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

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

Alternates: Richard Hart
Brian Zaccagnino
Lisa Conroy

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

Absent: Robert Borkowski, Alternate Commissioner
Anthony Tranquillo, Town Engineer

The Chair seated Alternate Commissioner Hart for Commissioner Kenefick. A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

Items for the Public Hearing this Evening:

ZAYA OSHANA, Chairman, presiding:

A. Continued Public Hearing from August 1, 2006 for subdivision application of Northstar Centers, LLC proposing to resubdivide property for purposes of creating 3 lots within a Business and I-1 zone, Executive Boulevard South & West Street S #911.2.

Ms. Hughes indicated the applicant has requested that this be continued to your September 5th meeting.

The Chair called for anybody here speaking in favor of the application.
SEV BOVINO: Planner with Kratzert, Jones representing the applicant. We are working on the subdivision. We are waiting for the ZBA to act on it so we would like to request a table if possible.

The Chair called for anybody speaking against the application.

(No response)

Hearing none, the Chair continued the public hearing to September 5th.

B. Continued Public Hearing from August 1, 2006 for 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 #329.

(Mr. Kenefick entered the meeting.)

Ms. Hughes said she spoke with the applicant yesterday and she indicated she would be here this evening. Neither she nor Mr. Kozlowski are here, so perhaps you want to continue this and if they show up we can go back.

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

(No response)

The Chair asked for those speaking against the application.

(No response)

Hearing none, we will leave this public hearing open and we will move on.

C. Special Permit Use Application of Lois Bator & Cheryl Lavertu proposing to establish a parent/grandparent apartment from within a new single family dwelling, property known as Lot #10 Silver Oak circle within the vintage Estates Subdivision SPU #430.
Ms. Hughes read the legal notice into the record.

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

WAYNE LAVERTU: Cheryl is my wife and Lois is my mother in law. We are here to establish this the proper address this time.

(Chuckles)

We are still just looking to proceed at this point.

The Chair called for those speaking against the application.

(No response)

Ms. Hughes noted it is in order.

The Chair closed the public hearing.

(Whereupon, the public hearing session was adjourned at 7:10 o’clock, p.m.)

SOUTHINGTON PLANNING AND ZONING COMMISSION
August 15, 2006
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Chairman Zaya Oshana, called the Southington Planning & Zoning Commission to order at 7:10 pm with the following members in attendance:

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

Alternates: Richard Hart
Brian Zaccagnino
Lisa Conroy

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

Absent: Robert Borkowski, Alternate Commissioner
Anthony Tranquillo, Town Engineer

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

Items for the Public Hearing this Evening:

ZAYA OSHANA, Chairman, presiding:

Approval of Minutes – a. Regular PZC Meeting of August 1, 2006

THE CHAIR: Looking for a motion on our regular Minutes from August 1st.

MR. DEMELLO: Move for approval.

MR. SINCLAIR: Second.

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

MR. DELSANTO: Mr. Chairman, I do have the Minutes from the last Minute. I have not listened to the tapes, but I did read the Minutes.

THE CHAIR: Thank you.

Unfinished Business:

A. Subdivision application of Northstar Centers, LLC proposing to resubdivide property for purposes of creating 3 lots within a Business and I-1 zone, Executive Boulevard South & West Street S #911.2.
THE CHAIR: That public hearing was continued. Looking for a table on this.

MR. SAUCIER: Move to table.
MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

B. 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 #329.

THE CHAIR: Continued. So we will look for a table on that.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

C. Special Permit Use Application of Lois Bator & Cheryl Lavertu proposing to establish a parent/grandparent apartment from within a new single family dwelling, property known as Lot #10 Silver Oak circle within the vintage Estates Subdivision SPU #430.

MR. DELSANTO: Make a motion to approve the application with the four notes --- are the four notes on it?

MS. HUGHES: I believe they are.

THE CHAIR: We have a motion for approval.

MR. CARMODY: Second.

THE CHAIR: And, a second. Is there any discussion?

(No response)

Everything is in order, Mary?

MS. HUGHES: Yes.

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

MR. DELSANTO: Move to table.

THE CHAIR: Looking for a table at some point. Are you all set, Sev?

MR. BOVINO: Just wanted to update the Commission. We’re working with the ---

MR. DELSANTO: I’ll take my table off.

