Chairman Zaya Oshana, called the Public Hearing of the Southington Planning & Zoning Commission to order at 7:02 pm with the following members in attendance:

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

Alternates: Richard Hart
Robert Borkowski
James Sinclair

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

Absent: Brian Zaccagnino, Alternate Commissioner

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

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

ZAYA OSHANA, Chairman, presiding:

Items for the Public Hearings this Evening:

A. Continued Public Hearing from March 21, 2006:
Subdivision application of Jeffrey & Allison Wight proposing to resubdivide property for purposes of creating 11 lots (Fox Hollow, Section II) property located at 157-167 Rahlene Drive S #986.3

Ms. Hughes indicated to the Commission that this
application was continued to give the Town Engineer an opportunity to review some modifications to the drainage system. In addition, Mark wanted to report on two things, one being the history of the property and the other he has reviewed the drainage easement and would like to update you.

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

SEV BOVINO: Planner with Kratzert & Jones representing the applicant. We received the comment list from Tony yesterday. So, we didn’t have a chance to revise the plans and resubmit.

Tonight, I’d like to just introduce the copy of the easement of record for your record so if you want to review it with the Town Attorney. That’s all I’ll do unless you have questions.

The Chair called for anyone speaking against the application.

RONALD STEVENS: 154 Rahlene Drive. I’m adjacent to the property that is going to be developed. I currently have a detention pond on my property, which is going to be expanded if this takes place.

At this time, I have to oppose the development in whole basically because of the work on the holding pond. It’s going to devalue my property.

I understand this plan may be unacceptable to the Town and maybe it will go back to the original configuration that was made prior. As this plan stands now, you will note that it’s --- the smaller retention area in here which shows the flow down, I have a concern with that retaining water being it’s only 40 feet from the house. A breeding ground for mosquitoes, which would not be advantageous for me. The loss of trees that exist on the property line is another concern of mine.

And, as stated last time, I believe it was stated that the pond was totally on the developer’s land which is not exactly true as it would incorporate taking this section which is an easement but it’s still my property.
That brings the last point, I guess there’s some legal aspects that have been brought into question and it concerns the easement and who has the right to use it and what forth.

I have just begun to seek legal advice, too, to see what my rights are pertaining to that.

In just talking with Sev, he said these plans might change and hopefully they’ll be more suitable to what we both can expect.

As of right now, I don’t plan to relinquish my rights as a property owner until I see just cause to do so.

Thank you.

Attorney Sciota reported the big question that came up last time was exactly, this was approved by the courts. And, it went back to 1991. I wasn’t involved in that particular one. Mr. Izzo was at the time. I checked back and I did remember part of it as I was looking through the research.

The original road came up to a certain point and at the beginning time there was the property owned by the applicant and then there was another piece owned by the State of Connecticut which was a piece near the highway with a 20 foot strip that ran all the way heading east to west.

And what happened was that the cul de sac only came up to that strip. There was a 20-foot strip there. Normally, we would define that as a spite strip, but this wasn’t owned by the applicant. It was owned by a relative of the applicant, but not the applicant.

The plan was originally approved by the Commission. The Commission at their next meeting did a motion to rescind and rescinded its approval. By the time it got to court, the court said, you can’t do that. The approval went through. It’s not a spite strip because it’s not in the same ownership as the developer. That’s what happened in this case.

I know I did speak with the property owner that just spoke and I asked the applicant to drop off all the easements he
has on the property. I wanted to review the easement in question. I did. It is our standard easement with the language that we normally use and we do have an easement to the Town of Southington which is assignable to anyone we choose to assign it to. It does have the language we consistently use. I don’t have a problem with the Town having the right.

When Tony helps design the drainage with the applicant’s engineer, I don’t see a problem from the Town’s standpoint on that.

Mr. Tranquillo reported he has looked at the drainage issue. I have several comments. The design as presented is not very efficient. There are more catch basins in the street than are necessary. There’s two outfalls in the detention ponds and in effect there’s two detention ponds. All that is undesirable in terms of the Town because we like to have one detention pond, one outfall and as few a number of basins as practical.

My checklist highlights those issues. I haven’t talked to the engineer, yet, but I expect to be doing that in the next few days.

Mr. Bovino explained the original proposal with one pond. Then because of a concern by the property owner because of us breaching that berm, we are trying to work with him and create a separate pond with a connection. Tony has concerns with that.

Now, between us three, we’ll have to work something out. Generally, drainage easements are written in such a way that the developer has the right to enter the property and do any grading associated with that drainage easement.

Mr. Kenefick asked if the new idea would be beneficial to Mr. Stevens. Mr. Tranquillo said he didn’t think it would be detrimental to Mr. Stevens, but I don’t believe he agrees with that. He feels there is going to be some impact to his property and he has objected to the plan.

Now the dual pond, the new pond on the applicant’s property is far closer to Mr. Steven’s property than if you have one pond. So both scenarios have advantages and disadvantages. It’s a matter of opinion as to which one you like. I happen to like one pond which is far cleaner development and
simpler to maintain. From the Town’s standpoint, I prefer the one pond scenario.

