

SOUTHINGTON PLANNING AND ZONING COMMISSION
Public Hearing
July 18, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

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

John Carmody, Francis Kenefick, Noreen Laurinaitis, and Michael DelSanto

Alternates: Richard Hart
Brian Zaccagnino
James Sinclair

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

Absent: Robert Borkowski, Alternate Commissioner
Patrick Saucier, Commissioner
John DeMello, Commissioner
Zaya Oshana, Chairman

Acting Chair seated Mr. Sinclair for Chairman Oshana and Mr. Zaccagnino for Mr. DeMello and Mr. Hart for Mr. Saucier. A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

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

MARK SCIOTA, Acting Chairman, presiding:

Items for the Public Hearing this evening:

ACTING CHAIR: Mary, could you read the public notice into the record, please.

(Notice on file in the Town Planner's Office referencing Items B, C and D.)

A. Continued the public hearing from June 20, 2006 - 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.

ACTING CHAIR: Any of those speaking in favor, please come up and give your name and address, please.

ATTORNEY DENORFIA: Mr. Chair -- I'm sorry. Members of the Commission, my name is Anthony Denorfia representing the applicant.

Again, at the last several meetings this petition has been before you and I am not going to repeat myself as to what has been said before. Basically, I think this was continued at the last time at the request of the Chairman who wanted to further review it.

At the last meeting, and I think you all should have revised conceptual plans before you showing the revised layout, what was presented to you was a revised layout with a temporary cul de sac that would go into the Dokar's property eventually and out to the Meriden Waterbury Turnpike when that property is developed.

How we came at that location as far as possible outlet was based upon a conceptual design that our engineer provided of the Dokars' property. Which basically shows that the connection of the roadway and the development potential of the Dokars' property.

Again, we think that this is, based upon all of the concerns elicited by the citizens and as far as future curb cuts on Meriden Waterbury Road, we thought that this was a far better alternative then what we provided which was a, we were going with a long access strip out to Meriden Waterbury Road.

Again, I think I presented last time sixteen reasons that I thought this would be beneficial to the neighborhood and to the Commission. So, unless you have any questions?

ACTING CHAIR: Any questions for Attorney Denorfia?

MR. CARMODY: Tony, can we just review the -- the flip side of that, the totality of the open space?

ATTORNEY DENORFIA: Yah, the totality open space, there is 9.7 acres of open space out of a total of 32 and change I think is the total acreage.

MR.CARMODY: And, the middle section is about how much?

ATTORNEY DENORFIA: The middle section right there is about 1.75 acres.

MR. CARMODY: And, how wide is that in the corner between these two lots?

ATTORNEY DENORFIA: That access strip?

MR. CARMODY: Yah.

ATTORNEY DENORFIA: It's twenty-five feet.

Again, reference was made to the regulation, which say which people come up and they keep saying that, gee, all of this open space has to be connected. But that's not what the regulations say. The regulations say that it should be connected, but you know, they leave it up to the Commission if there are other purposes that should be accomplished.

Obviously, what we think one of the primary purposes that should be accomplished is when you have an open space subdivision, is that you use some of the land for buffering and that's buffering, you know, from the adjoining neighborhoods and that's what our plan calls for.

ACTING CHAIR: Any other questions for Attorney Denorfia?

Mr. Kenefick?

MR. KENEFICK: Tony, uh, because this is an open space subdivision, what are the sizes of the frontages on the lots and the rear lots, the rear lines?

ATTORNEY DENORFIA: The minimum frontage, as we mentioned by zoning, I think we can go down to 100 feet. The smallest

lot we have, um, I believe its 120 feet frontage based on our design.

Is that right, Chris? One hundred twenty feet.

So, basically, we're quite a bit above what the regulations require.

MR. KENEFICK: Okay, if it was an R-40 subdivision, it would have to be what?

ATTORNEY DENORFIA: One hundred fifty feet.

MR. KENEFICK: How many?

ATTORNEY DENORFIA: One hundred fifty.

MR. KENEFICK: One hundred fifty feet.

ATTORNEY DENORFIA: Now, you take a standard house is on the long side, 60 feet. If you get a ranch, you're looking at about 70 feet. Put your side yards in, 120 feet, even at a 70 foot, leaves you at two 25' side yards. So, um, you know, these are ---

MR. KENEFICK: So, you're looking at a minimum of 50 feet between these houses?

ATTORNEY DENORFIA: Well, if, yah, I would think at a minimum on this based upon --- you know, the regulations provide for a minimum of 40. But based on the lot sizes, it's fair to assume that they would be quite a bit larger. There aren't that many 80-foot houses that are being built. Not in, not for under \$1 million.

ACTING CHAIR: Any other questions for Attorney Denorfia?

Mr. Carmody?

MR. CARMODY: I'm going back to the open space in the middle. Just one more time. Describe to me --- this is my concern with the open space in the middle from a practical standpoint, what's going to happen when these people move in and all their properties abut that open space. What's the topography of that? Is it, you know, is it land that could be --- I'm trying to give you the right term here --- but the homeowners might use it as their own. You know what

I mean? Instead of ---

ATTORNEY DENORFIA: It's fairly, I mean, it's gently sloping if that's what you mean. It's fairly flat to gently sloping land. Is it useable land? Yah, it's very usable. And, it's not wetlands. It's not steep slopes, it's not any of that. We don't have any of that on this property except for this little bit here and there.

Is there a possibility for encroachment? Yah, there is. But then, um, normally when I've dealt with this situation in other Towns, usually, unless the Town wants otherwise, the open space should be either deeded to the Town or deeded to a homeowners association that maintains it. And, if that's the case then as a secondary thing there should be a conservation easement given to the Town.

So, there is ultimately going to be somebody that's going to be able to enforce property lines and encroachments. Whether it be the Town, if you want to the open space, or whether it would be the, um, you know, the association with a conservation easement over it.

MR.CARMODY: Thanks.

ATTORNEY DENORFIA: I guess it's no different than if I live next to your property and I wanted to go on your property and put my lawn on to your property. But you know, somebody's got to say: don't do it. In this particular case, there will be someone that says, I'm sorry, you can't do it.

MS. LAURINAITIS: Can you just go over the total open space that's in that center part, again? What figure?

ATTORNEY DENORFIA: It's 1.75 acres.

MS. LAURINAITIS: One and three quarters?

ATTORNEY DENORFIA: Yah, it's split up. It's an acre and three quarters in the center. It's like almost three acres that buffer the Ruy Drive and Rahlene Drive areas. And, about 5.5 acres in this area here.

ACTING CHAIR: Mr. Kenefick?

MR. KENEFICK: Tony, uh, our engineer, Tranquillo. Is the

Town going to want this for open space?

MR. TRANQUILLO: Well, that is a Commission decision. We've accepted open space before in various arrangements.

MR. KENEFICK: Well, Tony just said, its either the Town is going to accept it for open space or it's going to have an association.

MR. TRANQUILLO: Well, there's benefits each way. If you have the Town, it's municipally owned. So the Town controls it. However, it becomes open to the entire public. Everyone in Town. Sometimes that has problems.

MR. KENEFICK: That could have a problem.

MR. TRANQUILLO: If you have it in a private association, you have less control as a Town, but then the entire Town is not walking across the property.

MR. KENEFICK: Tony, how is your --- which way is your client going here?

ATTORNEY DENORFIA: I think it's up to you. Originally, their thought was to have the association but if the Commission wanted it deeded to the Town, they don't have a problem with that, either.

MR. CARMODY: I'd like to know from the Town Manager's Office on the record what they would prefer.

MR. WEICHSEL: Am I recognized?

ACTING CHAIR: Yes, sir.

MR. WEICHSEL: Right.

FROM THE AUDIENCE: We can't hear. Is the PA system on?

MR. WEICHSEL: You'll hear when I use the microphone, Marty.

(Chuckles)

My apologies as I was leaning back.

My preference ---

FROM THE AUDIENCE: You're not the only one. We can't hear anyone else, either.

MR.WEICHSEL: The mikes are definitely on. Members should come up very close to it.

My preference would be for a homeowners association. We're on the one hand doing nicely getting a lot of open space, but the maintenance and maintenance budget is becoming a bit of a problem and particularly in this case, I really can't see it, to have it for everybody in Town to go across it when it's like that. So, I have a strong preference in this case to have it go to the homeowners association, which I believe the applicant originally had in mind, anyhow.

ACTING CHAIR: My only question would be: is it contiguous to any other open space in the Town?

ATTORNEY DENORFIA: No. Not that I am aware of.

ACTING CHAIR: Okay, it's one unit.

Any other questions for Attorney Denorfia?

(No response)

ATTORNEY DENORFIA: Thank you.

ACTING CHAIR: Thank you.

Anyone else speaking in favor of this application please come up and state your name.

(No response)

Anyone else speaking in favor? Come on up, sir.

Name and address, please, sir.

DERRICK COLE: 89 Ruy Lane. As I've spoken before at the previous public hearings, I am in support of this application for open space subdivision. I'll give you a letter outlining some of my additional comments that I have tonight.

I support this open space subdivision along with my wife and my family. I'm speaking on behalf of a young daughter, as well. The open space subdivision provides greater protection and buffering to the existing neighborhoods in this area, specifically, Ruy Lane and Kiefer Road and specifically, when you are comparing this subdivision to a conventional R-40 subdivision, it certainly provides greater protection and buffering.

The open space subdivision further accomplishes the following purposes as set forth in the zoning regulations, Section 3-07.2. And, there are six of them, I believe.

The first being to conserve and preserve land to assure that its development will be best maintain or enhance the appearance, character, natural beauty and historic interest of an area. This application will conserve and it will preserve land, providing buffers to wetlands on the site as well as abutting neighborhoods as I mentioned, Ruy Lane and Kiefer Road. And, it will enhance the appearance, character and beauty of the site as compared to an R-40 subdivision.

An R-40 subdivision will leave little or no buffer to the existing abutting neighborhoods and it will leave control of clearing and grading up to the individual property owners and over time vegetation and the remaining forest will be eventually eliminated.

The second one: to preserve land for park and recreation purposes for neighborhood amenities and for the potential of the siting of a community renewable energy system. Again, this open space subdivision will preserve land for park and recreation purposes and neighborhood amenities. The open space areas will be accessible for passive recreation use by the residents of Ruy, Kiefer, Blatchley and Rahlene Drive and other neighborhoods. Certainly, they're in close proximity to these neighborhoods here but that wouldn't preclude other residents from utilizing these areas, as well. There's plenty of open space in Town and I may not personally use that because it's on the far end of Town but there's no necessarily any reason that because it's more advantageous to a particular area or section of Town that it shouldn't be deeded over to open space.

There are many residents who walk on Ruy Lane, Kiefer Road and Blatchley Avenue. This demonstrates the potential for

that passive recreation use.

The third one, to conserve forest, wildlife, agriculture, water supplies and irreplaceable natural features not limited to watercourses, significant stands of trees, significant trees in size and rock outcroppings. Again, comparing to an R-40 subdivision, this application will conserve forest vegetation and wildlife, specifically in the areas abutting Ruy Lane, the middle area in the middle of the loop road and more substantial area surrounding the wetland areas.

The existing forest and vegetation that's up in the Orchard today, provides some buffer to the neighborhood and Ruy Lane and Kiefer Road. The open space will certainly conserve and protect the forest and vegetation.

Additional landscaping may further enhance the area and provide more diversity and greater opportunities for buffering. There are numerous animals and birds that flourish on the existing site. Animal species that we see on a regular basis include: fox, rabbits, deer, while there are many bird species. I could've sent one of my biologist or scientist that I work with and we would have no doubt found some type of rare and exotic species up there. The animals flourish up there.

We've even had reportings of some bear in the backyards in this area. As you know, there was a bear in downtown Meriden. With the location of Hubbard Park and other vegetation areas, there's certainly the opportunity for some larger habitat to use this area.

An R-40 subdivision will not provide any large open spaces areas for this habitat to survive. Essentially, an R-40 subdivision will drive everything out. You may have some habitat left such as squirrels, rabbits and chipmunks and so forth that can thrive in environments adjacent to human dwellings, but some of the more isolated species will not stay here.

Open space surrounding the wetlands is a great method of providing adequate buffers around these natural resources and they provide valuable upland area to the wetlands not only in terms of habitat function, but also in terms of filtering for storm water runoff and other parameters as well.

The fourth one: to encourage controlled flexibility of design and development in such a way to promote the most appropriate use of the land considering size, topography, natural drainage systems, scenic vistas, streams, rivers, ponds and so forth and the properly managed storm water and erosion and sedimentation controls. This application certainly provides flexibility in the design and development of the subdivision.

When you consider the open space around the wetlands on the site, it certainly will protect the natural drainage systems that feed these wetlands. The open space will reduce the amount of impervious surfaces and cleared areas as compared to an R-40 subdivision.

