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Planning & Zoning Commission
May 16, 2006

SOUTHINGTON PLANNING AND ZONING COMMISSION
May 16, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Regular Meeting of the Southington Planning & Zoning Commission to order at 7:05 pm with the following members in attendance:

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

Alternates: James Sinclair
Richard Hart
Brian Zaccagnino

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

Absent: Robert Borkowski, Alternate Commissioner

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

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

ZAYA OSHANA, Chairman, presiding:

Approval of Minutes - Regular PZC Meeting of May 2, 2006

MR. SAUCIER: Move to approve.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

UNFINISHED BUSINESS

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

ATTORNEY SCIOTA: Mr. Chairman, if I may, that was already voted on at the last meeting.

MS. HUGHES: It was already approved. It was my error to carry it on the Agenda.

THE CHAIR: They're not coming in for a change?

MS. HUGHES: No. But we did get revised language we did distribute to you.

THE CHAIR: That's what was out on the table tonight?

MS. HUGHES: Yes.

B. Special Permit application of Hillcrest Orchards, LLC c/o Attorney Anthony A. Denorfia proposing to establish a 29-lot Open Space Preservation Subdivision within an R-40 zone for property located at 508 and 544 Meriden Waterbury Turnpike SPU #424.

Public Hearing to be continued on June 6, 2006

THE CHAIR: This is being held open for public hearing on June 6, 2006, so we will table that for this evening on move on to Item C.

C. Petition of the Southington Planning and zoning Commission to amend the Zoning Regulations text to establish a New Section entitled Section 11.19 - Redevelopment Overlay District regulations ZA #525.

MS. HUGHES: That was tabled at your last meeting.

(Pause)

THE CHAIR: We tabled it, I think, for some potential adjustments to the regulation. I know that you and Mark had done some work on that. Do you want to ---

MS. HUGHES: Well, Mark more so than I, had had some discussions with an agent of one of the property owners. And, one of the suggestions that they made was to alleviate people's concern about the conceptual plan being challenged, was to add language that said the decision, the approval, on a conceptual plan is at the sole discretion of the Commission.

Another suggestion they had made was reducing the height to 50' but allowing it up to 60' just for architectural features like a clock tower or something of that nature.

And, then, they did talk about perhaps reducing the density to around 18 to 20 units per acre. Um, and that's basically where we left our conversation.

ATTORNEY SCIOTA: That's correct.

MR. CARMODY: Mary, can you just repeat that first part of it? I'm sorry. I'm trying to write down what you said.

ATTORNEY SCIOTA: The occupied part of the structure would be no more than 50' tall and architectural designs ---

MR. CARMODY: No, no. That's not the first part.

MS. HUGHES: The sole ---

ATTORNEY SCIOTA: Oh, I'm sorry.

MS. HUGHES: The conceptual plan, which is the first step in the process, to add language that the approval of it is at the sole discretion of the PZC. So, that an applicant would know that it cannot be challenged.

ATTORNEY SCIOTA: It's a non-appealable issue.

(Pause)

(Undertone comments)

MR. KENEFICK: So, what you are saying is that if they bring in a plan with 18 condos and a conceptual plan, we have to go along with this plan?

ATTORNEY SCIOTA: No. The conceptual plan itself, 18 is the maximum. Take your wordage where it says 20, but you're talking about the 18 per acre, but Mary's not talking about that. Mary's talking about the conceptual plan itself. When it comes in front of you, the entire conceptual plan, the issue at the last meeting was, well what happens if an applicant is, to be perfectly blunt, crazy enough to appeal a denial of the conceptual plan which I stated at that time it's such a rare occasion, I can't see an applicant doing that. But to alleviate any concerns that the Commission had that someone would actually try and appeal something like that, we'd have the language in there at the sole discretion of the Commission not making it an appealable issue.

MS. HUGHES: I just kind of wanted to bring up a point that we were discussing earlier today regarding current language in your industrial zone regulations. Um --- in which you permit the adaptive reuse of buildings that existed prior to May of 1957 for a mixed use of residential, office and commercial and you have no density in that regulation.

(Pause)

So that there is the potential for someone to come in and where an existing building is and you haven't defined a density that is suitable in that particular regulation. So, I just wanted to ---

MS. LAURINAITIS: What is that number, Mary?

MS. HUGHES: Oh, you have to ask me the number.

MS. LAURINAITIS: It's on the top of the page at the left, isn't it?

MS. HUGHES: It's on Page 57.

MS. LAURINAITIS: Can we ask further questions?

THE CHAIR: Please.

MS. LAURINAITIS: Okay. The 18 to 20 units per acre, if we go with that standard, is that going to be a problem for the developers of Ideal as presented?

MS. HUGHES: I think that they'll be probably looking in the neighborhood of 20 per but that was the discussions that we were having is that it may be workable on another site with 18.

ATTORNEY SCIOTA: With 18.

MS.LAURINAITIS: But it's still workable on that one if the potential is 20?

MS. HUGHES: Potentially. I mean, potentially.

ATTORNEY SCIOTA: My understanding is it would be workable with the number of 18. That was my understanding.

MS. LAURINAITIS: Okay.

THE CHAIR: If we took 18, what would the density come out to be, looking at their potential?

MS. HUGHES: I think it would be around, if I did the numbers, about 250.

(Pause)

MS.LAURINAITIS: Is that if they use all of the acreage or a portion of the acreage because of the wetlands ---

MS. HUGHES: All of the acreage. All the acreage.

MS. LAURINAITIS: So, if DEP doesn't allow them to build in a certain part of that parcel, that particular parcel, it would be less?

MS. HUGHES: Potentially, depending on how --- I mean, they have to remediate to different standards for different uses. Residential, obviously, has got an entirely different standard for remediation.

I'm sure --- I'm guessing that there are portions of that site that are not suitable for residential use. And, probably can't be remediated to get to that standard. So,

I'm sure that, you know, in their preliminary investigation and due diligence that they're aware of the areas on the site that are workable and are not.

MS. LAURINAITIS: So, the worse case scenario for the entire 14 acres is 250 units?

MS. HUGHES: Yah, around that.

MR. SAUCIER: But Mary, though, this is based on gross acreage and not buildable acreage?

MS. HUGHES: Right. Um-hum.

MR. SAUCIER: So, they could put 250 units on 2 acres, well if they could --

ATTORNEY SCIOTA: Not with a 50' limit.

MR. SAUCIER: Not with a 50' limit, but I'm just saying, I'm using some big extremes. So, regardless of the amount of wetlands, unbuildable space, or anything like that, it's still per the gross acreage of the lot?

MS. HUGHES: Right.

MR. SAUCIER: Okay.

MS. HUGHES: Which is consistent with our regulations.

MR. SAUCIER: Sure. I just wanted to clarify what I'm hearing.

MS. LAURINAITIS: Well, are we talking useable gross acreage or ---

MR. SAUCIER: It's gross acreage.

MS. HUGHES: Gross acreage.

ATTORNEY SCIOTA: Just gross acreage, period.

MS. HUGHES: There are not wetlands on that site. It's just the Quinnipiac River.

MS. LAURINAITIS: Well, yah, but it was pretty much filled up with swimming geese over the weekend.

MS. HUGHES: Well, I mean, but that's a predevelopment scenario and it wasn't the only place that was filled up with geese this weekend.

(Pause)

MS. LAURINAITIS: So, I guess we are back to the 250.

MS. HUGHES: I mean, at this point, you as a Commission need to make a decision as to what you're comfortable with in the regulations and if it doesn't work for one particular developer of one site or another, then it's not going to work for them and they can come back and petition you for an amendment or they can pursue an alternative development.

I mean, as I said, there is no density in your current regulation if they wanted to try and rehabilitate the buildings.

MS. LAURINAITIS: I really don't have a problem with the 250.

I think we have to do what we have to do to get that site remediated, demolished and redeveloped into a usable site.

MR. DELSANTO: Mary, with regards to the language that we just got, one of the three that you discussed, one of those three or all of those three?

MS.HUGHES: No, we could do ---

ATTORNEY SCIOTA: I would recommend all of those three.

MR. DELSANTO: All three. Okay, okay.

MR. CARMODY: Last time we tabled it and I was one of those people that's kind of on the fence a little bit in my --- I had some issues with the density. But my other issue was with a part that Mary brought up that alleviates some concern for me.

