

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing & Regular Meeting
April 3, 2007
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, Jr., called the Southington Planning & Zoning Commission to order at 7:06 pm with the following members in attendance:

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

Lisa Conroy, Alternate
Brian Zaccagnino, Alternate

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

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

John Weichsel, Town Manager

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

Zaya Oshana, Chairman, presiding:

ATTORNEY SCIOTA: Mr. Chairman, if I may, although the critical review was very good at your last meeting, I did receive a couple of phone calls saying that they couldn't hear a lot of you. So, if you could, just like we do at Town Council, we get complaints a lot, speak right into the microphone because on TV they couldn't hear you. So, if you could do that, I think the viewing audience would appreciate it.

Approval of Minutes

Regular Meeting of March 20, 2007

Mr. Sinclair made a motion to approve. Mr. DeSanto seconded. Motion passed unanimously on a voice vote with Mr. DeMello abstaining.

MR. SAUCIER: Mr. Chairman, we need to add an item to the Agenda. SPR 1456 looking for a 30-day extension. I'd like to make a motion to add that as Item N under the Business meeting.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We'll add Item N to our regular business meeting.

(Public hearing is summary Minutes - meeting recorded on tape.)

Public Hearing:

A. Carpenter Construction- Zoning Regulation Amendments - continued - Sections 7A-00 and 11-14 Rear Lots (ZA #534)

(Those speaking in favor of the application.)

ATTORNEY ANDREW DENORFIA: Offices at 133 Main Street, Southington, representing the applicant, Carpenter Construction. Along with me is John Scarritt from Carpenter Construction.

We are continuing tonight our proposal for changes to both I-1 and I-2 zoning regulations. After meeting with staff, we've scaled back our proposals and the Memorandum in front of you today is minimal requirements that we need to proceed and to go forward to subdivision.

(Reviewed the Memorandum, which is on file in the Town Planner's Office.)

A couple of weeks ago, there were positive concerns from the community, but Jensen's raised a concern about a buffer because they are not a residential zone, they're a residential use. Our client has no problem with putting up a 35' buffer for Jensen's. We don't believe it's necessary to do it across the board because they would have to come in front of you for site plan, anyway.

Explained.

I know Mary has a few other industrial regulation changes today, but what we're looking for are minimal changes, things we've been working on since 2005. I believe it makes a pretty big statement if you can approve these, allow us to go forward, allow us to begin the subdivision process. It makes a statement that Southington is interested in promoting industrial growth.

Discussion.

With these potential changes, we have a minimum of at least four businesses coming into Town. Explained.

Any questions, I'd be more than willing to answer them. If not, John has a few things he wanted to add.

Mr. Carmody asked Attorney Denorfia to explain the number of years --- expand on that. Attorney Denorfia explained it came into his office in 2005. Within the last few months, we've had two meetings with staff and the last meeting made us eliminate some of the proposals. The Town Attorney, the Town Planner and the Town Engineer were present, as well as our EDC.

Explanation.

We want to be good neighbors, but we want to make it flexible so we can bring some businesses into Town.

Discussion of the wording on Ms. Savage's proposal in the future for industrial butting up against residential use and zone.

Ms. Conroy asked regarding the section on rear lots. The proposal under 11-14.5, the elimination of the requirement for one principal building being erected in an IR, the lot size for I-1 proposed is going to be halved from what there is right now, the 20,000. Will that end up being self-regulating as far as how many buildings can end up on it?

Mr. Tranquillo responded it will be self-regulating only because we have maximum lot coverage for one thing and the second issue is the parking. The area of the buildings will be limited by the amount of parking they can place on the parcel. That's the case with most development. The amount of parking that you have to provide controls rather than the building. There is a self-regulation feature.

Ms. Savage said most properties in the I-2 zones are well and septic. It's another limitation on development potential.

JOHN SCARRITT: Carpenter Realty Co., Bristol, CT. I just wanted to add my comment about the residential use and zone and that we're opposed to the change in the regulation to add residential use to the increased buffer. In the case of Jensen's and our property on Town Line Road in Southington, I'm willing to

put on the record that we will respect that increased buffer on our development but we just don't feel it should be part of the regulations across the board.

Also, I wanted to put on the record I understand these propose changes when to the CCRPA for an opinion and I assume you have received the opinion and I don't know what that opinion is, but I just wanted to put it on the record that Carpenter Construction's sister company, Carpenter Realty Company is the landlord to CCRPA in Bristol.

That's it. Thank you very much.

Mr. Carmody asked Mr. Scarritt: You know that we're looking at our industrial regulations from a holistic standpoint as we speak and that process take a little bit longer. Articulate for us why this is so important for you know, ahead of that.

Mr. Scarritt, I think our need to get this done in order to satisfy our clients is probably what prompted her to put the industrial regulations at the top of her review list but, as Andy said earlier, we have been working at this for a while. Maybe not always in front of this board, but trying to figure out how to develop the industrial properties we own in Southington in the most economical way. And, the most useful way to be quite frank.

What prompted us to come forward now was the fact that we have agreements or we've come up with agreements rather quickly with four businesses to locate at the Strawberry Fields in Southington and two of them want to be in the ground this year.

Explained timing.

We also have contractual obligations to make applications by certain times in those agreements and if we have to make those under the current zoning regulations, I'm sure those applications will not be voted upon by this board favorably. So, we will end up losing those clients.

Mr. Kenefick clarified they needed some action tonight on this. Mr. Scarritt agreed that was correct.

Discussion.

Mr. Kenefick brought up issues and whether they would be site plan issues or should be brought up now.

Discussion.

A berm along the property line was discussed as being favorable to Carpenter Construction.

The Chair called for other speaking in favor.

SEV BOVINO: Planner with Kratzert & Jones. I'm speaking in favor of the regulation change like I did the last time. I heard tonight that this regulation will only allow public sewer and public water.

I'm working with a client now to do an industrial subdivision where the public sewers may not be available. I'd like you to consider septic systems as long as the health department approves of the plans.

Industrially zoned buildings don't use a lot of water when it comes to the facilities.

That's it.

The Chair called for those speaking against the application.

Hearing none, the Chair closed the public hearing.

B. Amy Ingala - 946 Meriden Avenue (SPU #439) - parent grandparent apartment addition: Section 8-03-4 of the Zoning Regulations

(The Chair at this time asked the Town Planner to read the legal notices into the record for the public hearings this evening.)

AMY INGALA: I wanted to have my father move in with me so I wanted to make an addition on my house. It's kind of small and I'm there with my two kids.

Explained.

Mr. Kenefick asked about the addition sizes for the house and for the in law apartment. Ms. Savage advised the existing house is approximately 700 sf. The proposed addition is approximately 600 sf. However, due to the configuration of the house, the size of the grandparent addition does need to be a little larger. It's kind of an interesting set up inside. It would be a 431 sf.

Ms. Ingala has been before the ZBA, already.

Ms. Ingala handed in a letter for the record in favor of the application. (Letter on file in the Town Planner's Office from M/M Vitcavage.)

The Chair called for those speaking against the application.

Hearing none, the Chair closed this public hearing.

C. Subdivision Regulations Amendment - (SA 17) = Section 3-06 - Private Water and Septic Systems

Ms. Savage said this is a Town proposal, which was drafted in order to help eliminate instances of capital investment and housing development prior to the determination of the adequacy of water service.

This language was drafted by the Town Attorney and the Town Engineer and Mr. Caruso and revised in accordance with comments from the Health Director.

It has been referred out to the regional planning agencies. I'll be happy to answer any questions that you may have.

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

(No response)

The Chair called for those speaking against the application this evening.

(No response)

The Chair closed the public hearing.

7:31 o'clock, p.m.

(The rest of the Minutes are transcribed verbatim. A tape recording is provided, as well.)

Business Meeting:

A. Carpenter Construction- Zoning Regulation Amendments - continued - Sections 7A-00 and 11-14 Rear Lots (ZA #534)

MS. SAVAGE: Mr. Chair, staff has completed the review of this application and in referring to the attached proposal with your memorandum, we'll just go down through the proposal and I'll apprise you of staff's thoughts on those.

The proposed revisions to Section 7-A, lot and building requirements, staff supports. We have no problem with that. We

understand that there is a need for smaller lots particularly within the I-1 zone. Staff feels that these smaller lot sizes would only work if there was public water and sewer available and if those services were intended to be connected to the development.

A half acre lot may or may not have enough area to support a development, the required parking, the landscaping and then either a septic system field or a well field. So, for those reason, we've added the stipulation and the applicant has included that in his proposal about the well and septic.

With regard to the proposals for the rear lot section, 11-14, there are really two sections remaining from the applicant's original proposal. Section 11-14.5, the proposal eliminating the requirement for only one principal building being erected on an industrial rear lot and staff doesn't have a problem with that. We feel that during the site plan process that will be somewhat limited by the size of the properties and just the unique characteristics of each lot. Staff is supportive of that proposed revision.

The second revision is 11-14.12 a proposal eliminating the limit on the maximum number of rear lots within the industrial zones. At this time, staff does not support that revision.

Rear lots are pretty tightly regulated because they can be problematic. They can be problematic from a public safety prospective, from a development prospective. Much of the undeveloped I-2 land in Town is well and septic or aquifer zone and rear lots are a section of the regulations that the Commission may want to take a comprehensive look at.

At this time, I am not in support of that revision, though.

MR. KENEFICK: I have a question: They're looking to reduce the size of the lots from 40,000 to 20,000. What size then would the rear lot be? Would have to be?

MS. SAVAGE: I believe it's three ---

ATTORNEY SCIOTA: Twenty thousand.

MS. SAVAGE: -- times?

ATTORNEY SCIOTA: Industrial zone is one time. It's the same.

MS. SAVAGE: So, if the rear lot --- so it'd have to be 40,000.

ATTORNEY SCIOTA: Nope. Twenty. The rear lot is ---

MR. KENEFICK: It's the same as the front.

ATTORNEY SCIOTA: --- the same in an industrial zone.

MS. SAVAGE: They can be the same?

ATTORNEY SCIOTA: Industrial zone, yah. We made that change, you guys made that change about four months ago.

MS. SAVAGE: Well, I stand corrected.

(Pause)

MR. KENEFICK: Okay. So you are in favor of everything except this rear lot stuff?

MS. SAVAGE: Except for 11-14.12, which sets a limit on the rear lots, the number of them.

THE CHAIR: And, you are opposed in the sense that it's unlimited?

MS. SAVAGE: Correct. This is a zoning text change so the changes that you make to these regulations not only apply to these properties, but to the whole Town. So, from that standpoint, it requires a broader review by the Commission. It could have far reaching implications.

MR. DELSANTO: Even though, Mary, it only pertains to I-1 and I=2 zones.

You feel that strongly about it even if it's only industrial zones, I and 2?

MS. SAVAGE: At the very least, I feel it deserves a more comprehensive look at the rear lot regulations and where the Commission feels the regulations should go. A lot of your industrial zones are sprinkled throughout town directly adjacent to developed residential properties that are zoned residential.

It's not, you don't just have a block of industrial land. It's kind of scattered through town so not every situation is the same.

MR. CARMODY: You're looking at me, funny. Scaring me, Franny.

(Laughter)

MR. KENEFICK: I'm looking at you funny?

MR. CARMODY: A little bit. I'm going to make a motion to approve the text change with the elimination of the change at 11-14.12.

Because we're going to deal with this later. And, Zaya, you made a comment last time that dealing with this, from a holistic standpoint was the ideal and I agree with you but sometimes we're stuck not dealing with the idea. This is a situation where I think we can you know, we're the PZC. So sometimes we talk about economic development and we a little bit step outside our bounds, but the reality is, it seeps in.