Attorney Sciota reminded the Commission the Town is going to have the responsibility of maintaining this.

This is a dry pond. Holds water for typically 12 to 24 hours after a rainstorm and then it drains out.

Discussion as to how close the pond would be to Mr. Stevens’ property. Mr. Bovino indicated from the corner of the original house, it is about 80 feet, plus or minus. I understand he now has a sunroom.

The other proposal is closer. It’s approximately 35 feet. The two ponds is 35 feet away and one pond proposal is about 80 feet.
Discussion.

The Chair continued this public hearing to April 18, 2006.

B. Continued Public Hearing from March 21, 2006: Special Permit Use Application of Northstar Centers, LLC proposing to establish multiple Buildings on one site within a Business zone, property located off Executive Boulevard & West Street known as Assessor’s Maps #120 & 131, Parcels 1 & 3, SPU #421.

Ms. Hughes commented the public hearing was continued in order to give the applicant an opportunity to get some preliminary architectural plans together. Mr. Bovino is here to give an update.

Sev Bovino with Kratzert, Jones & Associates. The applicant is working on the architectural, the sign package and a few other items for you to review. We would ask this be continued.

Mr. Kenefick asked again for a list of different Northstar properties. Mr. Bovino said he would call tomorrow.

Mr. Carmody asked if they had received the ROD regulations on the signage, lighting. Ms. Hughes said had sent them and told them they were the regulations you were comfortable
The Chair called for anyone speaking against the application.

(No response)

The Chair continued this public hearing to April 18, 2006.

C. Continued Public Hearing from March 23, 2006 for Petition of the Southington Planning and Zoning Commission to adopt proposed Redevelopment Overlay District boundaries mapping as an amendment to the 1991 Plan of Development POD #1.

AND

D. Continued Public Hearing from March 23, 2006 for Petition of Southington Planning and Zoning Commission to amend the Zoning Regulations text to establish a New Section entitled Section 11.19 - Redevelopment Overlay District regulations ZA #525.

Ms. Hughes advised these public hearings were continued in part to enable the staff to send a letter requesting comments to police, fire, water and I can’t recall the other department. I did distribute the regulations and the mapping to the departments requested. I believe you did get a response from Chief Daly.

No other responses were received.

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

LOU PERILLO: Economic Development Coordinator for Southington. We’re in favor of this application. One concern we have is the Pratt & Whitney site. We feel Pratt & Whitney doesn’t really need to be in this at this time as it has considerable value as it stands.

Pratt & Whitney as an industrial site has a large size, 40 acres. Has sewer hook ups, the rail, which we consider to
be very valuable. Industrial is far from being dead. We are getting numerous calls for activity. The problem is the fit. And, with Southington, we don’t have sewer access to many of our sites. But we can still consider this a prime site.

In discussions with the property manager, residential has no component in there whatsoever for them.

I sent a letter and I was absent about the Pratt & Whitney site, as an oversight.

Pratt & Whitney is about 600,000 square feet, plus or minus.

Discussion of the building having value.

Mr. Perillo discussed the value of the property and the building. One of the top ten taxpayers in Town is using quite a bit of the space right now, which is where some of the value is coming in.
Discussion.

Some concerns we have are (1) the building’s age, (2) it isn’t the height that most of the people are looking for and (3) owners are not doing any build out smaller than 100,000 sf. It kind of makes it difficult. We have had inquiries and people would be leasing blocks of it if it were made available in smaller blocks.
Discussion.

Environmental issues were brought up. Remediation was discussed.

Ms. Hughes added the Town has never gotten any hard data from there regarding the areas and degrees of contamination. They were working with the EPA to get their sign off through DEP.
Discussion.
Ms. Hughes added she understood they were remediating it to a certain standard for industrial buildings.
Discussion.

Design problems with the building were discussed.

Mr. Perillo pointed out that value is what you can create out of it. There has been inherent value driven by the
market.

The Chair called for anyone speaking against the application.

(No response)

Ms. Hughes read a letter from the South Central Regional Planning Commission. (Letter on file in the Town Planner’s Office.)

The Chair said he was disappointed only one response was received on the letters sent out. (Police, fire, water and BOE) He wanted to send another letter for a response for input on what is a pretty important item for the Commission. I’d like to see another shot to see if we can get them to respond to us.

Discussion.

Ms. Hughes said she would coordinate with the Chairman after the meeting to resend the letter.

The Chair continued the public hearings for Item C & D to receive additional input.

(Whereupon, the public hearing portion of the meeting was adjourned at 7:40 o’clock, pm)
Others: Mary Hughes, Town Planner, Mark Sciota, Town Attorney, Anthony Tranquillo, Town Engineer
John Weichsel, Town Manager

Absent: Brian Zaccagnino, Alternate Commissioner

A quorum was determined.