We're talking about a two-stage process, actually a three stage: conceptual, site plan and special permit. I don't know of any examples of a conceptual plan, you know, I don't know any precedent that's out there in Connecticut, so I was nervous when we talked about --- gees, what if we

don't like the concept and although it seems a little far fetched for somebody to appeal if we didn't like the concept form the get-go, I just wanted to make sure that we had some kinds of safeguards in there. And, you just included that language with the inability to have a conceptual plan--- if it's denied, the inability to appeal it?

Coupled with knocking this down to 18 units per and the 50' height with the exception of architectural? You know, we're not just talking about one site. Let's be clear. We're talking about a map with five, or four, and with the potential for more down the road, so you know, this is not just Ideal so let's not jus concentrate on that. This is Townwide now.

Um, we add that language that Mary just brought up, I'm cautiously in favor of it.

How's that?

MS. HUGHES: John, just to elaborate your point, which is, when I worked in a couple of other communities, there were industrial parks that needed build out scenarios in order to get their STC permit, so I have worked with Commissions that have approved conceptual plans to enable somebody to go to the STC.

MR.CARMODY: Okay.

MR. KENEFICK: I uh, I feel 18 is too high for me. I just think 250 apartments in that area is just too much for this Town to live with forever. And, I don't agree with the height. I believe the maximum height should be 45. I mean, 60' high could be five floors high and to me, it would just look out of place, and it's not in character with the neighborhood. And, I feel the density should be somewhere around 14.

We have over 55 housing in Town and I think that's too much, the density there. I think, what is the over 55, 14 per acre?

MS. HUGHES: It's one unit per 3,000.

ATTORNEY SCIOTA: Municipal is one unit for 3,000.

MR. KENEFICK: And, I think we're very, uh, we're very generous doing 14 per acre.

It just, uh, to me, okay? And, I'm just one vote --- it's just too much. I'm in favor of the application and everything but it's just too many multi family dwellings in one spot.

And, as far as -- can I ask also, multi family, is this limited to condos or could it be apartments, also? Or ---

ATTORNEY SCIOTA: They have not, to me, they have not told me whether they're going to be purchased or rented. I have not ---maybe Mary knows more.

We're talking about this one particular ---

MS. HUGHES: Their intention, when I've had conversations with the Meridian Development Group was condominiums.

MR. KENEFICK: Okay, but do we have the right by approving this or whatever we do, that we could specify that they have to be owner occupied condos or could they be apartments?

ATTORNEY SCIOTA: Well, you are talking about a whole new zone, so if you are talking about owner occupancy, that kind of changes the whole structure around a little bit. But, um, I've never had that conversation, so it's impossible for me to tell you that.

MR. KENEFICK: All right. The way I feel right now is that I feel that I would be in favor of 14 per acre and the maximum height of 45'.

MS. LAURINAITIS: If it comes in in a conceptual plan that it's apartments versus condos, we will have the right to say no on the basis of they're being apartments versus condos?

MS. HUGHES: Yah. It's your sole discretion.

ATTORNEY SCIOTA: You can say no to them. Sometimes, you don't want to handcuff yourself, either. I mean, you could say, there may be an area in one of these four areas where you may be looking for rental as opposed to purchase, I don't know.

MS.LAURINAITIS: That old factory building that was converted, I know the Chamber and the Dance Studio is in there.

ATTORNEY SCIOTA: Southington Hardware.

MR. DELSANTO: Factory Square?

ATTORNEY SCIOTA: Yah, Southington Hardware is Factory Square.

MS.LAURINAITIS: It's what?

MR. DELSANTO: Southington Hardware.

ATTORNEY SCIOTA: The old Southington Hardware building.

MS.LAURINAITIS: Oh, no, it's called something else.

MR. DELSANTO: Factory Square.

MS. LAURINAITIS: That's what it is. What is the height of that building?

MS. HUGHES: I don't know. It's at least what, three or four stories?

Tony?

ATTORNEY SCIOTA: Three stories.

MS.LAURINAITIS: So, it's close to 50 or 60.

MR. TRANQUILLO: A little lower than that. Probably 30.

MR. DELSANTO: I'd like to make a motion to approve this application with the three notes that we discussed.

MS. LAURINAITIS: I'll second.

MR. CARMODY: Just real quick, when you said the three notes, are you saying 18 to 20 or 18?

ATTORNEY SCIOTA: They need to be specified.

MR. DELSANTO: Eighteen.

My motion is for 18. Fifty feet.

ATTORNEY SCIOTA: Just one more time for the record, Mary, can you read those three for us?

MS.HUGHES: You betcha!

Motion was made and seconded for 18 units per acre.

MS. LAURINAITIS: No, I'm going to have to rescind that.

ATTORNEY SCIOTA: Okay, so we don't have a second then. Is there another second?

MR. CARMODY: I'll second it.

ATTORNEY SCIOTA: Okay, go ahead, Mary, read it please?

MS. HUGHES: Okay. For 18 units per acre for a maximum height of 50' and up to 60 for architectural features and to add the language clarifying that the approval of the conceptual plan is at the sole discretion of the Commission.

THE CHAIR: All right. We have a motion and a second. Is there any further discussion?

MS.LAURINAITIS: I think we can still go to 20 units and not have a problem because we'll have the conceptual phase to be able to say yes or no.

THE CHAIR: I have a couple of comments, I guess, going forward. I think that the language that Mary and Mark had added in is very important to the conceptual plan. I've never heard though that you could actually just say no to a conceptual plan, but if it holds up in court and you're saying that it will, uh, I think that's very important.

ATTORNEY SCIOTA: I could tell you, in 20 years, I've never seen a conceptual plan appealed to court.

THE CHAIR: I also think it's important with this change in the language that was made and agreed to by this Commission in SPU a couple of weeks ago, I think it's very strong language and I think it helps us in the SPU, not only in this particular case, but in other cases that are going to

go on in Town.

For this particular item, I still have a couple of what I consider personally major issues. I think the density is still too high. I think 18 is too high. I think 250 condos in the downtown Southington is too much.

I think that it goes against at least what some of our thoughts have been going forward in terms of development in Town. I know that we've talked about the public services in Town. It's just ironic this morning you find that they're talking again about redistricting Kelley School because they're running out of space at Kelley and we're going to be talking about putting schools or condominiums in areas where it's going to feed into the problems that we're having in our school system.

The traffic issues, I still stick with what I said last week. I feel, unfortunately --- I think it's going to add great foot traffic to downtown. I think if this were to be approved and developed, it would add fantastic foot traffic into downtown. I think what it would do is it would force a lot of folks that live in Southington not to go downtown because you won't be able to get around. I think there is going to be too much traffic. To many cars, the streets are too narrow. I don't even know if the streets would be able to handle this.

I know that it would have to go to a traffic study and it would have to be approved, but I just don't know what they can do with the buildings that are there set right up against the street right now. Unless you knock down those buildings, you can't widen the street. I think.

And, I'm just concerned at the amount of traffic that is going to be down there in that area, uh, and the, what it's going to do to the Town. It's going to cause West Street, I think, East Street and the side streets around the outskirts of Town to become the busy streets because the residents are going to go that way instead of trying to go downtown.

I, again, just in repeating from last week, I think the 75 percent lot coverage, if we can do something to reduce that, I think it would be great. I don't know if anybody went downtown. I know a lot of people saw the flooding down there, I have no idea how you could build that area, that

particular area. I don't know if anybody was there and wants to see pictures, I took a lot of pictures. My son thought I was going to get arrested by walking around taking pictures down there. But the place was under water. The whole place was underwater. There were a few areas that were good, but the river was flowing through the whole entire area. The streets were shut down.

Granted, it was a lot of rain, but it's not unique. We've had a lot of rainstorms when that area floods out. We had the same issue with the piece of property across the street that we turned down and that was one of the reasons. And, I think we're kind of contradicting ourselves in that particular area by putting an okay on this and saying no to the one that we did.

And, I also like the idea of the percentage of business to residential so that there can be some sort of a mix in the area, guaranteed mix, in terms of the number of residences versus business.

I like going down in size in terms of the height of the buildings. I don't know if it's far enough, but I like going down. I think we did a lot of work on this. I think a lot of work was done and I think it's a good plan. I think it's a good tool. A real good tool for this area and for other areas in Town. I just think it needs still some more work and I'm not too, uh, in favor of approving it tonight based on that.

I don't want to vote it down. I don't want to vote it down. I hope we don't vote it down. I hope we could do some more work to it and make it, in my opinion, fit better with what we've got and what we need in this Town.

MS. LAURINAITIS: I thought I recall from our discussions on the Meridian plan that most of those buildings were coming down except for that one that was architecturally significant. So, if there's buildings on the street ---

THE CHAIR: What're you going to do across the street?