MR. BOVINO: --- Wetlands Commission. We’ve provided them three names for consultants to review the application. They did make a decision at the last meeting who to use, so we’re waiting for their decision.

THE CHAIR: Is that for the thermo ---

MS. HUGHES: Thermal study, yes.

THE CHAIR: And, so, you have given them names, but the test, study hasn’t been done and you’re going to ---

MS. HUGHES: They selected a consultant and the consultant is going to ---

MR. BOVINO: Review the plans and report to them with their study, their conclusion.

MR. KENEFICK: Sev, how much longer do you think this will take? A study like this.

MR. BOVINO: Well, they meet next month, I believe the second Thursday of September. We hope to get a decision then by the Wetlands Commission.

MR. KENEFICK: You’ll have all your work finished by then?

MR. BOVINO: We should, yes. Before then. Because they have
to be able to review the reviewer’s report.

MR. KENEFICK: Just got to make sure you get the report in on time.

MR. BOVINO: Yes.

THE CHAIR: So they have selected their candidate and they’re going to provide the report and at their next meeting they’re expected to take action.

MR. BOVINO: We hope so.

THE CHAIR: All right. We’re looking for a table.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

E. Subdivision Application of Hillcrest Orchards, LLC c/o Attorney Anthony A. Denorfia proposing to subdivide property for purposes of establishing a 29 lot open Space preservation Subdivision (Hillcrest Orchards) within an R-40 zone in conjunction with Special Permit Use #424, 508 and 544 Meriden Waterbury Turnpike S #1240.

MS. HUGHES: Staff is continuing to review the revised plans. We request this be tabled.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

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

MS. HUGHES: The applicant and the Town Engineer are continuing to work out the drainage issues associated with
this so we need it to be tabled.

THE CHAIR: Okay, we have to, I think, seat Commissioner Hart for Commissioner Kenefick.

MR. SAUCIER: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We’ll reseat Commissioner Kenefick.

G. Site Plan Application of Connecticut Sikh Associates, Inc. proposing to modify the previously approved site plan for construction of a 10,700 sq. ft. addition to the existing facility, property located at 1896 & 1610 West Street SPR #1373.1.

MS. HUGHES: We received revised plans today. They’ve attempted to address the drainage concerns, so that pending staff review, we would request that this be tabled.

THE CHAIR: Now, has this reached its limit?

MS. HUGHES: No, no. We got an extension from them. It was just that I didn’t pick up.

MR. SINCLAIR: Move to table.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

H. Site Plan Application 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: I called the applicant this week and indicated that --- or last week, and indicated that we needed revised plans to reflect the changes that they had made and we still haven’t received them. So, we did get an extension at
your last meeting.

MR. KENEFICK: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

MR. CARMODY: Mary, can you, you told them you needed revised plans?

MS. HUGHES: I called and left a message on his cell phone that we needed the revised plans from Schoenhart and we didn’t get them.

MR. CARMODY: Okay.

I. Earth Filling and Grading 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 for future business development, property located at 2000 West Street EE #98.3.

MS. HUGHES: This is ready for action this evening. We were able to go out and establish there wasn’t drainage or an erosion problem between Westside and now or formerly Dexter is the abutting property owners. So ---

MR. CARMODY: Move to approve.

MR. DELSANTO: Second.

THE CHAIR: Any discussion?

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

J. 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: I spoke with John Senese representative of
Twinco earlier today. He indicated that they had actually sold the machine that was sorting the dirt. That he is stockpiling some material near Pratt & Whitney because he wants to use it for the parking lot when he develops the site for commercial purposes.

And, that he has been filling this with excess material from other projects within Town and he feels that once Apple Gate gets up and running that he will be in a position to finish this operation.

He wrote a letter:

Dear Commission: I am writing this letter in response to concerns you may have with this earth filling application. I have been filling the site with excess material from projects we have been working on in Town over the last five years.

This is a large site with 60 percent of the filling completed to-date. The excess material coming off of Apple Gate project, this site should be completed and ready for construction.

I have stockpiled good gravel for the site’s further building and parking lot base. The topsoil stripped from the site is piled up and being sold off in raw. We were screening the topsoil but terminated that last year.

The filling of this property is in preparation for it’s future development, which I have been working on and hopefully soon to be before this Commission.

I apologize for not attending this meeting the reason being children’s sixth birthday party today.

Sincerely, John A. Senese.

