

SOUTHINGTON PLANNING AND ZONING COMMISSION  
Regular Meeting  
May 15, 2007  
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, Jr., called the Southington Planning & Zoning Commission to order at 7:09 pm with the following members in attendance:

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

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

Special Council: Brian Smith

Absent: Lisa Conroy, Alternate Commissioner  
Brian Zaccagnino, Alternate Commissioner  
Richard Hart, Alternate Commissioner  
Robert Borkowski, Alternate Commissioner

John Weichsel, Town Manager

(\* Arrived with meeting in progress.)

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

**Zaya Oshana, Chairman, presiding:**

**4. Approval of Minutes**

**A. Special Meeting of April 26, 2007**

MR. DELSANTO: So moved.

MR. DEMELLO: Second.

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

**B. Regular Meeting of May 1, 2007**

MR. SAUCIER: So moved.

MR. DELSANTO: Second.

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

**5. PUBLIC HEARING:**

(The Town Planner read the legal notice into the record.)

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

(In favor of the application)

SEV BOVINO: Planner with Kratzert, Jones representing the applicant explained the application.

Six acres of land, two existing houses on the property. The plan is create two additional lots in the front of 1.09 and 1.22 acres. Public water and sewer. Own access to Mulberry Street. Two driveways on Mulberry Street. Existing access way will be left as it is today. No change.

This is half-acre zone, lots in the front are double the size called for.

We have addressed staff comments. We are proposing sidewalk along the frontage.

Questions?

Discussion of the why the front two lots are not going to be developed now.

Discussion of water problems that might exist as far as runoff.

Mr. Bovino explained the drainage design and stated in his opinion it would not increase the runoff.

Mr. Tranquillo said there are no engineering concerns. It's a fairly simple subdivision.

(Against the application)

JEFF LOCKWOOD: 330 Mulberry Street. My property is directly affected by this development. Explained the history of the application and agreements that were made.

The issue is still the water problems. This is not going to alleviate my water problem through the yard.

Extensive discussion.

Mr. Tranquillo explained he looked at the drainage issues very carefully. He concluded by saying this proposal is far less intensive than the previous proposal. They have provided ZIRO. Explained he was very confident this would not have any significant impact downstream.

Discussion.

Mr. Tranquillo explained bare dirt generates far more runoff than lawn grasses. Once the lots are sold and grass is planted, the runoff will be far less than it is now.

Discussion.

Mr. Lockwood again stated his concern about the water -- more water flowing in his yard.

Mr. Tranquillo added within reasonable limits, this development, as far as the water, it will stay same. No noticeable difference.

Extensive explanation of hydrology.

Mr. Lockwood said he did not want to gamble on a could be or could not be situation. Do I have a right to request this is tabled?

The Chair said the Commission will look at that.

Thank you.

MIKE GARRISH: 346 Mulberry Street. Mr. Lockwood covered it well. I have the same exact concerns.

Talked about the water currently as is with no structures flooding his backyard.

Common sense would tell me putting structures in there is not going to help me. It's currently a problem.

(Rebuttal)

MR. BOVINO: I'd like to introduce two photos. One taken from the west end of the driveway showing the grass area along the driveway and the plowed fields that happen and the pipe that's installed underneath the current driveway. We're not planning to change the pipe size. The fields will be grass so you'll have more absorption in addition to the storage to meet the ZIRO.

In front of the pipe, there's a depressed area and our professional opinion there will not be any increase in runoff. You cannot build two houses on two acres of land, I don't know where else you are going to build them.

Discussion of where the water originates. Just overland flow. It's not town water, explained Mr. Tranquillo.

Discussion about trenching and stoning to alleviate the problem to channel the water.

Mr. Kenefick said he thought by the project engineer doing something to stop some of the problem, I'm sure he can do it.

Mr. Bovino discussed the infiltrators. We can provide a few more which will add to the storage capability we can do that. But we are already meeting the requirements and there will be storage for the runoff. We can add an infiltration trench in the back of the properties so when the runoff comes down, there will be a trench and the water will go in there and have additional opportunity to infiltrate. We can do that.

Discussion.

TARA CYR: My mother is Rosalie Rich and it's her property. I just want to say what Sev started to say. We tried what you're thinking of. With extra people involved and their needs and wants, it became impossible. Nobody tried harder than Mark Lovely with everybody and us willing to give up a lot. To get it through and all fixed.

And, the lots are not even halfway down the field and you have the whole additional part of the field and then the trench, then the drain. I don't see what it still has to do with our back properties where the water is, not actually where Mark's building.

He built in front on purpose because we could not resolve the four lots. That drain has been there since 1968 when the driveway was put in. Everybody built in the last 10 to 15 after -- no complaint came up until the road and we tried to appease the neighbors.

We're stuck and we just hope to your consideration now.

The Chair closed the public hearing.

**B. Hillcrest Orchard Zoning Regulation Amendment ZA #538)**  
New Section 3-08 "Housing Opportunity District" (HOD)

The Town Planner read the legal notice into the record.

(In favor of the application)

The Chair stated that tonight we have before us a 3-part application filed by Hillcrest Orchards, LLC. We will be holding public hearings on at least two of the three matters pertaining to these applications, which are zoning text amendments and a zone change petition. The Commission may also choose to hold a public hearing on the site plan application.

This matter is currently pending before the Conservation and IW Commission. This meeting tonight is a PZC meeting. I want to make

sure that everybody understands that we are not going to be getting into matters that are properly before the IW Commission.

To the extent that the environmental issues that are within the jurisdiction of the PZC, such as storm water management, we will hear you on those issues tonight but we do not have jurisdiction over wetlands and we will maintain that all of the participants in this proceedings stay focused on the application pending before this Commission. If we start to get away from these areas within our jurisdiction, I will do what we need to do to bring us back to the point that we are talking about tonight which is the zone change amendment.

Thank you in advance for your understanding and cooperation with this.

I want to give you a little bit of information and spend a little bit of time discussing what the PZC does when considering an application filed under the state statute referred to as Section 8-30(g) more commonly known as the affordable housing act. Specifically I would note that the Town of Southington has supported the creation of affordable housing and we recognize there is a need for it in Southington as well as the rest of the state.

That does not mean that we simply rubber stamp affordable housing applications as we must be careful in each incident to properly review and consider the merits of each and every application that comes before this Commission.

The most important thing that we can do as a Commission and as a community as we proceed with this application or any application is to maintain the integrity of the process and by that we mean to be fair and unbiased. Further that means that we want to be fair to all of those involved. It is very important to us that we do so.

Typically, and I will point out that this is an atypical application, but typically how it works is that we call upon the applicant to present the information they have related to the application before us. The application would have legal counsel, engineering specialists in whole hosts of areas. It would be structural, environmental, et cetera.

At that point, after the presentation of the application, there may be other experts that we may call. This is an integrated set of applications that consist of three parts: text amendment that we are considering tonight. The second is a zone change and the third is the application for a site plan approval for 212 unit multifamily development.

It is proposed an amendment that would create a housing opportunity district or an HOD zone. That is the first part of the application. That is what we will be considering tonight during the public hearing.

A separate public hearing will be held to consider whether to rezone the applicant's parcel to the new HOD zone. That is set for June 5, 2007.

The PZC may choose to hold a public hearing on the site plan and if we do so, that'll be held on June 5<sup>th</sup>, 2007.

As this is brought up under Section 8-30(g) there is widespread public interest in it and it is a large development, we engaged special outside counsel with the law firm of Robinson & Cole. Tonight we have with us Brian Smith to present an overview so we are all on the same page as we move forward.

I'd like to ask Attorney Smith to give us a quick overview.

ATTORNEY SMITH: We have been asked to assist the Town in evaluation this application and providing it with advice as it examines the applications before it.

We have to keep in mind, as a Commission is that zoning is a fundamental power granted by the State of Connecticut and the towns are given statutory construx they have to observe -- -enabling statutes.

Those powers are used to and they're the police powers to promote, protect and preserve public health, safety and general welfare. That's what zoning is all about.

On occasion the General Assembly will reshape that power, as they want to address needs they perceive and that's what they did in 1989 in creating what is now called Section 8-30(g), Affordable Housing Statute. That has enabled applicants to come before PZCs and ask that they be given special consideration for developments where they are going to in some fashion create housing that is affordable under the statute. That means they'll provide a certain amount of housing either deed restricted or assisted housing that allows those with 80% of the area median income or 60% of the area median income to afford to live in such a development.

With that statute, they created a mechanism where the Commission is really looking at primarily public health and safety issues. It's not the typical zoning that the town engages in. Explained school district impact is not something available or should be considered at all by the PZC. It is not a basis for approval or denial of this application.

You can only look at public health and safety issues and not fiscal issues.

Explained.

Tonight is only the text amendment you are considering. This is only whether to allow a zone within the town that provides for this kind of housing. It's not deciding whether this particular development is appropriate on this particular piece of land. Just looking at the text and wither you want to amend to provide for that kind of housing.

You would want to ask the applicant to discuss its consistency with the plan of development and how it's going to be utilized and how it's going to be efficient. Those are the general areas required.

(In favor of the application)

ATTORNEY JOSEPH WILLIAMS: Partner in the law firm of Shipman & Goodwin, One Constitution Plaza, Hartford. Representing the applicant, Hillcrest Orchards, LLC.

With me this evening are the principals of Hillcrest Orchards, LLC, Jim Ianini and John Ianini. They are experienced residential developers in this region and state being in business for about 30 years.

Also, with me Christopher Giuliano, Lead Engineer, from Giuliano Associates. As well as Allison McKeon from my office.

This application is an integral component of our three-part application for approval under Section 8-30(g) of Hillcrest Orchards, a 212-unit townhouse style condo development proposed on 32 acres at 508 and 544 Meriden Waterbury Road. That development would provide 64 units of affordable housing.

We did request all matters be heard at the same public hearing, but we understand you have limited tonight's hearing just to the text changed proposed. We will limit our presentation accordingly.

This proposal is to create a new Section 3-08 Housing Opportunity District. It's at the end of your residential zone regulations after the open space subdivision. We note that the Commission, if it were to adopt this, you would need to amend Section 1-02 in your list of zoning district and 7-A where you list in table format your lot and building requirements.

Read the text - tab 3 of the application packet dated March 29, 2007, on file in the Town Planner's office.

I will be happy to answer question and I will be addressing comments I received from Ms. Savage, in a moment.

Benefits of adopting the proposed HOD:

- Adopting this zone would allow the Commission to fulfill it's statutory obligations under CT General Statutes Section 8-2A wherein every town is required in its zoning regulations to encourage the development of housing opportunities including opportunities for multi family dwelling for all residents of the Town and region. And zoning regs are required to promote housing choice and economic diversity in housing including low and moderate income households.