MS. LAURINAITIS: Well, in most Main Street development, you want the buildings on the street.

THE CHAIR: How're you going to widen the street if the buildings are right there?

MS. LAURINAITIS: The side that Ideal's knocking down and that'll have to come with the traffic study that shows that the building can't go to the full street. At least that's my opinion.

I just would like to see this voted on this evening and moving forward because I think there is a great opportunity to bring more pedestrian traffic downtown and improve those businesses that're there and we have a very unproductive site there right now.

MR. SAUCIER: I'm very much in favor of the ROD, but I think a lot of focus is going down on one site. I mean, this is one of three. Who knows? We're talking yah, 250 units, downtown. Well, that's possible. Potential. But we have to also look at some of the other sites. They're a little smaller. They may need a higher density in order for this to work. So, I really don't want to see this be so restrictive just because we do have one in front of us that it's so restricted that we can't use it on the other three sites.

Having said that though, with the conceptual plan and the ability for us to turn down any conceptual plan, we can always revisit this and make it more restrictive. So, if every plan that comes here is pushing everything to the limit -- 75 percent, you know, 18 units, everything is 50' high, whatnot. At that point in time we can say well, wait a minute, if everything's coming in and we're denying them at the conceptual phase, then let's revisit this now. But I'd hate to see us narrow ourselves --- I mean, I don't like density, okay? I don't like to see very clustered --- but again, we're thinking worse case scenario. We're thinking high-rise apartment complexes. Let's wait and see what comes to us in the conceptual plan. And, at that point in time, as we see these and we may not agree with what we're seeing, well, we'll vote them down. Then we can revisit and make these a little more restrictive.

But I think we have the teeth and the power to say "no" to these conceptual plans. So, I'm fully in favor of this.

MR. CARMODY: I was just going to echo Pat's sentiments. I think, you know, we are thinking kind of alike. With the added language, a little more teeth to that. He's right. We don't know what's going to come our way. We have no idea.

When we do, when we actually have the conceptual, we have some power there. I guess, um, I think, Pat would say he's cautiously ---

MR. SAUCIER: Cautiously optimistic.

MR. CARMODY: Optimistic. Just like I am.

MR. ZACCAGNINO: I would say, if someone came up with a plan with 250 units down there, I can't imagine too many people being in favor of it. As a concept. But you don't want to tie your hands. You don't know what's coming down the line.

I agree with those who are a little more along the lines of being in favor of this but understand your reservations.

MR. KENEFICK: Well, then, let's try it out then and see. There might be some smart lawyer that'll take this case on and beat our brains out, too.

It just seems to me like if we had these 18 things in the regulations and these people come up and meet all of our regulations, that's what this Board is all about, I think, isn't it, regulations? Not conceptual plans. Regulations.

If it's in the regulations and they come up with "x" amount of apartments and they meet our regulations --- good luck.

MR. DEMELLO: Mr. Chairman, I agree with Mr. Kenefick. Bottom line here is we can't pick and choose what we like and what we don't like. You can't say to one developer hey, we like that plan under your conceptual, you know, development, and we're going to approve it. And, you know, we don't like it under a developer's plan.

But I think somewhere along the line like Fran said, we're going to be challenged. You know? Even though we got something documented in our regulation, that's going to be stipulated in there, somewhere along the line I think it's going to come to a court case.

As far as this, you know, this, this, um, this development down in the center of Town and this one in specific or specifically, I mean, there's no doubt that this is a plus for the Town of Southington. The remediation, you know, is a major plus, cleaning that blight and developing it but

like Fran and Zaya said, you know, there's some concerns with the over population of that site whether it be apartments or whether it be condos. That's the thing that we got to look at and you know, I guess that's something that we should have addressed and maybe made a decision before we came in here um ----

MS. LAURINAITIS: I agree that there are certain aspects of this particular project that's planned for the Ideal Forging site, but it's not before us yet. What's before us is the whole residential overlay district that regulation that we're putting into our regulations and we haven't any indication from our counsel, Attorney Sciota, that we are going to be challenged on the conceptual phase.

And, all these issues, density, you know, sidewalks or improvements to the street, traffic is all going to be answered in the conceptual phase where we will have the power to say yes or no.

And, I think what we have to look at is what are we approving and that is this ROD.

THE CHAIR: I hope you're right. I really do. I hope we have the ability to say we agree to this, we don't agree to this. We've had many indications many times when we've followed our regulations and lost when we've been sued because a developer didn't like what we did according to our regulations.

If the regulation says 18, 50 to 60 feet, whatever the regulation may say, and um, and we have the ability to say "no" even though they've made our regulation, and they can't take us to court, can't say but I met your regulations so you have to do it anyways, it'll be interesting. I'd be interested to see. I just hope that we're not going to be another test case --- Southington doesn't become a test case and the sites around Town don't become test cases for the rest of the State and for this type of zoning regulations, zoning laws, zoning appeals.

I do agree that there are different sites. We are looking at multiple in sites in Town. I think though that that density concern ---my density concern is for all those sites and not just for downtown. I think that we need to keep an eye on what we're doing for the Town now and in the future. These are future developments that we're going to

have to live with, whatever the decision is, and I'd rather be more cautious now than make a mistake and have to try to fix it later on.

Any other discussion?

MR. KENEFICK: I'd just like to mention that -- probably won't mean anything, but we have a couple of Planners in the audience and when they voiced their concern about the density, the bell went off in my head that said we have a problem.

That's it.

THE CHAIR: We have a motion and a second for approval.

Mary, would you call the roll?

MS. HUGHES: Mr. Carmody:

MS. LAURINAITIS: What is the motion for?

MS. HUGHES: It's a motion to approve, which was made by Mr. DelSanto. Ms. Laurinaitis seconded and withdrew her second. Mr. Carmody seconded it. With the three modifications that we talked about: 18 units per acre, 50' maximum height with up to 60' for architectural features and details and adding language that the conceptual plan is approved at the sole discretion of the Planning & Zoning Commission.

Can I start calling the roll?

THE CHAIR: Yes, please.

MS. HUGHES: Mr. Carmody: Yes

Mr. DeMello: No

Mr. DelSanto: Yes

Mr. Kenefick: No

Ms. Laurinaitis: Yes

Mr. Saucier: Yes

Chairman Oshana: No

THE CHAIR: Motion passes four to three.

D. Site Plan Application of Travel Centers of America proposing slope stabilization for the previously approved

travel center facility, property located at 1875 Meriden Waterbury Road SPR #1326.2.

MS. HUGHES: This application is ready for action this evening. As you recall, it was part of a consent order of DEP to correct a drainage problem that they were having --- an erosion problem.

A representative is here to go over it.

JENNIFER JENKINS: I work for Corestate Engineering in Somerset, NJ. I'm a project manager and the engineer designer for this project.

The existing site, you're probably familiar with it, is the Travel Center Truck Stop on 322. The installation of new tanks in the last couple of years, the contractor that did that inadvisably dumped the excess of topsoil down this cliff and the silt fence is still here and the damage to the curb is damaged. And, we're just proposing to regrade the slope, clean it up, reseed it. Replace the curb as requested by the Engineer and that's it.

There is another application by Travel Centers and I have nothing to do with that.

(Laughter)

MR. TRANQUILLO: We went over this with the applicant and the only thing of note is that I recommend that we require a full performance bond prior to beginning construction.

MS. JENKINS: We will comply. We just need to know the amount.

MR. TRANQUILLO: We'll compute that for you.

MR. DELSANTO: I'd like to make a motion to approve the application with the note that we pull a full performance bond.

MS.LAURINAITIS: Second.

THE CHAIR: Discussion? Mr. Kenefick?

MR. KENEFICK: Tony, what's the grade going to be there? I mean, right now, it looks like it's straight up and down.

MR. TRANQUILLO: Now, it's about 1.5:1 and in some areas a 1:1 slope which is obviously must steeper than our regulations allow. They're going to lay it back at about a 2:1 slope.

MR. KENEFICK: Are they going to take out part of their parking lot? You think they've got enough room to make it 2:1?

MR. TRANQUILLO: They have plenty of room. Up at the top, they're going to bring the top of slope back.

MR. KENEFICK: It seems like they've got a lot of asphalt, cement, everything in there.

MR. TRANQUILLO: Well, they do. But they'll have to grade that and clean it up and put some good loam on it and then seed it down. Once they're done, it'll look like a good slope.

I'm not sure if you know, but we've had a lot of problems in that area, particularly with the slope on the west side of the site. So, I am hoping that this work that they're doing now will clean that up once and for all.