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

ZAYA OSHANA, Chairman, presiding:

THE CHAIR: Approval of Minutes – Regular PZC meeting of March 21, 2006

MR. KENEFICK: Motion to accept.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

MS. HUGHES: We didn’t get Item b. Special Plan of Development Public Hearing of March 23, 2006 distributed to you so I will carry that over to the next meeting.

MR. DEMELLO: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote)

Unfinished Business

MS. HUGHES: Items A, B, C and D have all been continued to the 04/18 meeting.

MR. DELSANTO: Move to table for A, B, C and D.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)
A. Continued Public Hearing from March 21, 2006: Subdivision application of Jeffrey & Allison Wight proposing to resubdivide property for purposes of creating 11 lots (Fox Hollow, Section II) property located at 157-167 Rahlene Drive S #986.3

B. Continued Public Hearing from March 21, 2006: Special Permit Use Application of Northstar Centers, LLC proposing to establish multiple Buildings on one site within a Business zone, property located off Executive Boulevard & West Street known as Assessor’s Maps #120 & 131, Parcels 1 & 3, SPU #421.

C. Continued Public Hearing from March 23, 2006 for Petition of the Southington Planning and Zoning Commission to adopt proposed Redevelopment Overlay District boundaries mapping as an amendment to the 1991 Plan of Development POD #1.

D. Continued Public Hearing from March 23, 2006 for Petition of Southington Planning and Zoning Commission to amend the Zoning Regulations text to establish a New Section entitled Section 11.19 - Redevelopment Overlay District regulations ZA #525.

(Mr. Carmody left the room.)

E. Subdivision Application of Westridge Development Corporation proposing to resubdivide property for purposes of creating 2 lots 267 Flanders Street S #559.2.

MS. HUGHES: Staff has completed its review and the plans are being revised. We request this be tabled.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

THE CHAIR: I’d like to seat Mr. Borkowski for Mr. Carmody.

(Motion passed unanimously on a voice vote.)

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

(Mr. Carmody re-entered the meeting.)

MS. HUGHES: This application isn’t ready for action this evening. We have received a request for a 65-day extension.

MR. DELSANTO: Motion to grant the 65-day extension.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: The 65-day extension is granted.

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Mr. Carmody is reseated to his position.

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

MS. HUGHES: We’ve completed our staff review and the plans are being revised. We request that this be tabled.

MR. DELSANTO: Move to table.

MR. DELMELLO: Second.

(Motion passed unanimously on a voice vote.)

H. Site Plan Application of Vincent Nanfito & Stacey Raya proposing the construction of a 2,824 sf addition to an existing building with related parking improvements, property located at 200 Queen Street SPR #1427.
MS. HUGHES: This application is pending Conservation Commission. We request that it be tabled.

MR. DELSANTO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

I. Subdivision Application of Angelo Calandra proposing to resubdivide property for purposes of creating 3 lots (Record subdivision of Ryan Kelly) property located at 50 Matthews Street S #1238.

MS. HUGHES: The applicant is attempting to obtain variances associated with the three-lot subdivision. So, the ZBA will hear that next week. We request this be tabled.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

J. Site Plan Application of Carter Heights, Inc. proposing to expand the existing parking lot area for the existing Carter Heights condominium complex, property located at Units #1 to #30 Carter Lane SPR #1428.

MS. HUGHES: This is a request for a minor expansion of their parking area, which is currently graveled, and being parked on. This is ready for action this evening. I don’t know if Mr. Bovino ---

They’re asking for a waiver on ZIRO. It is ready for action this evening.

MR. DELSANTO: I know you said it’s ready for action, but any concerns?

MR. TRANQUILLO: It’s fairly small, a six parking lot addition. Ordinarily we would require zero increase in peak runoff on a very large parcel. There is no building addition, so it’s totally up to you.
MR. CARMODY: Just a curiosity question: how many total spots does this now make if this is approved?

MR. BOVINO: I believe 75.

MR. CARMODY: How many units are there?

MS. LAURINAITIS: There’s thirty.

MR. CARMODY: Thirty, right? That’s an awful lot of parking spaces.

MS. L AURINAITIS: Not for condos.

MS. HUGHES: They don’t have garages, John.

MS. LAURINAITIS: They don’t have garages and they have kids.

MR. KENEFICK: Pretty jammed up in there.


MR. DELSANTO: And, they are parking now on gravel, right? There’s a gravel area where they’re parking?

MR. BOVINO: Yes, in this particular area, yes.

MR. DELSANTO: I’ll make a motion to approve the application.

MS. HUGHES: Waive the ZIRO, first.

MR. DELSANTO: I make a motion to waive the ZIRO.

MR. KENEFICK: Second.

THE CHAIR: Motion and a second for the waiving of the ZIRO. Any discussion?

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

THE CHAIR: Motion to waive passes 7 to 0.

MR. KENEFICK: Motion to approve.
MR. DEMELLO: Second.

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

THE CHAIR: Motion passes 7 to 0.

K. Site Plan Application of Lake Compounce, LP proposing to construct a spinning coaster ride and a food service area totaling 8,000 sf property located at 822 Lake Avenue SPR #1429.