- adopting this would provide the Town a great opportunity to encourage the actual development of much needed quality housing options at prices that would be restricted long term to moderate income households.

Explained the how the pricing is determined.

3- bedroom units - eligible incomes are \$50,000 to \$65,000/year.

Tab 10 of the packet has a summary memo and number of letter tabs providing additional background information discussing the need for

more affordable housing options in Southington, the region and State of Connecticut as a whole.

Discussion.

In Southington, the affordable housing is now just 4.5% of units that satisfy the statutory definition of affordable housing. Of those, only 11 are price restricted long term. The rest were developed under some form of government assistance.

This amendment allows you to make real progress in this regard and I would note it is consistent with your plan of development (Page 20) which notes the town should continue to look at the affordability index in town and determine if it is appropriate to provide zoning incentives.

We submit the time is definitely ripe and appropriate to provide such incentives in a form we are proposing this evening.

Now, I'd like to respond to the comments we received from your Town Planner in a memo dated May 8, 2007. I submit a memo that we completed today that provides our responses and our comments.

Reviewed the comments from Staff and his responses. Memos on file in the Town Planner's Office.

That concludes our presentation and I thank you for your attention. Any questions for me to answer?

Mr. Carmody asked: given this is a state mandate for every town in Connecticut to get to that 10 percent threshold, how many other towns have similar HOD regulations to what you're proposing.

Attorney Williams said there are several, but he will do a count and name each town.

(Against the application)

Arthur Cyr: 103 Berlin Avenue, Southington.

We have to look at not only the effect on this proposed development but what's going to happen in the future. I think this addition without some restrictions that Ms. Savage is asking for --- we'll be shaking our heads in five years.

I ask you strongly consider the vast majority of the things she's asking for in this amendment.

Going into the 40' setback only 10' --- we've seen what happens when we don't by regulation restrict this.

Discussion.

You need to add that they not cut anything within the 20,25, 30 or 40 foot buffers that adjoin any residential neighborhoods. It's important to add that. It needs to be in all your regs but specifically this one.

Discussion.



Nothing is an unnecessary expense to a developer.

A community center and the parking was discussed. I totally agree with Ms. Savage on that one.

As for parking in condos, there's never enough.  
Explained.

I like the addition of requiring a Phase I report for any residential neighborhood that's had anything on it before or anything near it.

Discussion.

I have a problem with the phrase: Best Management Practices. Whose determination of Best Management Practice? A bad manager manages badly.

Discussion.

I would like to see added to any HOD is the absolute requirement for sidewalks on both sides of any and all streets, internal and external. It's wildly important.

Discussion.

Discussion regarding the ramifications of buying an affordable housing unit and turnover.

Explained we have many condo associations in this town where it is affordable with the problem being we've added too many high-end homes and that's why our percentage is shrinking.

I encourage everyone to come back on June 5<sup>th</sup> when the other public hearing is. And, I request you have a public hearing on the site plan. Do all three public hearings.

Discussion.

VINCENT MCCABE: 518 Meriden Waterbury Turnpike. Spoke about the condo project proposed, specifically.

He spoke about the drainage area on the proposed project.

The Chair reminded the issue of this public hearing.

I ask this board to give great consideration to the questions the people have.

Discussion.

Ms. Savage again explained the public hearing on the zone change will be at the Derynoski School and that would be the appropriate time to talk about rezoning. The public hearing on the site plan, if decided, would be held June 5<sup>th</sup>. I echo the Chair ask you to limit your comments to the proposed zoning text comment tonight. All your other comment bring back at the next public hearing should you wish to.

Joe Stiblar 39 Blatchley Avenue. I have a couple of questions, which will help everyone understand about the zoning reg changes and the word.

(1) Is the state mandate for this particular section of the zoning to be added to everyone's regs or is it to have ten percent affordable housing?

Attorney Smith stated the mandate does not require a text be placed in every single town. That's up to the applicant and the Commission. The idea is to encourage affordable housing until the town achieves ten percent under the state definition, at which point, the town would be exempt from further requirement to provide for it.

Discussion.

Discussion if there are other options the town could take without creating the HOD, such as limiting the development of high-end homes, changing zoning regs from 1 acre to 1/2 acre, any other number of creative things that may or may not come up.

Attorney Smith said when an applicant is going to apply for affordable housing either through deed restriction for 40 years or governmental assistance, that people who have income within the guidelines, and they're going to do that for at least 30 percent of their development, then that triggers a requirement that the Commission is deemed to have to look at that and go through a test.

Discussion.

(2) It's 80 percent of the state median income or Town income, whichever is less, then the application is that 30 percent of those units would be set aside for that.

Attorney Smith said it's 30 percent total of the number of units and half of that 30 percent is for 80 percent or less and 15 percent for 60 percent or less.

(3) Is there a reason why Jensen's communities are not considered affordable housing under the statute?

Attorney Smith said the affordable housing statute requires certain definitions and if it doesn't meet the definition, it is not deemed an affordable housing unit. It has to be deed restricted or a CHFA loan and if not, it can't be counted.

Discussion.

I would like to speak strongly against the changing of this regulation. It represents significant health and safety issues just the fact that what you're doing is you're adding a cluster of multi family homes into open space. Things like additional traffic fall under health and safety.

I also believe an HOD development would run counter to the town's master plan evidenced by the town is actually set aside taxpayer money to purchase open house to restrict the growth.

Discussed Best Management Practices and if they don't say industry best practice, it's a meaningless contractual issue. Best practice is open to interpretation.

If you do consider this, you would consider all the town's comments and take them very seriously.

He disputed the applicant's attorney comments on median income for the state and Southington.

Further comments about the developer.

I strongly suggest, if you are going to do this, as many checks and balances put into that regulation as possible.

Tom Lombardi: 27 Royal Oak Drive. In my eyes, we need to look at the future of Southington and the social and economic effects that this amendment would have on the town. This would clearly have a negative impact on the town. If this is going to be passed, it could open the doors for future disasters.

For the record, I don't think a builder from West Hartford should be allowed to change the Town of Southington and all of its good practices.

I urge you to take a serious look at this issue and the implications that it has.

Darek Kohl: 89 Ruy Lane. I'm a licensed CT. Professional Engineer. Gave credentials.

I am opposed to any all applications with this project. Spoke about the developer's previous application approved which is not going forward.

Many of Ms. Savage's comments are well thought out and certainly should be considered. I commend her.

Spoke about the developer.

This development does little to meet the overall goals of affordable housing the State of Connecticut.  
Discussion.

Spoke about the affordability of the Town of Southington as a whole as compared to neighboring towns for young families.

This particular HOD does not fit in the area at all.

I've submitted a letter to the Conservation Commission regarding specifically storm water, wetland impacts and erosion and sedimentation. I will have many concerns about the site plan.

Wrong information on the notice list was discussed.

As for the zone text amendment, my specific comments.

Purpose: This type of development does not fit in and is not compatible with the overall character of the town.

Part C: It does not use existing infrastructure efficiently. There's many traffic and safety issues with the access points to 322. The intersection by Dunkin Donuts --- many concerns with that and I will comment at the site plan approval process on that.

Section 3-08.4 - It is very convenient that the minimum parcel size for the HOD size is 30 acres. This development is 32 or 33 acres. Why is it 30 acres? So he can sneak in under this zone text change? Why 50 acres or 100 acres? That number is not reasonable and it's specific to this project.

Discussion.

This zone isn't for the benefit for the town or the neighborhoods. Again, it's specific to this project.

Section 3.08.5 - 20 feet is very close. I concur with Mary's comments. You need to have greater separation between the buildings. In terms of the front, sides and rear setbacks? Those are inadequate. I recommend those be bumped up to provide proper transitioning to abutting zones.

Decks and patios should not be included in the building setback. You just can't allow that. You can put in massive decks and patios these days and directly infringe into the abutting properties.

Section 3.08.6 - Eight dwelling units per acre is very excessive. Again, this is to maximize the development in this parcel and profits.

3.08.9 - I agree with Mary, as well, 2.5 off street parking spaces per HOD dwelling is excessive. It creates extensive amounts of impervious surface, which affect storm water runoff and result in erosion and sedimentation. I would keep that number down.

I would ask that you deny this request. We as a town may not meet the goals of affordable housing, but I would have to say from my personal experience and that of my neighbors in town, they do find that this town is relatively affordable in comparison to surrounding towns and probably the state a whole.

Discussion.

One last comment, I would like to comment on the attorney for the applicant. I found it very interesting that basically any comment that was recommended by the town that required anything of effort or cost to the applicant that they didn't agree with. And, in terms of compromise, I don't see much of a compromise.

Discussion.

I look forward to opportunities to present my comments on the site plan approval as well as the zone change itself.

Jeff Wight: 161 Rayleen Drive in Southington. I know a little bit about affordable housing. I built affordable housing in town within a half a mile from here. We did 25 units on 20 acres of land.

This application is not about affordable housing, it's more about greed. Squeezing 8 units on 1 acre of land has nothing to do with trying to meet the need of housing for the town.

It's clear in the master plan we are looking not to increase density in the housing, but to keep it the same or in some cases make it even less dense.

Talked about the density of this application.

Our affordable housing percentage has not gone down. The state changed the criteria. Explained.

Mr. Wight turned into the record, officially, his previous letters to the PZC.

He read a letter which he sent to the Town Assessor, copied to the PZC, trying to show that Southington does have a fair amount of affordable housing although it may not meet 100 percent of the criteria in the state mandate.

Read the response from the Town Assessor. (Letters on file in the Town Planner's Office.)

Spoke about CHFA and people are not out there that qualify or want to use the financing which will make it nearly impossible for any community to get that number up to the 10 percent.

Discussion.

Spoke of his affordable housing development: 25 units on a total of 20 acres. Not too dense.

I live in the area and those people are my neighbors.

Spoke of type of housing. If we're going to look any change to our text, the ability of someone to come in and say, we have a 1 acre zone or a 2 acre zone and we want to put 8 units or 800 percent or 1600 percent higher density than what is allowed by our current regs which have been worked on and reworked on through our master plans for the past 30 years is entirely wrong and shouldn't happen.

When you look at the requirements under the state statutes, you have to know these houses require 20 percent down. I don't remember anyone coming in with 20 percent down for a first time homebuyer.

I could never recommend purchasing one of these units because you can never make a profit when you sell.

Discussion.

We just did a master plan and we have other towns in the Town to get what you need. There is no need in any of our zones to make 8 units per acre. On that site, you will not have a single tree left. It hurts the neighbors and the community.

Maureen McCabe: 518 Meriden Waterbury Turnpike. I am against this.

What happens if you buy an affordable housing and you can't sell it and there's a bunch of empty condos back there what stops a big company from buying this and just renting it out to anybody and the place just turns into a mess?