MR. KENEFICK: It just seems like an extremely high bank and it almost seems like straight up and down.

MR. TRANQUILLO: The Commission can require something different. Your regulations say a 2:1 maximum and that's what was designed here.

MR. KENEFICK: How far back would the edge of the parking lot be from Ruggles Row when this much is done?

When you drive by there, you can almost see the trucks, like they're almost on Ruggles Row and they're like 40' high.

MS. JENKINS: This is Ruggles Row, and this is the parking area, the existing truck parking and that new parking lot. The area that is being regraded starts here and comes down like this. It's just this part right here. Nothing will be touched back here except for cleaning of the debris.

MR. KENEFICK: You've got the Town Engineer convinced, you

convinced me.

THE CHAIR: Any other discussion, comments?

(No response)

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

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

MS. HUGHES: This application received its Conservation Commission approval at their last regularly scheduled meeting. I don't know, Steve, we're still completing our staff review. Did you have something to add?

MR. GIUDICE: I think I presented this application a few weeks ago. It's the Raya Clinic. We're proposing a 2400 sf addition to the back of the building.

The one issue I want to discuss with you tonight is sidewalks. We do have an existing sidewalk along Queen Street. We are requesting a waiver for the sidewalk along Lazy Lane.

From what I can tell, there are no other sidewalks, there's no need. There's a bridge abutment at the westerly end of the property that would prevent the sidewalk from being extended further and we just think that with the size of the addition, we are not proposing any additional pavement. We don't believe it's necessary. That's our request.

THE CHAIR: Any questions? Mr. Kenefick?

MR. KENEFICK: I've got one. Steve, is that right on the corner of Lazy and ---

MR. GIUDICE: Yes, sir.

MR. KENEFICK: So, that was the old restaurant.

MR. GIUDICE: Another thing is the other side of the river is an industrial zoned property. There are subdivisions proposed there and there aren't any sidewalks in those

subdivisions, as well.

MR. CARMODY: Are there sidewalks in front of the police station?

MR. GIUDICE: I don't believe so, but I don't --- no. I am getting the nod that no there are not.

MR. DELSANTO: Can we act on the sidewalk thing tonight?

I'll make a motion to waive the sidewalks on Lazy Lane. There are sidewalks in front of the building and it's a sidewalk to nowhere.

MR. CARMODY: I second that.

MR. KENEFICK: Do we have to have a reason? Mark? Do we have to have a reason to waive the sidewalks?

ATTORNEY SCIOTA: What you are going to say is that that area, particularly Lazy Lane, and obviously it's built to the west where the police station is and you do not have sidewalks. So, you're going to say it's built up.

MR. KENEFICK: I think we waived them for the police station.

ATTORNEY SCIOTA: You did.

(Motion passed 6 to 1 on a roll call vote with Chairman Oshana opposed.)

MR. DELSANTO: Move to table.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

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

MR. GIUDICE: Again, for the record, Stephen Giudice with Harry Cole. This is an 8-lot subdivision on Spring Lake

Road. We've made some revisions to the plan. We've incorporated a strip of land to be deeded to the Town to improve the curve along Spring Lake Road.

I believe we've addressed the Staff's concerns. If you have any questions, I'd be happy to answer them now.

MS. HUGHES: Well, I think one question did come up and Mark and Tony and myself had a discussion earlier today and I believe the issue became something the Commission started to discuss when one of the Baldwin Estates applications was pending before you.

And, it became an issue that you discussed again when the Rahlene Road Extension came up and that was actual ownership of the drainage. And, the Commission had discussions with Tony, myself, Mr. Weichsel and Mark, and at the time adopted a policy that we wanted to own the drainage. That is an issue that has to be discussed and resolved this evening before you can take action.

THE CHAIR: Where is it set to go right now?

MR. GIUDICE: We have an underground pipe system for drainage in this location here (indicating). It's to be owned by the Town of Southington, but it's through an easement over a private lot.

MS. HUGHES: And, what we had discussed from a policy standpoint was outright ownership in fee, not having easements any longer for the drainage.

MR. GIUDICE: I think this is kind of a tough situation. We've done this in the past. We have another application that's on tonight that you previously approved with a detention basin on an easement and I thought this was something you were going to make as part of your regulations with your regulation changes and to my knowledge, that has not happened at this time. So, we could, if it came to it, then we would remove the land to be deeded to the Town and we'd put the drainage easement in there and I guess it would still go to the Town, but it wouldn't be useful for road purposes. That's where we would put it.

MR. TRANQUILLO: That's a good solution.

THE CHAIR: Well, I have a question, then. You are, when we talked about this the other night, we talked about they were going to give this piece of property and we were going to smooth out the curve. Well, are you going to widen the road in that one particular spot?

MR. TRANQUILLO: Not widen. We're going to straighten the road.

THE CHAIR: So, the road is actually going to shift?

MR. TRANQUILLO: It's going to shift to the west.

THE CHAIR: Okay. So, if this doesn't become Town property, what happens? He can't do that.

MR. TRANQUILLO: That's correct. But Steve had just mentioned an excellent compromise. The underground detention system can go in that area where the road is going to be placed.

ATTORNEY SCIOTA: We get title to it, anyway. So, if they want to put the drainage under the roadway ---

MR. GIUDICE: Do you really want that system under the roadway?

MR. TRANQUILLO: It's a wide right of way there, we can work around that system with whatever we have to put in there. Right now, there's nothing there.

THE CHAIR: So, the drainage would be on Town property, Town owned because it's ---

MR. TRANQUILLO: Under the road, which is not unusual. We have several of those underground systems under the roadway.

THE CHAIR: So, that solves that issue from your prospective?

MR. GIUDICE: This is a plastic system that ---

MR. TRANQUILLO: I'm sorry?

THE CHAIR: So from your prospective that solves the concern here?

MR. TRANQUILLO: That would solve the ownership issue, yes.

MR. DELSANTO: I have question, Mr. Chairman. With regard to this underground storage system, do they last? I mean, do they break? Are we going to have to dig up the road and fix it some day?

MR. TRANQUILLO: Well, the answer to that is they last a long time but eventually it would have to be replaced or fixed.

MR. DELSANTO: Is it PVC? What is it?

MR. TRANQUILLO: It's plastic pipe. It's polyethylene pipe.

MR. DELSANTO: Oh, polyethylene, good stuff.

MR. TRANQUILLO: It won't break down. It's going to last a long time.

Now let me just brief the Commission a bit, as you know, especially the ones of you that have been here quite a while, we get many, many complaints from people that own a piece of property and have an easement as a detention pond. We've had hundreds of complaints over the last 15 to 20 years.

And, we've seen in the past, especially the recent past, where the detention ponds seem to get larger and occupy more and more of the lot. One good example was on the corner of Hart Street and West Street where the lots were half-acre lots, but there was no more than 10 or 12 thousand square feet of useable land. The rest of it was open detention areas. Ten or fifteen feet away from the backdoor of the houses. That seems to be coming more and more of a practice rather than the exception.

So, because of all these complaints, Pepperidge Drive is another excellent example of that same situation, and you passed you a regulation that said well, we don't want the detention pond in the front yard. That only has a certain amount of utility. Because they always argue, well, it's in the side yard. Or the pond is well away from the road, so it's not really within the front side yard. I mean, all kinds of argument you know, you can put spin on anything.

So to solve all those issues and problems, we recommended to you about four or five months ago that we own the area where the detention structures are placed. That solves a lot of problems.

The Commission, at that point, went along with that. They kind of acknowledged that they were in agreement with that. Now, we've heard from the developers that they would like to see that in regulation form. We can certainly put that in regulation form. We don't have any objection to it in regulation form. But the books aren't obviously meant to be a Bible. It's not going to cover every instance. So, for the time being, we're working on policy. But if you want to make it a firm regulation, we will do that.

But between now and when the regulation is passed, I strongly recommend that you follow the policy that you went along with about four months ago.

ATTORNEY SCIOTA: We talked about it four or five months ago. We talked about, in our regulations, it talks about the orderly development. The same thing happened on Rahlene Drive. If you can remember, correct, it's that the orderly development in that particular case was to use a previously established drainage system for a different subdivision that extended the road.

And, it worked out in that particular situation. But you remember that was an easement and it caused a lot of problems. So, that was one that was accomplished by what we are talking about.