THE CHAIR: Hum.

MR. KENEFICK: Excuse me. So, you’re right. He is running it as a processing plant ---

MS. HUGHES: He was. But he’s sold off his screening but he is selling unscreened material.

MR. KENEFICK: He said he’s selling.
MS. HUGHES: Yah.

THE CHAIR: Which is a violation, correct? It’s not what the initial approval was for, correct?

MS. HUGHES: The initial approval from my understanding was to fill it for future development for commercial or industrial purposes.

MR. DELSANTO: He’s doing that now?

MR. CARMODY: He’s been doing that she just said.

MS. HUGHES: He’s been doing that. But he also indicated he’s been selling unprocessed topsoil.

MR. CARMODY: Well, we had a problem before with the fact that he was screening. Right?

MS. HUGHES: Yes.

MR. KENEFICK: Whatever.

MR. CARMODY: I went out there. There’s no screening thing there now.

MS. HUGHES: No, he sold it.

MR. CARMODY: Right.

MR. DELSANTO: How long does he have to start developing that property? After approval, is it five years? Or ---

MR. KENEFICK: It’s been quite a while.

MR. CARMODY: How big is it?

MR. DELSANTO: We’re getting close to five years.

MR. BOVINO: If I may interject, five years is for site plan approval. We don’t have a site plan approval. What we have on going is a filling operation to prepare the site for eventually developing it.

MR. DELSANTO: Okay.
MR. BOVINO: And, it’s not a guaranteed thing. Everything is based on the economy, the interested parties and he’s been trying to do that.

He pushed the topsoil off the property, piled it up and that’s when he screened it to be able to sell it. That’s what he was doing. Instead of selling it the way it was, he screened it to take out the rocks and stuff like that.

MR. KENEFICK: What’s he doing with all them big, large boulders that are there? Selling them?

MR. BOVINO: He’s going to fill and backfill over the top. He’s going to use them.

MR. KENEFICK: Bury them there?

MR. BOVINO: Yah. It’s fill material.

MR. KENEFICK: Lots of different piles there.

MR. CARMODY: I think our concern was that this is going to sit there and just be a screening operation for years to come. But now, you know, it’s 20-acre piece of business property. I don’t think that’s really why he bought it. Knowing this guy, it’s probably going to get developed into some kind of commercial thing.

THE CHAIR: So, he’s saying once Apple Gate gets up and running, he’s going to finish this area? When is he planning on getting Apple Gate up and running? Has he given you a time?

MR. BOVINO: Apple Gate will be coming --- actually, they’re working on it right now. Mary knows. We’re coming back with a site plan revision, which really doesn’t affect the operation. They’re actually working on it right now.

So this fall and the winter, you’ll see the material moving to that area from Apple Gate, the excess material.

THE CHAIR: How long does he think after that start up you will be done?

MR. BOVINO: The movement of all the material?

THE CHAIR: Well, to finish up this site?
MR. BOVINO: Probably, he’ll do it through the winter until next spring.

THE CHAIR: Spring of ’07.

MR. CARMODY: Is there a lot of fill up there on Apple Gate?

MR. KENEFICK: Mary, what is the biggest concern about him doing this? Is it the site itself? Is it seeing the material just being there? Is it, you know, disarray as it is or what?

MS. HUGHES: I mean, we periodically get complaints from the residents of North Summit Farms regarding the operation. And, the fact that there just hasn’t been any substantial movement on it in almost five or six years has been a concern of the staff’s because you’ve got floodplain in there. And, um ---

MR. KENEFICK: Would screening the property help you at all?

MS. HUGHES: I mean, they did pave the driveway, which should cut down on the dust complaints that we’ve received. And, he did indicate that he sold his screening equipment. But he’s still selling the material out of there raw. I don’t know how periodically people are coming in and purchasing the topsoil.

THE CHAIR: Do you know, Sev?

MR. BOVINO: I just want to reiterate the fact that 20 acres of business land, it’s not easy to develop it and get someone to do the right deal.

MR. KENEFICK: Sev, it just hasn’t looked like he did anything there as far as improving the property except to store and sell product.

MR. BOVINO: Well, he started at the railroad track and he moved westerly. Then he got to the center of the property and he’s a little bit to the west of the center. It’s about 60 percent complete.