Spoke about the developer.

Bill Nyland 48 Rayleen Drive, Southington. I was affected by a zoning change request that was turned down and the area was turned into the area Jeff Wight just described and it is a great area. I thank the town for their decision back then.

I like the question about wanting to know what towns are on the list, so to speak.

Southington is a desirable town to move into.

We're not supposed to talk about the schooling issue, but I think they go hand in hand.

Explanation.

Schools buses, traffic will become an issue.

I vote against the amendment.

JOE NOVACK: 40 Jubilee Drive, Plantsville. I didn't really hear what the implication from this text change has for the rest of the town? How many more projects are we going to have like this?

We are concerned about open space already. We're talking about development rights.

If we approve something like this, you're going to open a Pandora's Box for a lot more development like this. Please keep the lid on the box. Do not approve the text.

(No others to speak)

MS. SAVAGE: I have some information to read into the record. All are on file in the Town Planner's Office for review.

(1) Email from Adam & Kim Phylor 1 Ruy Lane.

(2) Transmittal from the Firm of Gould, Gillian & Managan, Attorneys at Law.

(3) A response from the South Central Regional Planning Commission.

(4) Hand delivered to my office at 3:45 and I already gave a copy to Mr. Williams. Letter from the Mario Copola Trust, owner of 507 Meriden Waterbury Road, Southington, CT, by it's trustee, duly authorized, Miguel Copola.

Ms. Savage stated that's all the exhibits she has for the record tonight.

(Rebuttal)

Attorney Williams addressed the comments on how to calculate the affordable housing and the amount of affordable housing. There was a question of whether you use the statewide median income or the area and what Southington's median income. That's not something that we invented. It's provided by state statute. In determining the price, you either the statewide median income or the area median income with the area being determined by HUD. They group towns.

Southington is within the Hartford, West Hartford region as grouped by HUD. In our calculations in our affordability plan which are just reflective of the current median income upon submittal and prices are pegged to the median income, the appropriate one, at that time when the units are sold.

You use the lower of the states or the area. For this area when we proposed this, the state was less than the area median and that's why we used the statewide median.

Mr. Wight's comments, I didn't see the Assessor's letter but I think he correctly appointed out about the 4.5 percent as calculated by DECD as being correct. It is a fairly strict definition provided by statute they follow. DECD and the State does not use the CHFA maximum he was referring to.

As far as the letter from the Copola trust, I would note that I believe that the Commission did follow all appropriate notice. Notice of the text change was sent to all surrounding towns. We checked that because our zone that we proposed has limitations on where it can be landed, as was noted.

Discussion.

We believe there was no issue with the notice.

Mr. Carmody asked if the intent of the HOD was to have these unites be owner occupied, for rent or both?

Attorney Williams said they are owner occupied. It's proposed as a common interest ownership community under the Common Interest Ownership Act, which is a condominium. They are all proposed to be for sale units that are owned.

What could happen later if someone can't resell the unit, we doubt that that would be the case, but the statute requires that you follow the procedures for 40 years.

Attorney Smith indicated he had nothing further at this time.

The Chair indicated we have heard a lot of information and have a lot of data for the Commission to look at and review.

We will close this public hearing and we will move on to our next step in our meeting. We will take a five-minute recess.

(Whereupon, the meeting was recessed at 9:02 o'clock, p.m.)

(Whereupon, the meeting was resumed at 9:07 o'clock, p.m.)

**Chairman Oshana, resuming the Chair:**

**6. BUSINESS MEETING**

**A. Lovley Development, Inc. - 360 & 370 Mulberry Street S #1247 -4 lot Resubdivision (Richard Gardens Estates)**

MR. SINCLAIR: Mr. Chairman, for the record, I have to recuse myself on this.

(Mr. Sinclair left the room.)

MS. SAVAGE: Thank you, Mr. Chair. Staff has completed the review of this application. The application is for the resubdivision of 360 & 370 Mulberry Street currently zoned R-20/25.

We have no outstanding staff comments at this time. The comments that were referred to in the packet memo have since been addressed. So, staff would recommend the Commission approve this application.

Should the Commission wish to add any additional infiltrators on the southern end of the properties as discussed, staff would do that by adding a condition to the approval.

But this application is ready for action, should you choose to.

MR. KENEFICK: I'd like to make a motion approval of this application with -- with the added infiltrators. I just want to make sure that you know, there's three or four people here that have had water problems and I know Mr. Lovely has gone overboard by trying to make this a good subdivision, so let's let the people that have the water problems try to help them out a little bit, too. So, Sev mentioned that he wouldn't have any problem putting a couple of infiltrators in? So, I am in favor of it.

MR. DEMELLO: I'll second that motion.

THE CHAIR: Any discussion?



MR. CARMODY: Just a quick question for clarification. How many additional infiltrators are we talking about?

MS. SAVAGE: I would defer to Mr. Tranquillo. We did discuss or actually Mr. Bovino mentioned some trench infiltrators or a couple of extra units.

MR. TRANQUILLO: Maybe to put a quantity on this, we could just double the amount of storage. Instead of the storage that's required, double that storage.

MR. KENEFICK: Is that a problem, Sev?

ATTORNEY SCIOTA: Public hearing. He can't comment any more.

MR. KENEFICK: I asked.

MR. TRANQUILLO: He didn't say a word.

THE CHAIR: All right, so you amend your motion to say double the storage?

MR. KENEFICK: Right.

THE CHAIR: And, the second.

We have a motion and a second for approval with the stipulation to double the storage on site. Any other discussion?

MR. DEMELLO: Mr. Chairman, just for the record, you know, it's my understanding that has been a situation with this piping since 1968. There has been no complaints as of that date so I just want to make that part of the record, you know, that ---

THE CHAIR: All right.

(Motion passed 6 to 0 on a roll call vote.)

(Mr. Sinclair re-entered the room.)

**B. Hillcrests Orchards, Zoning Regulation Amendment ZA #538, new zoning Section 3-08 "Housing Opportunity District" HOD.**

THE CHAIR: I heard a lot of information on this this evening. I think the Commission has a lot to consider. I think we'll be looking for a table.

MR. DELSANTO: Motion to table.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

**C. Discussion of Petition: Hillcrest Orchards, LLC**

THE CHAIR: Ms. Savage, you included in our package today a petition.

MS.SAVAGE: I did, thank you, Mr. Chair. A petition was submitted to the Planning Office on May 8<sup>th</sup>, 2007 requesting that the PZC hold public hearings on all portions of the Hillcrest Orchards applications including the zone change, zone text amendment and site plan. Residents feel that this project is significant in size, intensity and potential impact to the neighborhood and town. And, that the public should be afforded an opportunity to comment.

The petition has been enclosed with the exact language for your consideration.

As you know, the zone change portion of the application is scheduled for public hearing June 5<sup>th</sup>. And, the zoning amendment was on tonight. There is also a Conservation Commission element, which is not under your purview, but I will tell you that I did give a copy of this petition to the Ass't Planner to transmit to the Conservation Commission for their consideration.

Now, in accordance with Section 1-10 of the Zoning Regulations, you have the right to schedule a discretionary public hearing on any application with a two-thirds affirmative vote.

Before you tonight is whether or not to hold a discretionary public hearing on the Hillcrest Orchards site plan #1465 which is the only component of this project which there is not currently a public hearing scheduled for.

Should you choose to require a discretionary public hearing, you could schedule it for the June 5, 2007 meeting. The site plan is already on that Agenda as a business item and in addition the zone change is on that night for a public hearing and we have reserved the Derynoski Auditorium so there'd be adequate capacity and we have time for the legal notice.

THE CHAIR: The reason that the zone change is not --- I'm sorry. The reason that the site plan is not on as a public hearing is because our regulations do not require site plan as a public hearing, just for everybody's understanding.

And, I think that as we discussed tonight, we had just completed a public hearing on the text amendment and closed that.

We have a zone change public hearing scheduled on the 2<sup>nd</sup>. This is a rather large application with a lot of interest, a lot of consideration for people. I think that just discussion amongst the Commission, I would like to see this site plan go to public hearing.

MR. KENEFICK: I'd like to make a motion that we put the site plan on for public hearing.

MR. CARMODY: Second.

MR. KENEFICK: On June 5<sup>th</sup>.

MR.CARMODY: Second.

THE CHAIR: Motion and a second for adding the site plan application for Hillcrest Orchards for public hearing?

ATTORNEY SMITH: Mr. Chairman, before you vote on that, you might want to consider the timing. I don't know. There's been an extension granted for the site plan, which you may need. I'm not sure, I think the Town Planner, you have, is it, Ms. Savage, is it June 6<sup>th</sup> or 7<sup>th</sup> that the first 65-days would expire?

MS. SAVAGE: It's June 6<sup>th</sup> that the first 65-day would expire for the site plan.

Even if you schedule this discretionary public hearing, that would be a local public hearing, so that would not change the state's statutes regarding timeframes. In other words, after 65 days the site plan would be automatically approved.

For that reason, I have requested an extension from Mr. Williams and he has provided me a request for extension for the site plan from June 6<sup>th</sup> to June 19<sup>th</sup>. So, we can act on that at the June 5<sup>th</sup> meeting. But you are absolutely correct, we do need that extension. That's a separate issue. We have enough time to make it to the June 5<sup>th</sup> meeting with no timing problems.

THE CHAIR: We could act upon the extension at the June 5<sup>th</sup> meeting.

MS. SAVAGE: Correct. Unless, if you'd like to add it to this Agenda, we could act on it tonight, but you know.

THE CHAIR: All right. We have a motion and a second for approval adding the site plan public hearing to our June 5<sup>th</sup> meeting. Discussion?

Hearing none, call the roll, please.

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

MS. SAVAGE: Just for the record, we met our super majority.

THE CHAIR: Ms. Savage, I know we had this discussion a moment ago just to divert from our Agenda or a moment for housekeeping purposes. You have the extension in front of you now?

MS. SAVAGE: I do.

THE CHAIR: Just for clarity sake, why don't we act on that tonight. If we can get a motion this evening to add that to our Agenda.

MR. KENEFICK: How many days do you need?

THE CHAIR: The extension request is to extend to ---

MS. SAVAGE: It's extending the timeframe from June 6<sup>th</sup>, which it expires, to June 19<sup>th</sup>. So, they're giving us actually a 12-day extension. And, then if we need more, we could always request more.

MR. KENEFICK: A fifteen-day extension?

MS. SAVAGE: They've requested an extension to June 19<sup>th</sup>.

MR. KENEFICK: So, 12 or 15?

ATTORNEY SCIOTA: A date specific.

ATTORNEY SMITH: It is the date, yes.

MR. KENEFICK: About 12 days then.