I think we have an opportunity to effect a change that's going to have an impact on kick starting and being a catalyst for industrial development. And, I like all these changes. I like the fact that the applicant stated with regard to the Strawberry Fields area what they're going to do with the buffer. They're going to listen us, what we want to see for the buffer against their residential use. I believe they're going to be agreeable to the spirit of that.

You know, to me, industrial is a little bit different than retail development. We've had situations in the past and Fran alluded to it, at another meeting, where we've had an applicant come up before us and tell us hey, we need these changes and we need them done quickly. We have people waiting in the wings. But that's retail, which is a totally different animal than industrial. With retail you have corporate decision makers, you have demographics, you have different spots that they can go to and there's a lot more politics involved with that.

In industrial situations, you have an end user, much like Mr. Tanguay who was here last week and said look, I'm looking for a home. Maybe I should talk --- I don't even think he knew these guys here, I'm not positive about that, but he's a decision maker. He's looking for a home for his business and those are things where agreements can get in place quickly and homes can be found and a nice industrial tax base can start being developed in Southington.

We've been talking about being more flexible for a very long time. And, I think this is exactly what we need to get started. We'll deal with the rest later. I'm glad we're going to. But I think this is a good start for us.

I'll make a motion to approve with taking out that last 11-14.12.

MR. DELSANTO: I'll second that motion.

THE CHAIR: Is there any discussion? Mr. Kenefick?

MR. KENEFICK: Mary, this certain parcel of land that they're talking about right now, okay, let's forget about the regulations.

What is the potential for how many rear lots are we talking in that one spot?

MS.SAVAGE: I am not that familiar with the parcels, perhaps Mr. Skarritt -- zero.

MR. KENEFICK: Could he --- I don't think he could say anything.

ATTORNEY SCIOTA: Public hearing is closed.

MS. SAVAGE: My understanding is none but I will tell you that I have not done a review of the property because I don't have an application before me. I've limited my review to the regulations.

MR. KENEFICK: Okay. I would be in favor of this application. Like John said, eliminating the rear lots. Staff goes along with everything else. I think it's time for us to get the wagon moving.

MR. DELSANTO: I would echo the sentiments of Commission Carmody and Commission Kenefick. We've been in the 6.5 years on this Board, we've seen a lot of obviously residential development. It's nice to see finally some --- hopefully, some industrial business coming through.

I remember years ago when some factories in Town had closed down and you know, some people are waiting in the wings: they're going to come back, they're going to come back, they're going to come back. And, it hasn't happened.

I think now we are in a fortunate situation where we can get some industrial growth in this Town. I think it's a good idea for Southington.

MR. DEMELLO: Mr. Chairman, I wasn't here at the last meeting, so I am going to ask you to sit Commissioner Conroy in for me. I believe she took my place.

But just talking about this with Commissioner Carmody, discuss, I mean, it's a great area down there and since there's no more strawberries there, this is a great, great place for some industrial use.

You look over to the other side of Town Line Road, Plainville's got a little head start on us, but I think we'll catch up. It's a great opportunity, once again.

MR. SINCLAIR: I'd just like to add I'm in favor of this. I think this will be an excellent catalyst for economic development in Southington. I think it's a step in a positive direction.

I intend to support this.

MR. SAUCIER: Again, I can't add much more. I think this is a good idea. I think this is a step in the right direction. I'll keep it short and sweet.

THE CHAIR: I made some comments at the last meeting that I thought it was important to look at this in an overall prospective and I think later on this evening, we will look at this in an overall prospective with some regulations that are going to go along with taking the industrial regulations a little bit further.

But when we look at economic development in the Town of Southington and we look at what we need to do as a Commission to foster economic development in the Town of Southington, I am fully in favor of doing what we need to do to bring economic development back to the forefront in the Town of Southington.

We need to make it more flexible. This Commission has said it before and we've said it again now is our opportunity to do it. I believe that, personally, I am not opposed to rear lots and I think I've said to a couple of folks on the Commission and I think we need to look at that and we need to look at it quickly because I think rear lots are something that're going to make it even more flexible. We don't need to make something that is going to be imposing and I think if we look at rear lots, we need to look at buffering really well. Significant buffering when it comes to rear lots, if we even do rear lots.

I think that when we look at our industrial regulations, we need to look at buffering really well if we're going to bring the lot sizes down. I am strongly in favor of this regulation change also.

We have a motion and a second for approval. Any further discussion?

Mary, will you call the roll, please? And, when you do, we will seat Commissioner Conroy in for Commissioner DeMello.

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

B. Amy Ingala - 946 Meriden Avenue (SPU #439) - parent grandparent apartment addition: Section 8-03-4 of the Zoning Regulations

MR. DEMELLO: Mr. Chairman, everything in order on this?

MS. SAVAGE: Yes, everything's in order. Staff would recommend that the Commission just apply the usual four conditions of approval.

MR. DEMELLO: She has no problems with them stipulations?

MS. SAVAGE: I haven't discussed them with here, aside from providing here with the written documentation of them.

ATTORNEY SCIOTA: Is the affidavit also in the file?

MS. SAVAGE: Yes.

MR. DEMELLO: Okay. I'm going to make a motion for approval of this application with the four mentioned stipulations.

MR. SINCLAIR: Second.

THE CHAIR: Any discussion?

(No response)

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

C. Subdivision Regulations Amendment - (SA 17) = Section 3-06 - Private Water and Septic Systems

MR. SAUCIER: In order? Mr. Chair, I'd like to make a motion to approve the amendment. I know we've had some issues with on site water and I think it's a step in the right direction.

MR. KENEFICK: I'll second that.

THE CHAIR: Discussion?

MR. CARMODY: Really nicely written. I don't know who wrote it, but good job!

(Chuckles)

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

THE CHAIR: This regulation change will take effect ---

ATTORNEY SCIOTA: Fifteen days after publication.

D. Queen Street Car Wash, LLC - 973 Queen Street (SPU #438) proposed car wash facility within a business zone

MS. SAVAGE: Mr. Chair, staff has completed the review of this application. As you may recall, there were a number of staff comments regarding traffic. There was quite a bit of testimony at the public hearing from the residents concerning possible impacts and noise and associated perceived deficits.

Staff would recommend that the Commission take into consideration the regulations and the SPU criteria to consider the appropriateness of this. If the Commission determines that you will approve this, staff would recommend some stipulations. And, if you choose to deny it, we'd recommend that you state on the record your reason for denial.

MR. KENEFICK: I'd like to ask a question. This was or is a site of a zone change probably five, six years ago. And, at that time, which or what property was changed from R-12 to business?

MS. SAVAGE: Do you have that map in front of you?

MR. KENEFICK: There's a parcel there, 119, 121 and 122 and 120.

(Pause)

Out of that site there, where was the R-12 and the business zone?

MS. SAVAGE: I don't have that information with me. I will check and see if it's in the file. I am not familiar with that.

(Pause)

MR. KENEFICK: I should've asked this last week.

MS. SAVAGE: I would have had the file with me. Um --- and I apologize for that. But I will be happy to look in the file and see if I have that in here.

MR. DELSANTO: Mary, last week there was some concern about maybe something coming up at the last public hearing for this application years ago that a deal was struck with regards to this property becoming a building or an office building as opposed to business. Did you find anything?

MS. SAVAGE: I didn't. From the best of my understanding, that discussion happened outside of this table. I have no idea if the conversation happened or not, but it didn't happen in this forum where it would be written down in the Minutes.

MR. DELSANTO: It wasn't in the Minutes?

MS. SAVAGE: And, I believe the Attorney for the applicant searched the Minutes as well and found no reference.

MR. DELSANTO: Thank you.

(Pause, pause)

THE CHAIR: Anybody else?

MR. CARMODY: Mary, in your memorandum, if you choose to approve this application, staff may recommend conditions for the approval. What are those conditions?

MS. SAVAGE: If the Commission chooses to approve this application, we would recommend the requirement of a heated pad at the exit. We would recommend that there is a right turn out, only. And, that supplemental screening and/or lightproof fencing would be required as determined by staff during the site plan process. We don't have a revised site plan so I haven't seen that it has been added.

MR. CARMODY: And, so, those strips are to be responsive I'm going to guess to the Police Chief's concerns? Or your own? Or a combination?

MS. SAVAGE: The Police Chief, I've discussed this with the Police Chief and his position hasn't changed. He's still concerned about icing conditions and he's still concerned about traffic queuing. So, the heated pad would be to attempt to address icing. And, the right turn out is a traffic control mechanism to control turning movements and try to eliminate people going out, crossing two lanes of traffic to take a left.

And, the screening or fencing, the site plan that we did receive needed supplemental screening and this stipulation would be to address to residents' concerns but also ---

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

(Continuing)

-- comments back to him. And, as well as that sketch plan showing the restricted turning movement and I asked the Chief to advise me as to his current position, if that had changed anything because I knew that the Commission would want a report.

So, then in your memo, I also sent the second response from the Chief was his response to me saying what's your position now after the applicant's response.

MR. CARMODY: So, even with, even if we approved it and I guess what I'm asking you, is if you said to the Chief hey, if the Commission approves it, I'm going to recommend these stipulations: right turn out only --- right turn restricted, only right turn out and a heating pad, but he still has these concerns is what you're telling me?

MS. SAVAGE: Yah, I didn't discuss the heating pad with him. I gave him the applicant's response to comments. The proposed restricted turning movement and the traffic consultant's memo from Tighe & Bond.

MR. CARMODY: And, your thought, okay. And, your thoughts on supplemental screening which is for site plan is in response to light and noise pollution?

MS. SAVAGE: Light. Noise. Possible garbage blowing. But it's mostly for a noise buffer, a visual buffer and a noise buffer.

MR. CARMODY: Okay, and I realize this is site plan stuff, but what're you thinking?

MS. SAVAGE: They did show a double row of trees and I actually discussed with the applicant the tree species that they showed tend to grow up and have a long stem and then the branches come out at 5 or 6 feet above ground at mature growth and I would just propose that they change the species to something that's bushy around the bottom because the place that you're trying to screen is the lower part. So, we discussed maybe just changing out the species. And, the applicant is onboard and has said that they will or they agree and they're willing to do what we're asking for. So, we're just looking to change what kind of plans they're putting there.

MR. KENEFICK: If this was to go forward, I think I'd get a little more --- I'd get a little tougher on the screening. I was out there today and I think if this goes forward, whatever, as far as screening goes, I'd like to see a berm put around the area with a nice vinyl fence on top of the berm. I mean, is that asking --- is that putting too much into the screening.

You're saying extra screening, but is that, is that too much to put into this SPU?

MS. SAVAGE: It is certainly within your rights to ask for it. And, during the public --

MR. KENEFICK: The reason I'm saying this is because you know, the fence that's up there right now is pretty raggedy and I think if somebody would put up like a 4' berm or something like we were talking about with Jensen's and then put a nice fence on top of that, legally, we could do what, an 8' fence, Tony?

MS. SAVAGE: I think 6.

MR. TRANQUILLO: Six.

MR. KENEFICK: Six foot, you've got 4, that's 12 feet and you still plant your trees to keep the noise and everything else, I mean, you know, you've got like a 12' sounding board to keep most of the sound out. I'm just saying if it was to go forward, you know.

MS. SAVAGE: I just asked Mr. Tranquillo --- I agree with you that's within your rights to ask for and the applicant said they're willing to put up a fence if the Commission asks them for it. And, you're right that would certainly all be good. It would certainly help improve the situation for the neighbors.

I asked Mr. Tranquillo what the berm would mean for the drainage. And, chances are the drainage pipes would just have to go below the berm to allow the water to still flow where it needs to flow to the storm sewers.

But certainly you could impose those conditions.