The issue it looks like he’s not doing anything is because he’s waiting for the right proposal to come along. You could go there and propose a strip plaza, which he doesn’t
want to do. He wants to get ---

MR. KENEFICK: That is not what he told us five years ago.

MR. BOVINO: Yah. And, it’s been a while that you know. There’s some people interested and then they backed out. You know, things move, they change in this environment.

MR. CARMODY: Does our approval have to be for two years?

MS. HUGHES: No.

MR. CARMODY: So, theoretically, we could approve it for a year and then say come back and see us in a year just to see how much progress has been made?

THE CHAIR: Based on what I just heard, I think a year is what they need and I think if we granted a year, at the most, I don’t see any extensions coming after that. They expect to be done in ten months, spring of next year. If we give a twelve month extension ---

ATTORNEY SCIOTA: It’s proper to give one year.

Can I ask a question, Mr. Chairman?

You said 60 percent is already been completed. Could that be stabilized with some grassing or something like that? I know that eventually it’s going to be dug up for commercial purposes, but ---

MR. BOVINO: He’s not going to put grass on it because the next thing he’s going to do is actually go there and pave it for a parking lot. So ---

ATTORNEY SCIOTA: We heard that before. All I am saying is that, is that usually on an EE, you dig up so much, then you restabilize it. You don’t usually dig up 28 acres or whatever. I thing it’s two acres or three acres and, Mary correct me if I’m wrong, and then you restabilize.

If you’re 60 percent done, I know that ---

MR. BOVINO: Done in the sense of the fill. I don’t mean to imply that he has topsoil on it because his intention honestly is not to put the topsoil because it will be waste of money and resources. To put it on and then scrape it
again and then put the parking lot on it.

He has a bond for that, right, Mary?

MS. HUGHES: Yes.

MR. BOVINO: He has a total bond for that.

MR. KENEFICK: How much frontage on Spring Street?

MR. BOVINO: I don’t have the map with me. It’s probably 600 feet. Five or six hundred feet.

MR. KENEFICK: It’s that much? And, there’s a chain link fence along the whole ---

MR. BOVINO: Oh yah, it’s fenced in.

MR. KENEFICK: Would it be hard for him to --- in other words, to put up a privacy type of fence with that anchor fence that he has there? I mean, it looks like a six-foot anchor fence that goes around the whole property. At least it would be screened off from people seeing all the debris and crap in there and he could still do his work there. I mean, the fence is there.

MR. BOVINO: I think if you give him an approval for a year like was suggested, I think ---

MR. KENEFICK: You are not answering my question.

MR. BOVINO: --- because that way it pushes him to complete the job instead of screening something and hiding it. You know?

MR. KENEFICK: Well, I was going to go along with the year, I think, if we give him a year.

MR. SAUCIER: Sev, you are saying that it’s 60 percent done between the railroad tracks and the middle of the area. So, what are the piles all, all the piles between the railroad tracks and the middle of the property, what is that going to be? I mean, that looks like it’s just stored there.

MR. BOVINO: It’s stored material that he has that he wants to spread on the rest. Some of it is topsoil and some of it, gravelly material and the rest is additional material
that he eventually is going to spread over the property.

MR. SAUCIER: Over the remainder of the property?

MR. BOVINO: Yah. Like he said, there is some rocks there and things like that he needs to fill over and level it.

THE CHAIR: John, did you have something?

MR. CARMODY: No. Just I was going to reiterate that I think the year is probably a good idea if Apple Gate is supposed to finish this off.

I’ll make a motion then to extend it for one year. The renewal application, earth excavation for one year.

MR. DELSANTO: I’ll second that.

THE CHAIR: All right. A motion for extension for one year and a second. Discussion?

Are you opposed to doing the screening?

MR. BOVINO: Well, I don’t have the authorization to do that. I would have to ask the client.

THE CHAIR: Mary, how long has this been open?

MS. HUGHES: Five years, five, six years.

THE CHAIR: I’m not sure what people’s feelings are. I think I like the idea of screening it off. It has been an issue for the people in the area for a long time. I don’t think it’s a large expense to screen off the area. Maybe. But it may not be. But we’ve been putting up with it for a long time.

And, if in a year, nothing’s done, it’s not completed, excuse me, it’ll go on to the Town if we choose not to extend it at that point, to do something with it, right? And, who knows how long that would be.

ATTORNEY SCIOTA: Pulling bonds are not overnight.