Make a motion we grant the extension to June 19<sup>th</sup>.

MS. SAVAGE: First, I think we have to add it to the Agenda.

ATTORNEY SMITH: Put it on the Agenda.

MR. KENEFICK: Go ahead. Somebody else do it.

MR. DELSANTO: I'll make the motion to add that matter to our Agenda.

MR. SINCLAIR: Second.

THE CHAIR: I have a motion and a second to add that to our Agenda, tonight, Item C-1.

Any discussion?

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: Move to grant an extension to June 19<sup>th</sup>.

MR. DELSANTO: Second.

THE CHAIR: Ms. Savage, call the roll, please?

MS.SAVAGE: Just a point of clarification, the motion for the extension is referring to the site plan application #1465.

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

(Attorney Smith left the meeting.)

**D. Citibank, N.A. - 750 Queen Street** SPR #1463.  
Construction of drive up ATM facility at existing branch office.

MS. SAVAGE: Mr. Chair, staff has completed the review of this application. There's no outstanding comments. And, we recommend the Commission approve this application.

MR. CARMODY: So moved.

MR. DELSANTO: Second.

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

**E. Subdivision Regulation Amendments** Sections 3-17 and 3-18  
(S #18)

MS. SAVAGE: Mr. Chair, before the Commission at this time is the proposed subdivision regulation amendments, SA \$#18 and these are referred to as protection of natural resources and physical attributes and the minimum buildable square requirements.

The Commission heard a great deal of testimony at the last meeting regarding these requirements and the possible impacts of them on the community. And, I will not rehash all of that.

What I will get right to is staff's recommendations. And, for the protection of natural resources, there was some discussion regarding the discounting of utility right of ways. And, staff, after thinking about it and we talked about it internally, many times utility right of ways are located in the side yards of a development. And, those utility right of ways are already protected from building because they are in the side yard.

So, staff would suggest to the Commission that instead of discounting utility right of ways 100 percent or by a multiplier of 0, you may consider adding a multiplier of .5 and adding a footnote stating that "except for utility easements which are contained within side yards".

The reason for that is again they're already protected from development and it seems perhaps duplicative to discount for those.

The second comment is with regard to the minimum buildable square. Staff still supports the Commission's adoption of the minimum buildable square. There was some discussion that why couldn't that square be floatable within the parcel. Why couldn't we not --- we couldn't we not be so strict about where it had to be and just say you need to have it, but it could be someplace within the boundaries of your parcel. Staff is supportive of that recommendation. We feel that it is a good compromise position. It would still allow the Commission to take some concrete steps now to manage and guide more sustainable development within town and also be responsive to some of the concerns that you heard at the last public hearing.

So, those would be our suggestions for this proposed amendment. I can answer any questions if you like.

THE CHAIR: Any questions for Ms. Savage?

MR. KENEFICK: So, you are in favor of the floatable square?

MS. SAVAGE: I am.

MR. KENEFICK: Let me ask you a question: An acre lot, what size would that square have to be, how many square feet?

MS. SAVAGE: Bare with me while I pull out the chart.

(Pause)

It's 125' on each side. I do not have a calculator, so I'll look to my engineer.

(Chuckles)

ATTORNEY SCIOTA: If you ask me, it's a third. Every lawyer's answer is a third. Take a third.

(Pause)

MS. SAVAGE: Anybody else with a calculator. Not being a math major ---

MR. KENEFICK: I really want to know.

MS. SAVAGE: I don't have a calculator with me.

MR. TRANQUILLO: There's an easy way to do. Give me one second here.

MR. KENEFICK: There's 40,000 sf in an acre.

(Pause)

MR. TRANQUILLO: It's 15,625. What would that be? About --

MS. SAVAGE: Thirty-five percent. A third!

ATTORNEY SCIOTA: I said a third. No one listens to me.

MR. TRANQUILLO: Lucky guess, Mark.

ATTORNEY SCIOTA: The answer is always a third. Remember that.

MR. KENEFICK: That can float around.

MS. SAVAGE: It can float around. Basically, it would just, you know, mean that instead of having a very awkward shaped really long, long, long narrow lot at some point that lot would have to be big enough to have that square in there. But whether that square is up by the street line or perhaps due to the natural topography, maybe that square is set back from the road and there's a long access drive, you know, that's fine, too. As long as there is that minimum buildable square.

MR. CARMODY: I have a few questions or thoughts that I wanted to get out there. Because we did hear a lot of testimony on both sides of this thing.

The question I have is for Mary and Mark and actually for any of you guys, too. To at least talk about. To me, the impetus behind all these changes should be for you know, smarter, more sustainable growth. But let's be honest, some of it was out of concerns that some of our residents have about the velocity of our development. I'll phrase it that way.

So, to that end, I guess, what I'm asking, from Mary and Mark, the Town Council right now is looking at --- you know what they're looking at with regard to development rights on some big parcels. And, the impact that housing has on some of our services. Although we're obviously exclusive from the Town Council, from time to time to like to work together especially on issues this important. Should we, would it be prudent for us to get that information through the staff back to us before we make a decision like this? I guess I want to get your thoughts on that.

MS. SAVAGE: My initial reaction is that although there are some common themes between the two discussions, one doesn't have to wait for the other. And, I would suggest to you that you would probably get the results of a study from the Town Council, but to wait to act on this, you know, they're kind of not that connected.

ATTORNEY SCIOTA: I would agree. They're mutually exclusive. And the study itself, to be honest with you, the study itself is months away. So, I wouldn't think you would want to wait on that and I agree with Mary, they are mutually exclusive and certainly nothing you need to wait for.

MR.CARMODY: Okay. So, I'll just continue my comments.

Back to my original point of what I think the initiative should be. I think some of this, I don't, you know, they are definitely changes that we should be making and I'm not positive as to the aggressiveness of some of these changes. We'll decide that, I'm sure, tonight or soon thereafter.

I think we need to understand or at least I'm thinking this way, this is um, one piece of the puzzle. I think when we get to talking about our open space subdivisions, we have to talk about being in conjunction with these changes, we are going to have to be a lot more flexible in what is allowed and what the purpose is, so that they become more attractive. Because we don't have a lot of them and they've been, the regulations have been in place for a long time.

I know that's not the discussion we're having tonight but we're looking at this as a whole and this is a piece of the puzzle. I'm talking about the whole puzzle. I hope that when we get to that section of this, we um, we really roll up our sleeves and get as flexible as we can. Because, I saw some of the stuff from the last meeting that some of the say, I would say, opponents of this brought up. And, I like some of the things I saw. They didn't really necessarily totally apply to what we're talking about. They applied to another piece of the puzzle. And, I just hope when we get there, we do a real good job with that.

You know, I said to the Chairman and we disagreed on this, which is fine, um, the --- what I get leery about is if some of the changes that we're considering, I think --- what I'm trying to say is, not, I know you thought it was a threat that a builder might do something else as a by product of that, but I look at it not as a threat, more as a business reality.

Because these decisions we make, they don't happen in a vacuum. They happen in the real world and I think these changes to some degree and I'm not sure what degree that is in my mind that I think it's good, but I think they are good to some degree. I just want to be on record saying I am a little leery as to the actual business reality that could occur as a result of these.

I just want to be on the record with that.

THE CHAIR: Well, I think that based on the discussion that we had at our last meeting, I think that any change to any regulation, be it a zoning regulation or any type of regulation, can lead to some result, some follow up, some action.

I think though when you look at and the comment was made at our last meeting, you know, we're coming up on our anniversary, May 20, 1957 zoning was enacted and we're coming up on that and we should be wary on making changes on what our forefathers did.

I am looking at it from another perspective. I think we're actually, I'm pretty proud of what we're doing because we are doing what our forefathers did which is look at the regulations, look at the zoning that was put into place and as time goes on, things change. And, as things change, we need to change with it. And, you mentioned smart growth. Smart looking at things. Growing the town smartly and wisely. Safe, proper and orderly development of the Town of Southington. That's what we're charged with. That's why we're here.

And, as things change, we need to look at our regulations to make sure that our regulations change along with them. We did see some subdivision applications put up on the board at our last meeting. We saw those same concepts or the same sort of discussions several years ago when similar proposals were put up for regulations. And, changes. That were voted down by this Commission.

It's interesting, because during that period of time when those regulations were voted down to today, how many subdivisions, how many projects, how many applications came forward that were either cluster or allowed for open space or allowed for those types of developments.

I think one. But that disappeared. It is no longer an open --- or it is, but it's not going to happen. They could have happened. People said let us, give us this opportunity to develop that way, but they didn't and it didn't come about that way.

What we need to do, we're charged with land development in the Town of Southington and doing it right. I'm real comfortable with these zoning regulations because what we're trying to do now is we're trying to preserve natural resources. We're trying to preserve the town and the character of the town.



But we're also looking at where we are and where we're going. One of the problem I had with the last set of regulation changes that we talked about several years ago was we were doing it in a vacuum. We were doing one, actually several small little pieces. What we're doing now is a result of an overall plan of development for the Town of Southington. We're not doing individual little pieces of a puzzle. We're looking at the entire regulations.

So, we are looking at everything and how they interact with things. We talked about our workshop about the open space subdivision regulation. I brought it up and I said it's a great regulation, but it's hard and it's real hard to use and we have to work on it and we will work on it. But there are a lot of other regulations we need to work on.

Subdivision regulations. The little pieces that go along with that. All of our zoning regulations and we're looking at all of them because they all intertwine and now is the time to do it. I'm really comfortable with this and I think that it's time to do it and I do think that it is not a knee jerk reaction. It is a response to the plan of development. It is a response to the concerns of the citizens of Southington, what we're hearing from the citizens and what we're hearing from the people that want to see the town grow and grow properly. That's my perspective on what we're looking at.

MR. CARMODY: Comment on, your thoughts on the square?

THE CHAIR: You know, I am totally opposed to a fixed square. I don't think a fixed square is appropriate. I think a fixed square and I said it last time and the time before, would lead us to a series of grids. I am more flexible on a floating square. I think a floating square is a little bit more --- it gives us a little bit more opportunity to still add character.

It still is restrictive. I like the idea of winding streets. I like the idea of being able to work around natural resources. I think the floating square gives us the opportunity though to (pause) give it a shot.

I would vote no on the fixed square.

MR. CARMODY: Then your staff recommendations support the notion of a floating square?

MS.SAVAGE: Yes.

MR. DEMELLO: Mr. Chairman, I'd like to make --- if there's no more discussion on it, I'd like to make a motion ---

MR. KENEFICK: I'd like to say something.

THE CHAIR: Mr. Kenefick?

MR. KENEFICK: I thought I heard Steve say he's working on the Country Club subdivision last week?

MS. SAVAGE: Well, he put up a map that he said he had been working on.