So, in the regulations, it talks about, you have the right to require for orderly development of property things. One of them could be a drainage system. Then we talked about that drainage system owned by the Town of Southington. That is something that from an administrative standpoint we weren't always in favor of because that means more responsibility. But in the grand scheme things, the orderly development of property, it's in the best sense to have (inaudible). That's what we recommended five months ago and I believe it was unanimous by the Commission.

MR. CARMODY: I would just say, point out, it should not just be policy but regulated to avoid any--- I am sure there are instances, okay, not, after five months ago but within the last year that we've plenty of times have done

an easement, right?

MR. TRANQUILLO: Yes, many times. Most times it has been an easement.

MR. CARMODY: To protect this Commission from you know, ambiguity, I think we should make it a regulation.

MR. GIUDICE: I have a couple of points. Just to correct Tony, the regulation about detention basins in the front yard, I don't think it was ever enacted. Maybe you can correct me on that.

MS. HUGHES: I don't think it was enacted, either. I think it was in that whole group of regulations that the Commission rejected.

MR. GIUDICE: And, I spoke against that regulation because it prohibited us from --- we need flexibility when doing detention basins. And, Tony is right. They get bigger. No one likes them, but they're all here for a purpose and that's to prevent flooding. This past weekend was a prime example as to why we need them.

And, we don't like building them or designing them and you don't like maintaining them, but we all have to have them. So, we would like the flexibility to be able to put those in different locations. This is a prime example of a place where we can put it.

In this particular application, moving it into the Town property, we can probably accommodate that, but I have another application that's up tonight where you a few months ago approved it in an easement and now this issue is going to be raised again in a few minutes on that application.

I'll be taking the identical subdivision that was approved three to four months ago and now tonight say we can't do what we did three months ago. It kind of raises some issues and that's what I'm concerned about.

So, on this application, we can move it into the Town owned property, but we'll be having this discussion in a few minutes, again.

MR. DELSANTO: Well, Tony, when you say they're getting

bigger and bigger and bigger, detention/retention ponds.

MR. GIUDICE: Not necessarily bigger. It depends on the site. It's all site specific really.

MR. DELSANTO: What is the direct regulation for the size of the retention ponds?

MR. TRANQUILLO: We have in our subdivision regulations, something called storm water management and that has a list of criteria there that requires the designer to follow certain guidelines. Now, I will tell you that the IW Commission has gone way beyond those guidelines. They require a 100-year pond now on every site. So, that's why I say they're getting larger.

We're getting into more difficult sites in some cases where there are grade problems or there's flat grades where you can't pond much water. So, the ponds get bigger and bigger and more complicated as we go on and as the pieces of property get more complicated.

MR. DELSANTO: So, what could we do to assist the developer or to assist the person making up the plans to try to alleviate that?

MR. TRANQUILLO: Well, the suggestion that was made by the Commission and Steve is to put good regulations in place. That will be the greatest help because the developer will read the regulations and he'll know what's going to be required of him so when he buys a piece of property he will know, I can expect eight lots from this piece of property and not lose lots during the process.

MR. DELSANTO: So, if it's regulated, they know it has to be that specific size and they can't come before us ---

MR. TRANQUILLO: They'll know the specifics and they'll plan it into their plan very early on before they purchase it and there won't be any arguments about it.

MR. DELSANTO: Great.

MR. KENEFICK: So, what makes the size of the pond? The length of road, the amount of houses, the size of the houses?

MR. TRANQUILLO: It's a very complicated issue and it depends on the amount of impervious, which is the number of houses, the amount of road, sidewalks. It also involves the amount of drainage that's coming off the site, on to the site. So, it depends on the depth of ponding. Sometimes you can only pond two or three feet of water. Sometimes you can pond six or seven feet of water. So, the pond gets smaller. Sometimes it gets larger. IW requirements might make it different sizing. So, again, it's a site-specific situation and each pond is totally different than the other ones.

MR. KENEFICK: If you have good drainage, it's less of a pond?

MR. TRANQUILLO: Generally, yes. If it's poor drainage ---

MR. KENEFICK: So, there's ten things probably.

MR. TRANQUILLO: There's probably a thousand things that influence the size of it.

MR. GIUDICE: Existing site conditions. If it's a wooded site or a grassed site.

MR. KENEFICK: And, getting back to this application, the Town of Southington's got no qualms about putting a drainage system under a Town road?

MR. TRANQUILLO: No. Because as I say, we've done that several times before.

We just work around it. When we go, we have plenty of right of way there. If you'll look at the plan, we will have a right of way that's probably 75 to 80 feet wide in that area, perhaps even wider. So, when we have to bring sewer through that area, water storm drainage, whatever we need, we'll have plenty of right of way to go around this structure.

If we ask them to give us additional right of way ---

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

MR. DELSANTO: (Continuing) --- the concern he has is his other application.

MR. GIUDICE: We'll get into that on the other application.

MR. TRANQUILLO: Let me make a comment here. When we brought this to the Commission four or five months ago and the Commission agreed to follow this police, I was very clear with the land practioners that work here all the time that this was going to be a new policy.

So, it's really nothing new, but there are always questions. Like the underground system? I think that was a little bit ambiguous as to whether that was going to be fee simple or easement. It's not criticism. It's just an evolving thing.

MR. GIUDICE: I think that the size of the lot should have some consideration with it, too. Baldwin Estates is an R-12 zone and you're dealing with quarter acre lots. You know, you compare that to an R-40 zone, we have the next application, you know, the detention pond is 150' away from the house. So, it's not --- it's kind of apples and oranges. It's not the same situation.

MR. KENEFICK: Slow down.

THE CHAIR: We're dealing with one particular application. We had discussed this. We're moving through the Plan of Development.

(Everyone commenting at once.)

Do we have a motion?

MR. KENEFICK: I don't know what we've got to do. Are we all set to go here?

MR. TRANQUILLO: This is not set. This is not finished yet.

MR. GIUDICE: I thought we were all set with this?

MS.HUGHES: I'm all set.

MR. TRANQUILLO: Oh, you're all set.

MR. KENEFICK: Oh, we're all set then.

MR. DELSANTO: I'd like to make a motion to ---

EVERYONE: Wait. Wait a minute.

MR. TRANQUILLO: The detention area has to be redesigned.

MR. GIUDICE: We would just slide it into the right of way.

MR. TRANQUILLO: I'm saying it has to be redesigned off the site.

MR. GIUDICE: Well, I would move it. I wouldn't necessary redesign it.

MR. KENEFICK: Why don't we do it with a stipulation that it meets your approval.

Okay, I'll make a motion that we pass whatever we say we're going to do.

MR. DELSANTO: I'll second that.

ATTORNEY SCIOTA: Wait, wait. Let him finish the motion.

MR. KENEFICK: With the stipulations that the drainage system ---

ATTORNEY SCIOTA: The drainage system be relocated per the Town Engineer's Office.

MR. DELSANTO: I'll second that.

THE CHAIR: Further discussion?

(No response)

Mary, would you call the roll.

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

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

MS. HUGHES: Wal-Mart like a number of other stores that have garden centers are being required to replace their canopies so that they have more impervious surface because the materials that are stored at Wal-Mart and in these areas, and they are exposed to the elements.

It took a bit of time for me to research whether or not they had gotten their approvals associated with the storage containers, which they didn't. They did get the reg changed.

This is ready for action this evening. Staff would just request that you stipulate that they need to apply for the special permits for the storage containers prior to their request for a zoning permit for this application for this project.

THE CHAIR: What happens with the containers that are there now? Is that in violation?

Is that a zoning violation?

MS. HUGHES: Yah. We will advise them of that, as well, but they're kind of pressure from DEP to get this canopy ---

MR. DELSANTO: Have they been advised in the past to move those storage containers?

MS. HUGHES: I don't know. I know that I have had discussions with ADP. I mean, I just don't recall ---

THE CHAIR: I think if I'm not mistaken, didn't we tell them that they had to get rid of them because they didn't meet the regulations? The answer is yes, we did.

MR. KENEFICK: How many storage containers do they have there?

APPLICANT'S REPRESENTATIVE: I just visited the site and I counted five this afternoon.

MR. KENEFICK: Five. Did we approve of them?

MS. HUGHES: You approved the regulation amendment and not the containers.

MR. DEMELLO: You know what I'll do? I'll make a motion that

we approve this application and that we stipulate that they have to apply for what, the ---

MS. HUGHES: They have to apply for the SPU prior to the request for a zoning permit.

MR. DEMELLO: Okay. Stipulate that clause in the motion.

MS.LAURINAITIS: Second.

MR. KENEFICK: I'll second.

THE CHAIR: Any other discussion?

