it. You've got the floor.

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

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

H. Sovereign Bank - 235 Queen Street (SPR #1459) - proposed construction of drive thru lane and installation of canopy

MS. SAVAGE: Mr. Chair, the agent for this application is from out of state and he has informed me that he is unable to present tonight. I have supplied him with this information that I mailed you in the packet and staff is very comfortable with this application.

It's an application for site plan approval to install a canopy and a drive up teller unit to the existing Sovereign Bank in the shopping center at 235 Queen Street, a business zone.

There is currently no drive up facilities and as you know, that is basically a pretty basic business model now with the banks.

There are outstanding comments from me dated 4/5/07. And, from Mr. Grapone in the engineering department dated 4/3/07. I spoke to the agent and told him that staff was comfortable with these being modifications or conditions of approval. They're fairly minor.

He did specify that he is going to be removing some landscaping. One of your pictures shows that there is a landscaped island that he'll be taking out some trees because they're fairly old and the canopies would interfere with the bank canopy.

We had quite a lengthy discussion about the town's interest in improving the appearance of these older shopping centers at every opportunity. And, he has assured staff that he will work with us to supplement the landscaping and provide landscaping trees.

Staff is very satisfied and we'd recommend that you approve this with the modifications in those two staff memorandums.

MR. CARMODY: I am going to make a motion to approve this application with the stipulations, one dated April 5 or '07 from the Town Planner and one dated April 3, 2007 from the Assistant Town Engineer.

MR. DELSANTO: Second.

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

I. Briarwood College, Inc. - 2279 Mount Vernon road (SPR #1451.1) - proposed building relocation

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

The reason this site plan is before you is because we moved the building about 35' westerly from the previous approved plan. And, I believe Mary has given you a color 8.5 by 11 sheet that shows that move. Basically, it's moving into the parking area, the existing parking and it's moving away from the wetlands and floodplain that's on the site.

The additional change was to provide access to handicapped persons in the back of the building. We have an elevator in the building, so it's a very easy thing to accomplish.

Any questions?

THE CHAIR: Any questions for Mr. Bovino?

(Pause)

MR. TRANQUILLO: If you are inclined to approve this, I would recommend one minor stipulation and that's the submission of revised drainage computations.

THE CHAIR: Are you having an issue, Tony?

MR. TRANQUILLO: No. Just guarantees that if they added impervious, they have the storage.

ATTORNEY SCIOTA: I think it's coming now.

MR. BOVINO: Mr. Chairman, I have the ---

(Laughter, laughter)

ATTORNEY SCIOTA: Hot off the press!

MR. BOVINO: Actually, we have an improvement to the site where we have additional grassed area with this move. The previous plan, we had 31,000 sf of grassed area and now we have 34,000. So, there is a net gain of grass area.

MS. SAVAGE: Well, if Mr. Tranquillo is satisfied, then staff would support the approval of this application.

MR. SINCLAIR: I'll make a motion to approve. No stipulations on this one? Tony, you're good. Okay. Move to approve.

MR. DEMELLO: I'll second.

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

ADMINISTRATIVE REPORTS

MS. SAVAGE: I only have one point, well I have two points of discussion for the Commission. Very briefly, with regard to the proposed regulations revisions for next meeting, the industrial zone revisions, I wanted to pose to the Commission a question. I hadn't built it into this draft of the revisions, however, I do receive a lot of phone calls from people looking to operate a business in an I-1 zone. And, I just had another one today from a company who is very anxious to remain in Southington, but he has a number of trucks, he has a pool business.

And, he needs to be able to park the trucks and the properties that he is looking at are I-1. And, this is not unusual and I receive a lot of these phone calls. Typically people are looking for outdoor storage.

And, whether it's in the timeframe of this industrial zone revision or perhaps a future revision, I'm wondering if the Commission would like to think about and let me know how you feel about perhaps allowing outdoor storage in an I-1 zone as a SPU. That would allow the Commission to have an extra look at it. Perhaps require fencing, limit the lighting.

MR. CARMODY: I think that's a great idea. Tremendous! By SPU, I mean, it's our call. We'll get to see the application. We'll know what they're storing. I mean, it could be trucks. It could be, you know, whatever.

MR. DELSANTO: Leaves it in our hands. We can make our own stipulations. Such as someone with a pool business, it's not someone that's going to come in and they're not buying anything over the counter. The guy needs some place to park his trucks. He probably has a few employees, whatever. Yeah, it's great.

MR. DEMELLO: I concur.

MR. CARMODY: What're you asking us to do? Add something to this?

MS. SAVAGE: Well, this has been referred out. Now the Commission is allowed to make minor revisions to it and I believe that you know, I would refer to our staff attorney, but my sense is that given the scope of the revisions to this section, this wouldn't be a major revision and ---

ATTORNEY SCIOTA: I would concur with our illustrious Planner on that. Staff attorney. I like that. Nobody used to call me that before.

(Laughter)

MS. SAVAGE: So, if the Commission was supportive of that, I would revise our public hearing exhibit and refile it tomorrow at the Town Clerk's, just to have everything correct and then you could take it under consideration next meeting.