MS. HUGHES: This is in the process of being reviewed by staff so we would request that this be tabled.

MR. SAUCIER: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

L. Subdivision Application of Et Al Properties, LLC proposing to subdivide property for purposes of creating 8 single-family lots (Five Acre Estates) property located at 145 Spring Lake Road S #1239.

MS. HUGHES: The applicant is currently working with the engineering department to improve the curvature of Spring Lake Road at that location. We are in the process of reviewing the plans and would request this be tabled.

THE CHAIR: Tony, you are working on --- what’re you going to try to do, cut Spring Lake straighter in that area?

MR. TRANQUILLO: We’re going to try to flatten out that curve. The curve is pretty sharp there. In addition, there is all kinds of drainage problems there. So, I’ve already contacted the applicant to see if they’re willing to cooperate and maybe either sell or give us a triangular piece of property there.

THE CHAIR: The cut would come out of their property in the front.

MR. TRANQUILLO: Yes. And, the applicant has been very cooperative and we’ll be working through that issue.
MR. DEMELLO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

M. Site Plan Application of APD Engineering on behalf of Wal-Mart Stores, Inc proposing to construct a 6,283 sf glazed canopy structure over the existing fenced garden center area at the existing Wal-Mart retail store facility, property located at 235 Queen Street SPR #1210.3.

MS. HUGHES: We are finishing up our staff review, so we’d request this be tabled.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Items N, O, P and Q are scheduled for public hearing on April 18, 2006 meeting.

N Petition of the Southington Planning and Zoning Commission to amend the Zoning Regulations text of Section 3-05.2 to permit expansion of Special Permit Uses in a Residential Office (RO) Zone ZA #526.

Scheduled for Public Hearing on April 18, 2006

O. Petition of the Southington Planning and Zoning Commission to amend the Zoning Regulations text for upgrading of the standards and considerations during review of a Special Permit Use. Section8-2 - General Considerations for a Special Permit Use ZA #527

Scheduled for Public Hearing on April 18, 2006

P. Petition of the Southington Planning and Zoning
Commission to amend Section 2-04D Pertaining to Definitions of Two Family Dwelling ZA #528.

Scheduled for Public Hearing on April 18, 2006

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

Scheduled for Public Hearing on April 18, 2006.

New Business Items:

A. Site Plan Application of The JJ Ryan Corporation proposing to construct a 4,500 sf addition to the north end of an existing building and proposed roof over a storage area in the central part of the building within an I-2 zone, property located at 335 Atwater Street SPR #834.5.

MS. HUGHES: Rex Forging is in the scale of this building requesting two relatively minor approvals. I’ll let Sev ---

MR. BOVINO: Talk about it.

MS. HUGHES: Yah!

MR. BOVINO: Thank you, Mary.

Again, Sev Bovino, Planner with Kratzert & Jones. For orientation, this is Atwater Street, heading north. Here’s the old railroad bed and building as you know it, the large building running north/south parallel to the railroad track.

This is a roof trying to cover multiple buildings there. There’s some walkways and when it rains and when it snows it gets a little dangerous. It’s just a roof over that area.

It was previously approved and then the time just went overtime and they didn’t get around to do it. I saw Mary and she said, well, you’ve got to get back to the
Commission. So, I spoke to the client and they said, well if we’re going to do that, we’ll propose a small addition to the north end of the building for additional storage.

There is an existing concrete pad there and they just want to expand the building over that concrete pad. That’s basically the extent of the addition.

We are providing additional parking here where the other ones are existing and we’re just extending -- they need additional space like five additional spaces. That’s what we propose there.

MR. KENEFICK: This is ready to roll?

MS. HUGHES: No. We haven’t finished our review.

MR. KENEFICK: You ought to hurry up and do it then. These people are good people down there. Got to take care of our industrial people.

MR. DELSANTO: We’re asking for a table here? Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

B. Site Plan Application of WD Partners, Inc. for Travel Centers of America proposing an expansion of the convenience store/restaurant at the existing travel facility with modification to parking layout and a proposed gas canopy totaling 19,492 sf, property located at 1875 Meriden Waterbury Turnpike SPR #1326.3.

MS. HUGHES: The Travel Centers is proposing to approximately double the size of their existing convenience store / restaurant as well as make some other site improvements.

TODD DILLON: Good evening Mr. Chairman and fellow Commissioners. I’m a deputy partner in the engineering representing TA Travel Centers.

The proposal is as this plan shows existing conditions would be to demolish the existing gas canopy, realign the
parking and the car parking area. Install new gas canopy. Raise the existing, the diesel canopy is actually in two sections. The right section and the left section. They’re not at equal elevations at this time, so they would raising the canopy up to meet grade with the right canopy, as well as in addition to the existing building.

This project is basically -- came to fruition is TA franchised this property out previously. And, between 2003 and 2004, they then took full ownership over the property. With this ownership, they then took it to their boards, whatnot and the plans are for a $3 million Phase I reimage.