MR. CARMODY: Yah, we saw it.

MR. KENEFICK: Well, I didn't see it.

MR. CARMODY: I'm just telling you.

MS. SAVAGE: But nothing has been submitted, yet. So, I can't speak to ---

MR. KENEFICK: But it's coming?

MS. SAVAGE: I don't know. Nothing has been submitted. That's all I know.

MR. KENEFICK: Can I talk about this?

It's coming. Okay. Right now we're making some pretty decent changes to these regs. I missed the last couple of meetings. I've been traveling and I apologize for it. But I would like to not act on this tonight and I would like Mary to do a little research on if we did approve these amendments or whatever to this reg, what kind of a difference would it make in the density of this application coming forward.

Is this right, or am I off base saying this?

MS. SAVAGE: Well, I will say, actually the Chair asked me that very thing for this application.

MR. KENEFICK: I would like to see an example --- I mean, I want to see. We're making a lot of changes. We're doing this. And, to me, that's the perfect spot because that is R-12, it's R-20/25. There's a lot of easements on the property. There's power easements on the property. There's wetlands on the property. There's steep hills on the property. So, I would like to, you know, I would like to see on something like that. To me, that's going to be one of the prime locations in town for development for the owners. I would just like to see what the difference would make. I don't know how the rest of you people feel.

(Pause)

THE CHAIR: We had talked about that and I asked that question and timingwise we don't have the answer tonight. I don't know whether or not, at least from my perspective --- from my perspective, we had some discussions about whether or not a --- and I hate to use the word threat --- the results of this, would that bring about a subdivision application and would that change my mind? No.

MR. KENEFICK: It may not change my mind, either, but I would like to see what kind of effect these new regs would be on something like that because I mean you've got everything, you've got everything there like I just mentioned. Two different zones, lot of easements,

power easements. You've got steep hills. Everything that we're talking about in these regs is there.

MR. CARMODY: Well no, I'm just going to comment in general that -- it's an important decision and there's no other alternates, I don't know, I don't want to disrespect Fran. I mean, if he's not ready, is there some kind of statute, are we under the gun for something? Does it have to get done tonight? I don't know.

MS. SAVAGE: It was referred out. The public hearing was Tuesday, May 1<sup>st</sup>. The clock started ticking on this application um, --

ATTORNEY SCIOTA: A generic answer would be of course you can grant yourself an extension if you wanted to do it. You are the applicants.

MS. SAVAGE: It's getting close. You could give yourself an extension but it's ripe for action.

MR. CARMODY: Look, I have an idea of where this, I think it's pretty clear where we're going but if there's a voting member who wants some time, I mean, I don't know.

MR. KENEFICK: Not only do I want time, I mean, I want to know what you people feel about what I just said about the difference in the density with the regulation change. Or do you -- you don't think that's important?

THE CHAIR: I asked the same question, Fran. I think it is a very important question. I do. And, I would like to know the answer because I think it will have an impact. I think the only issue I have with that question is I think the answer depends on how you design the application. So, the answer can be --- can vary, in how you design the development that goes in there.

It could be small or it could be large depending on how you put the roads, where you put the development, where you put the houses, how you lay it out. It will, what gets discounted is going to be the same because if the multipliers get applied, those particular pieces are discounted, regardless.

So, then it's how you layout the rest of the development. How you lay it out around that area.

MR. KENEFICK: It's 110 acres. What would the discounted area be with the new regulation?

You know, I don't know if I'm on the right page here, but I am going to throw that out and suggest it to the rest of you people. If you feel it's important, it's important. If not ---

MR. SAUCIER: Well, you know, Mr. Chairman, I just want to echo my comments from last meeting regarding our regulations and our discounting. And, you know, the big answer there is it depends. As Chairman Oshana pointed out, it depends on the configurations. We were presented a what if scenario or a design scenario based on what can be done with the current regulations in a standard development. Okay?

That plan did not take into consideration cluster development, open space development, et cetera, some of the other things that we are considering here.

Back to my comments from last meeting is regardless of what one developer or one area of this town is looking to do or wants to do or can do due to a business decision. We have to take a look at what do we want to accomplish with these regulations here. And, that is the best use and not so much the best use ---the best use for the town of the property.

Additionally, we do want and it was echoed very strongly by other members out there that we need to open our regulations for open space, cluster development, whatnot. But we've had those regulations on. Granted, they may be too restrictive to some people's liking, but we've got --- nobody came forward to say, well, why don't you change those and allow us to be a little more flexible until we came with something like the multiplier which is a catalyst. It's something that's pushing to look at better uses of the land.

And, you know, I don't want to discount, Fran, your comment of saying what would that do to that particular development. That question could be asked for any parcel in this town or at any point in the area.

I think that is going to be a business decision. That's going to be a business decision whether we apply these regulations or if we don't apply these regulations. Okay?

If someone is not financially gaining from a business property, then they're going to try to develop it or do something other than what its current use is. I think, am I afraid that, okay, yes, we pass this and boom there's an application in for 125 units, sure. But if we don't do this today, if we don't do this now and use these as building blocks for future then we'll be back here again in 2,3,4 years again saying, well gees, why didn't we do it then?

There's going to be another tract of land, there's going to be another application in front of us and I don't consider them threats. I consider them business decisions and that's the right of those property owners to make that decision of what to do with it. Okay?

And, whether we are looking at it today or five years down, there is going to be another area that's going to have the same problem. I think we've done a lot of work on this. We've gone through our regulations. We've taken some of the input from the public and both sides, you know, altering the multiplier and the square. I think we're ready to go.

I don't want to diminish what Commissioner Kenefick is asking for, but I think that's too particular in this case.

MR. KENEFICK: I'm not mentioning it for the threat or anything. I just would like to know the difference. In other words, out of the 110 acres of land that they have --- I think it's 110 acres. Using these new regulations, how much of that land could they use?

And, you could use that on any land. The only reason I said that particular spot is because it has all these things that I mentioned. The different zones. The different easements. The steep hills and the wetlands. That's the only reason I did it.

I don't care if they come in development or if they don't develop it. I would like to know, if they're saying they can 110 houses in there now, I would like to know how many houses or how much usable space they can get in there with their new regulations. That's what I asked.

I'm not, I don't feel threatened by them. If they want to do it, let them do it.

Personally, I think they want to run a golf course.

MR. DEMELLO: Mr. Chairman, I agree with Commissioner Saucier. I don't think that this is --- the fact of having these --- this, these approved tonight. Um, you know, waiting until we have an answer, once again, it's a business decision that is coming up, what Fran's looking for. You know, it just ---

MR. KENEFICK: Business decision?

MR. DEMELLO: Well, I don't know ---

MR. KENEFICK: I want to know the difference. How much are we saving? How much land are we not letting be developed by these new regulations? That's all I'm asking for. I agree with some of these regulations. I agree with all of them, but I'd like to know what the difference is. Do you know what the difference is?

MR. DEMELLO: I have no idea.

MR. KENEFICK: I don't. Do you?

MR. DEMELLO: What's it make a difference ---

MR. KENEFICK: Do you know what it is?

MR. SAUCIER: I don't, no.

MR. KENEFICK: Do you know, John?

MR. CARMODY: I don't.

MR. KENEFICK: Well, why don't you ask?

MR. DELSANTO: You already asked it.

MR. KENEFICK: Well, I'm not getting much support here.

MR. SAUCIER: You're asking what is the difference on a particular tract of land, okay?

MR. KENEFICK: I'm asking any piece of land, all right? Take any piece of land and have wetlands on it and this, how much -- how much are we gaining by applying these new regulations. That's all I'm asking.

MR. SAUCIER: Okay, all right.

MR. KENEFICK: I don't care about a business decision or whatever. I want to know the difference. If there is. I'm sure there is.

MR. SAUCIER: Let's take the condominium development on West Street.

MR. KENEFICK: Exactly, exactly.

MR. SAUCIER: Okay, now our regulations state for multi family housing, they're allowed "x" number of units per square footage of a lot. Now, if you take a lot --- now I don't have the exact numbers, okay? But if you take, you know, we looked at these and these are good ideas because if you take a piece of property, let's say you have 5 acres, okay, of land. That'd be 200,000 sf.

Half of that is wetlands. So, 100,000 sf is developable, okay? But when we do a multi family calculation on that lot, we don't do a calculation on 100,000. Okay? Or we don't do a calculation --- you know, we're doing a calculation on 200,000 sf. So, when we say that in a multi family development, certain number of units are allowed per square foot, we're not looking at useable land.

Those regulations, and I can't speak for people who passed or who put these regulations in the past, I can't look into their minds to say, what were they thinking? But I have a feeling that when these were developed, this town was wide-open, farmland, okay?

So, when they looked at it and said, well, what could we develop on this piece of property, it's going to be looked at open spaces, all developable.

Now that we have a lot of developments in here, and we've used a lot of our wide-open space, we're now going into marginal land. And, that is why, you know, when we looked at these, we took that into consideration.

MR. KENEFICK: Pat, I agree with what you did, okay? And, I'll tell you, we'll go back to the LePage application and I agree with you there, also. Take for round numbers, he had 6 acres of land, two of it wetlands. But yet, he put the condos that were for six acres of land. I agree with you, okay?

I just want to know what the difference would be in this particular application.

MR. SAUCIER: There is no application.

MR. KENEFICK: I'm not saying -- what?

MR. SAUCIER: There is no application. There is no application on the board for that and that is my issue here.

I mean, Fran, in ---

MR. KENEFICK: I thought you said you put a thing up last week.

MR. SAUCIER: That is not an application.

MR. KENEFICK: Oh, it's not an application?

MS. SAVAGE: It's not an application --- in a philosophical kind of broad view, I think that when you're looking comprehensively at zoning regulation amendments and you want to talk about the net benefit or what is it gaining me, I think that it's good to take a step back and look wide angled. I understand what your question is and we talked about doing it, Mr. Oshana asked me to.

Quite honestly, I'm flat out. Couldn't get to it. Mr. Tranquillo and I both agree that it would probably only knock out a few of the lots. It wouldn't really make a major difference as far as density. What it would probably do is force a better development. Some of the more marginal lots that probably shouldn't be built on, anyway, would just be eliminated from the proposal.

And, I will tell you I have not looked very closely at that. But when you're looking at a zoning text amendment, it's important to stand back, like a Planner would, and look at it broadly. Think about what is the net benefit of this.

During your plan of development process I saw there was a lot of discussion about preserving community character, managing and guiding growth. Adopting tools to help promote sensible, reasoned development in order to position the town to be better able to manage the consequences of those growth patterns.