THE CHAIR: I’d like to see, I like the idea of a screening in the area and I’d like to see that. I’m not sure what the Commission’s feeling is, but as an addition to this.
MR. DELSANTO: I mean, I thought the street that it’s on it’s blocking off cars driving by and it’s not, there is neighborhoods there. People are looking out their backyard and seeing it.

MR. BOVINO: What are you screening? You’re screening a business piece of property? What are you putting, plants? Or fencing? What do you have in mind?

MR. KENEFICK: Fencing. The fence is already there. How hard would it be to put like canvas or something behind the fence to screen it off so people can’t --- so you don’t see it.

MR. BOVINO: It’s going to look worse with the canvas.

MR. KENEFICK: You think so?

MR. CARMODY: I don’t really care either way to be quite honest with you. I want to see it get done. That’s all.

MR. SAUCIER: Just want to see it get done.

THE CHAIR: Anybody else?

MR. DEMELLO: Same thing.

MR. SINCLAIR: Get it done.

THE CHAIR: All right. We have a motion and a second. Any other discussion?

(NO RESPONSE)

Motion for a one-year extension. Mary, call the roll.

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

K. 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: The applicant requested that this item be
tabled. Items L & M also need to be tabled, Mr. Chairman.

MR. DELSANTO: Move to table, K, L & M.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

L. Subdivision application of Ravenswood construction, LLC proposing to subdivide property for purposes of creating 9 single-family lots (Wyndcrest Estates) property located at 120 Clark Street, Milldale S #1242.

(Tabled)

M. Subdivision Application of Barbara Gugliotti proposing to modify the previously approved Gugliotti Estates Subdivision, Phase IV (Glenwood Park Estates) proposing the creation of two lots, property located off Barbara Lane S #1219.1.

(Tabled)

MR. BOVINO: On Barbara Gugliotti?

MS. HUGHES: Tony’s not ready for it.

MR. BOVINO: Is there something you’re concerned with?

MS. HUGHES: He didn’t tell me it was ready for action, Sev.

MR. BOVINO: He gave me the okay to get the building permit. Can I describe the issue to the Commission?

ATTORNEY SCIOTA: Did the engineer say he’s ready?

MS. HUGHES: Not to me, no.

ATTORNEY SCIOTA: Then I need it tabled.

THE CHAIR: It’s been tabled.
New Business Items

A. Site Plan Application of Robert A. Drown proposing to construct a deck addition to an existing building for purposes of establishing an outdoor display area for bicycle shop store, property located at 1529 Meriden Waterbury Turnpike SPR #1438.

MS. HUGHES: This application needs to be tabled. I think it’s the old Alma Shop. That’s what it was called: Alma’s Flowers. They want to use the deck for outside storage but we haven’t had an opportunity to review the plans, yet. So we need to table.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passes unanimously on a voice vote.)

B. Site Plan Application of Solidus for Apple Valley Bank & Trust proposing to revise the previously approved site plan to construct a bank facility with related infrastructure, property located at 158-160 North Main Street SPR #1225.1.

MS. HUGHES: This is an application to modify the building and the parking area associated with the proposed Apple Valley Bank on the corner of Mill Street and North Main.

MR. BOVINO: Sev, Bovino, Planner with Kratzert & Jones representing the applicant. The property is located at the corner of Mill Street, which is at the bottom of the sheet and North Main Street. The only change that is occurring on this property is --- it’s a previously approved site plan -- the elimination of the second floor. We had a second floor at one time and thereby reducing the requirement for the parking so we have to reduce the parking.

Otherwise, generally, it’s the same plan with a drive thru bypass lane, parking, drainage is underground storage. We’re waiting for the staff comments.

THE CHAIR: So, everything else is pretty --- just chopped off the second floor. NO change to anything other than the second floor and the parking?
MR. BOVINO: Yes. And, the looks of the building will be a colonial look, the same as before, except change it a little bit.

THE CHAIR: Kind of a ranch style?

MR. BOVINO: By the way, I submitted the architectural plans, I think, as part of the application.

MR. CARMODY: Really? Didn’t this one have some interesting architectural design on the front, if I remember correctly?

MR. BOVINO: We were trying to copy the old house that was there.

MS. HUGHES: The architectural designs might not have been laid out.

(Pause)

THE CHAIR: All right, so at this point, staff is still reviewing?