This reimage is for not only the exterior we are talking about for the new gas canopy, the diesel canopy, but also the interior of the new building. New quick serve restaurants. Reduction of the existing sit down restaurant. And, the proposed look --

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

-- new employee parking down here where the old diesel canopies used to reside. And, actually, installing a new grease trap to the rear of the building for the new quick serve restaurant.

THE CHAIR: So you have received comments and information from Mary?

MS. HUGHES: No. We haven’t completed our review, yet.

MR. DELSANTO: I have a question: You had mentioned you would redo the business type that’s going in there right now. There’s a sit down restaurant now and you’re going to add other --- is it going to be like a rest stop like you see on the Mass Pike where there’s fast food restaurants inside?

MR. DILLON: It will, I guess, it’s going to kind of look like that. They’re going to have different stations.

MR. DELSANTO: Separate businesses or one business running --

MR. DILLON: They’re all actually franchises of TA, its
- Popeye’s, Taco Bell and then the existing Country Pride sit down restaurant, but modified.

(Undertone comments)

THE CHAIR: Anybody else?

(No response)

All right. You will be receiving the comments and the checklist from the Town.

MR. DELSANTO: Motion to table.

MS. LAURINAITIS: Second.

(Motion passes unanimously on a voice vote.)

New Items to Schedule for Public Hearing for either April 18, 2006 or May 2, 2006.

A. Special Permit Use Application of Lawrence E. Schmitz proposing to construct a parent/grandparent apartment to an existing single family dwelling on property located at 18 Barbara Lane, SPU #422.

B. Special Permit Use Application of Saucier Builders, Inc. proposing to construct a parent/grandparent apartment to an existing single family dwelling, property located at 160 Shweky Lane SPU #423.

C. Petition of Denorfia, Gallagher & Kennedy, LLC proposing to amend Section 2-01A.A.1 and Section 2-01 A.A.2 text to expand the number of spaces allowed in private garages in the R-80 Residential zones ZA #529.

MS. HUGHES: I’d recommend since you’ve got a rather full plate for the 18th that that you schedule these for May 2nd.

THE CHAIR: Agreed.

Put those on the Agenda for May 2nd, public hearings.
A. Request of Attorney Anthony A Denorfia for a five (5) year extension for completion of work for the Knight’s Crossing Subdivision (Knights Court), property located off Hobart Street S #1167.

MS. HUGHES: Attorney Denorfia is here on behalf of himself. You approved this five years ago in May. The actual construction of the homes didn’t begin until about two years ago because of an earth excavation operation that was occurring at that time.

We have bonding in place until the year 2007. I don’t know if Attorney Denorfia has anything that he wants to add?

MR. DEMELLO: I want to talk a little bit about this. I live right across the street from it and it’s been a problem for a few years now. When it was brought up here, before you came here, Mary, that was an earth excavation site. And, it changed over. There was a change to this development.

Now, it’s still an earth excavation site that you’re saying, but also a development. Is that correct? So we’ve got two different variables here?

MS. HUGHES: I know that I had researched this quite a while ago. Because of the questions that came up. At the time that the subdivision was approved, there was testimony presented to the Commission that that had operated as an earth excavation, Rockwood Homes, since the 1960’s. I want to say 1964.

Bob brought up during his checklist — Bob Nerney — whether or not you wanted to require an earth excavation. Based on that testimony, an EE wasn’t required because one was already in existence at that time.

You know, I don’t, I know that they continued to excavate out of there and that they didn’t really start pulling permits for single family homes until about a couple of years ago.

They did do some work on — but I really, I can’t ---
Attorney Denorfia can tell you what his plans are.

ATTORNEY DENORFIA: Well, our plans are to complete the earth excavation and complete the subdivision.

MR. DEMELLO: I’m just trying to find out how much more earth are you going to move out there? I mean, especially with these homes built that are going to both the property owners, especially when it starts ---

ATTORNEY DENORFIA: Well, one of the reasons we put in the homes is because you were complaining so much and you were having us investigated and every time they investigate it ---

MR. DEMELLO: Who was complaining so much?

ATTORNEY DENORFIA: You were.

MR. DEMELLO: I was?

ATTORNEY DENORFIA: Yes.

MR. DEMELLO: Bring the records on. Okay?

ATTORNEY DENORFIA: Well, this is what was told to me.

MR. DEMELLO: Yah, well, bring the records before you start opening your mouth and ---

ATTORNEY DENORFIA: We started construction of the homes to stabilize the beginning section.

Now, it looks to me that there are approximately out of the 24 lots, I believe there are about six more that have material on it that has to be taken out.

As far as the infrastructure, within the past week, all the water, sewer, storm drainage has been substantially completed. You know, the next phase, the bottom phase, the detention area is also being completed. And, I expect we’re going to have a binder coat of the entire way within the next couple of months.

So, that will be, the whole site will have binder coat on it.
MR. WEICHSEL: I didn’t hear. By when?

ATTORNEY DENORFIA: I think within the next few months we’ll have that, in other words ---

MR. WEICHSEL: The whole thing under binder?