Again, in an R-40 subdivision, the control is left up to the individual property owner. Over time, people have the tendency to expand their driveways, increase their walkway areas, but additions on the houses. With the open space, this land will be preserved.

It will minimize the increase in storm water runoff both in terms of peak flow and volume. And, it will also reduce and minimize the amount of storm water pollutants as a result of that preservation of that open space area.

You'll have less grass and lawn areas um, those grass and lawn areas in a larger R-40 subdivision are subject to pesticides and fertilizers and we have a tendency to over fertilize and overuse pesticides. So, again, we have the benefit with the open space that land is preserved and we minimize those pollutants.

There'll be less clearing and grading with an open space subdivision. Less clearing and grading means less erosion and sedimentation. Again, a benefit in terms of the open space subdivision.

I'm certainly in favor of the revised concept plan that was presented at the last hearing. I believe there's about 21 lots as compared to the original 29 lots that the applicant came in with. I think he's made some good revisions and worked with the Town to come in with a more desirable plan, specifically, the access off of Rahlene Drive.

I've stated previously I think the plan could be further

revised by eliminating two lots. Again, one in the vicinity of Ruy Lane where he has, I believe there's a few acres over in that area. There's one isolated parcel next to that 25 foot access way. If you eliminate that lot and the one across the street on the interior of the loop road, um, you increase the amount of open space, which is again a benefit, and you get better connectivity between the open space.

Obviously, in an ideal world, you'd love to have this as one parcel but that doesn't mean that the open space can't thrive as three very closely connected parcels in this case. And, I think it will be a valuable open space.

I'm currently working on a project in southeast Connecticut for the completion of Route 11 where we are building a new expressway or want to build a new expressway for eight miles and one of the critical things that we're dealing with and have been studying, millions of dollars and looking at the environment, is fragmentation of the habitat. And, what we've looked at is, in that area for an expressway, providing a natural or landscaped median section so that the habitat can cross and make some connectivity between two large habitat parcels.

Certainly, in here we have a local road that is separating these. There will be low volumes of traffic. The habitat will be able to thrive in these areas so I believe that this is a good proposal. Ideally, we would like to see it as one parcel but I think it can function and be a great asset to the community and specifically the neighbors in this area.

I would ask that the Commission set a maximum lot range between 18 and 20 lots. I feel that that's reasonable given the abutting properties and the site characteristics. And, I'm coming up with that number based upon my experience as a professional engineer as well as reviewing other open space subdivision applications for other communities.

(Pause)

The last, one of the last things I'd like to ask is that the Commission request whether this application or any other application in this area, that the applicant consider additional landscaping and vegetation around the perimeter

of the site. Having a landscape architect or other qualified professional to look to see if the existing habitat, excuse me, vegetation and forest is adequate.

The water department has requested that if this is approved that there be a connection from the loop road over to the existing water main on Ruy Lane. With that will come an easement and a trench, which will carry an 8-inch water main across there. That trench will require clearing of trees. Certainly, with anywhere from a five to ten foot clearing, you may end up with some elimination of some significant trees.

As a result of that and the other grading and clearing that's occurring with this development, I would ask that be studied and ultimately if it's deemed that it's needed, that it be provided. Landscaping is an excellent tool and it can be provided at a reasonable cost and is an effective means of maintaining and enhancing the appearance of the area.

I thank you for your consideration of my comments. I do have a formal letter I'll submit basically outlining the same thing. It's signed by me and my wife.

ACTING CHAIR: You can submit that right to Mary now.

MR. COLE: Okay.

ACTING CHAIR: Just one thing, Mr. Cole. This is a 29-lot subdivision. You keep saying 21 lots. Are you still in favor of it with 29 lots?

I think what is in front of us and correct me if I'm wrong, isn't it 29 lots?

MR. COLE: It's that many? I thought he said 21.

I would still be in favor of the open space subdivision with again, the reduction of two lots in that particular area.

I apologize if getting the numbers screwed up. I've been extremely busy ---

ACTING CHAIR: I just wanted to make sure that your comments are still relevant with 29.

MR. COLE: They are still relevant, absolutely. Um, I think, with the original concept, I still was asking for the elimination of two lots in that particular area. Again, for grater buffering and again to provide better connectivity.

I appreciate the concern raised by one of the Commissioners in terms of control of open space. I would ask and recommend that the Town take ownership and control of this open space since it would be utilized as passive recreation. I believe that there would be little to no maintenance required of this area.

Again, if it's left in it's natural state, we're not asking that it be mowed and fields be left open for soccer and baseball and other things like that. So, I believe the best way to control and maintain that area is through the Town and not leave it up to a homeowners association.

In terms of keeping neighbors from abutting into that open space area, I've seen in many developments in other applications in other Towns documentation and signage along those deeded boundaries that would be turned over. And, typically, there is a little bit of self-policing by the neighbors that would insure that nobody encroaches on that.

With that, I close my comments.

Thank you.

ACTING CHAIR: Thank you, Mr. Cole.

Anyone else speaking in favor of this application please come forward.

(No response)

Anyone else speaking in favor?

(No response)

Anyone speaking against? No just, obviously you know this already but if you spoke before, remember your comments are already on the record. If you wish to say them again, so be it. But your original comments are on the record.

So, anyone speaking against this, please come forward and

give your name and address, please.

LARRY DEPAOLO: I live on Blatchley Avenue. I still have some major concerns with this but like the road he shows going out to or form this exiting thing to Kiefer Road, the Town does not, I mean, he does not own all that property.

Mr. LePage has a chunk of property in there in which he has paid \$60,000 for and I'm sure that he would want the Town to buy that from him to use that area.

But my whole concern of this whole package is just to the back of this area here is Ruy Lane. Now, four years ago, Mr. LePage developed that and he put in 18 homes and they're all R-40. They're all 40,000 square feet.

This year, this which makes this Rahlene Drive access available, Fox Hollow II put in a request. And, he's putting in, I don't know how many houses it is, but they're all 40,000 or more square feet.

So this whole development is surrounded by new homes, new developments and they all 40,000 square feet.

Now, these houses here, do you all have a copy up there of the layout?

ACTING CHAIR: Yes.

MR. DEPAOLO: Like, for example, lots 9, 10, 11, 12 and 14. Right? They're all abutting up against lots that are all 40,000 or greater square feet. Okay?

Lot 14 and part of 12 and 11 up against a lot, the adjoining lot is 2.5 acres. So, we're talking 40, 80, we're talking 100,000 square feet. Lot sizes that these houses are abutting against. And, all along this bottom part that's going against Fox Hollow, they're all 40,000 square feet.

I personally do not see where the Town of Southington, whether it's an association, I think it's even worse if the Town owns the land, because what are we as a Town gaining by having open space? I don't see any advantage to the Town of Southington for that open space.

But now if we turn around and the Town accepts that approximately 10 acres of land, the Town will receive no taxes for that 10 acres of land. If it's divided amongst the 29 homes, the Town will get tax money for that land.

And, another thing I do not understand is house one and two on this plan. They're existing homes. I don't even know why they're showing up on this plan because they are existing.

ACTING CHAIR: I can answer that one. Legally, it's part of a subdivision and the statute requires that when you have a big parcel of land with separate things on it, they do incorporate it into one parcel. But I understand they are away from the major area ---

MR. DEPAOLO: They are existing homes. Numbers one and two, but they are not really part of this development.

ACTING CHAIR: They did it correctly under what they have to do under the statute.

MR. DEPAOLO: So, that's my only point, the fact that I don't see where the Town has anything to gain by making smaller lots. There's, I believe, two additional homes by going to this open space. He gains two additional homes in there, all right? And, the Town gets ten acres of land with no tax money.

So, I don't see any benefit to the Town by doing it that way.

And, I have one question for Mr. Weichsel. If it does go to an association, is the Town people or Town able to use that or that becomes the association and it's their personal property?

MR. WEICHSEL: It's the former. That belongs to those folks.

MR. DEPAOLO: Not, nobody in Town could use it at that point?

MR. WEICHSEL: We would have nothing to do it with it.

MR. DEPAOLO: They really, I mean, a 25 foot walkway between properties, I don't see any benefit to it.

Thank you.

MR. DEL SANTO: I have a question.

ACTING CHAIR: One question, Mr. DePaolo? Mr. DelSanto.

MR. DELSANTO: You don't see any benefit at all to open space?

MR. DEPAOLO: Oh, no, no, no. This open space.

MR. DELSANTO: Well, I don't understand how this open space differs from other open space.

MR. DEPAOLO: I don't see the benefit of adding two more homes, okay? And, we've got in this area these are like 20-foot walkways to go where? And, if it becomes an association, it does nothing for the Town of Southington. The Town of Southington is losing tax on ten acres of land and for what?

ACTING CHAIR: Just a clarification. If it does go to an association, the association would have to pay taxes. It's not a lot of taxes, but yes, the taxes would have to be paid because they are a separate entity.

MR. DEPAOLO: And, if it goes to the association, there is absolutely no benefit for the Town which Mr. Weichsel said he would recommend it would go to the association and not become anything to do with the Town. So, us as Town's people would have no benefit at all because we can't go there. It's private. It's like having beachfront property and you can't go to the beach. Okay?

This is not going to be Town land where we can go there and do anything. It's going to be those people's land. So, the fact that it's open space for the Town of Southington, there is no absolute no benefit to us.

And, if it goes on the Town Manager's recommendation, forget it. We just gave him two more houses into a crammed up area that's adjoined by two other recent developments that all got 40,000 square feet. And, we're giving them an area to have a private little 9 acres of land, which benefits nobody in Town. I mean, the rules, are right now that that must be 40,000 square feet.

The Town is gaining nothing by making them smaller lots and

an association owning the land. All we did is say, build two more houses, and we as the Town of Southington have gained nothing.

MR. DELSANTO: Other than ten acres of land that's not developed.

MR. DEPAOLO: If it goes to the association, we didn't gain nothing.

ACTING CHAIR: Let's not get into a debate during public association.

Thank you very much.

MR. DEPAOLO: If it's an association, we as the Town, get nothing.

ACTING CHAIR: Any other questions?

(No response)

Okay, thank you.

ANNE HULICK: I live at 113 Blatchley Avenue. I did speak at the last meeting and want to reiterate that although I am abutting neighbor, my concerns are really broader than just the emotional aspect of being impacted by this development.

I think we need to take a step back and look at our role as citizens of this Town and look at the facts of this proposal versus what the emotionality around it are.

I'm absolutely opposed to this to put this plan as proposed although I am in favor of the open space regulation and I think the Town of Southington has done a very good job in trying to preserve open space outside of this particular plan.

I think with this plan as proposed, what's happening here is that we're getting, the developer is getting an open space permit and is really just being allowed to develop more houses. And, rather than if it was an R-40 development.

The open space regulation is fine if it achieves the goals

and the purposes of the statute. And, I won't go through all six items because I think that was previously said. But clearly, the statute, which I have here, is that the municipal use of open space land is for recreation or conservation or converted to any use other than recreation or conservation except for the approval of the Commissioner of the Environmental Protection Agency.

It is understood, this is the policy of the State of Connecticut. This is Statute 22A-1. It is now understood that human activity must be guided by and in harmony with the system of relationships among the elements of nature. Therefore, the general assembly of this State hereby declares that the policy of the State of Connecticut is to conserve, improve and protect it's natural resources and environmental and to control land, air and water pollution in order to enhance the health, safety and welfare of the people of the State.

I think we are obligated legally and morally to focus on that language as we look at this development. It is my belief that this proposal for open space and this development does not achieve those goals. The intent of the open space regulation is to preserve the ambience of the neighborhood, that's true. But it is clearly much more than that.

As the developer, the Attorney who spoke, said the regulation does not specifically say that the land needs to be contiguous, I think we can all understand by the language of the Statute that if you break up open space, you are essentially making the open space defunct for the purposes that are outlined in the Statute. We do have a lot of wildlife in that area. Or we did. We have deer. We have red hawk, red tail hawks. We have turkeys, a number of animals. None of those species do well in 1.3 acres.

So, we can call it open space, but the fact of the matter is that when you have open space that is literally cut off in a circle by a road, you are entrapping those wildlife that we are intending to preserve. And, blocking them off from any contiguous space where they can live.

Critical habitat has been determined to be absolutely essential if we're going to maintain open space for wildlife. Not only is the open space regulation intended to improve wildlife habitat, but we've also understood that

protecting and maintaining ecosystems is also something that is of grave concern to promote our own health.

I think to refute the arguments that Mr. Cole brought up, I think further landscaping and pesticides and all of those things that go into a development which make it look pretty, actually are negative impacts on our environment. And, we've seen that clearly in the effect of development on our air quality. Connecticut has one of the worst air pollution rates in the country which I think you all know.