This is a tool that would help you do it. Would we know the net benefit immediately on a global perspective, no. I mean, here and there they'll be an application where it may eliminate a lot, it may eliminate two. It may mean that land that shouldn't ever be built on but could under our current regs, now you can't. And, you know, that will be the kind of incremental creep.

But several years from now when you're looking back, I would like to think that you won't be looking back and saying what happened to our Town over the past several years. You'll start to see a cumulative impact and that's the purpose of a zoning text amendment. It's not geared towards one specific property, one application. What can we do on that property?

It's saying what do we feel is one of the best tools that we can implement to manage growth sensible. There was a lot of research done on that. There's supporting documentation from a global perspective. I would say that this is such a tool and I believe in hindsight you'll look back and you'll say, you know, that really started to make a difference.

That's not to say there won't be other tools we'll look at as we continue to revise our regulations because certainly there'll be lots of other little things that we do that will cumulatively improve the design and aesthetics of the development in town.

THE CHAIR: And, I think your point of cumulatively is the key point here, Mary. Cumulatively, each piece that we're attacking here, piece by piece, is being done in a coordinated measure, not in a vacuum, tied in with each individual piece that's being looked at. Seeing how it interaction with the otehr pieces that are being dealt with and being adopted.

So, I think the cumulative impact of these zoning amendments is going to have an overall impact, not individual pieces.

MR. DEMELLO: Mr. Chairman, what I am going to do is I'm going to make a motion for approval of these text changes with the stipulated -- there's some stipulations that you had?

MS.SAVAGE: Effective --- with the recommended changes in the staff memoranda.

MR. SINCLAIR: Second.

THE CHAIR: What I'd like to see, would you take ---I'd like to see if possible to remove the motion ---

MR. DEMELLO: I'll remove it.

THE CHAIR: Vote on these individually.

MR. DEMELLO: Okay.

THE CHAIR: My thought would be is if we could vote on Section 3-17 and 3-18 separately.

MR. DEMELLO: I'll make a motion for the approval of Section 3-17 with the amendments.

MR. SINCLAIR: Second.

THE CHAIR: We have a motion for approval of Subdivision Regulation Amendment Section 3-17 with the amendments as outlined in the Planner's memo dated May 10, 2007.

MS.SAVAGE: And, you would state an effective date -- 15 days after publication.

THE CHAIR: Is there any discussion?

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

MR. SINCLAIR: Mr. Chairman, I'd like to make a motion to pass 3-18 as amended by staff.

MR. DEMELLO: Second.



THE CHAIR: Motion and second for approval of Subdivision Regulation Amendment 3-18 as amended in the Planner's memo dated May 10, 2007.

ATTORNEY SCIOTA: Same effective date.

THE CHAIR: Effective date 15 days from publication.

Any discussion?

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

**F. Joseph Stevens Family, LP - 68 Curtiss Street** SPR 1305.1.  
Request to establish a karate business

(End of Tape #3 Side A)  
(Beginning of Tape #3, Side B)

(Continuing)

MR. BOVINO: The tenant will be the current karate school that's located on Darling Street. Mary was asking me about who is going to move into this building and I believe that's the tenant that will be moved into this location.

We have received staff comments. I met with Mary and agreed to all of the comments. As a matter of fact, I do have the drainage calculations here for the record to prove that we're not creating any additional runoff on the site.

Two sets of drainage calculations.

The site is basically built. The building is in place. The pavement is in place. We actually are going to add grass area. As you can see there, the green areas will be grass with appropriate landscaping on the east and west side.

Served by public water and sewer. This plan was approved and then expired just by a short time so we are before you to renew that approval but it is a brand new application because it had expired.

We have the appropriate parking. I understand Mary was going to recommend if you could act on this, to act with some stipulations like showing the van parking space on the site, those kinds of things.

Any questions?

THE CHAIR: Any questions for Mr. Bovino?

(No response)

MR. DELSANTO: Mary, do you have anything outstanding on this application?

MS. SAVAGE: Yes. Staff is supportive of this application. I did meet with Mr. Bovino and we've discussed the outstanding staff

comments. Because they haven't been responded to us, we would add them as conditions, but they have been agreed to.

There is one item for the Commission's determination. If you'll refer to the plans you'll see a row of trees and an existing house. And, Mr. Bovino and I discussed the fact that there may be a need for either supplemental screening by way of a fence or a staggered row of pines along the front part. Because when it gets dark early and people are parking here, you're going to have headlights headed towards that house which is very close and I think that it may be appropriate to look at some additional buffering for the light.

Otherwise, as far as conditions, it would be comments number 3 through 11 on the review checklist from the engineering department dated May 10<sup>th</sup> and on my comment list which I apologize, does not have a date on it, it would be comment number 2 and --- did you add my dumpster note?

MR. BOVINO: The dumpster?

MS. SAVAGE: Comments number 2 and 4 from my list. And, those are the outstanding comments. So, it would be those comments. And, then I would recommend perhaps a staggered row of plantings or a fence to shield for those headlights. And, we did discuss it. I don't know, Mr. Bovino, if you have another --- have you thought about that any further what would be more appropriate?

MR. BOVINO: For the planting?

MS. SAVAGE: For shielding the headlights from the house.

MR. BOVINO: Currently, we have one row of white pines proposed next to the house. And, some grass area. The parking edge is 20' away from the property line. It is in a B zone, the entire area is B zone. But if you prefer to have two rows of trees, maybe we can mix some hemlocks so they have a lower growth in front of the pine trees.

MS.SAVAGE: White pines, as I've stated before and I'm sure I will say again, are very ineffective for providing a visual screen due to their mature growth habit. So, staff would recommend hemlocks, blue spruce or other firs --- maybe a staggered row, just to offset the lights.

MR.BOVINO: We have no objection to that.

MR. CARMODY: Make a motion to approve this application. We're going to include the engineering department's comment, compliance with comments dated May 10. Those comments are three through eleven.

In addition, we're going to add the Planner's comments, number 2 and number 4. Compliance with those. And, we would like to add a staggered row of hemlocks along with the white pines to help with headlight stuff.

MR. DELSANTO: Second.

THE CHAIR: Motion and a second with stipulations. Any discussion?

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

**G. Louise Perillo -210 & 218 Queen Street** (FF #201 & SPR #1450) demolition of 2 existing businesses and construction of 9,085 sf retail building with associated filling of the floodplain.

MR. BOVINO: Mr. Chairman and Commission members, Sev Bovino, Planner with Kratzert, Jones representing the applicant. This property is located in a B zone on Queen Street immediately north of Lazy Lane.

The proposal is for retail. We have received a checklist from Mary and addressed her comments. Same thing with Tony's comments.

Particularly on Mary's list there was discussion of adding some additional trees which we have added about four additional trees in the front and two in the back. The issue of the dumpster height, the fence around the dumpster to be the same height as the dumpster itself. And, we have addressed those comments.

If you have any questions? We received a favorable recommendation from the wetlands board in so far as the floodplain is concerned. We received the wetlands application approval and we are in front of you if you have any questions?

THE CHAIR: Questions for Mr. Bovino?

MR. KENEFICK: Mary, you're all set with this?

MS. SAVAGE: Staff recommends approval of FF #201 and the approval of the site plan application 1458 with the conditions as outlined in my memorandum in your packet.

MR. KENEFICK: I'll make a motion we --- for the floodplain. I make a motion we pass the filling of the floodplain.

MR. DELSANTO: Second.

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

MR. KENEFICK: Motion to approve the application.

MR. DELSANTO: Second.

MR. KENEFICK: With the stipulations.

MS.SAVAGE: Listed in my memorandum of April 11<sup>th</sup>.

MR. DELSANTO: Second.

THE CHAIR: Motion and a second for approval of the SPR with stipulations listed in the April 11<sup>th</sup> Planner's Memo. And, a second. Any discussion?

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

**H. Pacer Lane Extension - discussion**

MR. BOVINO: Sev Bovino, Planner, Kratzert, Jones, representing the applicant. Years ago we worked on this property. It used to be owned by Ralph Crispino. A large piece of property with a racetrack on it, a private race track. He used to have horses here.

For orientation purposes, here is Frost Street and then you have a road there that was done by Milo builders, Milo & Denorfia, Alpine Trail. Then we have Trotter's Lane and then Pacer Lane. In an east/west direction.

Then we have Pacer Lane coming from Marion Avenue in a northerly direction. And, at the time we promised some day we would connect this. As the times have changed, the client came to me and we met with Mary to discuss the environmental concerns of making a crossing of a brook.

So we agreed to come before you to just good a sense from you if your position has changed since then or is it the same? We just don't want to propose something and then be told, we should do something different.

So, we are here to ask you: would you like that to be connected? Would you prefer a smaller development with an extension of this cul de sac and that would be the end of it?

THE CHAIR: When you say extension of the cul de sac, what do you mean, Sev?

MR. BOVINO: There's a cul de sac right here, or now. We would extend it slightly to create a few lots here and not make the crossing if you prefer not to have the extension done.

(Pause)

MR. CARMODY: I think it's much more sensible to have this connected.

MR. DEMELLO: Exactly. I think we spoke about this in the past.

MR. CARMODY: Get rid of a cul de sac.

MR. BOVINO: Yah, we know. I said that from the start and I just wanted to discuss this because if you are concerned about the children walking to school, we could provide a sidewalk from this location to the other side. But again, the times have changed.

Tonight you just made some changes and the times have changed in terms of what you look at when you do an extension of roads and we could be denied by the wetlands and come before you again. So, uh, just want to be clear on that.

MR. KENEFICK: How much road is in between them both? You know, if you did connect them?

(I'm freezing in here)

MR. BOVINO: It'd be about 500 feet of road. The road is not a problem. It's the crossing issue that could become a problem.

MS. SAVAGE: We did discuss this with the Ass't Planner, Mr. Tranquillo and all the other review staff. And, Staff determined that we were all supportive of this. It will require going to Conservation first and they'll have to do alternatives analysis, but on the grand scheme of environmental areas, this is not like the most pristine ecosystem. It's a culverted channel and very close by and we support the extension for public safety reasons.

MR. CARMODY: That was the other thing I was going to mention from a public safety perspective, it's a no-brainer. So ---

THE CHAIR: Anybody else?

MR. TRANQUILLO: I remember the discussion during this very, very clearly, happened maybe 10, 12, 14 years ago. And, at that time there was a Pacer Lane south and a Pacer Lane north. And, there was a lot of wringing of hands at that time saying that was a very undesirable situation. The police and fire have already indicated that it is totally undesirable.

That's one aspect of it besides all the other ones. If we leave it unconnected, I'm almost positive we're going to have to change one of those street names and force all the property owners to change their addresses, which becomes a very emotional issue.

So on top of all the other factors, I would support extending the road.

MR. BOVINO: The consensus is to extend the road. Thank you.

MR. KENEFICK: Very perceptive.