MR. KENEFICK: The water wouldn't flow out ---

MR. TRANQUILLO: If the properties to the east drain toward this site and you built a berm, you'd be cutting off the drainage. So, it would have to be carefully engineered with pipes through that berm to make sure the drainage isn't interrupted.

MR. KENEFICK: Could it be done?

MR. TRANQUILLO: Yes, it could be done.

MR. SAUCIER: Mary or Tony, about the water supply. I know the applicant, we try to encourage a private water supply for this and the applicant did say that they're not planning on a reclamation system. So, what type of a drain, I mean, we're

talking, we brought it up last meeting that you know, as a business during a drought period of time, they can still freely use their water and without a reclamation system, you know, I would assume that that would put a burden on our water supply.

MR. TRANQUILLO: Well, the water company will have to make that determination. I presume they'll serve the property. Keep in mind that during the summer period is probably when the car washes are least busy. During dry weather, cleaner conditions, you don't get as much car washing in the summer as you would during the winter and spring. So, that's really not a decision we make. That's a decision the water company makes. But it is a concern obviously, but I am not sure you could deny the application based on that.

MR. SAUCIER: But really again, the question is more because our regulations state that we encourage a private water supply.

MR. TRANQUILLO: Well, we encourage car washes to put reclamation systems in because first of all, it saves drinking water. Secondly, from the applicant's standpoint, the consumption of water becomes very expensive. They generally do it on their own because of the cost of water. I think almost every car wash in the town has a reclamation system in it.

MR. SINCLAIR: Mary, when you talked to the Chief, you augmented the plans for right out only but not right in?

MS. SAVAGE: I transmitted to the Chief the applicant's proposed sketch showing the island in the middle of the turn which is a right out restrictor.

MR. SINCLAIR: But both ways in?

MS. SAVAGE: Yes.

MR. SINCLAIR: And, the Chief was still against it? That's my understanding?

MS. SAVAGE: The Chief --- I asked the Chief to put his opinion in writing so I could give it to the Commission. He still has concerns about it. He did not come out and say deny it. He just voiced his concerns with regard to queuing.

MR. SINCLAIR: So, he had the same opinion he held it should be signaled. Okay.

MR. CARMODY: Tony, Mary and maybe Mark, too. Pat brings up a good point. I was pretty sure that we required the last car wash that came in to have reclamation, whatever you want to call it, system in place. Maybe we should be requiring that here.

MR. TRANQUILLO: That's a good idea.

ATTORNEY SCIOTA: You can make it a stip under the SPU and if for some reason the water department can't work with them on it and the water department says it's not possible, they could always come back here and try to get a waiver of that provision of the SPU. But I agree that we could make it part of the, assuming you want to go that way, you could make it a part of the stipulation on the SPU.

MR. CARMODY: Wasn't there a percentage that we had on there? Why does 80 percent stick out in my head?

MR. TRANQUILLO: I think the last application volunteered 80 percent. They volunteered that themselves. I don't think it was a stipulation from the Commission.

ATTORNEY SCIOTA: You might also want to think about hours of operation under the SPU. I know that when the applicant was up, they talked about hours of operation. This would be the time. Not under site plan, this would be the time to discuss hours of operation.

MR. KENEFICK: Getting back to my first question, the business and the R-12 zone.

MS. SAVAGE: I don't have that information in the file.

MR. KENEFICK: I think, all right, I don't know if anybody and Mark you could probably help me out here. I think as we're looking at this map, was it 119 and 121 R-12?

ATTORNEY SCIOTA: I know you and I were here, Fran. But I can't testify as to what exactly was changed.

MR. KENEFICK: It looks that way. And, it looks like the rest of the property is all B.

ATTORNEY SCIOTA: I was here that night, but I don't remember exactly what was changed.

You don't either. So, neither one of us do.

(Chuckles)

(Pause)

MR. KENEFICK: Well, that question is going nowhere then.

ATTORNEY SCIOTA: I mean, it's not --- well, obviously, if it's very important to you then --

MR. KENEFICK: No. No. It's just I was ---

ATTORNEY SCIOTA: --- action is not required.

MR. KENEFICK: My point was that three quarters of the property was B always, I thought.

(Pause)

THE CHAIR: Anybody else?

MR. CARMODY: I'm just looking through the Minutes to see what they asked for for hours of operation. I thought there was two sets: 8:00 to 5:00 and 8:00 to 6:00.

THE CHAIR: And, then they asked for 8:00 to 6:00 in the end.

ATTORNEY SCIOTA: Was it 8:00 to 5:00 in the winter and 8:00 to 6:00 in the summer?

MR. SAUCIER: It was 8:00 to 6:00 in the summer.

(Pause, pause)

MS. CONROY: Most of what was discussed just in this discussion has just been very specific to the SPU but um, I've been um, since this under site, um, this is under SPU, um, just looking um, at the language that we have and knowing the concerns that were raised from the public hearing by some of the neighbors, um, talking about the nature and intensity of the operations, um, now since this is, you know, on Queen Street, it's our main, you know the main real estate drag there, um, probably this probably wouldn't go undeveloped forever. But would um, we consider um, the intensity of say a car wash that's open ten hours a day to be um, is that comparable to say, um, a retail business, um, some of the ones that are allowed like just a, um, I don't know, like a laundry that might be open at different times. Or um, for the size that might be there, um, I um, I guess I just wanted that to be part, I guess of the discussion, too. We were focusing on very specific things here but I guess just to pull back a little bit and kind of draw it, um, to what was raised during the public hearing part.

MR. SAUCIER: You know, Mr. Chair, though, um, one thing that keeps coming, coming back in my mind is this is a business zone and we understand that and understanding that as a business area there's a variety of things that can go in here. But car washes have been called out as a SPU because of the traffic, the idling, the, you know, whatever was the reasons to put it in SPU.

And, the other things we look at is the effect it has on the surrounding area and the harmony within um, the buildings and the uses of the area. Um, looking at car washes up and down Queen Street, we have car washes up and down Queen Street and we see them but none of the car washes, none of the operating car washes directly abut residential, okay?

The car washes we see here, they abut commercial property. Industrial property. Some of them are residential use, but residential use in a business zone. So, with that in mind, I'd like to make a motion to deny this application for as the reasons stated that it is not in harmony --- I'm getting a nod here.

ATTORNEY SCIOTA: You need a lot more reasons than that --- not the reasons stated. You want to go through the entire SPU and state your reasons. Go right through the section.

MR. SAUCIER: SPU. Okay. I've got them here, all right?

Again, first section 8-02-01, general welfare. You know, the lighting, the appearance, the direct abutting a residential zone, I think it will affect the, you know, the general welfare of the public, it directly effects you. It's going to affect them. Cars idling, spillover of lighting. Granted it is a business zone, but this is a SPU.

Section 8-02.2 again, in harmony. As I stated, this is probably the only --- well this is a proposal for a car wash that directly abuts residential and as I stated, other car washes, yes there are other car washes on Queen Street but all the operating car washes abut commercial or industrial.

Let's see, what else do I have on here. 8-02.5. I mean, we've heard from our police department. They have a concern regarding traffic in that area. They've recommended certain stipulations be put in. They would like to see, you know, a traffic light or a way to go in there. So, I also see that, you know, it really doesn't fit in in that area.

And, really, that's all I had as far as the SPU. Some of the areas.

8-02.10. Let's see, consistent with the policies, goals, I mean, that's a tough one. That argument could be made on 8-02.10. I mean, do we want to see more of these? These are covered by SPU. So, again, those are my reasons for denial.

MR. SINCLAIR: I'd like to second that motion.

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

MR. SNCLAIR: Mr. Chairman, if I may, I think Commissioner Saucier hit the nail right on the head. You have the traffic issue. It's next to a residence. Even the businesses you see that border this property and across the street within the 500' radius aren't this type of business. You have some retail. You have office. You have a realtor. Things of that nature.

You don't have, you know, McDonald's. You don't have Burger King. That's further down the road, further south.

MR. DELSANTO: I think one of the --- a lot of angry people. A lot of angry neighbors about this potential business going in. But I think what these folks need to keep in mind is that there is a likely chance that this piece of property is going to be developed. And, as Mr. Saucier was reading the, you know, the reasons behind the SPU authorization approval.

I just want people to keep in mind what could go here. Okay? Mr. Sinclair just brought up, it's not a McDonald's or Burger King. But guess what? It could be a McDonald's. It could be a Burger King. It could be a drive in restaurant or an ice cream bar. A Laundromat, a bowling alley, a billiard parlor. A printing or publishing reproduction establishment. A Staples. You know, copy center.

And, those places are Monday to Friday or Monday to Sunday from 8:00 to 5:00. I just want folks to keep that in mind.

MR. CARMODY: I think it's a tough call. You know, there are certain parts of what Pat said that I agree with in regard to this application. And, there are certain parts of what Mike said I agree with, as well.

It's a business zone and by right, I guess, I'm concerned about by right what could go there. You know, Mike's kind of right. I'm thinking about this neighborhood. It's a tricky spot and you've got to be sensitive to the people around it.

One thing I wanted to clarify just for some folks in the audience. The PZC does not actually regulate the actual use. An application comes before us and we judge it on its merits. We don't sit here and we're not privy, it's not our right to sit here and talk about we have six or seven car washes so we don't need another. That's not really within our basket, our wheelhouse of dealing with things. But that's a separate item.

The market kind of determines what kind of, you know, business is going to be successful. Not us.

So you know, look, the reasons we have to look at are all the reasons you said. Um, I do have some concerns about the traffic. I'm wondering if restricting it to right turns only,

adding a heating pad and adding the kind of screening that Mary wants solves these issues. To be honest, I don't really know. I don't really know. So, that's where I kind of agree with you.

But on the flip side, Mike's right. By right a 24-hour diner could be there. Lights are going to be on and people're going to be there. And, not from 8:00 to 6:00, from 8:00 to 8:00.

MR. DELSANTO: And, also not coming before us for a public hearing.

MR. CARMODY: No. They'll be allowed by right.

MR. DELSANTO: You'll just wake up one morning and the bulldozers are there.

MR. CARMODY: That's what I mean. It's just a tough call, that's all.

MR. ZACCAGNINO: You've got Happy Days coming right in there.

THE CHAIR: Anybody else?

MR. KENEFICK: Lighting on a building like this. Would that also be a site plan issue?

MS. SAVAGE: Well, it would be site plan. We did discuss it during the special permit process. The applicant has agreed that they will use full cut off fixtures with recessed lenses and they're not intending to have light poles, they'll just have some light fixtures on the building that would likely not be left on 24 hours. They would be shut off on a timer, a couple of hours after the business closed. So, we have discussed it during the special permit process with regards to the possible impacts on the neighbors. We'll look at it again at site plan.

THE CHAIR: I just have a couple of comments when you look at this and take in the SPU. You look at the SPU and the items that go along with the SPU. The things that we need to look at are the public health, safety and general welfare, property values and the comfort and convenience of the general public --- the public in general.

Public health, safety and the general welfare. We talked about and the Police Chief had talked about this. The icing on the water on the roadway 100' from a traffic light. That's an issue. I think when you look at putting a heating pad in, it's a nice idea, but I think we have one down the street where there's a heating pad and the water is on the road, the road is wet and it's, the heating pad inside the property and there's no heating pad on Route 10. It's wet. It's freezing. This is 100' away

from a stoplight. People're going to hit the brakes. If there's a big ice patch there, people are queued back from the light, people're going to hit the ice, I'm afraid there's going to be accidents there. From my prospective, that's a safety issue. I think the Police Chief is saying the same thing in his comment.

And, he seems to still have the same concerns that he had when he looked at the initial traffic study, the initial traffic information after he looked at the traffic report.