MR. DE MELLO: My feeling is, I think it's great. I think it warrants that change.

MS. SAVAGE: And, the good thing about it, from my perspective because I'm not a big fan of outdoor storage, but I am very comfortable with allowing it as a special permit or a special exception because the staff looks at it every time and unlike a variance, when that use stops, and someone else buys the property and comes in for a SPU or to change it, they're back before you. So if another perhaps less palatable outdoor storage use came in, the Commission would have the discretion to say, no, I think that's too big of an impact.

That's why I am supportive of it.

MR. SINCLAIR: I think this is the right way to go, 100 percent.

MS.CONROY: That sounds good and I guess, you know, if the stipulation is in the SPU and we later see that they are in violation of that, then our zoning officer could go and, and, you know, fine them.

MS. SAVAGE: The scope of the approval is listed right in with the special permit. So, we could find them in violation and then what we would do procedurally is actually I would issue them a notice of violation of their SPU approval. Then I would have them either rectify the situation or have them appear before the Commission and I would recommend to you that you revoke your approval.

THE CHAIR: Let's amend the draft. Reissue it and schedule that for a public hearing.

MS. SAVAGE: The only other item is I wondered if perhaps you wanted to speak about next Thursday's meeting? Make an announcement about that? Our special meeting.

THE CHAIR: We'll be having a special meeting next Thursday, here in this room, for allowing public input on our zoning regulations. Where people will be allowed to come forward and speak regarding the proposals that we are going to be considering for zoning regulations which is one of the reasons why we are not discussing some of the zoning regulations tonight or at our public hearing that we have coming up next week as we discussed at our last meeting. We are not putting certain things on the Agenda because if we brought them up into public hearing they remained open during public hearing, we would not be allowed to take public input in the public input session. And, as we have mentioned, we want public input on the zoning regulations that we're looking at.

The meeting will be here Thursday evening, 7:00 --

ATTORNEY SCIOTA: Seven to nine.

THE CHAIR: To 9:00. We're going to be taking public input. People will be allowed to come forward and give their input on the regulations, things they'd like to see. We are looking for positive proactive recommendations on the zoning regulations. Things, they'd like to see.

We're looking at a --- there will be a limit on time for people to be speaking. The Town Planner will be taking the time as people are speaking and we will be taking into consideration what people have to say as we are going forward and preparing our final draft of the zoning regulations.

The next step, we'll then be going forward into public hearing. Public hearing will go through the normal, traditional public hearing process here, at a regular PZC meeting which will then lead to the final draft and a vote by the Commission on what the regulations will lead to for implementation.

MR. CARMODY: Seven pm to nine pm?

THE CHAIR: Seven pm to nine pm.

MS. SAVAGE: Nine pm. It is a special meeting so the timeframe was a ---

MR. CARMODY: I'm just kidding.

8. ITEM TO SCHEDULE FOR PUBLIC HEARING

THE CHAIR: We have five items on the Agenda to schedule for public hearing.

Excuse me?

MR. CARMODY: Can I ask a question? So, excuse me -- we're trying to set dates as to which ones should go May 1 or May 15th, right?

THE CHAIR: There's a series of dates that we're looking at.

MR. CARMODY: Okay. I'm thinking that this Hillcrest Orchards, HOD is going to take up a whole lot of time on the 15th. Is there any way we can move all these up to the first, or not, except for that one.

THE CHAIR: The thought is to take Arthur Sullivan and Gary Saucier, move them to the 1st. We have some items scheduled for the 1st already.

MS.SAVAGE: We have the two other regulations revisions on the 1st.

THE CHAIR: Correct. We take the Hillcrest Orchards regulation request, schedule that for the 15th.

And, we take the remaining two items and schedule those for the 1st meeting in June.

MR.DELSANTO: What about the applicants?

MR. GIUDICE: We have a small item.

ATTORNEY SCIOTA: Steve, you are going to have to come up. Assuming you are allowed to speak.

THE CHAIR: Sure.

MR. GIUDICE: Now, that I've already spoken. We have a small item for Sultana. It's a resubdivision. We basically adjusted the roadway 10'. It's something that you've already approved. My presentation is going to be a minute.

ATTORNEY SCIOTA: That will be very brief. It is a minor change.

MR. GIUDICE: I really would appreciate it if you could do it on the 1st.

ATTORNEY SCIOTA: And, now?

MR. BOVINO: I couldn't let Steve speak without me saying something.

We have a similar situation. We had a 4-lot subdivision on Mulberry Street, which we withdraw and change it to a 2-lot subdivision. Very straight forward. Again, a minute presentation. Here it is: 2 lots facing Mulberry Street. Public sewer and water. Comments? That's it.

MR. WEICHSEL: You just gave the presentation.

ATTORNEY SCIOTA: Even without a public hearing.

MR. CARMODY: Sev is here. Can I ask him something?

ATTORNEY SCIOTA: No. There's a public hearing coming up. Is it about this application?

MR. CARMODY: No. It is not about this application. It's about one that was fairly similar to it.