(No response)

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

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

MS. HUGHES: This application is ready for action this evening. I don't know if you want to go through it once more?

Have you decided which roller coaster you're going to build?

MR. DONALD: Jerry?

MR. BRYK: (From the audience) Not yet.

MS. HUGHES: And yes, the fire department looked at it.

(Chuckles)

THE CHAIR: So, you're staying with the plan that you came with and what's going to go on there in terms of the coaster is still --- it's one of the two items you've identified to us.

MR. DONALD: That's correct.

THE CHAIR: No change in what you've said in terms of location of either of those items or size?

MR. DONALD: That's correct.

MR. KENEFICK: I'll make a motion for approval. I think it's a great idea and they're doing a fantastic job down there.

MR. DELSANTO: I'll second that.

(Motion passed unanimously on a voice vote.)

I. Site Plan Application of Myjak & Lamb proposing the construction of a 24,392 sf industrial building with parking areas within an I-2 zone, property located at 82 Canal Street SPR #1430.

MS. HUGHES: This application is currently under staff review.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

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

MS. HUGHES: This application is currently under staff review. I don't know if you have anything?

APPLICANT'S ENGINEER: I was talking to Tony today and the time it was going to be reviewed with the revised responses.

MS. HUGHES: No, I'm not set with it.

APPLICANT'S ENGINEER: Okay.

MS. HUGHES: I apologize.

MR. TRANQUILLO: I think I had asked you to call Mary a week and a half ago to make sure she was all set. Did you do that?

MS.HUGHES: We had communications. I thought I suggested that no one needed to be here.

APPLICANT'S ENGINEER: I thought that because Tony had --- you said Tony hadn't looked at the plan and then when I talked to Tony he said that he had looked at it and the responses.

MR. DELSANTO: I'll make a motion to table the application.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: It'll be ready at our next meeting?

MS. HUGHES: Yes.

K. Subdivision Application of Hillcrest Orchards, LLC c/o Attorney Anthony A Denorfia proposing to subdivide property for purposes of establishing a 19 lot Open Space Preservation Subdivision (Hillcrest Orchards) within an R-40 zone in conjunction with Special Permit Use #424, property located at 508 and 544 Meriden Waterbury Turnpike S #1240.

THE CHAIR: This is part of the public hearing, so we will table this and move on to Item L.

L. Site Plan Application of 31 Liberty Realty, LLC proposing to construct a 21,450 sf office building, property located at 31,41 & 63 Liberty Street SPR #1414.1.

MS. HUGHES: Staff is currently reviewing this application and it needs to be tabled.

MR. DELSANTO: Move to table.

MS.LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

M. Site Plan Application of Faith Living Church proposing to convert an existing building into 1,850 sf of office space within a CB zone, property located at 12 Grove Street, SPR #1431.

MS. HUGHES: Staff is currently reviewing the application. The applicant is pursuing a parking waiver.

MR. DELSANTO: Move to table.

MS.LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

N. Subdivision Application of NBA, LLC proposing to subdivide property for purposes of crating nine single family lots (Sandy Ridge Estates), property located off the easterly side of Churchill Street known as Assessor's Map #165, Parcel 020 S #1235.2.

MS. HUGHES: I believe that this is the application that Mr. Giudice was referring to and wants to engage you in some discussion.

MR. GIUDICE: This is the application of NBA, LLC. It was I believe approved in late January or early February of this year.

We revised the application to remove this lot and incorporate this lot, #2. Other than that the application has not changed.

However, this area in here is an existing wetland and the berm that we're proposing in this area to allow for detention in this location, this is through an easement and has been through an easement over lots 7 and 8.

As you can see, the separation here, you know, is substantial compared to probably what you had on the Baldwin Estates type of development. So, I just, my concern

was with getting this one stuck in the loop of that policy. That was my major concern.

I understand the future applications, I have to follow this policy, but I'm wondering if there is any relief for this application.

THE CHAIR: That is exactly the way it was when we approved it?

MS. HUGHES: No. There was a lot --- what happened was --

THE CHAIR: The ponds were the same?

MS. HUGHES: The ponds were the same.

THE CHAIR: And, you removed one lot and you set back ---

MS. HUGHES: What they did is they ere entitled to a free cut, so they redesigned the subdivision to take a free cut to get their first lot which they are entitled to do under the statute and then file for a subdivision and incorporate that rear lot that Steve had said previously was not incorporated in the subdivision.

But the drainage facility is in the same location.

ATTORNEY SCIOTA: I would have to agree in this particular case is that the drainage and the engineering were very far along before we started the process and unless there is some major objection from staff and we talked about this today and I don't think there is any major objection because this falls in that tweener period. So, I don't have a major objection on this one.

But obviously Steve knows that this was designed before Tony started talking to the engineers about this, but this is one where I could see their point.

THE CHAIR: I think as a Commission we had this discussion and we agreed to it and I quite frankly did think we made the agreement sometime back ago with Pepperidge Estates that we were not going to allow ponds in the front yards.

I think in order to clarify this, I think a regulation is in order. I think it needs to be done. I think it is also clear that you've made it clear Tony and Mary to the

developers that this is what we are looking at doing going forward, so I would hope that the developers would look at this and work with us going forward.

Fran?

MR. KENEFICK: Not only that, Zaya, but I mean, you could clearly see that this is not in the front, the side, or whatever. I mean, it's in the rear yard. It's an R-40 zone.

MR. GIUDICE: If I could --- if I may.

MR. KENEFICK: Steve, what I'm saying doesn't conform to you, or what?

MR. GIUDICE: I don't want to mess things up but this is a prime example where this is Churchill Street and this is our new road so this is technically a front yard. So, if ponds can't be in a front yard, I guess it will go away. Make the regulation to be fee simple and it'll go away because that land will now be Town owned and it won't be a front yard or a rear lot.

MR. KENEFICK: How could that be the front yard? I mean, you have Amber Lane.

MR. GIUDICE: It's a paper street. Technically it's a front yard.

MR. TRANQUILLO: Anything that has a road has a front yard to it.

MR. GIUDICE: That's the problem with it.

ATTORNEY SCIOTA: That house would actually have two front yards.

MR. KENEFICK: Now, we're going to say houses have two front yards?

MR. TRANQUILLO: It happens all the time.

ATTORNEY SCIOTA: The ZBA would say that happens quite often.

MR. TRANQUILLO: A corner lot has two front yards.

MR. GIUDICE: I'm not trying to confuse you. When we have that public hearing regarding that regulation, this is the type of thing that we'll have to protect.

MR. KENEFICK: Your front yard should be where your number is.

MR. GIUDICE: I agree, we changed that regulation already.

ATTORNEY SCIOTA: This truly is a cleaner issue.

And, because engineering and development started during that tweener period, I can understand it.

MR. KENEFICK: We're all set.

MR. CARMODY: So, for an approval on this, do you need us to make a comment about that detention?

MR. TRANQUILLO: I would like that because that'll make it clear to all others that we still expect them to give us fee simple ownership. If you make this as rational for it, it was actually approved before the change occurred, this is a reapproval of a previous plan.

MR. CARMODY: I'm going to make a motion to approve this subdivision even with the catch basins where they are to be for the sake of continuity of a previously approved similar application but with the note that the policy going forward is like we agreed upon. How's that?

MR. DELSANTO: I'll second that.

ATTORNEY SCIOTA: Shakespeare is rolling over in his grave.

MR. KENEFICK: A little too long.

(Chuckles)

THE CHAIR: Motion and a second, any further discussion?

(No response)

Mary, would you call the roll.

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

O. Site Plan application of CV Tool c/o Carmine & Assunta Votino proposing to construct a 12,648 sf addition to an exiting manufacturing facility, property located at 44 Robert Porter Road SPR #791.5.

MS. HUGHES: This application is still under staff review, so it needs to be tabled.

MR. DELSANTO: Move to table.

MS.LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

NEW BUSINESS ITEMS:

A. Subdivision Application of Mountain View Farms, LLC proposing to subdivide property for purposes of creating 16 lots (Mountain View Farms) property located at 836 & 850 Meriden Avenue S #1241.

MR. KENEFICK: Mr. Chairman, I have to step down on this.

THE CHAIR: Okay, Mr. Kenefick will step aside and we'll seat Commissioner Sinclair.

ATTORNEY SCIOTA: If I may, how cumbersome this is going to be, the new regulations of Ethics require you also to step down form the bench.

MR. KENEFICK: Where could I go?

MR. DELSANTO: Beat it!

ATTORNEY SCIOTA: Anywhere you wish.