Property values, and when we looked at the testimony from the last public hearing, there was no testimony given in the public hearing that there was not going to be an impact on the property values of the homes surrounding. In fact, I think it was said that I don't know if there was going to be. I'm not an appraiser was the comment.

The other comment was well, there was a factory there, so well, if there was a factory there and that didn't impact the values, what's a car wash going to do. I think what was interesting was one of the gentlemen that actually worked at that factory and lived in the area, came up and said, some unrefuted testimony was, the factory was there before the houses were there, so how would that have an impact on the values of the houses when the houses were built afterwards.

So, we're looking at the value of the property in the surrounding areas, these homes, in my opinion, at least, are going to be impacted by this development.

When you start looking at cars in the queue coming along. I guess, from what we saw in the site plan, there's 24, 26 cars in queue coming around waiting for the building. The building's going to be about 100' away from the property line or maybe a little bit more, but the cars in queue are going to be roughly 30 to 50 feet away from the property line.

Exhaust, radios on, rumbling of cars sitting there in the queue line, not only is -- you know, with those with the noise, with the exhaust, I think that is going to have a definite impact on the property, on the property values.

And, when you look at some other items that are associated with the general well being, Section 8.02-11 of the SPU, it talks about how it is going to impact when you put this sort of a development against a residential zone.

Compatibility and consistency with the development and use of a neighborhood and adjacent properties. You know, I think the development of the properties is done. There's no more development that's going to take place of that residential area behind there. But the use, I think is going to be negatively

impacted. People aren't going to be able to use their back yards like they used. And, in my opinion, they're not going to be able to use their house like they used to because you are not going to have your windows open, enjoy your summer, enjoy your spring when you are going to have these car fumes coming into your property.

I don't believe, and correct me if I'm wrong, because I may be wrong from engineering or a planning prospective, trees don't stop car fumes and fences don't stop car fumes from coming into the property. So, if these cars are stacked up and these fumes are going into the property, my opinion is it is going to have a direct impact on the use and the value of these people's property and their way of life.

Does it create a conflict and impede the normal traffic on the roads of the neighborhood? No, I don't think it's going to have that so I don't think there's any impact on that one.

And, the third one talks about does it hinder, discourage the orderly and appropriate development and/or use of the adjoining properties, adjacent properties. I don't think it's hinders the development, but I do certainly think it hinders the use.

So, for my opinion, I don't think that having this development there is an appropriate use of that property and I agree with commissioner DelSanto there are other things that can go there. This is a tough call. I just don't think having 26 cars potentially in a queue, the amount of cars this car wash can handle on an hourly and daily basis in people's back and side yards, we need to take --- this is a business zone. But we also need to take into account that it is butting up against a series of residential developments, residential homes and we need to look at that when we make our vote.

Any other comments?

(No response)

All right. We have a motion and a second for denial. Ms. Savage, would you call the roll, please?

A yes vote would be for denial of this application.

MS. SAVAGE: Yes, the motion is to deny.

Mr. Carmody:	No
Mr. DeMello:	Yes
Mr. DelSanto:	No
Mr. Kenefick:	No
Mr. Saucier:	Yes
Mr. Sinclair:	Yes

Mr. Oshana: Yes

THE CHAIR: The motion to deny passes four to three.

(Shouts of joy from the audience!!)

E. Renaissance Commons, LLC - 1 Columbus Avenue & Liberty Street (SPR #1441.1.) proposing to construct twenty-three (23) townhouse condominium units in conjunction with the previously approved Special Permit Use #384.1.

MR. GIUDICE: Good evening, Mr. Chairman and Commission members. For the record, my name is Stephen Giudice with the office of Harry Cole & Son, located at 28 Werking Street in Plantsville.

As you know, we've been working on this plan for quite a while and I think we've finally addressed all of the concerns of the staff and the residents and the consultants that have been reviewing this from technical aspects. Metcalf & Eddy and Clarence Welte, soil engineers.

We've made more modifications to the plans but we haven't modified the layout considerable. The biggest, significant change would be we moved this building farther off the sanitary sewer easement and we've eliminated a unit. We're down to 23 units from the original 24.

We've met with staff and we've revised our planting schedule to make it much more friendlier development from green thumb prospective. So, uh, with that, I'll answer any questions that you have of me, if I may.

MR. DELSANTO: Mary, do you have any pressing outstanding issues with this application?

MS. SAVAGE: Yes and no.

MR. CARMODY: That clears it up.

MS. SAVAGE: Staff --- the applicant is correct we have been working closely and there has been a number of revisions to the plan. Staff received our latest revisions of the plans at about 2:00 today. At this point, staff would recommend for approval with conditions and there are three conditions outstanding.

- Condition 1: Revise the drainage computations.
- Condition 2: Provide written responses to the engineer checklist dated 10/20/06.

- Condition 3: We would require a 12-inch minimum clearance between the 42-inch sanitary sewer and other site utilities.

THE CHAIR: Say that again, Mary?

MS. SAVAGE: The third one?

- Require 12 inches minimum clearance between the 42-inch sanitary sewer line and other site utilities.

This plan that the agent has up now, he has actually revised again so it is slightly different and those are the three substantive issues outstanding at this time.

MR. KENEFICK: I've got something to say but it's probably not the right time to say it.

MR. CARMODY: Oh, sure it is.

MR. KENEFICK: But I am going to say it anyways. I thought Lisa was seated for John on that last vote.

THE CHAIR: No, he was put back in.

ATTORNEY SCIOTA: Just the one vote and John came back on after.

THE CHAIR: Just the one vote.

MR. KENEFICK: Oh.

ATTORNEY SCIOTA: Just the one vote.

MR. DEMELLO: I was here during that -- during the original public hearing.

MR. KENEFICK: That was last week?

MR. DEMELLO: No, the week before the last. They had public hearing on that, also. I was here.

MR. KENEFICK: There wasn't a public hearing last week on that?

MR. DELSANTO: There was. There were two. It was continued.

MR. KENEFICK: Wrong time to say it but --

MR. GIUDICE: Scared me for a minute there, I was like --- what'd I do.

(Chuckles)

(Pause)

Anything else for me?

MR. CARMODY: Yah, yah, hold on.

MR. GIUDICE: Oh, okay. I figured.

MR. TRANQUILLO: Don't go away.

MR. CARMODY: You guys, Steve and Mary, briefly touched upon it but there is a great deal of text with regard to the plantings. So, I want you to describe in detail every plant that Mary asked you to include in your ---

MR. GIUDICE: Actually, I had Mary do the planting plan for me, so she should probably ---

MR. CARMODY: You know what? I agree with --- you know, this is an important parcel with regard to the downtown.

MR. GIUDICE: It is. With the things that we changed with the plans, we changed the plantings considerably. We proposed pin oaks in the areas we needed some shade in the recreation areas and around the parking areas. We have flowering cherries along Liberty Street and Columbus Avenue and we have some randomly planted cherries throughout the site. I believe we have some magnolias proposed. Then we also have evergreen buffer that runs around the perimeter of the property to provide our required landscape buffer from adjoining parcels.

And, then we have rhododendrons and azaleas and things like that around the units and perennial plantings, as well, around the units, as well. So, those are the main revisions. We completely revamped the landscape plan.

MR. CARMODY: Mary, you made mention about an open space allotment for the town having no value?

MS. SAVAGE: there as a proposed conservation easement. There's a detention pond and it had been proposed for the town and staff felt it was more appropriate for that to be a conservation easement towards Renaissance Commons, LLC, so that they could have the right to access and maintain and maintain the right to flow. There's a floodway in there. There was no reason for the town to have it for open space because it's a detention basin and then the town would be responsible to go in and access it and clean it out. And, so staff determined that that was not a role that we felt was appropriate for us.

MR. CARMODY: Does that have to be added to this?

MS. SAVAGE: It's been taken care of on the revised plans. There's been a note. In fact, the plans that are in front of you, laid out, are the 2:00 pm edition from today, so it is the revised planting plan and the note should be revised as well.

MR. GIUDICE: That was just an error on the part of my office to credit the easement to the town when it really should be privately maintained by the Renaissance Commons. So that was revised.

MR. CARMODY: I guess this is for Mary and Steve. If we were to approve this, you would have no problem providing those stipulations that Mary asked for?

MR. GIUDICE: No, sir. I spoke to the Town Engineer earlier this evening and he informed me of those stipulations and we would be, we have no problem with those.

MR. CARMODY: So, Mary, you feel comfortable if we added those?

MS. SAVAGE: I feel comfortable. I strongly recommend it. And, the plan has been significantly revised. And, we are supportive of it at this time.

MR. CARMODY: All right.

MR. SAUCIER: There was a lot of talk about the sanitary sewers. I mean, you are satisfied with their plan?

MR. TRANQUILLO: Yah, we've beat that issue to death. We had a report from Clarence Welte, who has a PhD in soils. That was submitted to Metcalf & Eddy for a review. They came back with a letter and basically agreed with Dr. Welte. And, then there was some additional comment about we need more borings, a little bit more testing.

So there was a second report from Clarence Welte dated March 12th. He also spoke about the foundation types for the buildings, the utilities on site and the parking areas on site being specially designed because of the poor soils there. All those notes have been added to the plan. And, all of those reports have been keyed into the plan. So, I am very comfortable that we are not going to have a problem.

Plus, the plan also states that prior to construction, the 42-inch main will be videotaped. So, we're going to have a record of what it is now before construction.

MR. GIUDICE: It's a dirty job.

MR. TRANQUILLO: If we sense --- yah. Maybe we can go on that TV show with that, right?

(Laughter)

After construction, we can TV the line again to see if they've done any damage and then they would be responsible to correct it.

MR. DEMELLO: Mr. Chairman, Tony, on this, I know you are going to videotape this but there was a concern by some of the neighbors on Liberty Street relative to any flooding, any water that might be generated by this complex.

Do you feel that this is going to be, make it better or is it going to make it worse?

MR. TRANQUILLO: This will theoretically make it better. But when the river floods, the residents won't see any difference. The water will flood to elevation 148 to 149 before this project and it will do the same thing after the project. So, they will see very little difference.

If anything, it will help their situation, not hurt them. This definitely will not hurt them.

MR. DEMELLO: Mr. Chairman, I'd like to make a motion for approval of this application with the stipulations that the Town Planner mentioned.

MR. DELSANTO: Second.

THE CHAIR: Motion and second for approval with the three stipulations as outlined by the Town Planner. Is there any discussion?

MR. DELSANTO: I just want to say that this application has been a long time coming and I think that the applicant has worked closely with our Town Staff and with any recommendations and stipulations that we put forth, they've exerted a lot of effort to make this safe for the public and to make it, make this piece of property usable.

MR. KENEFICK: I'd also like to say that I think with this new office building that's going on right now on Liberty Street and these condos, I think it's going to like breathe a breath of fresh air for Liberty Street. And, I think you know, I just think it's the perfect thing for the Renaissance, whatever, and it's, I think it's going to be good for the area.

And, it has been a long time coming.

THE CHAIR: Anybody else?

(No response)

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

MR. GIUDICE: Thank you very much for your patience with us on this one.

ATTORNEY SCIOTA: Steve earned his money on that one.

(Chuckles)

F. James Larkin - 247 -249 Meriden Waterbury Road (SPR #1455) proposed modification of existing duplex into 2,643 sf mixed use: residential/business

MR. GIUDICE: Stephen Giudice with Harry Cole & Son. I believe I gave a brief description of this property when we first submitted our application. We have an exiting home located on Meriden Waterbury Road. It's just east of the Henney Penney.

And, the applicant purchased the property with the intention of using it for residential and business use. You may remember that this property was used in the past for some television repair business that was done out of the home. There's a large paved parking area that is on the easterly side of the property and we have an existing driveway with a garage in the basement on the westerly side of the property.