MR. DELSANTO: Delsanto Lane.

(Laughter)

MR. CARMODY: Talk about emotional ---

(Laughter)

THE CHAIR: All right.

#### **I. Informal Discussion- 825 Meriden Waterbury Turnpike**

MR. CONKLIN: Good evening, Chairman, commissioners and Chairman and staff. I'm Christopher Conklin and I'm a principal with Conklin &

Soroka in Cheshire. I'm not positive of the protocol of an informal discussion but ---

ATTORNEY SCIOTA: You have to call the Chairman "Your Honor".

(Laughter)

THE CHAIR: It's going to be very informal. Tell us what you are here for tonight.

MR. CONKLIN: Basically, a client of ours has purchased 825 Meriden Waterbury Turnpike and that is the lot that is, it's three lots past Arby's on the north side and it's where the burned out house is now and the shed is all burned out.

He looked into trying to do something residential there and economically it's not just -- not about to build a house right next to the businesses.

We did a bunch of schematics. I brought one to staff who reviewed it a little bit and it was pretty dense. Then we have reconfigured it a little bit but the nuts and bolts of it is what we're asking for is a waiver of the 20' vegetative buffer against the residential house. This lot is in a B zone so it has 40' setbacks on the front, sides and the rear. It's only 0.35 acres. You can imagine already we're squishing it down.

Then we had to add to 20' buffer to the residential zones. Behind us -- this is very schematic in nature here. We have not done anything ---there's wetlands right along the adjacent northerly part of us, which could impact what we're doing. But at this point, regardless of what we do, we're so constricted that we're trying to just get a waiver of 20' down to 10 and then work with staff with that little extra area to work with.

And, then we are willing to work with even the neighbors or staff to do a buffer, be it a fence or a shrub row, whatever they might need. Right now there is nothing along that adjoining line. So, all they're looking at is a burned down house. That's really kind of the nuts and bolts. Just a schematic layout at this point.

But for us really to work with it, we're looking to get a reduction in that 20' vegetative buffer.

THE CHAIR: There's nothing there at all, correct?

MR.CONKLIN: No, there is nothing at all there.

THE CHAIR: But there was nothing there before in terms of a ---

MR.CONKLIN: Not that I know of, no. The fire was actually on the west side of the property.

And, I know when I discussed it with Mary, Mary, wasn't necessarily in favor of reducing this but I thought at least bring it forward that, just the lot being so small. Try to make it economically feasible and then working later on with staff, that extra 10' would

help us even to attain something that's going to be feasible on the property in terms of a site design.

THE CHAIR: What're you looking to put there?

MR. CONKLIN: Right now, it's up in the air. He's hoping to do retail on the bottom level and then business on the top.

THE CHAIR: Office business? Office space?

MR. CONKLIN: Yes, office space on the top floor.

At first we configured it and we had tried to work around the property with a loop road. One of the regulations talks about fire has to get access to the back. We did go to fire with this plan and they did not have a problem with having to pull in and pull out because of the size of the lot. That's one of the reasons we switched this.

MR. CARMODY: how big is the building?

MR. CONKLIN: It's well, footagewise or just the footprint?

MR. CARMODY: The footprint?

MR. CONKLIN: It's 24 x 68 on the bottom and there is going to be a 4 foot overhand on the top which is going to be above a sidewalk.

MR. CARMODY: What is your required parking for that?

MR. CONKLIN: Sixteen spaces. Mind you, now we have 16 on there, but I'm sure with working with staff and the wetlands are going to play, I can't tell you what --- there could be some reductions in stuff or that. Obviously, we are going to show you what we'd like to do but once we go through the process, we all know how that works.

MR. CARMODY: Mary, I have a question. If they got a parking waiver, for reduction, would they be able to meet the buffer?

MS. SAVAGE: Well, theoretically, maybe. Let's, we don't actually have an application, yet. These are proposed uses. So, um, even tonight isn't to act on a waiver, it's just to give Mr. Concklin your feeling about it. But I'll tell you, if you waive the landscaping for a development, that guy sells, something else comes in, um, you have existing residential uses nearby. So, to answer your question, there may be some give and take. I'm not sure the landscaping would be the thing to give.

MR. CARMODY: No. But he's here to gauge our impression of you trying to reduce the landscape buffer from ---

MR. CONKLIN: Exactly. Really, there is only one neighbor that would be affected. I have some aerials and you guys can look at them quickly basically showing the site. It's just the one house that you see on here. Fratelli's is next to it. And, Frtelli's, already, the back part of Fratelli's is right up against the condo units. There is no 20' buffer.

There's a residential house to the west of Fratelli's that's in between Arby's and Fratelli's and its right up to the property line there. I mean, not like it's out of character with what's going on here. We'd be willing, obviously, to work with staff or even the homeowner to put up a fence and a tree, some kind of trees there, you know?

MS. SAVAGE: I would also say that the waiver would go with the site. You'd be setting a precedent. So, you know, one option to be able to meet the landscaping requirement and the parking requirement would be to reduce the size of the building and the intensity of the development.

Another option is to waive the design standards and the landscaping and screening. If you were to move forward down that road, you are setting a precedent. And, then I would suggest that you'd always be asked to balance the profit of a development versus the screening or the landscaping and every person that comes after him that wants the same thing is going to say you did it for this one. Just something to think about.

MR. SAUCIER: You know, you bring up some good points. We are going through a lot of our regulation changes and we're even adding residential use clauses in some of our regulation changes to like industrial where we want to make sure that we have good buffering to a residential use.

In this area, we're not talking a residential use buffering. We are actually talking a residential zone, so really, my opinion, to waive that buffer, it's not as if these were houses in another business zone and we're talking it's a residential use. That's actually R-12. So for me to -- I can only speak for myself -- for me to waive that buffer against a residential zone, even sets even more of a danger, I would say going forward.

MR. CONKLIN: I do tend to agree with you, but I mean, I think each individual case that goes before you would be a little different. In this case, it's not a house. There's a 25' drainage easement on adjacent property with nothing and the house is still another 40' away from it. I could see if the house was 25' away from the property line and we're asking for a waiver and of course you're going to say, well, the house is right there.

We're not asking for when the house is right adjacent. What if the residential zone and the house was 300' away and the guys owns six acres? I think each case should be looked at on an individual basis -- not setting a precedent.

MR. SAUCIER: I do want to address that statement. But we are not talking a nonconforming use of a residential house and let's say in a business zone where if that house was to be redeveloped, it would, you know you would not be able to put another house here.

We're talking a, I'm talking a residential zone. So yes, today, that house is further from that line or that development up north. I think that's that condo complex up north. But it's R-12.



If someone went into that house or that area and said okay we're going to build closer, they have that right that is still an R-12.

I would agree with your argument if it was a residential use, a nonconforming use, that if someone wanted to raze that building rebuild they would have to conform to the zoning. These are residential zones.

MR. CONKLIN: Right. But I am specifically asking for a waiver because it's a business zone, do you know what I mean? That's really what the waiver is. It relates to the business and the residential zone adjoining it.

MR. SAUCIER: Right. Your property, yes, is the business zone. Okay? And, my concern is waiving a buffer between a business --- for get, give me, I'm dismissing this property itself. I'm looking at saying now we're look at the possibility of waiving a buffer between a business and a residential zone, whether it's this property or another property.

MR. CONKLIN: I understand what you're saying. I agree with you on the whole, but I'd just like you guys to look at it on an individual basis, as opposed to a whole. Look at where behind this is wetlands. The condos are not going to build. Nothing is going to build us at all and Fratelli's is already built right up to the property line.

In this case here, the house is going to be 73' away from the parking lot and we would be willing to put --- if you had 20' or 10' with an 8' stockade fence, they're not going to even see if it's 10' or 20'.

That's all.

MR. SAUCIER: And, for this site plan, I would be, it would be something that, okay, that argument would work. But then what happens?

I also look at it ---

MR. CONKLIN: I'm here though just for the site plan.

MR. SAUCIER: --- down the line. Somebody else is going to come up and say look, we are a precedent setting board. Unlike the ZBA.

THE CHAIR: I guess my only problem is and I agree I'd like to be a little bit flexible here also but I think the precedent is an issue with me.

You know, I'm wondering if there is a way we can redesign like Mary had said. Work on the building, a little bit of work on the parking. I think setting this precedent, I understand looking at things on an individual basis, and we do do that, and I think setting a precedent like this wouldn't in my opinion be a good idea.

Anyone else?

MR. CARMODY: Just that I agree with staff's comments. Mr. Conklin, you made a good argument for yourself but, at the end of the day, we open the door to this and we're the ones who are going to have

to deal with the problem that arises and quite frankly, the answer is, we don't want to deal with that.

MR. CONKLIN: That's fair. That's why we're here, so.

THE CHAIR: Keep working on it thought.

MR. CONKLIN: We'll be back.

THE CHAIR: Work around the design and see if you can work around the design.

MR. CONKLIN: Okay, that's what we will do. We were just hoping to get a little extra. But that's okay. Thank you very much.

**J. Rear Lot Determination - 852 Prospect Street**

ATTORNEY DENORFIA: Mr. Chairman, members of the Commission, Anthony Denorfia, representing the applicant. Basically, and the applicant is the Estate of Elmer Gaylord.

Basically what this lot is this is a simple division. This property has never been divided before. It has existed since, well, by our title search, back to 1950. That's when we stopped. It was before our regulations.

What we're looking to do is divide the property for the estate. It's two lots. We submitted the maps and we have a favorable opinion from Ms. Savage on it.

If you have any questions, I'd be more than happy to answer.

The access drive is only about 120' long at the longest part.

THE CHAIR: Questions, issues?

MR. CARMODY: No.

I'll make a motion that a rear lot determination is in the highest and best use of this property.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

**K. Mathew Florian - 98 Main Street SPR #1424 - Request for Reduction of Public Improvement Bond to \$5,000 and release of \$1,000 Erosion & Sedimentation Bond.**

MR. SINCLAIR: Mr. Chairman, for the record, I have to recuse myself.

MS. SAVAGE: Staff supports this reducing the public improvement bond to \$5,000 and release of the \$1,000 E& S bond.

MR. DEMELLO: Move for approval.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

(Mr. Sinclair is reseated.)

**L. Agave Restaurant - 461 Queen Street SPR #1436** Request for release of the \$1,000 Erosion & Sedimentation bond

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

**M. Apple Blossom Estates Subdivision, Phase I & II**  
Request for Release of the \$13,000 Phase I and \$6,000 Phase II Erosion and Sedimentation bonds.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. CARMODY: Hold on a second. Weren't there issues with this going back a few years?

MR. SAUCIER: Yah, that was --- yah there were. Those were addressed and I mean, I don't know what is going on with this one here as far as the E & S. I haven't heard anything.