MS. HUGHES: Yes.

MS. CONROY: I have a question. How many parking spots were there before and how many are there proposed?

MR. BOVINO: There’s a table here. Required is 18 and proposed is 25. Previous proposal I think was like 39, 40 parking spaces. Parking used to be where this green area where you see now is going to be grass.

THE CHAIR: Any other questions.

MR. SINCLAIR: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

C. Subdivision Application of Lovley Development, Inc. proposing to subdivide property for purposes of creating 5 single-family lots (Clover Ridge Estates), property located
at 275 South End Road S#1243.

MS. HUGHES: The applicant is proposing a temporary cul de sac and five building lots. One already has an existing home on it. One has a barn on it, but there is an understanding that they will have to put a home on it and the three other lots.

MR. BOVINO: Again, Sev Bovino, Planner with Kratzert, Jones representing the applicant. This property is located at 275 South End Road to be served by public water and sewer. This is the old Dr. Craig residence. We’re preserving the house, quite a bit of land with it, and subdividing the front portion of the property. The cul de sac, I believe it’s a little bit over 300 feet.

Proposal is for four new homes. We’re waiting for staff comments.

By the way, we would like for you to consider waiving the sidewalk on one side possibly, which is the north side. It abuts another piece of property there which you know usually doesn’t get maintained. Also, we’d like to dress up that area. He wants to put some kind of landscaping and fencing and that kind of thing to dress up the subdivision. On most days it’ll look like a private road, which is not allowed in this Town, so we do a public road, but he wants to dress it up a little bit so he needs some space to do that.

MR. KENEFICK: Sev, is he going to --- this road is it going to be the old driveway that goes into there?

MR. BOVINO: Pretty much. Just be wider because you need a 24-foot road.

MR. KENEFICK: Be about the same shape?

MR. BOVINO: Yup. See it has the curvature, trying to follow that driveway.

MR. KENEFICK: Yup.

THE CHAIR: Anybody else. This is still under review. We’re going to need a table.

MR. DELSANTO: Move to table.
MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

D. Site Plan Application of Thomas Charbonneau, Sr. proposing renovations to an exiting 2,018 sf commercial building for proposed office use, property located at 188 Clark Street SPR #1439.

MR. BOVINO: Sev Bovino, Planner with Kratzert, Jones representing the applicant. This property is located south of the Jennifer Lynn Subdivision. You’re familiar with that area.

It’s an existing structure that’s there. It’s a cinderblock building. We’re going to renovate into office space and the architecturals were submitted with it.

The blue area is basically the paving that’s already there. We’re just going to straighten out the paving to allow for parking and the dumpster area to the west and this is behind the old Duck Inn, if you remember the restaurant. I thought it was a chicken coop. But it is a house. We’re turning it into a ---

MR. KENEFICK: That’s it. It was a chicken coop.

MR. BOVINO: We’re turning it into office space.

THE CHAIR: Is this still under review?

MR. BOVINO: Yes.

MR. DELSANTO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

E. Site Plan Application of Gregory Klimaszewski proposing the conversion of an existing residence into a mixed use of business and residential use totaling 3,412 sf within a Business zone, property located at 1004 South Main Street SPR #1440.
MR. GIUDICE: For the record, Stephen Giudice with Harry Cole & Son. Offices located at 28 Werking Street.

I am here tonight on behalf of the applicant. We’re proposing to convert an existing multi family house on South Main Street into office/professional offices. We’re also proposing a residential unit up on the second floor and a proposed garage in the back of the property. We have a proposed driveway with 11 parking spaces and that’s pretty --- we are hoping to clean up a tough piece of property.

MS. HUGHES: What’s the garage going to be for, Steve?

MR. GIUDICE: The garage is going to be for parking for the family unit upstairs, residential unit upstairs.

That’s pretty much it. We have sheet flow drainage. A small detention area in the back. We’re also proposing a landscaped berm along the back property line where it abuts the condo association. And, handicapped parking, some concrete curbing in the site.

THE CHAIR: Is the office person going to be the one living upstairs?

MR. GIUDICE: The applicant is here actually.

FROM THE AUDIENCE: Yes.

THE CHAIR: So, it’s going to be kind of a live/work kind of a situation.

ATTORNEY SCIOTA: Name and address, sir?

GREG KLIMASZEWSKI: 1004 South Main Street.