There's an existing in ground pool in the back. The site is serviced by private well and septic system.

The applicant purchased the property in hopes of moving his business, he has a home improvement business that he runs out of Meriden, I believe, he's in the audience. And, he was moving this business to Southington along with his mother who would be living in the residential portion of the property, which is here, and then the business would be in this area here, the small portion to the east.

Originally, we didn't propose any site improvements. We were just proposing to change the use officially. I know in the past it had been used for business but I don't know if it was officially on the records as such. And, we've made the application showing the parking spaces, a dumpster and our calculations for such. And, obviously, handicapped accessibility.

The main issue that came up was the sight distance. The existing driveway has relatively poor sight distance looking up 322 to the east. After a lot of time, with staff and myself and Mr. Larkin and trying to convince the neighbors to let us do some grading on their property, we were kind of came up with some dead ends. We did propose some grading in this area on the right of way. Originally, the sight distance was approximately 200 feet and the police department commented that they didn't feel that was adequate and the Town Engineer also commented he didn't feel that was adequate, as well.

We've modified the grading. We picked up about 50 additional feet with the grading. It didn't get us where we really felt was a safe distance. So, our last ditch effort here was to move the entrance as far southwesterly as we could. We do have a telephone pole at this location so we couldn't go too much further. And, that included with the addition of a larger grass island here and the grading, we were able to increase our sight distance to 320 feet.

Again, this isn't up to the recommended standards by the DOT, but we feel we're taking an existing condition and we're improving it considerably.

The other thing I just, as you consider this application, I just want to make a few comments about Mr. Larkin and his business. I had submitted a letter to Mary just describing he has a home improvement business and most of his business is done on site at customers houses. He has appointments with them at their house. He doesn't have a lot of walk in traffic with this business. Occasionally, maybe two or three times a week, four times at tops, he'll have a customer meet him at the office to discuss some type of building material that he's going to use.

But it's not a retail use that gets a lot of traffic. So, we think that we really aren't going to have that much of an increase in traffic over this being used as a residential home with a family of five or six people living in it, which would be definitely feasible based on the square footage of the property.

We are proposing to provide some plantings for our buffer against our landscaped --- our landscaped buffer against a residential zone. We do have one area in here where we have some trees. We don't have it completely landscaped. We have an existing pool. We would ask for a waiver for the buffer requirement in that area. But other than that, our only improvements are this entrance and the proposed sign location.

We are also proposing to remove the existing fuel, oil storage tank, that's located in the front yard.

I think I covered most of the --- the big issue is the sight distance. Mr. Larkin is here if you have some questions for him and the staff, I think, has had a chance to review the plan. I think that they know it's not the best, but we're trying to do everything we can to make it as good as possible.

THE CHAIR: Any questions?

MR. CARMODY: No, I mean, the way I understand it, as it exists now, the sight line is less than desirable and he's doing all he can to make it better. It's still not up to par, but it's better than it was. And, it's already an existing use, right?

MR. GIUDICE: Well, it's an exiting use. It's not an existing, technically, it's not an existing business use at this time and that's why we're here. We're proposing business use on this portion.

MR. CARMODY: I think he's doing the best he can, I guess, is what I'm getting to. And, he's making a bad situation a little bit better. Not ideal, but better. So ---

MR. KENEFICK: I was up there today and other than, you know, moving the road, I don't see how you are going to improve the sight distance.

MR. GIUDICE: Well again, we have some grading --- moving the driveway. We have a sign, one of the signs is in the way.

MR. KENEFICK: Especially if you have a neighbor that doesn't want to cut his front yard up.

MR. GIUDICE: We can understand that. He did allow us to cut some brush.

MR. KENEFICK: You did what you were supposed to and you improved it, so ---

MR. CARMODY: I'm going to make a motion to approve.

MR. DELSANTO: Second.

THE CHAIR : Discussion?

MR. KENEFICK: I used to go by that house all the time and all you used to see is Genite cans out there. That guy used to genite his driveway every week.

MR. DELSANTO: The blackest driveway I've ever seen in my life.

FROM THE AUDIENCE: I still find some of those cans.

UNIDENTIFIABLE: Don't say that out loud.

(Laughter, laughter, laughter)

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

G. Magnoli Enterprises, Inc. - Burritt Street (S #1246 - proposed subdivision of two parcels with one residence into a 5 lot subdivision (creating 4 new lots) April Estates

MR. GIUDICE: For the record again, Stephen Giudice with Harry Cole & Son. This application has been before you for a little while. We're proposing, we have an existing home located on this parcel and we're proposing four additional homes.

At a previous meeting you did waive the sidewalks along the easterly portion of the road to keep the abutting property owner from having to maintain that. They're not involved with this application, at all.

We have gone back and forth with staff and addressed their comments. I think there was one or two items that came up late today from the Town Engineer that I've revised, but I haven't gotten to the plans, yet. I think we're in good shape, but I'll leave it up to Mary to give you the final okay.

MR. TRANQUILLO: The only remaining items are some minor detailing on the underground storage system. Pipe types and a couple of inverts. So, I don't have any problem with the Commission taking action tonight.

THE CHAIR: Is there a concern with the water flowing to some neighbors, issue?

MR. TRANQUILLO: We've taken care of all of that.

THE CHAIR: All been done. The neighbor concerns are done, over with?

MR. TRANQUILLO: Yup.

MR. DELSANTO: I'd like to make a motion to approve this application.

MR. DEMELLO : Second.

MS. SAVAGE: Excuse me. The Commission has in front of you a memo from me with two outstanding comments and a third comment just for your consideration. The first two we have discussed with the applicant and he's agreed to. The third one is there is

an adjacent factory that's existing and I've asked the applicant, I've suggested, on none of the plans are there any screening or a fence or anything to shield the new houses going in from this existing factory. I've suggested that ---

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

MR. DEMELLO: And, the second.

MR. GIUDICE: Mary brought that up to me twice and I've forgotten to ask the applicant about that, Mr. Magnoli, but he's giving me the nod that yes, the fence along that area adjacent to Jayson Screw Machine would be appropriate.

Plantings we prefer, but we have the underground storage system in that area, so the fence would be the best alternative.

MR. DELSANTO: The factory doesn't want to see houses.

MR. GIUDICE: And, the houses don't want to see --- yah, that's right.

ATTORNEY SCIOTA: The flip side.

MR. DELSANTO: I got you!

(Pause, pause)

MR. TRANQUILLO: I just want to bring up the issue of if we build a fence on the east side of the road, the town will own and have to maintain that fence.

ATTORNEY SCIOTA: We don't like that.

MR. TRANQUILLO: No, we don't. I think this may be a case, even though Mary has an excellent point, Buyer Beware. I've made the applicant place right on the plan that that is an existing industrial use and it's not what I'll call an obnoxious industrial use. So, anyone buying in that area would have to be -- pardon my English, but totally blind not to see that factory there.

MR. KENEFICK: Well, they're probably going to think later on there's going to be a fence there.

(Laughter, laughter)

MR. TRANQUILLO: I wouldn't assume that if I was buying a piece of property.

MR. GIUDICE: It's not on the plans.

MR. KENEFICK: Is there enough room to put some heavy screening in there?

MR. GIUDICE: I don't know about heavy. I think we could plant some things right on the property line. Some arbs or something like that. Whatever staff would prefer.

MS. SAVAGE: There is an underground detention system there, so perhaps, you know, it would be whatever would be acceptable with Tony and the applicant.

MR. DELSANTO: Okay, so remake the motion with the stipulation that the easterly side of the property would have some sort of buffer to shield this factory from these houses.

MR. KENEFICK: Mike? We could probably talk to the guy that owns the shop to put the fence up. He's a nice guy.

THE CHAIR: We have a motion.

MR. DEMELLO: Second.

MR. DELSANTO: In addition to the other two stipulations as well. There are three in total.

MR. DEMELLO: Second.

THE CHAIR: Motion and a second for approval with the three stipulations as identified by the Town Planner.

Is there any discussion?

(No response)

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

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

MR. DEMELLO: Relative to what Fran brought up, Commissioner Kenefick, relative to the car wash application, just to clarify one thing. I was not at the last meeting due to an operation I had. But I was at the previous meeting for the, when that application came up and we had public input or a public hearing on that. I read the Minutes. The tapes I didn't get from Planning & Zoning, but I did watch the show.

MR. CARMODY: All five hours, huh?

MR. DELSANTO: The show.

MR. DEMELLO: But anyways, I watched it. And, just for a point of reference on that, I remember Mr. Cyr up there reading the regulations to you guys and you know, so I just wanted to clarify that.

MR. DELSANTO: Carmody looked pretty good, right?

THE CHAIR: Thank you. All right. Thank you, Mr. DeMello.

H. Vincent Nanfито & Stacey Raya - 200 Queen Street (SPR #1460 - proposed 2,824 sf building addition

WITHDRAWN

I. Northstar Centers, LLC - Executive Boulevard (SPR #1461) proposing to construct a 285,423 sf multi-use shopping center

GREG MIKALITIS: Good evening, Mr. Chairman and members of the Board, Commission. My name is Greg Mikalitis from Appledor Engineering, Portsmouth, NH. With me is Derek Weiss, Project Manager from our firm, and also Sev Bovino.

We're --- this will be --- I haven't seen you in a while, but we've been doing a lot of work behind the scenes. Since we last met with you folks, we have been working with the Conservation Commission for a number of months. Went through some of their concerns. They retained an independent wetlands consultant and what Derek will explain later on in my presentation is some of the improvements to the plans, some low impact designs and plantings and introduction of landscaping that we've incorporated into the latest set of plans.

Just to refresh everybody's memory, this is the proposed project here. It's a 285,000 sf mixed use or multi use retail project. Executive Boulevard South is here. The cul de sac is down in this area. What you see in the darker colored orange is the proposed buildings and as I get to my presentation tonight, we call it the north and the south.

The north part of the project is proposed to be anchored by a supermarket with some coffee shop, bank and restaurant. I guess pads, for lack of a better term. And, then down here, on the southern part of the site, what you have in front of you is tonight we'll be talking about, we're pleased to announce that TARGET is the anchor of the southern part of the project and again, will be some mixed use retail on this portion of the southern.

Approximately 35 acres of disturbance. It's a 38-acre site of or for the business zone. Shopping centers are an allowed use. We, as I mentioned, we've been doing a lot of work behind the scenes and I think the last time I met with you folks, we were heading out to a site walk with the Conservation Commission and that, again, we've been permitting that over the winter and we just received approval in February from the Conservation Commission.

So what we have before you now is the latest site plan and what we're trying to do, we'll be introducing a lot of landscaping so you can see. We're going to take Executive Boulevard, that tree lined boulevard and we want to continue that theme into the site here, introducing a lot of raised islands. Same thing down in this area here. You can see we're bringing that tree-lined boulevard down, down. Breaking up the parking lot by adding some landscaping. Derek will talk about the rain gardens that we're introducing here, some other low impact measures.

We're trying to make this pedestrian friendly. There are a lot of potential customers right in this area here, so we've introduced sidewalks. We are enhancing the sidewalks. There are sidewalks on both of the street. We are bringing sidewalks into the site connecting the different facilities.

Also, extending the sidewalks down to the central portion of the site and you're going to be able to walk to this section or this section over here.

There's been a lot of work done behind the scenes. Utilities. We've had multiple meetings with different utility companies. We have a number of "will serve" letters. We want to make sure as we're progressing that we have utilities in place. The only thing that is a question at this point is the gas. Gas is, as you know, is over a mile away and we're hoping to work with the gas company to get gas to this site.