We've had increased noise pollution. We've increased traffic and safety issues. Mr. Cole is right that there's a lot of people that walk, children and elderly people, that walk in those neighborhoods. I would find it very hard to believe that we would now be walking in people's essential front yards in that one 1.73 acres.

Um, we'd have limited space for recreation and obviously, trees would be cut down which obviously have significant positive impacts on carbon dioxide levels.

Um, as I said earlier, I am very much in favor of the open space regulation and the statute that are in place in Connecticut and I think Southington and other Towns have done a very good job. I would be in support of this development if the following suggestions were considered:

- That the open space and the development was contiguous and not broken up by a road.
- That the houses or lots were limited to 26.
- To get rid of the cul de sac.
- Create a conservation easement, if possible, on the LePage land which permanently prevents access into Kiefer Road. Since we have a loop that's going from Rahlene, I think that eliminates the need for access on to Kiefer. And, I think the fact that citizens have been convinced that this development and supporting this development will limit future access to Kiefer is really unfortunate. Because, I think that the citizens needs to be aware and informed of the potential impacts of this plan and it has no guarantees for limiting access to Kiefer.

I think that's all I have to say. Thank you very much.

ACTING CHAIR: Thank you very much.

Anyone else speaking against this application, please?

Welcome back!

MARY ELLEN HOBSON: 113 Blatchley Avenue. I've appeared before this Commission several times and I won't reiterate any of those points. I had a couple of new points that I want to go on record with.

One, I agree with the idea of contiguous open space. I think Derrick's suggestion, if you decide to go with this open space subdivision, is to include those, decreasing those two lots so there is more contiguous open space.

I think Town control is important versus a homeowners association because Derrick's absolutely right in that the current property is presently used for walking dog, et cetera.

The other thing that I'd like to plant some seeds in the Town's mind is the Dokar property which is the property where this cul de sac is located right now, um, might be a perfect spot for more open space in the future and that would provide a lot more continuous open space, contiguous open space and also be a mere 25 feet width of the Blatchley Avenue away and property houses, property widths from the Curtis property which is open space down below Blatchley Avenue.

And, with that, I think the rest of my points have been made in past meetings.

So, questions?

MS. LAURINAITIS: I have a question. Which two lots are you talking about eliminating?

MS. HOBSON: The two lots that Derrick happened to mention. The one on this corner, which I think is number 24 and the other one, I think it could be either/or because it gives me space, either 8 which is on your right of the access to Kiefer or 9, I think it is. Is that 9, Mary? I think it's 9 there.

Again, it just makes for more contiguous open space.

MR. CARMODY: Other than the road, right?

MS. HOBSON: Other than the road, yah.

ACTING CHAIR: Thank you very much.

Anyone else speaking against this application please come up and state your name.

(No response)

Anyone else?

(No response)

Attorney Denorfia, I'll give you the last few minutes.

ATTORNEY DENORFIA: Maybe less.

ACTING CHAIR: Maybe less.

ATTORNEY DENORFIA: You know me, I'm always short and to the point sometimes. Sometimes a little too abrupt.

First, what we're asking for in this public hearing is for the approval of the special permit use. All of the things that have been talked about tonight, again, can be fine tuned when we go through the subdivision process, which is later on.

There is one certainty on this property and that is that this property is going to be developed as my clients own it and they're developers. So, it will be developed.

Under the --- um. Everybody keeps mentioning open space and more open space. Well, this is what we're doing here. I mean, if we went with a conventional subdivision, we'd be providing roughly a little over one acre of land for open space instead of almost the ten acres that we're providing.

And, now with the new Town policy, informal or formal, whatever you want to call it that you want to own the detention basins, most of the open space would be the detention basin. So, you know, I would think that as far as

going as far as all of the people saying they want open space, the legislature says they want open space, the Town says they want open space. We approved \$2 million a couple of years ago.

I think the open space committee bid \$800,000 for twenty acres and here they're going to get ten acres for free.

Again, property would be developed. We think this is a better plan to go with an open space subdivision.

As far as the number of lots as has been mentioned, that is your discretion underneath the regulation. However, depending on what your vote is for the number of lots, that has been brought up tonight, depending on what your vote is whether or not the applicant will continue with this application or go with a conventional.

So, with that, I have nothing further.

ACTING CHAIR: Final questions?

Mr. Kenefick?

MR. KENEFICK: I don't know if I should ask this.

ATTORNEY DENORFIA: Oh, one other thing. The Kiefer Road access, that was just the Town Engineer, you know, he wanted the 50 feet deeded to the Town for the Kiefer Road. If you want it or don't want it, that's up to the Town, too.

ACTING CHAIR: Mr. Kenefick has one final question.

MR. KENEFICK: Tony, there's mentioning about lot 24 for more contiguous open space.

ATTORNEY DENORFIA: What about it?

You know, I don't know, Fran. I don't see, I don't know what the advantage would be.

MR. KENEFICK: I'm just asking.

ATTORNEY DENORFIA: I don't see the advantage. It gets to the point where at what point do you have an open space.

And, again, you know, was the regulation designed to make it a little bit easier on developers? Sure it was. Because they know that the Town doesn't have to go out and spend sums of money for open space.

So, there's a little bit of give and take both ways.

ACTING CHAIR: Anything else?

(No response)

Without any objections, I'll close this public hearing.

B. Special Permit Use Application of Lois Bator and Cheryl Lavertu proposing to establish a parent/grandparent apartment from a new single family dwelling, property located off West Pines Drive known AS Assessor's Map #154, Parcel #002, Sandy Pine Drive within Pine Hollow Estates Subdivision SPU #427.

ACTING CHAIR: Anyone speaking in favor, please come up.

Sir, I'd just like you to give your name and address. Anyone who is going to speak and just briefly tell us what you plan on doing and whose going to be living where, et cetera.

CHERYL LAVERTU: My husband Wayne and ---

ACTING CHAIR: Anyone who wants to speak, just give your name and address.

MS. LAVERTU: And, my mother in law. But we are going to make him speak.

ACTING CHAIR: Okay, sir, you can start.

WAYNE LAVERTU: Thank you. I presently reside at 405 Jude Lane. My mother in law presently resides at 407 Spring Lake Road. And, we're looking to combine -- sell both homes and just make an in-law apartment on a new subdivision that's presently being sought.

The plan before you just is a basic colonial home with approximately 800 square foot in - law subdivision. I

understand the Town is very concerned with future use, subletting to other residents. That is not our intention. Just trying to do a family set up.

ACTING CHAIR: One question. Mary, is all the paperwork in order on this?

MS. HUGHES: We have the affidavit. The four standard notes need to be added to the plan but they can do that and we can stipulate that prior to their request for a zoning permit.

ACTING CHAIR: Any questions for the applicant?

(No response)

Mary, Tony? Any issues with this?

(No response)

Thank you, sir.

Anyone else speaking in favor of this application?

(No response)

Anyone speaking against this application?

(No response)

Anyone speaking against this application?

(No response)

Anything else?

(No response)

Without objection, I'll close the public hearing.

C. Petition of Jensen's Inc for a Special Permit for an

Expansion of a Nonconforming Use to increase the number of owners occupied manufactured homes within Jensen's Forest Hill Community by one (1) home site, 18 Redstone Street ENU #404.

ACTING CHAIR: Anyone speaking in favor, please come forward and give your name and address.

KEITH JENSEN: Vice President of Jensen's Inc. who is petitioning for this expansion.

I have some pictures.

ACTING CHAIR: Submit them to Mary and she'll pass them out.

Just briefly tell us what you plan on doing here.

MR. JENSEN: Let me find my notes.

(Pause, pause)

In our letter dated June 12th that was attached ---

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

- for the owner occupancy of a manufactured home which would increase the nonconforming by one.

Presently, the community, the lot which is in the Forest Hills subdivision of Jensen's, is a 55 and older subdivision, manufactured home community on 57 acres. It currently has 187 approved, occupied homes.

The lot in question is over 13,000 square feet. It was previously contained in owner occupied manufactured home for over 31 years. When the resident of that particular home moved out, the home was found not to be in compliance and it was hence removed off the lot.

In 1997 a model home was installed on this lot and it has been used for that purpose ever since. This home, which I'm talking about, is at 18 Redstone and is connected to city water and city sewer and does have a certificate of occupancy.

Um, this home is no longer needed as a model. Um, it is

kind of outlasted it's usefulness. It's been there for over nine years now and it's just kind of outdated. We've used it. It's sold a lot of homes here in Southington and elsewhere in Connecticut but it's really just outdated.

We have two alternatives. We could sell it and that's why I'm here before you tonight to increase the occupancy of that community by one or we would remove it and just make it a vacant lot.

I think the question you're probably thinking is how do we acquire this additional lot. Um, there was a lot known in Forest Hill subdivision as 18 Maple Rock Road. And, 18 Maple Rock Road housed a water pump station and storage facility for years. In 1995, Jensen's and the Town of Southington completed a city water and city sewer installation basically eliminating the need for that sewer, water pump station and water storage tank.

In 1997 a new manufactured home was actually installed on that particular lot which again is over the 12,000 square feet that is required for that subdivision.

I showed you the pictures. I just, you know, I kind of wanted to show you the pictures of what you have there. Um, you know, we're not trying --- we're not shoehorning another lot in. We did acquire this lot because of the city sewer and water project.

Um, we feel that it's kind of um, unnecessary to dismantle it. It's already there. It's not um, affecting anybody else in the subdivision. And, uh, we feel it'd be a better use all around to sell it and make it somebody's home.

ACTING CHAIR: Any questions for Mr. Jensen?

MR. KENEFICK: These are all over 55?

MR. JENSEN: They are all over 55.

MR. KENEFICK: No children live in them?

MR. JENSEN: Nope.

ACTING CHAIR: Any other questions?

(No response)

Okay, thank you, Mr. Jensen.

MR. JENSEN: Thank you, very much.

ACTING CHAIR: Anyone else speaking in favor of this application?

(No response)

Anyone speaking against this application?

(No response)

Anyone speaking against this application?

(No response)

Without objection, I'll close the public hearing.

D. Special Permit Use Application of Mountain View Farms, LLC proposing to construct an age restricted over 55+ active adult multifamily condominium complex consisting of duplex, triples and 4-unit dwellings within an R-12 zone, 835 Meriden Avenue SPU #426.

ACTING CHAIR: For the record, Fran is stepping down.

(Left the room.)

ATTORNEY WITT: Good evening, before you open up ---

ACTING CHAIR: All those wishing to speak in favor?

(Chuckles)

ATTORNEY WITT: Richard Witt on behalf of the applicant. Before you open up the meeting, per the request of my client, he received a comment sheet, two pages, today from the Town Planner and he requests a continuance of two weeks so that he may properly address these issues and come back.

ACTING CHAIR: You are going to present tonight?

ATTORNEY WITT: No. We are not going to present. We'd just like a continuance.

ACTING CHAIR: Okay, well, I'll keep the public hearing open, but I have to go through the entire public hearing and ask for pros and cons.

ATTORNEY WITT: That's fine. That's fine. Thank you.

ACTING CHAIR: Anyone else speaking in favor of this application please come forward.

(No response)

Anyone speaking in favor, please come forward.

(No response)

Anyone to speak against, please come forward.

Please give your name and address.

JEFFREY ADAMS: 632 Meriden Avenue. I own the property on the north side for about 30 years now. My family's had it for even longer. That includes Podunk Pond and the lots off of South End Road.

My main concern is --- I'm a state-registered honeybee keeper. And, you know, the pond being part of the ecosystem. Um, and I have been for almost as many years um, there's a lot of issues. I'll try to make it brief but you know when you think about the fact that the honeybees are directly responsible for one third of our food supply, it could be even more important than you know, old folk homes.

Now my concern is for, you know, the drainage into the pond, which you have planned to do of that ten acres. I don't mind water. But I've flown over, you know, the tropics and looked down at the nice coral and seen you know, big areas of dead spots of coral and one hundred percent of the time there's been a golf course there. It was from the fertilizer of the lawn. So, that's a big concern of mine.

And, um, I could back it up with a lot of things that would do with it. But my question is this, why can't we simply

drain it over to Misery Brook? It's the same elevation as the pond. The name fits.

FROM THE AUDIENCE: That's our water supply.

ACTING CHAIR: What we do is, we'll get your questions on the record and the applicant when he gives his presentation, I would assume in two weeks, would answer these questions for you.

The application technically ---

FROM THE AUDIENCE: Can't hear you!

ACTING CHAIR: You can't hear me?

The application is an SPU application which means you are talking about multi family housing, but you put all your questions on the record and the applicant will have the record and answer these questions. We do not answer these questions. It's the applicant's responsibility to answer your questions for you.

MR. ADAMS: Okay. Um, my next concern is the traffic. Now we have a 40 mph road on Meriden Avenue. It seems to me that Dale Drive is all set up for it on the 25 mph zone. I don't understand why we don't go that route. I'd like that to be addressed. Then they just have the Town to deal with instead of the State.