ATTORNEY DENORFIA: Well, half of it is under binder now. Again ---

MR. WEICHSEL: I understand. You were saying the other utilities are going in or are in and within a short time you’ll have ---

ATTORNEY DENORFIA: Yes, within the next few months we should be able to have binder on the entire roadway.

MR. WEICHSEL: Mr. Chairman, I have to say that in my office we tend to get quite a few complaints in this type of situation. I’m not too familiar with Tony’s, but when you have it, people seem not to grasp when they’re in a five year cycle that you better know that there’ll be some dust and the mail won’t be delivered except to the corner and so on and so forth.

I wonder if we could hear a little more from Mr. Denorfia how we might be protected against that in this case?

ATTORNEY DENORFIA: Well, I don’t think you’ve had any complaints with the people that are on the site.

MR. WEICHSEL: No, no. I haven’t. And, you think it will be in pretty good shape there?

ATTORNEY DENORFIA: Yes, it is in pretty good shape now, John. It’s in pretty good shape now as far as everything that’s under construction is under binder. There are no homes that are constructed that there is not a binder in front of the property.

MR. WEICHSEL: Very good.

MR. DEMELLO: Tony, there was a house over there that, as far as the embankment, you were supposed to go over there and check that out. Was that ever taken care of?

Tony Tranquillo?
MR. TRANQUILLO: Yes, actually we did check out a complaint some time ago. I think it was about five or six months ago. And, we went out more recently on the last or the fourth home on the left and there was an issue with the grading there. I coordinated with Mark Sciota on that and we were able to get a statement put in the deed, Mark suggested that, in the deed, that the owner there waived any liability from the Town or expectation from the Town that that slope was going to be at 2:1 which is what the plan shows.

Maybe Mark can speak a little further on that.

ATTORNEY SCIOTA: The problem you always have with the Town where the Town could be liable, as for the developer and the property owner, that’s none of our affair, but always my concern is that people go back to the subdivision map and say, well wait a second, this doesn’t look like what was approved by the PZC.

The PZC really didn’t, the grading aspect of it, is more for the protection of the property owner. So, I wanted the property owner to acknowledge that he understood that this is something that he agreed to between him and the builder and the Town had no liability aspects. It was included in his deed. So, the Town is protected.

Obviously, if the builder and the property owner go at it afterwards, that’s none of my affair, as long as the Town is protected.

MR. DEMELLO: So, what they bring before this Board, they don’t have to adhere to? I mean, they can do what they want?

ATTORNEY SCIOTA: No, that’s not true. That’s not true.

In the development stages, sometimes you have different things that happen outside of your regulations. You can have a 2:1. It’s possible. But in this particular case, we wanted to make sure that although it wasn’t dangerous, we wanted to make sure that the property owner acknowledged the fact that he understood that he’s getting a 2:1.

Things happen, engineeringwise, small things happen after a plan is approved all the time. When the development starts,
there has to be some modifications on it that don’t come back to you.

MR. DEMELLO: Tony, the other thing is with silt fencing, when do you put up silt fencing?

MR. TRANQUILLO: Silt fencing is generally put up before the ground is opened up. But I don’t regulate that aspect of it. That’s done by Dave Lavallee.

MR. DEMELLO: Okay, was this --- I see it on these plans here. When these plans came before us. I never even seen it. I never seen a piece of silt fencing on this property.

MR. TRANQUILLO: I’d have to check it.

MR. DEMELLO: I see some developers that have to abide by that and some developers don’t. So, --- I just want to bring that up.

MR. TRANQUILLO: I’ll mention that to Dave Lavallee.

MS. HUGHES: Yes, I’ll mention it to Dave.

ATTORNEY DENORFIA: We were out there. Dave and I -- he inspects the site every time he gives a CO or a zoning permit and there is ---

MR. DEMELLO: And, the other thing is, since Attorney Denorfia wanted to bring up stuff about me complaining, as a matter of fact, a Commissioner, that he can’t even come over and say hey, I’ll take care of a problem for you.

I just want to show people these from a couple of years ago. The dirt and the dust that a Commissioner had to deal with. So, I can imagine the people that are complaining. I feel bad for them that have to deal with stuff like this.

ATTORNEY DENORFIA: I’d like to know who else complained except for you? There is not one other neighbor that I’m aware of.

MR. DEMELLO: There’s a lot of people that are around there ---

ATTORNEY DENORFIA: The neighbor across the street that gave me a call and I told ---
(EVERYONE SPEAKING AT THE SAME TIME)

--- the other side of the property, I’ve had no problem. The only one I’ve ever gotten a call about is when you’ve made a complaint and all you had to do was ---

ATTORNEY SCIOTA: Tony, directly to the Chair, please.

ATTORNEY DENORFIA: --- pick up the phone and call me. All you had to do and you can’t say that we didn’t do anything --- I don’t even want to get into that --- for you on this site. Because we have.

MR. DEMELLO: You haven’t done nothing for me.

ATTORNEY DENORFIA: Oh, we haven’t? We’ll talk to Brian Marek about that.