Off site, we've retained Hesketh & Associates and again we've been permitting this thing before STC for I think it's close to a year now and there's been a lot of good dialogue back and forth and we are expecting to get our certificate mid-May. So that's progressing. There are, as you can imagine with 285,000 sf of retail, there's a lot of off site improvements that'll be needed.

Up here, starting just north of the site, we'll be adding a right turn lane into the site on Executive Boulevard South itself. We'll be adding another right turn lane coming out and on your small plans in front of you, the new pavement is delineated by a darker shade of gray. So, as I go on in my presentation, I hope that helps you. The lighter gray is what's existing.

Coming over here off of the westbound off ramp, we'll be adding another lane here. Also, adding some paved widening here to provide two lanes coming through. Actually a through lane and a left turn lane. And, then probably the biggest change that has come out of the STC process is lining up Hart Street with the off ramp here.

Basically, what's going to happen is this existing off ramp will be moved to the south and Hart Street will be moved to the north to create a signalized intersection there. And, again that was brought about by STC and then the on ramp would be moved to the north to again just increase this distance here. So, that's new since we last spoke with you folks.

Let me see what else. The wetlands impact, again that was 274 sf. It wasn't significant. It was really a culvert with outlet swale over here. Basically, the Conservation Commission, they were concerned with thermal impacts to the wetlands over here and again Derek will describe what we're doing in these detention ponds and some of the enhanced planting here and here to mitigate or reduce any thermal impacts.

I'm just trying to go over the highlights with you folks. As I mentioned, what you have in front of you is the --- as late as last week, Derek, myself and Northstar Properties, we were in Minnesota on Wednesday talking with Target. So, this is, we can release the name tonight. As I said, mentioned, Target would be here. In front of you we passed out, they have basically a little flyer explaining who they are, if you don't know them. They were very excited about this area. They already have four stores in the county and this supplements their existing stores. From what they've told us and again I'm not speaking for Target. I am just going to repeat what I heard out in Minnesota. There are quite a few people from Southington that travel to these other stores, they attract customers. So they feel this location supplements their other four locations.

Again, I passed out some community benefits, community giving that Target does. They also wanted me to mention that the elevation that I just passed out tonight, we got that as late as yesterday afternoon. That is their latest and greatest footprint. I'm reading right from their transmittal. It's a contemporary theme of high and low massing, parapets up and down for interest, high glass entered canopy and glass at the food area and offices. Materials are painted rock face block. Textured paint to simulate stucco. There will be a horizontal grid system, colors of soft earth tones with asymmetrical patterns to create more visual interest. Metal canopies and sunscreen elements accent the window areas with landscaping around the building to soften the façades. Again, if you look at those elevations we passed out tonight, Target has pretty strict

criteria on sidewalks and textured pavement and landscaping and screening and those are reflected on the elevations we passed out tonight.

The Target itself will have a Starbucks inside it. And, they wanted me to mention that. As well as a Pizza Hut food express. So, it's going to be a full service soft goods store.

What I'd like to do is have Derek just take a couple of minutes and talk about the storm water system. That's really, as I said, over the last nine months, that's been a huge topic of conversation with us and the Conservation Commission, so we figured we'd bring you folks up to speed on, try to summarize that dialogue.

THE CHAIR: Mr. Mikalitis, we have a question for you.

MR. CARMODY: A couple of questions, actually.

It's been a while since we talked, but if you remember and although you are not beholden to these at all, but you had mentioned you were going to take a look at them and try to incorporate them into this design. We are in the process of changing some regulations with regard to the lighting ---

MR. MIKALITIS: I recall that, yes.

MR. CARMODY: Did you take those into consideration?

MR. MIKALITIS: Yes and no. I did go back to my notes to refresh my own memory and I think at one point you folks talked about 20' high poles.

MR. CARMODY: No, not 20.

MR. MIKALITIS: I had 20' high, anyway, in my notes and I think my response was the 30' high poles. Um, what Target's proposing is and we are going to actually take off on the Target design. A 35' high poles, champagne color. They're not going to be the red that they used to use. They're going to use the champagne color that's going to match the building. The foot-candles are going to be 2-foot candles through the parking lot. So, it's going to be a subtle lighting.

If I recall the dialogue, I've been involved with lower pole heights and what I can see is it is pole pollution as to opposed to getting a few higher poles, if you will. You need less poles.

We have or we will be submitting a detailed site lighting plan. That was one of the things that we talked about with Target quite frankly.

MR. CARMODY: My next question was --- I think you said there were four Targets in this region. But in general, a general question, I guess about Target since now we know who it is, um, I just wanted to ask you about alternate design standards that Target has or doesn't have for their buildings, for their layouts.

MR. MIKALITIS: They have, when you say alternate, I guess what they're evolving to, at least and again, I'll be happy to have a Target representative maybe next meeting, but at least what I heard last week and understand is, they're getting away from the red. You know, the red poles, the red buildings and that's what you see in front of you. That's why we passed out this latest elevation, which they're calling their champagne color, if you will. I don't know if that answers your question but this building has been --- my understanding is that this building has been designed specifically for this area and this demographics and this trade area. Did I answer that correctly?

MR. CARMODY: Maybe. Well, maybe the next time we can have someone from Target.

MR. MIKALITIS: Yes. I apologize. I didn't mean to make this a Target, but also part of my last presentation to you folks was there was multiple tenants being negotiated with and again, uh, they wanted us to get through the conservation --- not just they, other tenants also, wanted to see where we were in the approval process. And, we've now made it through that.

These national retailers also understand the STC process and now they're more confident that we're getting to the finish line. We're a month or so away. So now, um, they're stepping up. And, as I said, Derek and I flew to Minnesota last Wednesday. That's as late as we were to, you know, kind of pull all this information together.

MR. CARMODY: Thanks.

THE CHAIR: Thank you.

MR. MIKALITIS: Can we just take a couple of minutes to talk about the storm water?

MR. KENEFICK: I just had a question. Sir, the gas station shown on the --- the Mobil Station shown on your map, correct?

Are you planning on using that to exit?

MR. MIKALITIS: Derek, that's going away, right? That is going away.

MR. KENEFICK: I think the last time you, they wanted to use that as an exit.

MR. WEISS: At this point it is going away.

MR. KENEFICK: Okay. It looks like it's going to go into this other building?

MR. MIKALITIS: This plan will be revised. It will not show it. The next set of plans you see, you will not see it.

MR. KENEFICK: You are not going to exit by the gas station.

MR. MIKALITIS: Right. Yes.

DEREK WEISS: The site plans you have in front of you show no exit through there. That's just a drafting mistake before. So, to talk about predevelopment drainage conditions. Basically what you see here is the existing conditions and -- basically, there's a large knoll, I'm sure you're aware of in that site. It's about elevation 240. And, that's the ridgeline.

And, basically what you see on Section 1 is everything from that knoll westerly goes to the Eight Mile River. And, then you have Section 2 here in the red and that drains down south to behind the Golf Quest, if you will, to a wetland that drains behind the Eight Mile River. The same with Section 3. That drains behind the Mobil. There's a swale that runs around the on ramp to westbound 84 to Eight Mile River.

So, all in all, what happens is, it goes in five different directions, but it all makes its way to the Eight Mile River.

What we're proposing is three detention ponds to help detain the water for the impervious structures going on the site. You'll Section 1-A which is in the blue that drains all the way to a small detention pond here on site. And, then we have the purple, if you will, area, the parking lots and rooftops from some of the retail areas. That's draining to this area here on the site.

And, then what we have behind, on the southern portion of the site is a small detention pond and what that captures is the roof drainage from the supermarket and then the Target building.

The storm water drainage, some of the mechanisms to help treat it will be sump catch basins, which is a four foot sump in the bottom of the basin to help settle oils and solids float to the top so it doesn't go down the pipe. There'll be hoods on the outlet sides of the pipes. Also what we'll have is vortechnic

units for the blue and purple ponds. Because, we won't, we don't have them on this pond here because it's only catching roof drainage and that's technically considered a clean drainage.

We did, as Greg mentioned, we did have a thermal impact study done by New England Environmental and what they had recommended were the following:

- that the ponds be planted with a wetland seed mix. That is what we're proposing to do. Basically, in the dark areas. And, these recommendations are all detailed on the final four sheets in the NEE plans.

What we have is we have wetland plantings in each one of the three ponds. We also have -- let me grab the site plan.

(Pause)

You'll see all these trees around the perimeter of the ponds. What this -- New England Environmental recommended these just to help shade if there was any water that was in the ponds while it was detained. These ponds also have a one-inch water quality volume, which basically means that if there is a one-inch storm event, they'll hold that. It's assumed the wetlands plantings will absorb that water, help them grow, and just keep everything damp.

And, then also, you'll see some of these islands in the interior area for the Target and then this retail. This is a low impact development island. Basically, what they are are there are curb cuts in these islands, 3-foot curb cuts. It allows the water to drain down into these and these are planted also with like a shrubbery and a wetlands seed mix. And, they detain just a small amount of water and then there are catch basins in the middle of them and what will happen is as the water builds up, it'll just filter down through the catch basins and then make its way to one of the detention ponds.

Any questions on the storm water portion?

(No response)

THE CHAIR: What's the temperature of the water going to be when it gets to the bottom?

(Laughter, laughter)

MR. MIKALITIS: I went back to my notes and I apologize, on the introduction, I should've mentioned that Northstar apologized for not being here. Margerie Heshing is their development manager and was supposed to show up. We found out about 4:30 that she was not feeling well and Frederick Leopold who is a

principal couldn't get here. I believe Frederick called Lou just to apologize to say that there is nobody from Northstar here. I apologize for not saying that when I first started but, they intended to have Margerie Heshing here today.

So, that really concludes our presentation. Derek has been working with the Town Engineer to address a lot of his comments. We know there is still work ongoing. We look forward to working with the Town Planner to work on any staff comments. But you know, you haven't seen us, but we've been doing a lot of work. We've been working on this thing nonstop.

And, we believe the plan in front of you now, with input from the Conservation Commission and their peer review consultant is even a better plan that we first proposed.

So, if you have any questions, I'll be happy to go over them.

MR. CARMODY: I just want to reiterate. I'm not sure if I was clear and I just want to be. I think it's important for you and the folks that develop Northstar and Target to understand that his area has not been, it's not been a traditional retail or a large-scale retail area. I mean, we have some, what I call neighborhood retail nearby, but it's not a traditional retail corridor. We already have an existing one. We're not really looking to recreate that.

So, when I was asking you about alternate design, what I am really trying to say is, I just want my feelings to be known, we're looking for this to be different than an existing business corridor that we have and to fit in more because it is surrounded by a lot of neighborhoods. We're looking for something different. I know that's a little nebulous, but I just want that to be on the record that we're looking for something that's not typical. I don't know if that's possible, but I just want that to be out there.

MR. MIKALITIS: No, I actually have a great response for that. It's really what, it's market, I mean it's going to be tenant driven. Northstar wants a, and I think this has been consistent, we are showing the landscaping, the sidewalks, actually I have some elevations I didn't show.

(Pause)

Again, here is some preliminary elevations that were developed just to kind of compliment the Target architecture. If you look at it --- where am I, these are some cross sections that are coming across these buildings here. And, um, so we are trying to do something different. Northstar needs to attract tenants to this area. They've talked to a number of different

tenants. Target is a good start. It's a good anchor. The rest, we're hoping to be or Northstar is hoping to be, you know, more specialty, complimentary users. Obviously, there is a variety of box sizes. There's a variety of depths, widths. Some smaller pads. You know, same thing up here. They're talking to a couple of grocery store tenants and again, you know, trying to get some different pads up here.