Um. Now these things are going to be what? Taken up, thought over and get back to me on? Will you explain that to me?

ACTING CHAIR: What happens is normally there'd be a presentation but the applicant used their discretion because they just received some of the points from the staff that they're going to give their full presentation two weeks from today. The public hearing still has to go forward under the law, so therefore, you get to put all your questions on the record. When they give their presentation, if they don't answer your questions during the presentation, you come back up here and ask them again and they have to answer them to the best of their ability.

MR. ADAMS: All right. And, if you need more information from me, is now the time to address that?

ACTING CHAIR: Now you can do it or if you wish to come back in two weeks you can to it, too. The public hearing is going to stay open.

MR. ADAMS: All right. Because back to the concern of the drainage into the pond, I know we live in a commonwealth society and you can't very well just say, oh, you just can't do it, but in the 30 years that I've been there, it's been getting filled in with the sediments from the road. It's been an improvement since you put up curbs, but it's not a good thing.

It's so bad for example, that I can't even coordinate sweeping the streets before they drain the fire hydrant. That would be a simple thing to do. So, I'm wondering if this is going to change. You know? Is there going to be an advantage for me somehow in this?

ACTING CHAIR: I can't answer your question.

MR. ADAMS: I'd like these things addressed.

ACTING CHAIR: Certainly. It's on the record and the applicant will attempt to answer that for you.

MR. ADAMS: Okay, thank you.

ACTING CHAIR: Thank you very much.

Anyone else speaking against the application?

HAROLD SCULLY: Hi, committee. My name is Harold Scully. My wife and I have lived in Southington for the last fifteen years. We live across the street from what is called Podunk Pond. I'm glad that they are kind of putting things on hold because I hope that they do a lot more study before you approve this type of application.

My major concerns are ---

MR. DELSANTO: Your address, sir?

MR. SCULLY: My address is 729 Meriden Avenue. I live within 500 feet of the pond. I live a five iron, which is 175 yards from the sewage treatment or the sewage thing that

was ---

ACTING CHAIR: Maybe your five iron. My driver.

(Laughter, laughter)

MR. SCULLY: I was the one who closed down the road about three years ago by having to go to the Observer to get some attention from the Town around Christmastime in 2002 and 2003.

I'm very familiar with the area. I've shoveled fresh water otters off the street on Mother's Day. I've carried turtles that are 24 to 30 pounds across the street because they're laying eggs in my yard and I've also seen the demise of the pond because of all the sewage that was being spilled. There was millions of gallons of fresh sewage that went into that pond on the Poriello property several years ago.

They had cleaning companies come in and drag away truckloads of raw sewage. It's really caused a real problem with the pond and it's created a health hazard as far as the mosquitoes are concerned and west Nile virus in the area.

Excuse me. I'm a little nervous because I've never been in front of a group like you.

ACTING CHAIR: Take your time.

We're not that imposing, believe me.

(Chuckles)

MR. SCULLY: My major concern, too, is the traffic and the impact on the neighborhood of this type of development. We don't know a lot about it and again, that's why I'm glad there isn't.

Meriden Avenue from South End Road to Meriden Waterbury Road has scores of accidents every year. Serious accidents. Last month, there was one in front of my house with a head on collision because people drive too fast and you're going to put more people on the road. It took me fifteen minutes this morning to get from my house on Meriden Waterbury Road two miles up to 691 because I had to sit at the traffic light at the Dunkin Donuts for four traffic lights to turn

red. So, I think adding more traffic to an already congested area with a very dangerous situation isn't a good idea.

I like Pat Poriello. He's been a great neighbor. I wish him all the best, but I think that this type of decision is very shortsighted and very dangerous because it's a speedway and people get hurt and you're creating a sewage problem with west Nile virus because of all the problems with the bog.

The area across the street from my house was formed back in the Ice Age. There are no streams that feed into it and clean it. It takes years and years to clean. I've caught hundreds of frogs and scores of turtles, including box turtle, and tried to take them to safety. You know?

I just think the project is a bad idea and that there are better ways to develop the property than what are currently planned. That's about it. I do thank you very much.

ACTING CHAIR: Thank you for your time.

MR. SCULLY: And, again, I'm not adverse to you know, doing something with the land. I like Pat a lot.

ACTING CHAIR: Thank you.

JOE ADAMS: Good evening. I own the -- I have a life tenancy on the pond or at least 6.4 acres of it.

ACTING CHAIR: Your address, Joe?

MR. ADAMS: Excuse me?

ACTING CHAIR: Your address?

MR. ADAMS: Oh. 474 Mill Street.

ACTING CHAIR: Thank you.

MR. ADAMS: I have no problems with what they build up there. My problem is with the drainage. The drainage comes off of -- if you look at the watershed, it looks like it all flows to the pond. I called the EPA people and they say it is possible to get permission to dump it into Misery

Brook because the pond has no outlet. It's like putting six gallons of water in a five-gallon pail. That means my land will be inundated. And, I can't stand for that.

I also think that coming out on Meriden Road is pretty dangerous because the traffic there is 60 and 70 mph. Maybe posted for 40, but everybody goes 50 or 60 or 70 there.

I have trouble getting out of the driveway that I have constructed up there because traffic comes by so fast. I think that the main entrance to this project should be Dale Drive to Meriden Avenue.

But I also realize that that'll be a short cut so people won't have to go all of the way up to South End Road or to East Street to cut around that corner to get on Meriden Avenue. There's no cross roads except Savage Street on that whole road.

Thank you.

ACTING CHAIR: Thank you, Mr. Adams.

Our pleasure to welcome back Mr. Marty Jansen.

MARTY JANSEN: 58 Dale Drive. I would suggest to two of our previous speakers, come up Dale Drive and turn around and try to get back out on to South End Road without getting killed. The entrance to Dale Drive is very dangerous. You have to come down to the end of the street and you have to look all the way down to beyond Mulberry Street to see if there are cars coming. Because there's a dead spot half way up the hill. And, you have to wait until the traffic is all gone from Mulberry Street up before its safe to go out. Cutting through Dale Drive is just plain ridiculous.

Of course, everything would be going by the front of my house, too, but ---

(Laughter)

--- that's not beside the point.

A couple of questions. I hope everybody can hear me. Buffer zones between different zones, is the buffer between the zone line? In other words, between an R-12 and R-25 or is

it between the property lines that are beyond that property or zone line.

MS. HUGHES: The buffer is the perimeter buffer of 20 feet. So, it would be around the perimeter of the Poriello's property line.

MR. JANSEN: It would be the property line and not the zone line?

MS. HUGHES: Correct.

MR. JANSEN: How close can they build to the zone line?

MS. HUGHES: It depends on the yard that it's in. If it's a front, side or rear yard.

MR. JANSEN: Well, there's a few --- on this map it shows uh -- some place here. It shows, uh, one whole unit. Ninety some odd percent of the unit as being across the zone line into an R-20/25.

ACTING CHAIR: That was in the Planner's Memo to the applicant. She found that and gave it to the applicant and told him that was an issue.

MR. JANSEN: Okay. That was my main concern of getting across the zone line.

ACTING CHAIR: You're correct. That is not allowed.

MR. JANSEN: Okay.

(Pause)

Other than that, then they can build right up to the zone line?

MS. HUGHES: Yes.

MR. JANSEN: As long as there's the required distance ---

MS. HUGHES: From the property line, correct.

MR. JANSEN: Okay. But, uh --- I think there's an awful lot of units that they're trying to put in there but then, as one speaker mentioned about the mosquitoes, at least this

would spread the mosquitoes around to a few more people.

(Laughter)

So that the present residents won't get eaten up quite as badly.

(Chuckles)

That's my main concern is --- especially coming out on to Dale Drive, that's just plain suicide. I have been almost hit several times coming out of that street. And, you say they're doing over the speed limit on Meriden Waterbury Road, they do the very same thing on South End Road. And, some of them are doing the same speed, as well. Okay?

Thank you.

ACTING CHAIR: Thank you, Mr. Jansen.

MR. CARMODY: Tony, are you aware of the sightline issue that Mr. Jansen brought up?

MR. TRANQUILLO: Yes, I am. And, I have been aware of that for five to ten years.

And, that's one of the reasons ---

MR. CARMODY: It is a problem is what you're saying?

MR. TRANQUILLO: Well, that's one of the reasons why we didn't really recommend the connection to Dale Drive, even though we'd like the right of way, but we don't recommend a connection for that reasons and also because it would become a short cut to avoid the South End Road and Meriden Avenue intersection which is a very busy, kind of strange, intersection.

MR. CARMODY: How wide id Dale Road?

MR. TRANQUILLO: Well, about 24 feet.

MR. CARMODY: Say that again?

MR. TRANQUILLO: It's 24 to 26 feet.

MR. CARMODY: Okay, thanks.

ACTING CHAIR: Thank you. Thank you, Mr. Jansen.

Anyone else speaking against this application please come up and give your name and address, please.

DAVID JAMARIAN: 888 Meriden Avenue. I'm not speaking per say for or against this proposal. I did have some concerns regarding some of the earlier comments and I wanted them on record.

First off, concerning somebody was bringing up the drainage characteristics and brining it into Misery Brook. Our water supply is a spring that is right off Misery Brook and drains into Misery Brook. When Misery Brook floods out, it contaminates our spring and our water supply. And, during those periods, for a few weeks, we have to use bottled water.

Over the last few years, it seems to have gotten worse. I realize the water tables effect the --- the water tables go up and down year to year. The fact of the matter is, recent years, it's flooded out more. And, if things were to be drained off into Misery Brook, I'd be very concerned for our personal water supply and our property value because the spring is obviously an important part of that.

The other issue is regarding traffic. It's been brought up Meriden Avenue is a very busy road. As is we are forced to back into the driveway. We can't safely back out of it.

I don't know if this is the proper forum to bring it up but the passing zone over the years has actually gotten moved down, it's budged down towards our driveway. Before Greenwood Drive was in, it used to be up the road. And, they conveniently brought it down a little bit. I don't think it's really a place to have a passing zone at all. I've had people try to pass me, as I'm turning left into the driveway. It's been pretty hairy and pretty dangerous.

But those are primarily my two concerns and I just wanted to go on record. Thank you.

ACTING CHAIR: Thank you for your time.

Anyone else speaking against this application?

HENRY MOROWSKI: I live on 48 Dale Drive. Now, I lived on 37 Dale Drive for eight years and I looked for a house for two years to find something comparable to what Dale Drive is. I can't see a thruway in Dale Drive because there are only 26 feet besides the fact everybody's elderly there. I'm probably the youngest guy except for another guy who just moved in and I'm 55.

I have no children. But eventually there is going to be children on there because everybody's going to move along.

So, the speed that is on South End Road and on Meriden Avenue is going to continue if they bring that road directly through as a bypass.

My wife had Dead End Outlet or No Outlet sign put on the street sign because there's still a ton of traffic even though it's a cul de sac.

What will happen if they ever bring that road through?

My other concern is on those 55 and older homes, how tall are they going to be? Is our view of everything going to be blocked out? That's just another one.

Thank you very much.

ACTING CHAIR: Thank you, sir.

Anyone else speaking against this application please come forward and give your name.

HELENA (Inaudible): We just recently purchased the property on 891 Meriden Avenue and my main concern is the traffic. I mean, I researched before I bought the house that there is traffic and it was heavy, but you know, having older people living right next door and having you know, a big complex like that built so close, brings even bigger concern because --- I don't want to put down the older people but, you know, watching them come out of driveways and streets, they don't pay attention as much as you know, other people. And, sometimes they come out of, you know, on coming traffic and I'm just concerned that there's going to be more accidents in the area.

Basically, that's what I wanted to put on the record.

ACTING CHAIR: Thank you for your time.

Anyone else speaking against this application?

(No response)

Mary, I believe you have some letters?

MS. HUGHES: There were three letters submitted for the record.

ACTING CHAIR: Okay, I am going to submit the three letters. They're all in the negative?

MS. HUGHES: They're all negative. One is from Diane and Leszek Motowidlo. The address is 125 South End Road.

Dorothea and Robert Roy, 115 South End Road.

David and Kathleen Watson and Kenneth Baily and I do not have an address on the Watsons. I can get that for the Commission for your next packet.

ACTING CHAIR: Okay, we'll submit that into the Minutes and of course, you can review those when you get your Minutes.

MS. HUGHES: Linda is going to attach them to the Minutes of the public hearing.

ACTING CHAIR: Very good.

Attorney Witt, do you wish to say anything at this moment?

(No response)

Okay, what I'm going to do is I am going to continue this public hearing to 7:00 pm on August 1st.

MS. HUGHES: August 1st.

ACTING CHAIR: August 1st. And, you are all welcome back at that time.

I am going to take a five-minute break to allow those to

vacate who no longer wants to stay for the rest of the meeting.