MR. DEMELLO: Yah.

THE CHAIR: So, at this point, Tony, you’re looking for an extension for the subdivision. The earth excavation ---

ATTORNEY DENORFIA: There is no --- it’s valid.

THE CHAIR: It’s something from before. It’s not part of this particular item.

Is that still a valid one?

MS. HUGHES: Yes.

THE CHAIR: Okay. Are there any other questions?

ATTORNEY SCIOTA: Just that obviously, Tony understands this, but I want it for the record that he has his bonding in place until ’07. Obviously, with the extension ---

MS. HUGHES: It’s 07 or 08.

ATTORNEY SCIOTA: Whatever that is. He understands he works with us on that.

MR. DEMELLO: I’ll just tell the Commissioners: Maybe take a ride out there and see what it looks like now.
MR. KENEFICK: How long an extension are you looking for?

ATTORNEY DENORFIA: Five years.

THE CHAIR: Just a question. Maybe I might’ve misunderstood. If it goes, bonding goes to ’07 and then it goes year to year after that?

MS. HUGHES: Um-hum. They have to notify me by certified mail if they are --- if the bank is not going to extend the bond.

ATTORNEY SCIOTA: They give us a timeframe. I believe it’s 60 days ---

MS. HUGHES: Sixty days or 45 days for us to make a demand on the bond.

MR. DELSANTO: Everyone is scared to death to say anything.

But, I mean, does this typically happen? We’ve done extensions before. I mean --- I’ll make a motion to extend the application, the uh --- five year extension for completion of the work at Knights Crossing.

MR. CARMODY: Second.

(Motion passed 6 to 1 with Mr. DeMello opposed.)

B. Request of Southington Community YMCA for a 90-day extension to the existing waiver of site plan compliance and an extension of the temporary certificate of occupancy in order to complete remaining site work, property located at 29 High Street, SPR #1359.

MS. HUGHES: This is in conjunction with the improvements they’re doing at the Y. Some of them were landscaping and they just couldn’t get them done seasonally.

THE CHAIR: That time of year.

MR. DELSANTO: Move to grant a 90-day extension to the YMCA.

MR. CARMODY: Second.

MR. DELSANTO: Existing waiver of site plan.
(Motion passed 7 to 0 on a roll call vote.)

C. Request of Attorney Scott T. Rogalski representing Brino Builders, LLC for a determination of the status of Wyndwood Estates Subdivision located off Jude Lane in regard to acceptance of Desorbo Drive and Emma’s Way S #1164.1.

MS. HUGHES: I spoke to Attorney Rogalski today. I indicated to him that the engineering department had done a checklist either late last summer or early fall and that there were some very minor housekeeping items that had to be addressed, but one of the items that we require is or are the as-built surveys of the roadways. And, that we had not received them yet and I was not going to send or ask the engineering department to go out and do an inspection until we had the as-builts.

So, he understood that and sent me a communication says:

Pursuant to our phone conversation today, I am writing this letter to inform you that the only outstanding requirements of the punch list for Wyndwood --- which is not true --- namely, the as builds and deeds for Emma’s Way will be personally delivered to the PZC by the end of this week.

Once these documents are delivered, I would request that an inspection be scheduled to determine the status of Wyndwood Estates. The purpose of said inspection is to have the bond released.

THE CHAIR: When was that letter dated?

MS. HUGHES: Today.

MR. BOVINO: Mr. Chairman, Planner with Kratzert, Jones. I was asked to deliver these plans to you tonight.

MS. HUGHES: I think Dick also wants them in electronic form?

MR. BOVINO: Okay, but after he is happy with them.

And, just for the record, I delivered them three times. In ’03, ’04 and ’05. This is the fourth time.
MR. KENEFICK: Excuse me. Mr. Brino’s fully aware of what has to be done before we can release the bond, right?

MR. BOVINO: He received the checklist, yes.

No. As far as the plans, they’ve been delivered to the engineering department on multiple occasions. They keep on losing them. It happens in my office, too, but it’s been quite a few times.

There’s letters there indicating the dates on which I delivered the plans.

MR. KENEFICK: So, somebody’s losing them?

MR. BOVINO: I guess so.

MR. KENEFICK: Not you?

MR. TRANQUILLO: I don’t know the veracity of that. I’d have to check with my staff.

(Laughter, laughter)

I’ve heard this one before.

ATTORNEY SCIOTA: It’s like the kid with the dog and the homework.

(Laughter)

THE CHAIR: So, we have a letter saying they will deliver these by the end of this week. So, at this point, you’re not going to request or we should not request a review until those get in.

MS. HUGHES: Yah. We’ll just keep track of this and when Tony tells me it’s set, then we’ll put it back on the Agenda and I’ll get in to touch with Attorney Rogalski.

THE CHAIR: All right, so if we remove this from the Agenda, do we need to take action?

MS. HUGHES: No.

THE CHAIR: So, we’ll remove this from the Agenda until the
as builtts come in.

MS. HUGHES: Well, we have the as builtts.