MR. KENEFICK: Are you going to put the sound system on in the hallway?

ATTORNEY SCIOTA: We're going to put the music on for you in the hallway, too, there.

MR. CARMODY: You can take my car to the car wash.

MR. DELSANTO: Get some dinner.

(Undertone comments)

MR. GIUDICE: Mr. Chairman and Commission members on behalf of the applicant, Mountain view Farms, LLC, we're here to - - it's the Poriello Farm on Meriden Avenue. It's a 19.2-acre parcel. It's zoned R-12 on this portion (indicating) and R-20/25 on this portion (indicating).

The parcel is serviced by public water and public sewer and there's about an acre of wetland and pond/bog, we haven't determined exactly what that is in the wetland meeting yet, but we will on Thursday.

We're proposing two roads, a permanent cul de sac and a temporary cul de sac in this location. And, we have at this time a total of 17 building lots --- 16 lots are in the R-20/25 and we have one lot located here in the R-12 zone. We're proposing houses obviously serviced by public water and public sewer.

We do have an underground detention system on this site so I have a little bit of drafting to do to change the location of that. And, we also have a stormwater quality basin in this location.

This is really what we need for our zero increase in peak runoff. This is more of to appease, protect --- let me rephrase that, to protect the pond, provide some stomrwater quality.

We will be in before you for a SPU on this application just so you have an idea. We're looking at proposing multi family housing in this location. So, in the next few weeks we'll be submitting or I think we have submitted an application or we will be submitting an application shortly for that SPU.

But at this time we're just here looking primarily for these 16 lots. We're waiting for staff review at this time.

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

MR. DELSANTO: That land that is untouched, is that R-12 or R12L?

MR. GIUDICE: It's R-12.

THE CHAIR: Anyone else?

(No response)

All right. Thank you. Looking for a table here.

MR. DELSANTO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

(Mr. Kenefick re-entered the meeting with The Chair reseating him.)

B. Site Plan Application of Apple Valley Worship Center proposing to revise a previously approved site plan, property located at 594 West Center Street SPR #1222.1.

MS. HUGHES: The Worship Center had proposed an addition to their existing church facility and when they had an opportunity to get some prices for it, it proved to be the design of it was a little bit too costly. So, they've submitted a revised site plan showing the location of the addition and just the shape and size of the addition.

MR. GIUDICE: Like Mary said, the site has not changed, with the exception of this orange addition. It was originally octagon in shape and the price to do that is extremely high. So, they boxed it out a little bit and we've made some modifications to the islands around the building, but other than that the site has not changed.

THE CHAIR: Any questions? Any discussion?

(No response)

Looking for a table on this?

MR. DELSANTO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

C. Site Plan application of John Giassas proposing a 2nd curb cut and a drive through property located at 384 Main Street SPR #1432.

MS. HUGHES: I don't know if anyone is here on behalf of the applicant. If you're familiar with this property, it's next to the Getty Station on Main Street. It was the old Scoops Ice Cream.

I don't really have any much more detail. The plan needs to be referred to the BOE because what they're proposing to do is put a drive thru at that location and have access into the site and out of the site from the main entrance to Derynoski, I believe that is.

MR. DELSANTO: What's the proposed business?

MS. HUGHES: I don't know at this point.

MR. DELSANTO: Don't even tell me it's another Double D.

MR. SAUCIER: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

D. Site Plan application of Edward J. Dellabitta and DB Five, LLC proposing to construct a 45-unit condominium complex (Winding River Estates) property located at 54 Tridell Drive.

MS. HUGHES: This application was filed in connection with a lawsuit this Commission settled on a SPU application. It was rejected and then you entered into a stipulated judgment with the courts.

Mr. Bovino is here on behalf of the applicant this evening.

MR. BOVINO: Sev Bovino, Planner with Kratzert, Jones representing the applicant. This project is located on

Tridell Drive off the Meriden Waterbury Turnpike.

Served by public water and public sewer. The numbers of units I believe are 45 units. We had received a special permit for 50, I believe. We went through the process with the Wetlands Commission and we reduced the number of units. We submitted it and we're waiting for review.

THE CHAIR: Any questions for Mr. Bovino?

Mr. Kenefick?

MR. KENEFICK: Are these age restricted, Sev? They're not? What're they going to be like, two bedroom units?

MR. BOVINO: They're condominiums like the ones built on Burritt Street. Exactly the same footprint. The same, two bedrooms and maybe --

MR. KENEFICK: Which one on Burritt Street?

MR. BOVINO: Panthorne Trail, I think, it's called. The one in the corner.

MR. KENEFICK: Okay. Right.

MR. BOVINO: And, there'll be some units that'll be larger units like a ranch style units, the end units which will be accessible to handicapped people. And, if they don't sell for handicapped, they'll be sold for extra space, larger units.

THE CHAIR: Okay, looking for a table folks.

MR. DELSANTO: Move to table.

MS.LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

NEW ITEMS TO SCHEDULE FOR PUBLIC HEARING FOR: June 6, 2006 or June 20, 2006.

NONE

MS. HUGHES: Remember, you have Hillcrest on the 6th.

MISCELLANEOUS

A. Request for approval in Accordance with Section 8-24 of the Connecticut State Statutes for approval of a \$15,825,000 bond ordinance for renovation, improvements and additions to Plantsville elementary School located at 70 Church Street as described in a resolution (Referral #406.)

ATTORNEY SCIOTA: Mr. Chairman, currently the Town Council has submitted to the Board of Finance for public hearing, the two resolutions that you have in front of you. One is an addition and renovate as new and the other one is for actual demolition and completion of a new school, which is the South End matter.

We're looking for an 8-24 to be sent back to the Town Council.

THE CHAIR: All right.

MR. WEICHSEL: The Town Council has unanimously, after extensive discussion, approved this. And, if you think about it, this is coming out as a bond ordinance, so you're not what your Dad is involved with. You're at the planning and zoning and I don't think there's much planning on renovation as new when you have the same footprint. And, the other one is in the middle of a park, so there's plenty of room to do whatever needs to be done.

MR. KENEFICK: Move to ---

MS. HUGHES: And, I want to assure you all, I've never read a plan of development that said adding a cultural, educational, recreational or historical resource to your community was a bad thing, so it's not in conflict with your Plan.

MR. KENEFICK: Favorable 8-24.

MR. DELSANTO: Kind of close to the golf course, isn't it?

(Mr. Carmody left the room.)

MR. DEMELLO: I'll second the motion.

THE CHAIR: We will seat Commissioner Zaccagnino for this vote and Mary, will you call the roll?

MS. HUGHES: DeMello: Yes
DelSanto: Yes
Kenefick: Yes
Laurinaitis: Yes
Saucier: Yes
Zaccagnino: Yes
Oshana: Yes

THE CHAIR: Motion passes 7 to 0.

B. Request for Approval in Accordance with Section 8-24 of the Connecticut State Statutes for approval of a \$16,868,000 bond ordinance for demolition of the existing south End Elementary School and construction of a new school at the exiting site located on Maxwell Drive as described in a resolution (Referral #407.)

(Mr. Carmody re-entered the meeting and the Chairman reseated him.)

ATTORNEY SCIOTA: Same position as we stated on the previous application.

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

MR. SAUCIER: Second.

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

C. Request for Release of the \$2,900 Erosion and Sedimentation Bond being held for Trendco Development, 24 Pratt Street, SPR #1049.1.

MS. HUGHES: That's ready for release.

MR. SAUCIER: Move to release.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

D. Request for Release of the \$4,800 Erosion and Sedimentation Bond being held for Royal Crest Estates subdivision, Friar Lane S #1196.

MS. HUGHES: This is ready for release.

MR. DELSANTO: So moved.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

(Mr. Weichsel left the meeting at this time.)

E. Plan of Conservation & Development

MS. HUGHES: Val Ferro is here with us this evening. She wanted to know if any of you besides Noreen were good little soldiers that did their homework.

(Comments)

And, we'd like to talk to you a little bit about the schedule.

THE CHAIR: You saw my comments in the corner, right?

MS.FERRO: No.

THE CHAIR: Take a look at the -- each individual section, you've got to read my writing and it's tough, but it's a PDF and each one has, just scroll through on the sections and you'll see handwritten comments in there.

MS.FERRO: I'll try.

MS. HUGHES: All right. So, Zaya was a good little soldier.

THE CHAIR: Thank you.

MS. FERRO: Okay, I have the whole army.

MR. DELSANTO: I was a bad student.

MS.FERRO: There's going to be a quiz tomorrow.