(Whereupon, the public hearing portion of the meeting was adjourned at 8:15 o'clock, p.m.)

8:15 pm.

SOUTHINGTON PLANNING AND ZONING COMMISSION
Regular Meeting
July 18, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Acting Chairman Mark Sciota, called the Public Hearing of the Southington Planning & Zoning Commission to order at 8:20 pm with the following members in attendance:

John Carmody, Francis Kenefick, Noreen Laurinaitis, and Michael DelSanto

Alternates: Richard Hart
Brian Zaccagnino
James Sinclair

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

Absent: Robert Borkowski, Alternate Commissioner
Patrick Saucier, Commissioner
John DeMello, Commissioner
Zaya Oshana, Chairman

Acting Chair seated Mr. Sinclair for Chairman Oshana and Mr. Zaccagnino for Mr. DeMello and Mr. Hart for Mr. Saucier. A quorum was determined.

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

MARK SCIOTA, Acting Chairman, presiding:

Approval of Minutes - Regular Meeting of PZC on June 20, 2006

MR. DELSANTO: Move to approve.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

ACTING CHAIR: Mary?

MS. HUGHES: I'd like to add a New Business Item G, 90-day extension to file the Mylar of the 122 Spring Street Subdivision, S1237.

ACTING CHAIR: New Business G?

MS. HUGHES: Yes.

ACTING CHAIR: Can we have a motion for that, please?

MR. CARMODY: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

ACTING CHAIR: Motion passes. That's our New 6-G.

UNFINISHED BUSINESS:

A. Continued the public hearing from June 20, 2006 - 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.

ACTING CHAIR: Mary?

MS. HUGHES: This was the subject of a public hearing this

evening and I believe at two other public hearing sessions where you accepted testimony. I don't know if the Commission would prefer to act this evening or table the matter.

ACTING CHAIR: Just on a personal note. Obviously, I am not a voting member but for those people out there, on a personal note, since we are missing three people today, some of the more complicated ones, I would suggest that we do tables on. But that's up to the Commission.

(Pause)

MR. KENEFICK: I'll make a motion to table.

MR. CARMODY: You will?

(Pause)

MS. LAURINAITIS: I'm ready to vote.

ACTING CHAIR: Okay. Then that was just a suggestion, obviously. I am not a voting member.

MR. KENEFICK: I'll remove my table.

ACTING CHAIR: Can I have a motion?

MR. CARMODY: Well, I'm ready to vote on it. We've heard a lot. And, I think we kind of owe it to the people, everyone, the applicant and the people out there to kind of discuss it if that's okay. Is that all right, Fran?

MR. KENEFICK: We've got to make a motion.

MR. CARMODY: Well, I'm going to make a motion to approve it, but I have some stipulations I want to talk about.

ACTING CHAIR: Go ahead.

MR. DELSANTO: I'll second that motion.

ACTING CHAIR: Well, let him do the stips first. Go ahead.

MR. CARMODY: Yah. Tony, can I borrow your map thing? I hope everyone can hear me. I'll talk loud.

(Pause - approached the chalkboard/map)

My stipulations and I'm going to talk about them when I go sit down so everyone can hear me, are eliminating lot 24 and lot 9. And, then I want to talk about the road in a second. But I want everyone to see what I'm talking about.

(Resumed his seat)

I'm actually going back to the first presentation that Attorney Denorfia put on and he made an amusing comment that --- told the applicant, why don't you just go with an R-40 application and avoid all this and I'm wondering if he thinks he should've done that from get go.

He's also right and I agree with in that there is some give and take with the open space.

MS. HUGHES: Excuse me, Mark? If we're going to have discussion on the motion ---

ACTING CHAIR: I'm not sure if he's done with his stipulation, let.

MR. CARMODY: That's it. That's the stipulation.

MR. DELSANTO: Second.

ACTING CHAIR: Those are your two stipulations?

MR. CARMODY: Eliminate lot 24 and lot 9.

ACTING CHAIR: And, that's the end of your stipulations?

MR. CARMODY: That's the end.

ACTING CHAIR: Now, I'm looking for a second.

MR. DELSANTO: Second.

ACTING CHAIR: Okay, continue.

MR. CARMODY: There's some give and take with an open space application. You get more land, which is a good thing. I don't agree with someone when they say that open space is a bad thing. I totally disagree with that.

But you've got to give a little to get it. And, I might be pushing the envelope here with what my stipulations and if that's the case, so be it.

And, the other point that he made that this is going to get developed, he's right. If this goes away, we're going to be faced with an R-40, regular, standard R-40 application. So, I think the notion that if we deny this, nothing happens, is misleading.

But it's our first open space subdivision that we've come against. We really haven't had one before. So, we're kind of --- this is the first go around. We're kind of setting a precedent and I hope we do it right. And, no, open space does not have to be contiguous but we're the Commission. This is a special permit. It's about what we want to see if it's going to be an open space.

In my heart of hearts, what I'd like to see is elimination of that 24 and that 9 to create as much contiguous, functional open space that I think we can muster out of this application.

And, my next question to Tony and to John really is, Tony, if I eliminate 24 and 9, and I stop the road there and the other looped road I stop so essentially I made the road coming in a cul de sac and it loops around to that cul de sac and another cul de sac so that open space is contiguous. How difficult is that for Town services?

Well, I think you know, John, that John and I have been consistently against cul de sacs wherever they can be eliminated. We've close to 200 cul de sacs in Town. And, both the highway department and people living around them in the winter complain about them. Plowing is always a problem. Windrowing of snow is always a problem. Traffic circulation is a problem. Generally, the people that live on them love them. But for Town services, they're to be avoided if possible.

MR. WEICHSEL: I concur with that entirely.

MR. CARMODY: In relation to this application, though, in light of what I'm talking about with regard to the open space, still you'd rather just put the loop road all the way?

MR. TRANQUILLO: Yes, that road is a very low volume road so. When you talk about connectivity, that's very easy to cross the road both for humans and for animals. I don't think it's I-84 or Meriden Avenue that has thousands of cars a day. The traffic is going to be very light on that road. So, there'll still be practical connectivity there.

MR. CARMODY: Okay, that's it.

ACTING CHAIR: Any other discussion? Mr. DelSanto?

MR. DELSANTO: Oh, I just want to echo the sentiments of Commissioner Carmody. We have an opportunity here to get some open space. And I vehemently disagree with someone who spoke tonight that said that it brings nothing to the Town of Southington. It brings ten acres of land that is not going to be developed. And, that's enough for me.

As John said, this is going to be developed. It's not longer going to be an apple orchard. So, I say we take when the takings good. If we're going to get ten acres of open space, I say we go for it now. If not, if this gets denied, it's going to be R-40 and there's going to be hardly any open space. Less than an acre and it's going to be probably a retention pond. So, I'm in favor of the application with the stipulation that Mr. Carmody presents.

MR. KENEFICK: First of all, I think that I was right in asking for a table. I think the other three members deserve to be voting on this application seeing that this is our first open space application.

But my next thing was to make a motion for approval of this application with the elimination of Lot 24. I think the applicant has done a decent job here and I think he has taken in a lot of the input that he got from the neighborhood. They stayed away from Kiefer Road. They stayed away from Bltachley. They got the right buffers where they're supposed to be. It looks like this guy almost bent over backwards to get this thing approved and to be one of Southington's first open space.

I wouldn't be so hard as John is. I would recommend just the elimination of Lot 24.

ACTING CHAIR: Anyone else?

MS. LAURINAITIS: Yes. I'm also going to agree with Commissioner Carmody with the condition that Lots 24 and Lot 9 be eliminated. I think the tract of land that's in the center is not sufficient to be of any benefit to open space and having it be run by a homeowners association is essentially giving free land to the houses that surround it.

And, I also think we're setting a very important precedent by saying that we want the land to be more or less in a contiguous tract. So, I would be in favor of approving this with the two lots eliminated.

ACTING CHAIR: Anyone else?

Mary?

MS. HUGHES: Attorney Sciota, they have to address the ownership of the open space.

ACTING CHAIR: The mover of the motion, what's your position on that?

MR. CARMODY: Well, before I do that. I want to talk about it with you, the legal --- I mean, if we make it a homeowners association, does that (a) mean that the rest of the public has access to it, like the neighbors, not the people that live here but people that live on Blatchley and the people that live on Ruy Lane and Kiefer?

ACTING CHAIR: To answer that part of it, in a normal homeowners association, think of it like a condominium homeowners association. All the common land and the use of the common land are restricted to the ownership interest.

So, assuming that there's 29, minus 2, so there's 27 houses on there, each one would have a 1/27th interest in the ---

MR. CARMODY: It would be their's and their's only.

So, then my follow up question to that is, does that or is that in conflict at all with the spirit of open space?

ACTING CHAIR: Our open space regulations allow us to do that. It's more of a policy decision as the engineer told you by the Commission.

We've had open space and someone said this is the first open space subdivision, I think we've had others in the past, maybe recently --- we've had other open spaces some years back and those to the best of my knowledge have been Town owned, but this is a policy that this particular Commission wishes. If they want to have it Town, they could have it Town. If they want to have it privately owned, they can. You've heard your experts give their opinion. It's up to the Commission.

MR. CARMODY: Reiterate that position?

MR. TRANQUILLO: Let me just give you a few thoughts here. Most of the open space we have is public open space. Town of Southington open space. And, generally, that's worked well except when you have congregation of youth on the property using it for party purposes or for all terrain vehicles purposes or motorbike purposes. There are some abuses that take place when the Town owns it. But when the Town owns it, the entire population can use it. So that's an advantage. And, the Town has control. If something is occurring on the property that we don't like, we have full control of that.

When you have an association own it, only the association can use it, so they have better policing powers that can keep the public out. So, it's a matter of opinion. It's a matter of your opinion as to what goals you want to set and what you think is appropriate.

MR. CARMODY: In my opinion, as a person who made the motion, this should be owned by the Town. I don't want to create extra work for the Town but, if it ends up happening, who knows if we pushed the envelope too much and this ever comes to fruition, but if it ends up happening the way that we are stipulating, there's going to be a nice piece of open space here for not just the people who live there, but the people who live nearby and I wouldn't want to see them closed out of it.

So, I'm going to add this ---

ACTING CHAIR: Are you amending that to your motion as a stipulation?

MR. CARMODY: Yah, with the Town.

ACTING CHAIR: Is the seconder amending his second?

MR. DELSANTO: Yes.

ACTING CHAIR: Further discussion on the motion that now has the stipulation and -- the two stipulations on it.

MR. ZACCAGNINO: I have a question as to now you are talking about taking away two lots which if the earlier discussion was accurate is what the developer was gaining as a benefit of bending over backwards. If you do that, then you may be pushing the envelope to where it's not longer even worthwhile for this development and you run the risk of losing the ten acres that you have there.

MR. CARMODY: You are absolutely right.

MS. HUGHES: From a planning prospective, it's kind of a fluke of our regulations. Most regulations in other communities that I've worked in and that I'm familiar with, do not let you increase your yield for an open space subdivision. It's the same yield lots.

And, you're required in most communities to, as they did, submit a conventional subdivision to show the type of layout they could get and this, so it's kind of a quirk of our regulations.

MR. ZACCAGNINI: Either way, he's getting a benefit of that fluke and if that's the impetus that got him to even consider the open space application, if you take it away, I think it's a risk you've got to consider before you go along with ---

MR. CARMODY: No. I understand what you're saying.

MR. ZACCAGNINO: I don't know the answer to it.

MS. LAURINAITIS: I don't think it's our judgment to make policy as to whether or not he makes enough profit on this by one or two more units. I think we have to look at the open space policy, the precedent we're going to set and how we want these tracks of open space to be.

MR. ZACCAGNINO: Exactly, but if you ---you know your decision could --- this kind of an open space application is something that we all --- I, any way, feel is a great

idea. Even if it's, regardless of who owns it. Either way, it's open, natural space.

If you are not concerned about the profit a developer makes, but if you make stipulations that take profit out of it, you run the risk of this not being worth it for someone to provide us with this type of subdivision, which he has done.

MS. LAURINAITIS: Right. But he's going to know our opinion as to how we want open space set up and not just him but every other developer that develops property in Town.

MR. ZACCAGNINO: So, when you vote on this, you vote knowing that in this particular development ---

MS. LAURINAITIS: He may have to come back.

MR. ZACCAGNINO: And, you vote with the stipulations that are on there now ---

ACTING CHAIR: For the records, let's get recognized okay? Because she's taking verbatim Minutes. So, finish what you have to say and then Ms. Laurinaitis can go.

MR. ZACCAGNINO: On this particular application, if you vote with the stipulations that are on there, there is a risk that you lose the open space. And, you may not. I don't know the dollar figures and all this, but it's a risk you run.