So, I understand what you're saying. We're trying to put the quality into the project but at the end of the day, this is Target. This is their parking field. They dictate to us, if you will, or part of their negotiations is the --- they have all this fancy concrete sidewalks here. They have the stamped pavement. They have the screening. They have specific irrigation requirements. Those are all details that I can go over with you and I know, I know when I first met with you folks, I heard that and I heard that loud and clear.

But I can just see how it's going. It's going to be tenant driven and Northstar is a balance between what the tenants want and what you folks want and that's what we're going to be working on. That's going to be the rub. Does that make sense?

MR. CARMODY: Yah, it does.

MR. DELSANTO: I'm just curious if you have anyone else onboard other than Target? I don't know, maybe you said, I stepped out of the room for a minute.

MR. MIKALITIS: Not at this point. Nothing I can disclose. They are again, everybody understands the STC process, I guess, let's put it that way. And, we're almost a year into it. And, they know we're getting to the finish line. We've now quantified what the off site improvements are. Now we're just working on the details.

MR. DELSANTO: Okay, thanks.

MR. KENEFICK: That is my question. This Hart Street and that exit ramp, that's a done deal?

MR. MIKALITIS: We don't have the certificate, but that's the way it's going. That's what has been requested. They requested that we ship this ramp this way. Hart Street up. And, create a signalized intersection right there along with the widening, turn lanes onto Hart Street and so forth.

So, it's going that way. I can't stand before you and say it's a done deal because I don't have that paperwork in my hand.

MR. KENEFICK: It would be good.

MR. SINCLAIR: Mr. Chairman, along those lines, are you taking the signal now away from the entrance ramp to 84 east?

MR. MIKALITIS: This location? Yah. And, that was part of the reason why they've asked us to shift the ramp up. So, we have' shifted the ramp north as far as we could towards the bridge. They wanted that separation.

What you don't see on the plan is there's going to be some improvements to the Jude Lane intersection, also. You're not seeing that but Derek has been working with the Town Engineer on that.

THE CHAIR: All right. Any other questions? Ms. Savage?

MS. SAVAGE: If, as I said to you, staff review is still underway. We really don't have any comments. But I'd like to just make a couple of suggestions because I know that you are in the preliminary stage and you don't need to respond these now, but I'd like to put them out for your consideration.

Commissioner Carmody discussed the lighting. I'd like to encourage full cut off fixtures with recessed lenses.

As we look at your elevations that are proposed, your right and left façades are large walls with little done to break up the visual impact. I would like to encourage you to consider some kind of faux façades or ornamentation. Something. You have a huge expansive wall with no windows or architectural detailing at all. And, although that is not the front side of the building, it will be visible at some times. So, I'd like you to consider that.

As we look to the rear of these large buildings and we look at the emergency exits for fire safety, I'd like you to be sure that your plans clearly delineate how the emergency access will be separated from vehicular traffic. Whether it be bollards, that kind of thing.

And, we need to be sure that there is pedestrian access away from the building. You know, clearly defined. And, I am sure that there will be but we'd like to be sure.

And, I'd also like to encourage you to be sure that all of your outdoor storage is designed to compliment the development. As you have your dumpsters or any outdoor facilities, generators, I would encourage you to have them screened. Have that screening be in harmony with the building if that's for a large facility, dumpster complex. If it's a transformer, I would encourage lightproof fence, landscaping, that sort of thing.

I haven't reviewed the plans in depth and I do anticipate staff comments should be to you probably within about two week and there will be more, but just for your consideration.

MR. MIKALITIS: Okay.

THE CHAIR: All right.

MR. MIKALITIS: Is there any other highlights that we should be prepared next time we meet with you folks? Do we have other consultants in here? I heard somebody, maybe a Target representative?

EVERYBODY: Yes.

THE CHAIR: All right thank you.

MS. CONROY: And, maybe like just a summary of what the final levels of service are going to be at the intersections? I think there is some concern about leaving that signal, uh, leaving that intersection unsignalized, West Street at the on ramp, just because there is a heavy northbound right turn in the morning on to 84 East and we're just concerned that there aren't any gaps in there for the southbound left turning traffic.

MR. MIKALITIS: Great. Thanks for your time.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

J. Kenneth Harwood - 154 Pine Street - (SPR #1452.2)
Request for Extension- site plan modification

Withdrawn.

K. Wyndrest Subdivision - 120 Clark Street (SPR #1242)
request for second filing extension.

MS. SAVAGE: Yes, this is very simple. The applicant has requested for a second 90-day extension for filing of the final mylars. Staff supports this.

MR. DELSANTO: Move to grant --- how long of an extension?

MS. SAVAGE: 90-DAYS.

MR. DELSANTO: Ninety-day extension so the applicant can file the second Mylar.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

L. Tomczak Estates Subdivision - off Autran Avenue (S #1168.1.) request for release of the \$7,800 Erosion and Sedimentation Bond

MR. SINCLAIR: Move to release the bond.

MR. DEMELLO: Second.

THE CHAIR: Everything's in order?

MS. SAVAGE: Yes, everything's in order.

(Motion passed unanimously on a voice vote.)

M. Apple Valley Worship Center - 594 Center Street (SPR #1222) - request for release of the \$4,700.00 Erosion and Sedimentation Bond

MS. SAVAGE: The original bond has been replaced with a new bond, so staff recommends the release of the original \$4,700 bond.

MR. DELSANTO: So moved.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

N. Elizabeth Gardens SPR 143546 Request for a 30-day extension of time.

MR. DELSANTO: So moved. Oh, I'll make the motion to what was it?

THE CHAIR: Request for a 30-day extension.

MR. DELSANTO: Request for a 30-day extension for Elizabeth Gardens.

MR. SINCLAIR: Second.

MR. KENEFICK: I'm just going to abstain.

THE CHAIR: Discussion?

MS. CONROY: Was the sight line issue resolved? There was talk about that at the last one?

MS. SAVAGE: There was a meeting with DOT and DOT has stated that they prefer the access to be located across the street from Stewart, but they asked the applicant to investigate improving the sight line as much as possible there.

And, they gave them some further direction on some steps to take. We're waiting to receive a confirmation letter from DOT and at the same time the applicant is doing this further work.

THE CHAIR: Motion and a second for approval.

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

Administrative Reports

- Proposed Zoning Regulation Amendment Section 5: Industrial Zone and Section 7A-00: Building and Lot Requirements (ZA #536)

MS. SAVAGE: Mr. Chair, in your packet you have a summary of proposed revisions to the industrial zone regulations and if I may, I will briefly summarize them and then if you have any specific questions, I'll be happy to answer them.

Beginning with Section 5, I've added additional language for your consideration. First generally providing a framework for the section. The purpose and the types of businesses within this section. Additional clarification on automobile parking, simply referring to Section 12 of the regulations which staff is currently working on some revisions to, as well.

The Commission had directed staff to take a look at some of the parking requirements and standards through your subcommittee work and that is underway.

There's additional language regarding preservation of landscape and site preparation. Simply providing additional encouragement to the applicants to preserve the topography as much as possible and not create drastic cuts or fills. Work within the landscape.

Section 5-00.3, language regarding screening of residential zones or residential developments. There are a number of residential developments or uses on land that is zoned industrial and that's the type of language that the Jensen facility was looking for earlier tonight.

I've also added within that section, language about putting in a lightproof fence. There may be some cases where, for the screening, if you have the topography dropping off, the screening may not be effective to shield headlights or visual problems from an abutting property. And, so I've put in language here regarding fencing. Some topography may, you may need to supplement your screening with fencing.

And, Section B of this section provides this Commission an opportunity to waive requirements if you see fit with a super majority vote.

Section 5-00.4, simply some additional language regarding protecting or adding additional performance standards. Really, you had the standards in your regulations. The language I'm proposing just kind of clarifies and strengthens what you already had.

The next section, compliance with zoning, is -- we already do it. It's simply just putting the language in the section.

Similar with the building permit section. We already do that, we're just codifying it within the regulations.

Provisions of public improvements. This is in regards to construction of sidewalks. There is a provision to waive these with a supermajority vote.

And, then again with the drainage, this 5-00.8, sometimes there is a culvert or a splash pad that's off site and so this just provides additional latitude for the Town Engineer and staff to be sure that the drainage all works together.

Access to premises. That's fairly straightforward.

And, there's additional language in here, I've added as a special permit use, any development on a parcel greater than 4 acres in size and any development requiring more than 60 parking spaces. My suggestion to the Commission is that these types of developments whether they're in an industrial zone or a business zone, typically could benefit from a public hearing process. So, I've made that recommendation in both the I-1 and I-2 zones. They are larger developments that need a little closer look.

The area height and bulk schedule is revised in accordance with the previous application tonight providing smaller lot sizes

if public water and sewer are available in an I-1 zone and lowering the requirements in the I-2 zone. Spelled out in greater detail in 5-00.13.

And, attached is also Section 7-A. There is a footnote (e) added to that table. That's your second to last page in that packet. And, that refers to that if public water and sewer are available standard.

There is a foot note (f) on this schedule that actually ties in with the other report tonight, the subdivision regulation amendment which is the preservation of natural features. And, that correlates with this schedule. So because we are discussing them together tonight, that is included in this.

MR. SAUCIER: One question on that. The numbers have changed out, okay? On two memos here, I've got 318 in subdivision which is minimum square but I think we really wanted 317-A? Or? I mean, that's just a note. I want to make sure we're tried to the right area of the subdivision.

(Pause)

MS. SAVAGE: Well, 317 refers to residentially zoned properties. So actually, it's 318.

MR. SAUCIER: Right, which is?

MS. SAVAGE: The minimum square. Now if the Commission chooses to change 317, to encompass more than residentially zoned properties, you could do that.

MR. SAUCIER: that was one, when um, subcommittee met for the overall zoning regulations, one of the avenues we did discuss is 317 for all the regulations, no just subdivision. So, I'd like to see that encompassed in the industrial, also.

MS. SAVAGE: Okay. We would do that, if the Commission wanted to do that, we would do that in this 317, changing that language.

MR. SAUCIER: Well, okay, 317, you would change the language in 317 but 317 is based on a subdivision. Now does a --- I mean, the industrial, I would assume, that does not encompass or would that come under subdivision?

ATTORNEY SCIOTA: Sure, industrial subdivisions.

MR. SAUCIER: Industrial subdivision, so that would come under subdivision. Okay.

(Pause)

John, when we discussed the discounting of marginal land though -- when we discussed the discounting of marginal land, did we also want to look at that in our overall zoning regs? Not just for a subdivision so things like multifamily use in a B zone would be subjected to a marginal land whereas right now um, a multifamily unit in the appropriate zone, say an R-12, could -- would not have to --- because it doesn't come under subdivision would not have to discount marginal land.

MR. CARMODY: We did talk about that.

MR. SAUCIER: So, Mary, one of the things, that was another thing. We want to make sure that we're also discounting marginal lands for all of our regulations.

So that like in an R-12 when they do put in multifamily, we're discounting marginal land.

MS. SAVAGE: Yes, um, I understand. And, we are working on those and you will see that reflected in your next round of regulation changes that comes. Duly noted. And, yes, sir.

(Small chuckles)

MR. KENEFICK: What about the CB zone and the multifamily. That's further down the road?

MS. SAUCIER: Well, we're working on all the --- digressing somewhat from this, um, ---

MR. SAUCIER: Well, for the fact it was tied in. I'm sorry, Fran. I mean, the reason I bring that up is because it was tied in to --- I mean, you've tied the industrial regs into the subdivision and in our subdivision we have marginal lands being discounted. So, on that tact, that's why.

THE CHAIR: Well, what we are going to do, I mean, when we look at these two that are in front of us tonight in terms of the industrial regulations, what we are looking at are two particular sections, Section 5 and Section 7.