MR. CARMODY: Tony, I thought there were some issues with this going back a few years.

MR. TRANQUILLO: Excuse me. We don't normally handle the E & S bonds. That's done by the Ass't Planner. As far as I know, there is no issues but I could be wrong.

MS. SAVAGE: David ---

MR. KENEFICK: Didn't they have water was washing down into somebody's back yard and eroding the back yard?

MR. TRANQUILL: There were some drainage issues there.

MR. KENEFICK: And, they had pipes on somebody's front lawn that they never did anything with.

MR. CARMODY: Something like that.

MR. SAUCIER: Yah. I mean a lot of that, I mean, I could just ---

ATTORNEY SCIOTA: Was there an inspection by Dave?

MR. SAVAGE: There was a memo in the packet from David saying that the site has been stabilized and he recommends the release of the bonds.

If you're not comfortable and you'd like to table it until the next meeting.

MR. DELSANTO: Move to table.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

**N. Queen Street Partners Carwash 312 Queen Street - Request for release of \$3,400 Erosion & Sedimentation Bond**

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

**O. Abandonment Realignment of High Streets (Meridian - Referral #418).**

Mr. Chairman, if I may, we are going to ask for a table on this but let me explain it anyway. Right behind you, the farthest map on the left-hand side, you can see High Street. To the left of High Street you're going to see kind of a grayish area to the right of High Street. You're going to see a pink area. What Meridian wants to do and they're working with the engineering department is obviously realign that corner. Anyone who has taken that corner, obviously, knows that the corner is a little bit 90 degrees.

And, also realign the road itself to the west where it connects with Center Street and therefore there'd be a transfer of property some to Meridian and some to the Town to realign. Tony and his people still need this so we'll ask for a table on this.

MR. SINCLAIR: Motion to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

**P. Town Lease for leaf composting site on West Street - Referral #419**

ATTORNEY SCIOTA: I wish I put them in order, but I didn't. This one is behind Tony. We, as you know, we lost the leaf site on West

Center Street back in February. Tony and myself and John have been working very hard to try and get a leaf site. We found one, which is actually ideal. It's in the northwestern part of the town. It's off of West Street just north of the batting cages and it's a long --- I shouldn't say too long, but it's a long access road to get to the property. It's flat.

Steve at the highway department thinks it's going to work out great. We want to start the process with the DOT and the DEP which both will take a long period of time.

The orange you see is the access of road, which we're leasing, that is owned by one of the brothers. And, the property, 6 +/- acres owned by another brother, same family.

We've worked out the details with it and we're looking for a favorable recommendation back to the Town Council.

MR. SINCLAIR: Move to send back a favorable recommendation.

MR. DEMELLO: Second.

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

**Q. Abandonment/Relocation of Mt. Vernon Road (Lake Compounce)**  
Referral #420.

ATTORNEY SCIOTA: This one is behind Commissioner Kenefick and it's been in front of you numerous times for relocation. But this is now the actual abandonment. The pink is the part that's going to be abandoned and the yellow is what the town is going to receive.

As you know the abandonment is required because they wish to increase the size of the park in Southington --- for a change --- and obviously put a water park up in that area. They're working very closely with the engineering department on this.

We're looking for a favorable recommendation back to the Town Council.

MR. KENEFICK: Move to send a favorable recommendation back to the Town Council ---

MR. SINCLAIR: Second.

MR. KENEFICK: -- for the abandonment of Mt. Vernon Road.

(Motion passed unanimously on a voice vote.)

**R. Fee Schedule Revision**

MS. SAVAGE: Given the hour, I will not go into a lengthy discussion, however I did send the commission with your packet a summary report. Shortly after I came onboard with the town, the Town Attorney asked me to do a review of the fees in neighboring

municipalities. I did so, comparing them to Southington, and I also incorporated some data compiled by the Capital Region Council of Governments on fee schedules and more far flung municipalities.

The results of that review are attached. I will say that not all applications are created the same and not all towns do things the same, so there is not always apples to apples comparison. However, the top chart attached for you is a fee summary table. It lists the application type, the high and low end of the range of fees for the municipalities that I looked as a sample then. Then it shows you Southington's current fees and then Mr. Tranquillo and I sat down and compiled a list of proposed fees that we felt would be appropriate and not onerous.

We recommend that you adopt these. It is a business item. You need to state the effective date and I would suggest May 18<sup>th</sup>.

MR. DEMELLO: As far as making the adoption for this for May 18<sup>th</sup>, I'd like to move for that.

MR. SINCLAIR: Second.

THE CHAIR: We have a motion for approval of the new fee schedule with an effective date of May 18<sup>th</sup> and a second. Any discussion?

MR. DELANTO: What do we plan to do with all this extra money, this windfall?

ATTORNEY SCIOTA: Raises for the Commissioners. We're tripling all your salaries.

(Laughter)

MS. SAVAGE: I will say the money as it comes it goes into the General Fund, I believe in Southington. I would like to have some to supplement my advertising budget.

ATTORNEY SCIOTA: We spent a little money last night, if I recall, so we'll probably use a little bit of that.

MR. KENEFICK: I didn't see an affordable housing application fee in there. Is there a place for that, or no?

ATTORNEY SCIOTA: It's called multi family.

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: Mr. Chair, we need to add an item on our Agenda for SPR 1461. I'd like to make a motion to add it as

**Item S: Extension of Northstar development on Executive Boulevard.**

MR. DELSANTO: I'll second that.

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: I'd like to make a motion that we grant their request for extension to June 20<sup>th</sup>.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

#### **ADMINISTRATIVE REPORTS**

MS. SAVAGE: With regard to Northstar, we did just process a request for extension. We may be calling the Commission to schedule a special meeting, a daytime meeting for them. They were almost ready for action tonight, but not quite. And, their 65-day period expires May 24<sup>th</sup>. Now, we have extended that. I have told them that the Commission is a fairly flexible group of fellows and they're concerned about --- with regard to scheduling.

MR. CARMODY: Like we can touch our toes, is that it?

(Laughter)

MS.SAVAGE: The next meeting for them to possibly be on would be the June 5<sup>th</sup> which will be quite a lengthy meeting to have them sit through it, so if they're ready before then, I may be calling to schedule a daytime meeting.

Commissioner Carmody has advised me that he would expect surf 'n turf. We will do everything we can to accommodate him.

(Laughter)

With our new fee schedule revenue.

MR. CARMODY: Mr. DeMello asked that.

(Laughter)

MS. SAVAGE: With regard to the other administrative reports, again I'd just like to announce the June 5, 2007 meeting of the Planning and Zoning Commission will be held at the Derynoski Elementary School.

While we are on the topic of special meetings, we've been discussing the advisability of scheduling a special meeting of the Commission to act on zoning regulations revisions. Some of which are drafted and some of which are, you know, the hamsters are very quickly working at drafting them but, they're not quite there, yet.

Given our current application workload and trying to balance the interest in the Commission and the town in moving forward with regulation revisions as we can, you know, I think we all agree that it may be appropriate to have a special meeting.

If it's okay with the commission I'd like to confirm the date for the record of when that may be. We had discussed either Wednesday June

17<sup>th</sup> or Thursday, June 28<sup>th</sup>. I had gotten many people telling me that Thursday was better. That still stand?

We'll be scheduling a special public hearing for Thursday, June 28<sup>th</sup> at 7:00. The main purpose of the meeting would be regulation revisions.

MR. CARMODY: Can't make it. I'm sorry.

MR. SAUCIER: Either day, doesn't matter.

MS. SAVAGE: People said they preferred Thursday. They didn't say they couldn't be there Wednesday.

(Comments)

THE CHAIR: Let's talk a little further on the date. We'll confirm at the next meeting.

MS. SAVAGE: We will be starting to add as these regulations get scheduled for public hearing, we'll be putting the drafts up on our website so the public can access them.

We are working on scheduling a public hearing before the end of June.

#### **Greenway Commons - Peer Review - Traffic Study**

MS. SAVAGE: I did send you the traffic study for Greenway Commons. More of a kind of FYI subject. Greenway Commons or Meridian is still in front of Conservation. We expect them to submit for their special permit and site plan to us soon. At which point we'll be discussing this more and looking to them to respond to it.

I would hold off any in-depth talk about it tonight.

That's it for me.

#### **ITEMS TO SCHEDULE FOR PUBLIC HEARING**

##### **Sections 3, 8 & 11 (ZA 537) - June 19**

MS. SAVAGE: Yes. Very good.

#### **RECEIPT OF NEW APPLICATIONS:**

MS. SAVAGE: We have one new application. Just to make sure we still have things to do. It's for 1300 South Main Street. It's a



special permit and site plan application for the construction of two commercial buildings, SPR 442 and SPR 1470.

THE CHAIR: All right.

Anything from the Commission?

MR. DEMELLO: Mary and Tony, I just want to bring something to your attention. Over on Summer Street there's a new duplex that was put there. There's nobody residing in there currently. I guess there's some work on the backside of that. There was a pond, some wetlands and stuff. I don't know what's going on down there but I don't know if it was really a pond, but it's being drained out and some filling going in there.

MR. TRANQUILLO: I am very familiar with that. We've had quite a number of go-arounds with the applicant there, Mr. Calandra. And, the neighbors to the north who are very violently and adamantly to Mr. Calandra and anything he does. Mr. Yurillo on the other side who has resisted to some degree but now he's cooperating.

There was a damaged pipe. The pipe was actually collapsed or broken that drained that "pond". And, the pond level was up about 3' higher than normal level. After looking at it carefully, we agreed the owner has the right to fix the pipe.

So we had him pump the pond down 3 to 3.5 feet and he fixed the pipe and now it's operating properly. That's more of a maintenance and repair situation than it is anything else.

MR. DEMELLO: How about on filling?

MR. TRANQUILLO: There is no filling going on there. We went round and round with him on that issue, too.

But he was told he's not allowed to fill any of that area.

MR. KENEFICK: I'd like to mention to Mary, probably she could Frank Vinci to go over and pay a visit to the SNET place over here across from the Post Office. It looks, you know, our recycling station looks a lot neater than that front yard. That's terrible.

The people just throw their books there and you know, they don't have the decency to pick them up every night. Tell them to either get something to put the old books in or do something. That's definitely, a violation over there.

MR. DELSANTO: I don't understand why they just give everyone phone books. I just take them and throw them away, immediately. Why don't they tell people to come and get them. That would solve this whole issue.

MR. KENEFICK: It looks like a dump over there. You've got to look over there.

MS. SAVAGE: Mr. Vinci is on vacation. He's returning tomorrow but either Mr. Vinci or I will address it forthwith.

MR. DELSANTO: Motion to adjourn.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 10:40 o'clock, p.m.)