MS. LAURINAITIS: Yes, and I agree. But I think I want to make a statement that open space should more or less be contiguous and this one is kind of patchy and it's not giving the benefit to the property owners that surround the open space or the property owners in the greater area around this development. So, I think Mr. Carmody's motion with the elimination of 24 and 9 and leaving the space open as public space is the kind of message and precedent I would like to set.

ACTING CHAIR: Mr. Carmody?

MR. CARMODY: Brian, I understand. Asking for that might be pushing it to the point where we jeopardize ---

MR. ZACCAGNINO: I like the idea.

MR. CARMODY: --- getting, you know, they're going to make that decision. That's not our decision to make.

But it is our decision to decide what we want to see. And, if we're going to get an open space preservation subdivision, that's how I want to see it and that's my call. Or ours.

ACTING CHAIR: Anything else?

MR. KENEFICK: So, let's roll the dice.

ACTING CHAIR: Anything else?

For the record, the alternates that are seated tonight have read the Minutes of the previous public hearing and you feel comfortable in voting tonight?

VOICES: Yes.

ACTING CHAIR: All three of you?

VOICES: Yes.

ACTING CHAIR: Okay, anything else?

Mary, call the roll please.

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

ACTING CHAIR: Motion passes 7 to 0 with the stipulations.

I'm going to break my normal order here and I'm going ask the applicant for Item B, the in-law apartment to step forward.

Sir, during the break, you informed me that the parcel we had the public hearing on, you are not longer buying that parcel and you're buying another parcel. Is that correct?

MR. LAVERTU: Yes, I apologize for the confusion. I wasn't aware of the actual protocol.

I just wanted to have the plans reviewed and then make the stipulation ---

ACTING CHAIR: I don't think the Commission had a problem with the way you had the house laid out, but obviously, as you know, we have a public hearing based upon the location of the lot. If you're not buying that lot and you're buying some other lot, I'm going to ask you to withdraw this application tonight. Would you do that for the record?

MR. LAVERTU: Okay, yes, I formally withdraw the application and will resubmit a new one at the proper address.

ACTING CHAIR: Very good. Thank you.

MS. HUGHES: Does the Commission want to waive the fee?

EVERYONE: Yes.

ACTING CHAIR: The Commission waives the fee, sir.

MR. LAVERTU: You're very generous, thank you.

B. Special Permit Use Application of Lois Bator and Cheryl Lavertu proposing to establish a parent/grandparent apartment from a new single family dwelling, property located off West Pines Drive known AS Assessor's Map #154, Parcel #002, Sandy Pine Drive within Pine Hollow Estates Subdivision SPU #427.

WITHDRAWN

C. Petition of Jensen's Inc for a Special Permit for an Expansion of a Nonconforming Use to increase the number of owners occupied manufactured homes within Jensen's Forest Hill Community by one (1) home site, 18 Redstone Street ENU #404.

ACTING CHAIR: Looking for a motion?

MR. CARMODY: Move to approve.

MR. DELSANTO: Second.

ACTING CHAIR: Any discussion on this? Mary, we need no stips on this one.

MS. HUGHES: No.

ACTING CHAIR: No discussion. Mary, call the roll, please.

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

D. Special Permit Use Application of Mountain View Farms, LLC proposing to construct an age restricted over 55+ active adult multifamily condominium complex consisting of duplex, triples and 4-unit dwellings within an R-12 zone, 835 Meriden Avenue SPU #426.

ACTING CHAIR: Continued by the chair until 8-1 at 7:00.

E. 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 Old Canal Street SPR #1430.

MS. HUGHES: This is ready for action this evening. I don't know --- Mr. Giudice has anything he'd like to add? Staff would just request that prior to the request --- that you stipulate if you are inclined to approve this, that prior to the request for a zoning permit, the applicant shall address the outstanding items on the engineering department's checklist. They are very minor in nature.

MR. GIUDICE: I don't have anything to add at this time.

MR. DELSANTO: Motion to approve with the stipulation that the applicant addresses the remaining issues on the engineering checklist.

MR. CARMODY: Second.

ACTING CHAIR: Discussion?

MS. HUGHES: Prior to the request for a zoning permit.

ACTING CHAIR: Prior to the request for a zoning permit.

MR. CARMODY: Second.

ACTING CHAIR: Discussion.

MR. CARMODY: Second.

ACTING CHAIR: I got your second, Mr.Carmody, thank you.

No discussion? Mary, call the roll, please.

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

F. 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.

MS. HUGHES: We received revised plans and it's not ready for action this evening. It's also a request that it be tabled.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

G. Site Plan Application of Faith Living Church proposing to convert an existing building into 1850 sf of office space within an CB zone, property located at 12 Grove Street, SPR #1431.

MS. HUGHES: This is ready for action this evening. I would just request that the Commission if it is inclined to approve this, stipulate that prior to the request for a zoning permit, the applicant must submit a letter stating the building will not be used for classrooms. And, that's the request of the fire department.

ACTING CHAIR: Do we have a motion with that stip?

MR. DELSANTO: Move to approve the application with the stipulation that the --- what was it, Mary?

ACTING CHAIR: Stipulation as stated by the Planner will be fine.

MR. DELSANTO: Stipulation requested by the Planner will be fine.

MR. CARMODY: Second.

ACTING CHAIR: Discussion?

(No response)

Call the roll, please, Mary.

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

H. Site Plan Application of Northstar Centers, LLC proposing to construct a multi use shopping center including construction of parking facilities, access drives and miscellaneous site improvements, property located off Executive Boulevard and West Street SPR #1434.

MS. HUGHES: I think Mr. Bovino is going to grant us a 65-day extension.

ACTING CHAIR: Could you step up and ask for it, please, Sev?

MR. BOVINO: Sev Bovino, Planner with Kratzert & Jones representing the applicant. We request a 65-day extension. We're waiting for wetlands approval on this project.

ACTING CHAIR: Okay, we have a request for a 65 ---

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

MR. CARMODY: Second.

How long have you been waiting?

MS.HUGHES: They have to do a test. They have to do an additional report on the thermal effects of the parking lot on the fish in the Eight Mile River.

MR. BOVINO: We would have had a normal schedule but they requested additional information so we will be an additional month or maybe more.

MR. WEICHSEL: Am I correct in understanding this is the first time in the history of the Town of Southington that there has been a request for a thermal investigation?

MS. HUGHES: Yes, to my knowledge it is.

MR. WEICHSEL: The first time. Yes.

MR. KENEFICK: Who recommended it? Can I ask a question?

Who recommended this, John?

MS. HUGHES: The Conservation Commission requested it.

ACTING CHAIR: Okay, let's not get into the thought patterns of another Board.

MR. KENEFICK: The degrees of the water.

MR. DELSANTO: No, the temperature of the pavement created by the parking lot.

ACTING CHAIR: The temperature of the fish, Fran. They had --

MS. HUGHES: No. What they want to do ---

(Everyone speaking at the same time.)

MS. HUGHES: They are looking to assess what the thermal effect of having that much pavement is on the habitat in the Eight Mile River.

ACTING CHAIR: Okay, we have a 65-day extension request and a motion and a second.

(Motion passed unanimously on a voice vote.)

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

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

MS. HUGHES: I believe Mr. Giudice --- is he here? I think I need, we need a 65-day extension.

And, I'd just to clarify. It's not action on a 16-lot subdivision, it's a 17-lot subdivision. I made a mistake on the Agenda. The 17th lot is the lot where they propose the multi family housing.

ACTING CHAIR: It's a 17-lot subdivison and Mary, you say we need a 65?

MS. HUGHES: Yes.

MR. GIUDICE: And, I formally request a 65-day extension.

ACTING CHAIR: Okay, we have a request for a 65.

MR. DELSANTO: Motion to approve 65-day extension.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

ACTING CHAIR: Anything before we table, Mr. Giudice?

MR. GIUDICE: Nope.

MR. DELSANTO: Motion to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

J. Site Plan application of John Gissas proposing a 2nd curb cut and a drive through for the property located at

384 Main Street SPR #1432.

ACTING CHAIR: Okay, Mary? This has been around for a while.

MS. HUGHES: This application has to have action this evening. It's my understanding from discussions with the real estate agent, that Mr. Gissas has allowed his option on this property to lapse.

So, my recommendation would be that the Commission deny it without prejudice.

ACTING CHAIR: Recommendation for a denial without prejudice. Do we have a motion?

MR. DELSANTO: Move to deny this application without prejudice.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

ACTING CHAIR: Denied, without prejudice, 7 to 0.

K. Site Plan Application of Connecticut Sikh Associates, Inc., proposing to modify the previously approved site plan for construction of a 10,700 sf addition to the existing facility, property located at 1596 & 1610 West Street SPR #1373.1.

MS. HUGHES: We just received revised plans yesterday. Tony and I are in the process of reviewing them so it needs to be tabled.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

L. Site Plan Application of Michael Hamlin c/o Agave Grill proposing to construct a patio addition with miscellaneous renovations to an existing restaurant facility, property located at 461 Queen Street SPR #1436.

MS. HUGHES: Tony and I met with Michael maybe a month ago and we are waiting for revised plans.

ACTING CHAIR: You're looking for a table?

MS. HUGHES: Yes.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

M. Site Plan Application of ESPN, Inc., proposing to construct a satellite antennae teleport facility on approximately 7 acres adjacent to the existing ESPN facility, property located off Town Line Road known as Assessor's Map #220, Parcel #18. SPR #1435.

MS. HUGHES: This application is ready for action this evening.

ACTING CHAIR: Okay. Any stips on it?

MS. HUGHES: No.

MR. KENEFICK: Move for approval.

MR. DELSANTO: Second.

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

ACTING CHAIR: Motion approved 7 to 0. Congratulations!

N. Request of Attorney Michael J. Laden representing Barsin Products for a rear lot determination for property located at 125 Pratt Street.

MS. HUGHES: This is ready for action this evening. The outstanding issues from the engineering department have been addressed.

ACTING CHAIR: Does the applicant wish to say anything?

MS. HUGHES: Attorney Laden is here on behalf of the applicant.

ACTING CHAIR: Welcome, Mike.

ATTORNEY LADEN: Good evening. I just ask that you --- I think we've complied with all conditions this evening.

MR. DELSANTO: Move to approve the application.

MS.LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

ACTING CHAIR: Motion passes 7 to 0. Thank you very much.

ATTORNEY LADEN: Thank you very much.

NEW BUSINESS ITEMS:

A. Earth and Filling application of Westside Associates, LLC proposing filling and grading of approximately 10,000 cubic yards of material within a period of two years within a Business zone in preparation for future business development, property located at 2000 West Street.

MS. HUGHES: This is an on going earth excavation on West Street. Staff needs to complete it's review of the application. I don't know --- how much material has he taken out thus far, Sev, do you know?

MR. BOVINO: This is actually a filling application.

MS.HUGHES: Oh, this is the filling one, okay.

MR. BOVINO: This is to prepare the site south of Kizl's Restaurant. We did one, we got approval for Dunkin Donuts and eventually we'll get approval for other uses on the proeprty. And, it's basically continuing the grade that you see there today. It's a flat grade and it'll be going southerly up to the property line. It's about 10,000 yards.

ACTING CHAIR: And, you're working on their ---

MR. BOVINO: We submitted the application. We're waiting for comments. Unless they --- I have no comments. Then you can vote on it.

(Chuckles)

ACTING CHAIR: Okay. Looking for a table.

MR. DELSANTO: Move to table.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

B. Earth Excavation Renewal Application of Twinco, LLC proposing to renew an existing earth filling and grading operation for the removal of 10,000 cubic yards of material within a period of two (2) years, property located off Spring Street within a Business zone, EE #106.3.

MS. HUGHES: This is the operation that's on Spring Street behind Staples and the railroad tracks. As with the previous application, Staff just needs to go out there and take a look at it and review the plans.

ACTING CHAIR: Any comments, Sev?

MR. BOVINO: I received a couple of comments from Tony but he told me that he prepared a checklist, so we're waiting for the checklist and we'll address it.

MR. KENEFICK: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

C. Subdivision Application of Calco Construction & Development proposing a subdivision of property into 7 single family lots (Spring Meadow) property located off Spring Street in an R-40 zone, property known as Assessor's Map #171, parcel #10 S #1231.1. Filling period of the original approval of 12/06/05 has expired.

MS. HUGHES: This is a request, if you recall the seven lots that were frontage lots on Spring Street that the Commission approved maybe three months ago or four months ago. Calco Construction allowed the subdivision approval to lapse, so they're just asking for reapproval of the exact same application.

MR. DELSANTO: Motion to approve.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

D. Site Plan Application of Dino Kratzas for McDonald's corporation proposing to construct a second drive through window and to reconstruct the restroom facilities for the existing McDonald's restaurant facility, property located at 894 Meriden Waterbury Turnpike SPR #1437.