THE CHAIR: I’m sorry. They are. Until the review is done. And, they are accepted.

ATTORNEY SCIOTA: You can just table the whole thing if you want.

THE CHAIR: And, we see that they have been delivered and received tonight.

MR. DELSANTO: For the record.

(Chuckles)

Put those in the vault now.

MR. CARMODY: Do we need a motion to table it?

ATTORNEY SCIOTA: Why don’t you table it.

MS. HUGHES: You want to table it? Because it’s going to become a problem for me to carry it.

MR. CARMODY: I’ll make a motion to table it.

MR. KENEFICK: Second.

MS. HUGHES: So, I’d just rather ---

ATTORNEY SCIOTA: Don’t put it on again until you’re all set. See if the request comes in. You don’t have to put it back on the Agenda.

MR. WEICHSHEL: And, don’t lose it.

MS. HUGHES: I -- you saw what ---

(Laughter, laughter)

(Motion passed unanimously on a voice vote.)

D. Executive session excluding the press and public regarding pending litigation.
THE CHAIR: Before going into the Plan of Development, I am going to ask for a motion for executive session. Please?

MR. DELSANTO: Motion for --- what is it?

ATTORNEY SCIOTA: Executive session for litigation.

MR. DELSANTO: For executive session barring the press and public, please ---

ATTORNEY SCIOTA: For litigation.

MR. CARMODY: Second.

MR. DELSANTO: --- for litigation.

ATTORNEY SCIOTA: Including the Town Attorney, the Town Planner and the Town Manager.

MR. DELSANTO: Including the Town Engineer and the Town Manager.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We adjourn into executive session. We will reopen public session when we’re done.

(Whereupon, the meeting was adjourned to executive session at 8:05 o’clock, p.m.)

(Tape #2, Side A)

(Whereupon, the meeting was resumed at 8:30 o’clock, p.m. in regular session.)

ZAYA OSHANA Chairman, presiding:

E. Plan of Conservation & Development

MS. HUGHES: You guys may be familiar with Pat Heslin.
EVERYBODY: Hi, Pat!

MS. HUGHES: I asked if she could be present in case you had any questions during the public hearing session and I wanted you guys to get an update on where we are.

I checked, and I have such happy news for you. There are plenty of dates this room is open in May.

(Comments)

MS. HESLIN: Well, Val sends her apologies. She’s in Stamford this evening and slightly under the weather, but I think she went to Stamford to get that presentation done.

And, I just wanted to give you a quick update. We are there. We’re in the final edits, we’re pulling it together, we’re formatting it, which is our misery, but in the next couple of days we should have that to you as well as Pratt & Whitney. I know that was something of discussion that last couple of meetings that you’ve had.

So, we should have that to you, as well. Then we’ll review. Comments. Think about that public hearing and evidently we have lots of openings ---

MS. HUGHES: The sooner I get it to the Regions, the sooner the 35 days lapses.

(Chuckles.)

I can get it to the Council.

MR. DELSANTO: Mary, you’ve got to get out more.

MS. HESLIN: Get it all done.

So, that’s where we are at. If you can wait a couple of days, you’ll have it.

THE CHAIR: Any questions for Pat?

Are you going to have that electronically.

MS. HESLIN: Eventually. You mean, you’d like to have it e-mailed to you as a document?
THE CHAIR: Is that possible?

MS. HESLIN: I don’t know because of the maps.

MS. HUGHES: Yes, I have to get them some mapping. I have to get some mapping for them.

MS. HESLIN: They take up an awful lot of space, we did them as PDFs but they can still ---

THE CHAIR: PDFs grow fast.

MS. HESLIN: Yes. We’ve got a number of maps.

MS. HUGHES: I have to get some zone changes to you guys. Whoops!

Is there anyway that you can give me a file with the mapping and give me a file with the ---

MS. HESLIN: Oh, yah. Oh, yah.

I just don’t know if everybody wants to have that come to their house. It’s a burden.

MS. LAURINAITIS: I probably prefer a copy. If it comes to my house, then I’m going to have to print it.

MS. HUGHES: Once I’ve got it, you guys can tell me whether you want the paper version --- I know you love your paper, Rick.

Good thing you’re a fireman.

(Undertone comments)

MS. HESLIN: We can certainly do that and we can see how big they end up being and if you can handle it or want it that way at home.

Any other questions?

MS. LAURINAITIS: How are we on budget?

MS. HUGHES: We should be okay.
MS. LAURINAITIS: For what was contracted for?

MS. HESLIN: Our budget is our budget. It’s on our now.

MS. HUGHES: We’re on line. We got a little off track with the ROD and Ideal. It was a little more expensive than we had anticipated. But we had wiggle room, so we wiggled.

THE CHAIR: We are on budget and will end that way.

(Comments)

All right.

MS. HESLIN: Okay. Good. Thank you.

THE CHAIR: That’s probably the easiest night you’ve had in a long time, huh?

MS. HESLIN: Yes, it is.

MR. DELSANTO: Motion to adjourn.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 8:35 o’clock, p.m.)