ATTORNEY SCIOTA: It's a hypothetical one you have in your mind.

MR. CARMODY: It's not about this one, but forget it.

MS. SAVAGE: Already scheduled on the 1st is the resource based zoning, minimum buildable square and the industrial zone regulations. All public hearing items. So, you are, I just want to tell you that you've just put three more on May 1st, so you're already looking at 5 and I don't disagree that these are very minor ones, but the two that are already scheduled could be lengthy. So, um --- and there is also the staff time involved with stuffing all the notices and envelopes and that kind of public hearing preparation that we basically have to do within 2 days.

MR. CARMODY: Well, what else is scheduled for the 15th?

MS. SAVAGE: For the 15th would be Hillcrest Orchards. At the moment that's it. So, you know --

THE CHAIR: We'll schedule Lovely Development, Inc. for the 15th of May.

MR. DELSANTO: I have a question - what about North Summit Street?

MS. SAVAGE: Well, I did have the verbal withdrawal and I was told the fax was forthcoming. It never did arrive.

MR. DELSANTO: Okay, so they go to the back of the list.

MS. SAVAGE: I believe that we will receive that written withdrawal. It's my understanding they don't intend to continue.

If they don't withdraw, then we will do that next week, too, or the May 1st.

THE CHAIR: All right.

Arthur Sullivan - 980 South Main Street (SPU #440 & SPR #1462)
request to construct a 6,000 sf storage warehouse for plumbing business
- May 1st or 15th.

Gary Saucier - 107 Norton Street 9SPU #441) addition to horse
barn - May 1st or 15th

**Sultana Developers Resbudivision - 577 Meriden Waterbury Road (S
#1244.1)** 7-lot Resubdivision (Merry Oak Estates) May 1 or May 15.

Lovely Development, Inc. - 360 & 370 Mulberry Street (S#1247) 4-
lot Resubdivision(Rich Gardens Estates) - May 15

Hillcrest Orchards Zoning Regulations Amendment (ZA #538) - May
15 New Section 3-08 "Housing Opportunity District" (HOD)

9. RECEIPT OF NEW APPLICATIONS

MS. SAVAGE: The only new application we have tonight is this 107 Norton Street. That's a SPU for an addition to a horse barn. And, you have scheduled that for your public hearing on May 1st. That's very straightforward. They're going to take down a bunch of accessories, stalls.

Otherwise, I am happy to report that we have no other new applications.

THE CHAIR: Any discussion from the Commission?

MR. SAUCIER: Other than the clothes collection bin is still on site at the Midas. The collection bin for clothes is still on site at the Midas location.

MS. SAVAGE: It is. I will tell you that I sent the denial letter, certified mail. And, we've followed up with the ZEO who has issued a Notice of Violation and we still have seen no action. But you know these things. I drive by it every day, twice a day, at least.

MR. SAUCIER: It was overflowed earlier this week and they did empty it, so they're actively servicing it. There were bags of clothing outside of it and they've been removed. They're still servicing it.

ATTORNEY SCIOTA: The kicker with that one, it eventually gets to my office and I go after the property owner. So usually they get a little stunned by saying, wait a second, it's not mine. But with our zoning laws, it's the property owner who gets affected.

MS. SAVAGE: We will be referring that downstairs, shortly.

MR. SAUCIER: Okay.

And, one other thing, too, the outside storage containers for Wal-Mart. They're back behind the building.

MR. DELSANTO: That's the start of every season.

MR. SAUCIER: It is. I mean, it's not a trailer; it's not like a tractor-trailer coming in to swap off their stuff. It's the storage containers out in the back.

MS. SAVAGE: I will say that it's been my experience that Wal-Mart is chronic. And, what I'm wondering is, I do know the district manager, um, have you or did you give approval for a temporary location.

MR. DELSANTO: No. Denial.

MS. SAVAGE: You denied it. Okay.

MR. DELSANTO: A few years ago.

MS. SAVAGE: All right. So, I'll be happy to make some phone calls and if the applicant were likely to come in and --- where does the Commission stand on this. Would you prefer to see a building addition?

THE CHAIR: We asked him to get some additional space, I think.

MS. SAVAGE: Okay. I will put that on my list.

MR. SAUCIER: I drove back there yesterday. It's a wreck back there. All their cardboard recycling is all mounds, extra racks, whatnot. It's a mess.

MS. SAVAGE: Duly noted.

MR. SAUCIER: Okay, thank you.

MR. CARMODY: We had the SEED Committee regular meeting Minutes here? Or their Agenda?

Why is that? Why do we have this in front of us?

MR. DELSANTO: It was today.

ATTORNEY SCIOTA: They met earlier.

MR. CARMODY: Oh, all right. I thought there was a reason.

ATTORNEY SCIOTA: Actually, you've been appointed to the SEED, congratulations!

(Chuckles)

MR. DELSANTO: Thanks for the water, Mary.

MS. SAVAGE: You're welcome.

THE CHAIR: Anything else?

MR. DELSANTO: Move to adjourn.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 8:31 o'clock, p.m.)