MS. HUGHES: This is an application just to put a second drive thru window at the drive window at the McDonald's on Meriden Waterbury Road.

ACTING CHAIR: Your name and address, sir and ---

MARK CAVANAUGH: McDonald's Corporation. I'm in the construction department, 69 Camp Street, Westwood, Mass.

And, with me ---

DINO KARATZAS: My name is Dino Karatzas. I'm the owner/operator of the McDonald's Restaurant, Meriden Waterbury Road.

ACTING CHAIR: Great. Go ahead, put it right up there.

MS. HUGHES: Probably, I just don't mean to interrupt you, but the major issue with this particular application is there are no sidewalks on South End or Meriden Waterbury Road and they're required unless waived.

MR. CARMODY: Motion to waive the sidewalks.

ACTING CHAIR: On which roads or both?

MR. CARMODY: On both roads.

MR. DELSANTO: Second.

ACTING CHAIR: The reason for that?

MR. CARMODY: There are no --- they aren't going anywhere.

ACTING CHAIR: Motion and a second. Any discussion on the sidewalks?

MS. LAURINAITIS: There are no other sidewalks ---

MS. HUGHES: Not on South End. Not ---

MS. LAURINAITIS: Not in that area?

MS. HUGHES: Not in that immediate area.

MR. TRANQUILLO: There are sidewalks north of Meriden Waterbury Turnpike. Not south. Where the condos are there and Arby's? In that area there are sidewalks there.

ACTING CHAIR: Any other discussion on the sidewalk issue? Mary, call the roll, please? This is just on the sidewalks.

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

Sidewalks have been waived, sir, go ahead.

MR. CAVANAUGH: What we are proposing to do here is, as you can see in the yellow, is to add a second drive thru booth. If you go to any other McDonald's in Town, as you come through, you currently order here and as you drive around the building, you actually pay here, order here and you pick it up here.

We currently have an order point here and a pick up point here. We just want to add a second window at this point for the cash transaction. It makes it more convenient and smoother for the operation and the customer. It can be a little more orderly.

It's 100 and something square --- it's just over 100 square foot addition, 110 square foot addition. And, we have one on Queen Street. And, we have one other on West Street.

ACTING CHAIR: Mary and Tony are you okay with this?

MS. HUGHES: Yes.

ACTING CHAIR: It's ready for action.

MS. HUGHES: Yes.

ACTING CHAIR: Looking for a motion.

MR. DELSANTO: Motion to approve.

MS.LAURINAITIS: Second.

MR. CARMODY: You know the one on Queen Street ---

ACTING CHAIR: I knew you had something to say ---

MR. CARMODY: On Queen Street, they never use that second window.

MR. DELSANTO: Busy times, I bet. Lunchtime.

MR. KARATZAS: Most of the time we do.

MR. CARMODY: All right.

MR. KARATZAS: And, it all depends on how busy the ---

MR. DELSANTO: You own that one, too?

MR. KARATZAS: I have a restaurant in Meriden, I use it 18 hours a day. This one here we'll probably use 10 hours a day. Because it's not as busy as my other restaurant.

MR. CARMODY: Can I ask him about the secret sauce?

(Chuckles)

ACTING CHAIR: Okay, we have a motion and a second. Discussion is over. Mary, call the roll.

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

E. Site Plan Application of Riverbend Associates, LLC proposing to revise the previously approved site plan to construct a proposed garage for the previously approved Royal Acres condominium complex facility located within a

Business zone, property located at 2118 Meriden Waterbury Road SPR #1422.1.

MS. HUGHES: This is a request to add garages to the units at Rivercrest.

MR. BOVINO: Sev Bovino, Planner with Kratzert & Jones representing the applicant. The proposal is to add garages to the buildings. That was the original approval of this, the way it looks with the garages. The buildings are in the same locations. We basically are adding space so we have some visitor parking. And, we are creating a turn around like a cul de sac at the end.

As far as the architecture, it's going to be a colonial look and similar to -- something like that. Generally colonial style.

MS. HUGHES: This is ready for action this evening.

ACTING CHAIR: A motion on this, please?

MR. CARMODY: Hold on a second.

(Pause)

MS. HUGHES: This is the one that's on Meriden Waterbury Road.

MR. BOVINO: Previously approved across from Belle Camperland.

ACTING CHAIR: This is the one that's kind of tucked in back there.

MS. HUGHES: There has been approval for the FDIC to build a building there and ---

ACTING CHAIR: They were approved before without the garages and now you're adding the garages. You are not adding any more units or anything like that?

MR. BOVINO: No.

MR. KENEFICK: Motion for approval.

MR. CARMODY: Second.

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

F. Site Plan Application of Amity Construction & Design proposing to construct a 3,255 sf addition to the existing Mt. Lore Animal Hospital facility, property located at 765 South End Road SPR #944.1.

MS. HUGHES: This is a request for an addition at the Mount Lore Animal Hospital at 765 South End Road.

If you'd like to make a brief presentation to the Commission?

RUSS SMITH: Amity Construction. I'd like to make one correction to the Agenda. It's stating a 3200 sf addition and in actuality it's an 875 sf addition.

ACTING CHAIR: The total is what?

MR. SMITH: It's 875.

ACTING CHAIR: A little different.

MR. SMITH: We'll take the 3200 if you like, but we're only looking for the 875.

ACTING CHAIR: I was going to say, there's a lot of sick animals.

MR. SMITH: The purpose of the addition is to increase the floor plan space of the hospital and to accommodate two additional exam rooms.

I'll be happy to answer any questions that the Commission may have.

MR. KENEFICK: Are you going to ask for a sidewalk waiver?

MR. RUSS: We weren't aware of that, quite frankly, at this point.

MR. KENEFICK: Now, the time to do it, no?

MS. HUGHES: Well, we haven't reviewed the plans.

ACTING CHAIR: We haven't got to that point, yet.

MS. HUGHES: Usually, when Tony and I review the plans, we identify the fact that there are no walks on the plan or no walks in the area ---

MR. KENEFICK: I'm just trying to help you out, Mary, you know?

MS. HUGHES: Whatever you'd like to do, Fran.

MR. KENEFICK: I mean, we just waived them across the street.

MR. SMITH: I guess we'd like to ask for a sidewalk waiver it sounds like to me.

MR. KENEFICK: Pardon?

MR. SMITH: It sounds like we would like to ask for a sidewalk waiver if that is possible at this point.

ACTING CHAIR: Well, let's let the staff --

MS. HUGHES: Let them.

ACTING CHAIR: Fine. All right.

Do you wish to make that a motion?

MR. KENEFICK: I'll make a motion to waive the sidewalks. We just waived them across the street.

MR. DELSANTO: Second.

ACTING CHAIR: I'm not arguing with you, Francis.

We have a motion and a second. Any discussion?

(No response)

Mary, call the roll, please?

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

MS. HUGHES: Sidewalks are waived.

ACTING CHAIR: Now, you need a table on the application?

MS. HUGHES: Yes.

MR. ZACCAGNINO: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

G. Request for a 90-day extension of the subdivision approval of the time to file the Mylar for 122 Spring Street, S1237.

MR. CARMODY: Move to approve.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

NEW ITEMS TO SCHEDULE FOR PUBLIC HEARING FOR AUGUST 1, 2006
OR AUGUST 15, 2006:

A. Special Permit Use Application of Dorinda J. Hultgren proposing to establish a parent/grandparent apartment from within a new single family dwelling, property known as Assessor's 'Map #062, Parcel 184, Lot #1 Marion Avenue SPU #1428.

B. Subdivision Application of Northstar Centers, LLC proposing to resubdivide property for purposes of creating 3 lots within a Business and I-1 zone, [property located off Executive Boulevard south & West Street S#911.2.

C. Special Permit use Application of Denise Albanese proposing to establish a dance and entertainment studio facility from within an existing building, property located at 45 Railroad Avenue, SPU #429.

ACTING CHAIR: Three items to schedule for a public hearing. What's your suggestion, Mary?

MS. HUGHES: My suggestion would be August 1st. I think

they're relatively, the -- in law apartment ---

ACTING CHAIR: We're going to have the other one, also, as you know from this evening.

MS. HUGHES: I think we can do those all the 1st.

EVERYONE: Yah.

ACTING CHAIR: I won't be here, so I say, do them all!

(Chuckles/laughter)

(Undertone comments/conversation)

MR. CARMODY: Who can we talk to about postponing the August 1st meeting?

MR. KENEFICK: I think they should.

MR. CARMODY: I think they should, too. That's just ---

ACTING CHAIR: No, no. You can't do it now. I just put that entire public hearing off to August 1st. So I am not going to postpone it now. All those people were here and I told them August 1st.

(Undertone comments/laughter)

MR. CARMODY: Call them all tomorrow.

ACTING CHAIR: I don't suggest you do that. That would've been something you could've brought up earlier. But, after we told them the meeting was going to be ---

MR. CARMODY: Thanks for nudging me.

ACTING CHAIR: I'm not next to you tonight, that's why.

Okay, so we are going to do all three on August 1st, is that the consensus?

MS. HUGHES: Yup.

ACTING CHAIR: Okay, let's go.

MISCELLANEOUS

A. Request for Approval in Accordance with Section 8-24 of the Connecticut State Statutes for the proposed abandonment of a section of Friar Lane (Referral #409) Map will be displayed at the meeting.

ACTING CHAIR: Actually, it's the section of Friar Lane that is not constructed. Tony, I'll let you handle this one.

MR. TRANQUILLO: This has a little bit of a history. There was quite a bit of controversy when Friar Lane was built because the staff wanted the road connected to the road in back. Wild Oak. The Commission felt it need to be connected.

So that strip that was there at Wild Oak, was used for utilities: storm drainage and sanitary and perhaps some day in the future it'll be used for water extension. So, with those three utilities planned for that area, the staff is basically recommending that you not recommend release of that area. We keep it.

ACTING CHAIR: I am going to deviate also from the Agenda. I know there is somebody here who actually asked for it. Sir, if you want to come up and give your position on this?

Name and address, first.

RAY MONCINI: I live at 164 Wild Oak Drive, Southington. The piece of property is right next to my house. The problem is is that the area gets overgrown. I personally cut the grass, I rake the rocks. Mr. Denorfia who developed the property behind, all he did was seed it, very lightly. And, the place is, given the fact that it's Wild Oak Drive and the value of the houses in that area up there, its an eyesore and all we want to do, my neighbors and I eventually, is we want to take it over. Plant things there. Certainly allow the opportunity for the Town to go in and if they ever have to dig it up --- the gas line or the water line, that's understandable, but we all, I guess, the four of us, the neighbor next to me and the new neighbors in the new development because that property also is adjacent to their land, we would like to take care of it.

But we are not going to take care of it, unless it's ours. I mean, it's a situation right now where I go over there and I cut it because it's an eyesore to me, but it's just

in my view it's unacceptable the way it is.

(Pause)

MS. HUGHES: I agree with Tony in terms of, I think it's uh, it's valuable for utilities and also you never know in the future, you know, if you want to make the connection to Wild Oak.

If you abandon this, then the ownership, correct me if I'm wrong, Mark, will revert to the four owners that are affected.

ACTING CHAIR: I think there is only two owners and each of them would get half.

MR. CARMODY: You mean you can't, we can't -- we can't the applicant ownership but maintain rights?

ACTING CHAIR: Yes, we can do that. We can do that, but that, I think --- I'll let Tony speak for himself.

MR. TRANQUILLO: Well, that puts us in a secondary position. You know, if we own the property, we have better control, full control over it. If we abandon it, it becomes an easement then we have lesser rights over that area.

Ordinarily, we recommend release of these things when it's burdensome to us, when there is some liability or there's no purpose to it. But this particular strip, there's quite a bit of purpose to it.

There's two present utilities and there's potentially at least one additional facility that might go in there. So, that's three. And, then you have possibilities. Other power, utility or even walking trail through that. So there are a lot of possibilities.

MR. CARMODY: You couldn't make --- this is for Mark, actually, you couldn't make --- I guess you couldn't do that --- an addendum to the deeds of these property owners that they have to allow for our easement?

ACTING CHAIR: No, no. That's not what Tony's saying.

Tony is saying that yes, we have done that before. We've abandoned areas of roads and roads themselves and kept to

ourselves the easement rights underneath it.

Example that was in front of you a couple of years ago, in front of Ali's Nursery, we abandoned that whole little section, that corner and we took an easement over the whole parcel. We have a perpetual easement over the whole parcel, but he has fee simple to it.

I think maybe, and it just popped into my head now, but maybe we can talk about some sort of license agreement with you, sir, down the road or if that's something that the Council and the PZC want to take about. A license agreement -- simply is we maintain ownership of it, which is what the staff and the Town Attorney would like to do. But on the flip side of that, you would have license which means you are able to maintain the property, cut the lawn, improve it if you so desire, but the license would in essence, put you in a secondary spot if the Town wanted to put a roadway through there or do with something with easements through there.