So, who thinks they might have comments? I know you do.

MS. HUGHES: I will.

MS. FERRO: Who else? Who really thinks they'll have comments and they want to write something or are there particular areas --- raise your hand.

THE CHAIR: Raise your hand, John. I think everybody does.

MS. FERRO: Anybody else? I was just trying to think about -
-

MR. DELSANTO: I haven't absorbed it, yet.

MS. FERRO: Is it under your pillow?

MR. DELSANTO: It is.

MS.FERRO: Okay, well, that's a first step.

MR. DELSANTO: A few pages each night.

MS. HUGHES: Well, it is important to us and I'll tell you why. We are trying to schedule a presentation to the Town Council in addition to your public hearing and if we don't get that done before June 30th, with people's holiday schedules, you push it off to September and it's not going to work.

So, it's really important that if you have comments, like Noreen and Zaya, good little soldiers, that you get them to me or you get them to Val at TPA design group. Com ---

MR. CARMODY: One more time?

MS. FERRO: Val at TPA Design Group. Com.

MS. HUGHES: And, the "at" is not a word, it's a symbol.

MR. CARMODY: How do you spell that?

MS. FERRO: Val. V-a-l.

THE CHAIR: I know everybody's schedule is busy and all that sort of stuff, but if you could take a few minutes at a time. It's not hard reading. A lot of the comments, a lot of the things you'll read in there is stuff we discussed here. It's a lot of good work in there and I think any final comments, we could probably hopefully get by this Friday because we're trying to get a presentation put together.

MS.FERRO: Or even Monday. Spend the weekend. Monday.

THE CHAIR: We're trying to get a presentation put together for the Town Council not later than the 12th. If it goes beyond the 12th, we're in trouble. The 12th of June.

And, it's going to go out the regional planning groups, it's gone out, the draft?

MS.HUGHES: We had the draft mapping and the suburbanized mapping that I had distributed to you previously, so all the regional planning agencies have the draft plan.

MS. FERRO: And, the surrounding Towns?

THE CHAIR: So, if we come back and change that draft plan and add information in it, do we have to resubmit? Or just the changes? And, does it restart the clock?

MS. HUGHES: No, it doesn't necessarily --- I'll have to check it.

MS.FERRO: I have to tell you that the statutes we're operating under are only a couple of years old. And, while we were preparing the plan, they decided to change them again to clarify the muddy ones that they created two years ago and these do not go in effect until October.

THE CHAIR: So, the timing is still unclear at this point? Are we going to operate under the timing of when we submitted the first plans?

MS. FERRO: Under the new regs, they definitely tell you what comes first. So, although it's muddy for us, I think it's probably --- if we can sort of decide on which way to go with this. If we defer and make a phone call to OPM and ask, we still have that, but you know, we think we're okay.

But certainly, we want to take the comments and then circulate and revise --- you see what happens is under these new or soon to be instituted new regulations, it's clear on how the Town Council's relationship to the Planning Commission is made. And, sort of the routine of that. And, right now, it's very unclear.

And, it's also unclear as to when can you make changes to the Town Council or the City Council, whatever the governing body, can make recommendations to you and you can take those changes under advisement. There's a certain voting rigor of two-thirds depending on what the changes being made are. It's a little messy.

MS. HUGHES: You did do it with the '91 plan when we had the mapping approved.

THE CHAIR: But when we go back and we present this to the Town Council, we're going to give them some time to look at it. They already have it, so hopefully, they're reviewing it.

MS. HUGHES: They have the draft form.

THE CHAIR: And, they come back with some proposed changes, we could review them, look at them, but we are not bound to take those changes.

MS. HUGHES: No.

THE CHAIR: But this Commission will vote on the final plan.

MS. HUGHES: What I wanted to do was give you all a window of opportunity before July 1st that if we had to for some reason go to hearing on the 15th which is a Thursday night, and then we have one more regular meeting scheduled, plus there are a couple of available dates that I could get a meeting room that we could wrap this thing up by June 30th.

THE CHAIR: Okay.

MS. FERRO: Now, I believe, some one of the gray areas is that if ---I think this is the way it's working --- if the Planning Commission wants to override certain things that the Council recommends, you need a two-thirds majority?

MS. HUGHES: I believe that's what the statute says.

MS. FERRO: It's not a simple majority, it's two-thirds.

THE CHAIR: Two-thirds, yup.

MS. FERRO: There's these little things.

MS. HUGHES: Something in some very wealthy Town went amuck with the Plan of Development and then somebody got the ear of the legislator.

MS. FERRO: It's a knee jerk reaction.

THE CHAIR: Well, I would hope that when we go into this, I think, we've asked the Town Council to get involved even before we had to and hopefully they'll come back, they have some members of the Council that were former members of this Commission who have a lot of insight, hopefully. But it is this Commission's responsibly to go forward and hopefully we will have looked at all these options beforehand.

MS.FERRO: Now, the only thing that we've been talking about and we're not sure about, say there's some changes that we want to make. You know, we don't know if it's okay for us to make the changes -- we could even mark them up in red -- -- so people see them and we could put a little thing in the draft saying "red represents post" -- some type of language. Post, posting draft or red reflects Planning Commission comments on such and such a date, so people know what it is. I think whatever; we want to make sure they know that.

THE CHAIR: Yah, it's the easiest way to track the changes. So, everybody knows.

MS.HUGHES: So, I anticipate that everyone will do their homework for Monday, except the good little soldiers, and that you know, we know where we're headed, so there's no need for TPA to be here on June 6th, our next regular meeting. Maybe in the interim if a couple of Commission members and me want to get together and go over what's going to be discussed during the presentation, that would probably be a lot easier if anybody has a schedule that can accommodate that.

ATTORNEY SCIOTA: Mary, when do you want to schedule the public hearing with the Council?

The first meeting in June or the second meeting in June?

MS. HUGHES: June 12th. I already spoke to Pat about it and I don't know if she had an opportunity to talk to Mr. Weichsel, yet.

ATTORNEY SCIOTA: Yah, I just have to clear it through the Chair and I'm sure there is not going to be a problem with that.

MS. HUGHES: I know that Zaya has been in touch with the Chair.

THE CHAIR: Hopefully, there is not a problem with the Chair.

ATTORNEY SCIOTA: There shouldn't be.

MS. FERRO: Does the Council have copies right now?

MS. HUGHES: I e-mailed them all copies of the draft.

And, the maps. And, everything. And, I had it put on the web page.

MS. FERRO: What we will do is give them a distilled version that night to get to the salient points so that, if someone wants to do the reading all the demographics, okay, but we have to articulate very clearly on what the message here is that we did all this work that led to these strategies and we want to focus really on the strategies and where we're going which is the future land use plan.

So, we'll come up with some handouts and some things to help us through that. And, then give us some direction. We had talked to Mary about doing some handouts; we don't want to do a full-blown presentation --

MS. HUGHES: This room does not lend itself to PowerPoint. It really doesn't. So I said to Val, I thought we'd be much better off with some sort of little executive summary, maybe a copy of the future land use map so people have the salient points of where you got to ---

THE CHAIR: The one thing I think it will be nice for people to see, is the bullet points of the guiding principles. That's the basis, I think, of the whole thing.

MS. FERRO: We'll have those included in the packet and then we can print a couple of large boards of the future land use plan and those type of things so people can see and follow the bouncing ball as we talk about them.

And, we can have extra copies of the small things, as well. I think it will work out well.

And, then we field questions and go from there.

And, then a few days later, we are at public hearing.

In the interim maybe Mary and I we'll comb through the regs again. They're relatively untested because they were passed and they tinkered with them immediately because there was all these questions because it was not clear.

THE CHAIR: We're only looking at timing as the issue we're concerned with. I would hope that they're not that hung up on something like that.

MS.FERRO: No, absolutely not. You have a very sensible process you are going through.

In fact, this is up on the web now, it is, right? I didn't check. Okay. And, so the things that they've asked you to do to start the clock like putting it on the website, that's been done. So, I don't think we have any worries.

THE CHAIR: Great.

MS. FERRO: Alrighty. Upward.

THE CHAIR: Uh, before we go, could I see if we could go into executive session for a real quick, two-minute discussion?

ATTORNEY SCIOTA: Sure. What's the issue, pending litigation?

You have to put it on the Agenda, first.

MR. DELSANTO: Motion to place an executive session on the

Agenda; letter F, for pending litigation.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

MR. DELSANTO: Motion to go into executive session barring all press and residents.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

Meeting adjourned to executive session at 8:30 o'clock,
p.m.