What I'd like to do is see if people have any comments on this particular set of regulations in front of them right now. We'll talk about the 317 section next and then we'll talk about some upcoming events.

What I'd like to do is see if we can set up some future discussion about this both publicly and in terms of setting up public hearings.

Any particular comments at this point? Directives? Comments? Suggestions? What you've had in terms of these two particular sections?

MR. SAUCIER: Lighting. Okay? We have in our ROD ---

THE CHAIR: Which section are you in right now?

MR. SAUCIER: Uh, 5-00.4 (c), to be particular. Floodlighting. I know we don't --- we are going to be looking at our lighting regs and we've also made some recommendations at subcommittee but also one thing here is we are talking about floodlighting. We're going to want to have full cutoff lighting and to me, floodlight and full cutoff don't, you know, don't agree, I don't believe. I mean, floodlighting to me and it might be a definition, shows that you are flooding an area with light versus a cutoff that is downward directional.

MS. SAVAGE: I believe you can have full cutoff floodlights. It's just more, it's how the light is directed. But we can certainly clarify and provide additional standards to be sure that what you want is built in.

THE CHAIR: Any other comments?

(No response)

I think that when you look at these regulations and I made this comment last week or two weeks ago, what I like about this is it addresses the industrial regulations in total. It talks about some things that we've talked about. It gets into the flexibility side of thing and it also gets into some of the character issues that we want to take care of in here on this board and for the Town of Southington.

So, I don't know, I'm polling the Commission. I'd like to see if you'd like to go forward with setting up dates for public hearing on this. Are you people comfortable?

EVERYONE: Yes.

THE CHAIR: We'll put this aside for now and let's move to the next one which is 317 and 318.

- **Proposed Subdivision Regulations Amendment: Section 3-17 & 3-18 (SA #18)**

MS. SAVAGE: Section 3-18 is called protection of natural resources and physical attributes. This talks about discounting

land area. And, this is material that had been drafted prior to my coming and it was well discussed by the Commission.

And, 3-19 is minimum square requirements. And, again, discussed by the Commission prior to my coming. Although, they are generally supported and I also support them as a tool to the Commission. I am happy to answer any questions you may have on them.

MR. DELSANTO: With regards to corner lots, I know you mentioned in some thing in there, except in the case of a corner lot where the square minimum may be congruous to the street line. Can you talk about that just a little?

I mean, obviously, if you have a corner lot, you are not going to be able to make a square. So, what does that mean with regards to the other --- that have anything to do with setbacks is what I'm saying.

MS. SAVAGE: Well, the buildable, the minimum square means that you have to have a geometric square within the lot. It doesn't mean the lot has to be square shaped. It just means that you have to have within whatever shape you have a buildable square where your house, your improvements, your yard can be located. It eliminates some of the strange very long and narrow lots with a house that's askew with no usable yard area. So, what this says is for a corner lot, a corner of that buildable square could be ---

(End of Tape #2, Side A)
(Beginning of Tape #2, Side B)

MR. DELSANTO: Thanks.

MS. CONROY: I was going to say, under 3-17 um, can you discuss how the lot area multipliers were developed? Were those just from experience in what other towns have or um, their guidelines for developing those?

MS. SAVAGE: The ones that are shown here were developed prior to my coming here. I did do some research and the multipliers do vary from town to town. So, there is flexibility. It's a tool that is widely supported but each town adopts a multiplier that they feel is appropriate for their community and their goals.

MR. KENEFICK: How do you think this ranks?

MS. SAVAGE: Number One, of course!

(Chuckles)

MR. CARMODY: Mary, what did Manchester have?

MS. SAVAGE: We didn't do this.

MR. CARMODY: Why not?

MS. SAVAGE: We actually never really discussed it. We accomplished the same goals through different methods. And, there's typically more than one way to get to the same place and every driver has to determine the best route for them.

(Pause)

How's that?

MR. CARMODY: An interesting answer.

ATTORNEY SCIOTA: It sounds like she is almost running for something.

(Laughter)

MR. TRANQUILLO: I know of three towns in my experience: Burlington has had resourced based zoning for 30 years. They are very, very restrictive. I don't know what the multipliers are but they are very, very restrictive.

Cheshire, in their regulations, they have resource based zoning. Kind of an overlay. They have their regular regulations and then they say, these are the multipliers for poor quality land.

And, East Lyme has resource based zoning. They also discount these types of areas. What the actual multipliers are, I can't remember. But I'm sure many towns in the state have those.

MR. SAUCIER: Question more than a statement that Mary, you mentioned, would discounting marginal land really be required for an industrial zone? I mean, I made a comment before by saying, well why isn't it in there for our general zoning regs and I think it still should be. But for industrial, do you think we should be discounting land?

MS. SAVAGE: My sense is ---

MR. KENEFICK: NO!!

MR. SAUCIER: I'm not asking your opinion. I'm asking her.

MS. SAVAGE: You know, I think that, my sense is that to start with it with residential land, the Commission could also choose to expand that in the future.

Industrially zoned land now, you have the aquifer protection area. You have a significant amount of wetlands. You have well and septic. So there already are limitations on what's going to be developed there. And, I'm not sure the Commission should perhaps apply this to industrial land now.

There's nothing to say that you couldn't in the future.

MR. SAUCIER: And, then one last question about ponds, lakes and watercourses. I did see something there before, we actually had a zero as our multiplier previously. Any insight on why you would go with a 15 percent? Just curious. Did that come out of the subcommittee?

MR. DELSANTO: No.

MR. SAUCIER: Okay.

MS. SAVAGE: I think that it could be either way. You know, it's a subjective thing. It's ---

THE CHAIR: I think as we go through this and we go through our public hearing side of things, we can talk about this a little bit more in depth from a Commission prospective, also.

MR. SAUCIER: You're just trying to push the meeting along, aren't you.

THE CHAIR: Mr. Sciota?

ATTORNEY SCIOTA: I just wanted to comment with Pat. I know we all agree that what we did on the industrial tonight was a good idea and I just don't want to go backwards which using this for industrial, like I said, I haven't looked at it at closely, but using these multipliers for industrial, may push us back to where we were before. So, I know the Commission thought it was a good idea to do what we did. I just don't want you to set yourself backward again by looking at this.

We'll certainly look at it. It's a good question but I think we'd have to look at that closely before we just said add a deductible to it.

MR. SAUCIER: And, I'm fine with that. That was the reason for my question. And, it does make sense not to tie it in at this time.

THE CHAIR: I think there are things in this particular proposal, both sections, that the Commission will like, some things that they might not like, things that they might want to strip out, things that we might want to add in to make them a little bit more robust.

But I think from a consensus prospective, we'd like to move forward with this proposal or these two proposals, also, getting them set up for a public hearing. Okay?

Items to Schedule for Public Hearing:

- **Proposed Zoning Regulation Amendment Section 5: Industrial Zone and Section 7A-00: Building and Lot Requirements (ZA #536)**

- **Proposed Subdivision Regulations Amendment: Section 3-17 & 3-18 (SA #18)**

THE CHAIR: We have three items on the docket here and before we schedule, let's have a little bit of a discussion in terms of regulations and regulation review. Just before --- we have two items on here, which are the two we just discussed, the two regulations.

We were talking about potentially setting up public hearings for our next meeting, the 17th of April to do those two public hearings.

We'd also like to do a public forum for our regulations review where we would have as we discussed in our workshop, to have an opportunity to have the public come in, facilitate a meeting where we could have people come in, give their prospective, give their recommendations. Areas that they'd like to see reviewed. See some of the things that we've done. Some of the things we are currently working on, the subcommittees are working on and make their recommendations.

The problem is, if we open up public hearing on the 17th for these two items, and we don't close the public hearing and vote on them and we take in public input, we may have some issues.

So, we will not schedule these two for the 17th. I'd like to schedule the public input session for the week of April 23rd, that week. We're going to need to set a date. Look at some schedules for rooms where we can do this and we will set a date and communicate that shortly. But the week of the 23rd of April, we'd like to schedule, if rooms are available and people are available

to do our public input session, which will be facilitated by staff and the Commission to bring in the public and have input on the regulations, the regulation review, so we can get the public input for us to go forward.

Following that, what I'd like to do then is add --- the public input session should be done that night. We will then schedule these two Sections, 5 and 7-A, and Section 3-17 and 3-18 for public hearing on May 1st. Okay?

- **Hope Ministries Church-** 92 North Summit Street (SPU #433.1.)

THE CHAIR: We will schedule this for public hearing on the 17th of April. That will be the same evening that we have the Tilcon EE public hearing.

All right? Very good.

Receipt of New Applications

THE CHAIR: Ms. Savage has those for us.

MS. SAVAGE: Yes, Mr. Chair, we have seven new applications that we received.

We have a resubdivision - Merry Oak Estates Subdivision. Basically, they had to realign the road, but basically it's a resubdivision. So that's back before us.

We have a 4-lot resubdivision on Mulberry Street.

We have a new 7,000 sf building in an industrial zone on Westfield Drive.

We have three applications that came in together: Hillcrest Orchard, LLCs. We have a proposed zoning text amendment for a housing opportunity district. We have an associated zone change proposal to this new HOD zone. And, we have a site plan for a 212 unit multifamily development with 64 affordable units incorporated within.

This project is also in front of Conservation at the moment.

MR. CARMODY: Awesome.

MS. SAVAGE: And, we have a proposed outdoor patio at the Elks Lodge, 114 Main Street.

ATTORNEY SCIOTA: Resignation letters will be received after the meeting.

(Laughter)

MR. KENEFICK: What is this Hillcrest stuff?

THE CHAIR: Okay.

MR. CARMODY: Only 212 units?

ATTORNEY SCIOTA: Just the address.

MS. SAVAGE: Oh, 508 and 544 Meriden Waterbury Road.

MR. KENEFICK: But is that --- that's not the open space subdivision we approved, is it?

MR. DELSANTO: Oh, yah, it is.

EVERYONE: Oh, it is?

(Undertone comments)

THE CHAIR: This is going to be on for a public hearing.

MS. SAVAGE: Exactly. Exactly.

THE CHAIR: We can't get into this tonight.

MS. SAVAGE: This will be scheduled at a future date. I need to do the referrals.

THE CHAIR: Is there anything that the Commission would like to bring up this evening?

MR. DEMELLO: Mr. Chairman, I just wanted to bring up the sidewalks on Main Street going to Plantsville. If somebody could take a look at that. They look like they're in pretty bad shape in certain areas.

MR. TRANQUILLO: They're horrible.

MR. DEMELLO: Yah, but you know what, though, it's a two family house at 500-502, um, nothing but mud in that area. There's just you know, every time you come out there's all mud in the road. The sidewalks in that area are ---

MR. TRANQUILLO: We've had many, many complaints regarding that area. And, we've considered issuing orders to those people. The problem is the sidewalks are lower than the road. If you done one, it's like you have to do all of them. So that project has to be done as an extensive project from approximately Bristol Street all the way to Chestnut and I've already contacted the State several times trying to get some cooperation from them. We are going to meet and walk the whole area to try to do a regional kind of project there. Because doing one location will not work.

But you are right, it is terrible.

MR. KENEFICK: I've got a question to ask Tony. I was going up Lazy Lane today and is there any time frame as to when that road is going to be repaired? That's got to be the worst road in Southington.

MR. TRANQUILLO: Yes. Without a doubt, it is the worst and has been discussed by the Council but no time frame has been set for that. They know it's bad.

MR. KENEFICK: I see they do a lot of other roads, but this road is, it's like a main feeder type of road now and you know, it's brutal.

MR. TRANQUILLO: And, also Spring Street is very bad. So those are the two top roads we have right now.

MR. KENEFICK: Motion to adjourn.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 9:40 o'clock,
p.m.)