There may be a middle ground here, but certainly, the PZC has to put a recommendation into the Council and they've heard from staff. So, it's really up to them what their recommendation is.

MR. KENEFICK: I don't understand why the utility easement wouldn't work on this.

By doing what Tony says, we're opening this thing up just like Dale Drive and Kiefer Drive and whatever.

They're saying some day they want to connect these roads.

MR. TRANQUILLO: No, no. That's not what we're saying.

MR. KENEFICK: I don't think these people wanted to do that.

ACTING CHAIR: Go ahead, Tony.

MR. TRANQUILLO: Fran, that's not what we're saying. It's impossible to connect these roads because of the private piece in between. At the end of Friar Lane, there's two property owners that actually own property that would prohibit us from connecting them. So, that is not even an option.

But other possibilities --- there is utility possibilities. You know, we want to keep that open. We want to have full use of the area for the utilities.

MR. KENEFICK: Yah, but if you give somebody a 20 foot or 40 foot easement going through the property ---

MR. TRANQUILLO: Well, the Commission can decide whatever you want. We've made our recommendations, Fran.

MR. MONCINI: May I comment, please? All the utilities in that area are underground and through my front yard. I've lived there since 1986. If you wanted to come through my front yard and tear up those utilities, to put a bigger line or a different line if there's a leak, you have every right to do that. We knew that when we moved in.

Fundamentally, we have the same issue here. And, all we're talking about, my neighbors and I are, trees. You know, planting some grass. Making the place look better. We are not going to build anything there. In fact, if we wanted to build something there, we have to come back to see you, anyhow.

ACTING CHAIR: You couldn't because of the easements.

MR. MONCINI: So, there lies the point. Why would the Town keep it for the potential eventuality of putting water in? We have well water. We've had well water for 20 years and it's fine. I mean, so maybe the Town is proposing something that may happen, but the probability is very, very low.

Again, would you want this eyesore --- here's the point. If it's the Town, then the Town should cut the grass. The Town should take care of it. And, when the trees blow over in the wintertime, the Town should come fix it. But, I do that, personally. To me, if I'm going to do that, then it should be my property and my neighbor's property.

MR. CARMODY: Mark, doesn't he make a good point with the fact that he owns the house that we have an easement over?

And, if we wanted to --- or Tony, does he make ---

MR. TRANQUILLO: I am not sure what the speaker is talking about. I don't believe we have an easement on his property.

MR. CARMODY: I guess what I am asking is, if we're secondary, does that really, really put us in a bad position down the road.

ACTING CHAIR: Well, I think what Tony is saying is it limits your options.

MR. CARMODY: I empathize with what he's saying.

ACTING CHAIR: And, we all do. We all do. I mean, obviously, we empathize with him. But the point is that part of this procedure is the staff gives the recommendation and what staff is telling you is that owning fee simple is a much higher interest in property than owning easements. I mean, we all agree with that.

So, what Tony's telling you is that your options will be severely reduced in an area where we may need to hold fee simple. I think that is what your staff is recommending and it's up to the Commission to give their's.

Tony?

MR. TRANQUILLO: Well, the point I'm making is if this was a strip to nowhere with nothing, you know, no obvious use for the Town, we've always recommended release because we don't want liability and we don't pieces of property that we have no use of.

But this already has two utilities and it may have at least one more, if not more than that, at some point in the future. And, you know, you start giving up the rights to that land, full rights to it, and then you go out there and start digging on the improvements that this property owner may make, even though they may be surface improvements, above ground pools, movable sheds, fences, fancy landscaping. All that stuff ends up being in our way. So, that's the point I'm making.

MR. MONCINI: But again, the probability of doing that some time in the future, we'll have an eyesore there indefinitely. So, that's what the Commission has to weigh.

MS. LAURINAITIS: Well, we keep talking about utilities. What utilities are there --

MR. TRANQUILLO: Right now there's storm drainage with an

underground storage system and there's sanitary sewer presently.

MS. LAURINAITIS: There's no water connection.

MR. TRANQUILLO: There's no water main now, as the gentleman said, they have well water there. But forever is a long time.

MS. LAURINAITIS: Do we know on what time line this particular area might be with the water department?

MR. TRANQUILLO: I don't know. It's going to be a long time. It will be a long time. Unless there is some contamination question, it will be a long time.

MR. KENEFICK: Can we make a stipulation that nothing permanent would ever be built there?

ACTING CHAIR: Well, nothing could be built.

MS. HUGHES: You are making a recommendation to the Town Council. You can't, I mean, you can make a recommendation - - you can include that in your recommendation to the Council, but ultimately the decision as to whether this is abandoned or not, is the Town Council's. So, this is merely a recommendation.

MR. HART: What you said before about the licensing, isn't that or wouldn't that protect the Town's interest?

ACTING CHAIR: Well, the only thing a license does is it puts in writing and the property owner acknowledges the fact that anything he puts there --- and that's what a license is --- anything he puts there is put at his own risk.

As Tony mentioned, some people go crazy and put ten to fifteen thousand dollars worth of landscaping and we've had it in some of our easement areas. Not this particular one, but some other ones.

And, then we go in there and they say, Oh, My God! I just put this beautiful --- but the problem is is that when they buy that property and we all bought property none of us say, let me say, this easement area. No one checks their maps now days. The Attorney says, oh, by the way, there's

an easement in here. All you're really worried about is your mortgage payment and you're not worried about what the description of your property is. So, you don't know those things.

But in this particular case, a license puts something in writing to this gentleman here and his neighbor, and I don't know who it is, but it would put in there and acknowledge it in writing which is recorded on the Land Records saying that any improvements that they do on the property is up for grabs. They know that and they acknowledge because he can't come in the future and simply say, it's our property now. The easements in there. We just improved this, this and this and we want this money back. We want the Town to improve it or put it back the way we have it including fences, bushes, et cetera. Which I think is one of the biggest fears we have.

MR. MONCINI: In the middle of this piece of property there's actually a storm drain. Right in the middle of the dirt. A storm drain. It's obvious there's an easement there.

Look. Look at the value of those houses. The houses sold around the corner for \$610,000 only a few weeks ago. I mean, so if we put \$20,000 worth of landscaping in and someone comes in and there's some impacts far into the future, we probably won't be happy, but we understand. That's the risk we run.

But again, for the good of the Town and for the good of the neighborhood, I would argue that having responsible homeowners improve the property far outweighs the potential of a -- to the engineer's comment -- a far out into the future potential for a water line to go through.

MS. LAURINAITIS: In either scenario, will these two property owners be paying property tax?

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

ACTING CHAIR: Is there a motion?

MR. KENEFICK: Who is going to have the easement on that?

ACTING CHAIR: What's happening in front of you is an 8-24

where you are sending back, based upon your plan of development and the good of the Town of Southington from a planning standpoint, your recommendation to the Town Council is one of two things: yes, abandon it or no, do not abandon it.

Obviously, if we abandon it, at the Council level, we will retain all the easements on it. That's not an issue.

MR. CARMODY: I'm sorry, but I am going to make a motion to not abandon, to send that recommendation back and with a note that I hope that this gentleman and his neighbors can reach some kind of licensing agreement because in effect, if they can, they can do what they want to do with the property, but we still retain ownership. That's the motion.

MS. LAURINAITIS: I am going to second that.

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

ACTING CHAIR: Thank you, sir, for showing up.

B. Request for Approval in Accordance with Section 8-24 of the Connecticut State Statutes in regard to a request from Northstar for the abandonment of a small section of Executive Boulevard South. (Referral #410)

MR. TRANQUILLO: This has to do with a large-scale development on Executive Boulevard South. And, apparently, they have road and they want to shorten the road up and have to eliminate the old cul de sac right of way and also a small section of the right of way. There are also drainage easements and a right to flow that have to be abandoned and renegotiated.

So, we recommend that this be released so we can move forward with that project.

MR. CARMODY: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

C. Request for Approval in Accordance with Section 8-24 of

the Connecticut State Statutes for approval of the DeFashion Street Culvert Replacement project (Referral #411).

ACTING CHAIR: Tony or John?

MR. WEICHSEL: Well, the bridge in question has, I think it's a three-ton limit. The bridge has seen better days. And, we are going to replace it. Tony's department designed it and the replacement is in effect high-level maintenance, you might say, by getting rid of an obsolete culvert and putting in a proper sized one. Putting in proper configuration on DeFashion so you don't have that roller coaster effect.

Tony, is there anything you want to add?

MR. TRANQUILLO: As part of the project, we're not only going to replace the culvert, we're also going to put some safety improvements and widening of the roadway. We've negotiated nine separate slope rights and easements in that area to accommodate that.

Project has gone out to bid and we have a favorable bid, so we recommend ---

MR. KENEFICK: This has been off for a long time, right?

MR. TRANQUILLO: Yes, that bridge has been out roughly ten years.

ACTING CHAIR: Looking for a motion to make sure it's not eleven years.

MR. CARMODY: Move to approve.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

D. Request for Reduction of the Subdivision Bond for the Knight's Crossing Subdivision from \$442,000 to a new amount of 4200,000 to reflect remaining work, property located off Hobart Street and Knights' Court S #1167.

MS. HUGHES: A recommendation from the engineering department to reduce the bond.

MS. LAURINAITIS: Motion to approve.

MR. ZACCAGNINO: Second.

(Motion passed unanimously on a voice vote.)

E. Request for Approval of conceptual plans for the previously approved Nanfито & Raya Clinic Site Plan, property located at 200 Queen Street SPR #1427,

MS. HUGHES: We'll pass over this. I meant to have Jane leave plans out and I didn't.

ACTING CHAIR: Pass over E and go to F.

F. Request for Release of the existing \$20,000 Public Improvement bond and the \$25,000 Bond in Lieu of Site Plan completion, both being held for the YMCA Site Plan for the Daycare Center, property located at 30 High Street SPR #1358.

MS. HUGHES: Property has been inspected by the Engineering Department and they recommend release.

MR. CARMODY: Move to release. The Y looks great.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

G. Request for Release of the \$10,000 Public Improvement Bond and the \$5,000 Landscaping Improvements bond, both being held for the YMCA site Plan addition Site Plan, property located at 29 High Street SPR #1359 & SPR #1359.1.

MS. HUGHES: Recommendation to release.

MR. CARMODY: So moved.

MR. ZACCAGNINO: Second.

(Motion passed unanimously on a voice vote.)

H. Request for Release of the \$188,400 Maintenance Bond being held for Deer Meadow Estates Subdivision, property located off Metacomet View and Valley View court, S #1160.

MS. HUGHES: We have a recommendation from the engineering department to release.

MR. CARMODY: So moved.

MR. ZACCAGNINO: Second.

(Motion passed unanimously on a voice vote.)

I. Request for Release of the \$18,000 Public Improvement bond behind held for the Riverside Subdivision, property located off Curtiss Street S #1127.

MS. HUGHES: We have a recommendation from engineering department to release.

MR. CARMODY: So moved.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

J. Request for Release of the \$1,000 Erosion & Sedimentation bond being held for Cheshire Country Day School Site Plan, 1593 Meriden Waterbury Turnpike SPR #1211.1.

ACTING CHAIR: Isn't that where you went, John?

MR. CARMODY: Yah.

(Chuckles)

ACTING CHAIR: Mary?

MS. HUGHES: We have a recommendation to release the bond.

MR. CARMODY: So moved.

MS. LAURINAITIS: Second.

(Motion passed unanimously on a voice vote.)

K. Request for Release of the \$3,800 Erosion & Sedimentation Bond being held for the Grant chiropractic Health Center site Plan, 1601 Meriden Waterbury Turnpike SPR #1397.

MS. HUGHES: We have a recommendation for release.

MR. CARMODY: So moved.

MR. ZACCAGNINO: Second.

(Motion passed unanimously on a voice vote.)

L. Request for Release of the \$1,000 Erosion & Sedimentation Bond being held for Easter Seals Goodwill Store Site Plan, 350 Queen Street SPR #1418.

MS. HUGHES: We have a recommendation for release.

MR. CARMODY: So moved.

MR. ZACCAGNINO: Second.

(Motion passed unanimously on a voice vote.)

M. Plan of Conservation and Development

ACTING CHAIR: Mary?

MS. HUGHES: Public Hearing Thursday night.

ACTING CHAIR: Public Hearing Thursday night at 7:00.

What're we going back to E for, Mary?

MS. HUGHES: No, I meant to ask for it to be tabled.

ACTING CHAIR: Okay, move to table.

MR. CARMODY: Second.

ACTING CHAIR: No, I didn't make the motion. I need someone to make a motion to table.

MR. DELSANTO: So moved.

MR. ZACCAGNINO: Second.

(Motion passed unanimously on a voice vote.)

MR. DELSANTO: Motion to adjourn.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 9:15 o'clock, p.m.)