THE CHAIR: What’re you going to be doing there?

MR. KLIMASZEWSKI: Attorney’s office.

THE CHAIR: Great.

MR. KENEFICK: Steve, is this just in front of the medical dental building?
MR. GIUDICE: This is next to the Connie Proll’s Office.

MR. KENEFICK: So, it’s further down?

Right next to Connie’s. Okay, I see.

MR. GIUDICE: It’s kind of a brick ---

MR. KENEFICK: Yup, I’ve got it.

MR. GIUDICE: There is a dumpster out in front. We’ve been cleaning, cleaning, cleaning.

MR. KLIMASZEWSKI: Quite a mess there.

MR. KENEFICK: I see a few dumpsters have been there.

MR. KLIMASZEWSKI: Yah. The previous owners left a mess. A disaster.

MR. CARMODY: Steve, I see you put an externally lit sign on the plan.

ATTORNEY SCIOTA: He’s cozying up to the Commission.

MR. GIUDICE: Trying to --- pre-emptive move, you know.

MR. CARMODY: It’s a nice move.

THE CHAIR: Anybody else?

MS. HUGHES: This needs to be tabled still.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

F. Site Plan Application of Bradley Memorial Hospital proposing to revise the previously approved site plan for construction of two medical office buildings for the Bradley Memorial Hospital, property located at 209 Main Street SPR #1372.1.
MS. HUGHES: At this time, Bradley is proposing to eliminate the second building because in order for them to obtain their CO they’ll need to get an STC certificate if the second building’s on the property. It’s going to take them quite a long time in order to get the traffic report done and go through the STC process.

So, they’re interested in, this was approved with access on to Eden Avenue, so they’re interested in eliminating the second building and moving forward with the first building.

Did I get it right?

MR. GIUDICE: Pretty much. Unfortunately, if the Commission remembers, we had a proposed connection from the Bradley Health Care site to this site. That little Connecticut turned out to be somewhat of a difficult situation. That pushed us into the STC’s threshold of more than 200 parking spaces.

So, you know, the applicant wasn’t aware that was going to happen. So, kind of, things kept moving along, moving along. And, now we’re kind of at the point where everything’s done except the work on Main Street.

So, at this time they’re --- they don’t have any tenants for the second building, so they’re proposing --- if they want to go with the second building, we will come back at that time and file the appropriate paperwork with the State and move forward then.

It is currently, we’ve submitted documentation to the State to let them know we’re proceeding this way, in this manner.

THE CHAIR: So, what’re you planning on doing in the back there?

MR. GIUDICE: Just right now, leave it as is. It’s vegetated. It’s stabilized and we’re not proposing anything at the moment.

MR. DELSANTO: I have a question. Steve, what’s the likelihood of a second building ever coming?

MR. GIUDICE: I think it’s a very good likelihood.

MR. DELSANTO: Oh, it is. Okay.
MR. GIUDICE: It may not be for another three or four years, but I think, I believe that that is their intention.

We’ll be back at some point. And, the Commission had concerns with this application the first time with the second phase, I think, anyway. They were concerned about the traffic and whether that connection to the Bradley Health Care was necessary, or not.

I think Mary can correct me, but part of the approval was a stipulation that we analyze the site once the first building was up. So, this will give us an opportunity to analyze from traffic prospective what’s happening once the current, the existing building is occupied.

THE CHAIR: Based on this design right here, is it just the building is missing and everything is as it was in the original design?

MR. GIUDICE: Basically, everything in Phase II has been eliminated.

THE CHAIR: There’s been no changes to the Phase I design, parking?

MR. GIUDICE: No. Just some minor tweaking on the parking lot just to make the handicapped spaces fit. Different regulation. But other than that it’s the same.

MR. KENEFICK: Did you say, number two building goes up, you will have a different, you will go out through Bradley Memorial? Are you saying you don’t want to do that still?

MR. GIUDICE: I’m saying that we don’t, if we don’t have to do it, if the traffic reports says we won’t, we’ll present that to you at that time. But you know, if it’s necessary, then we will do that. I believe that it will be necessary. I don’t know for sure, but once this building is up we can then analyze the traffic that this building generates and have a better idea of what’s happening at that intersection.

So, I think at some point, we’re going to come back one way or the other, but whether that connection is there, ultimately, I think it will be up to this Commission because that’s who requested it.
MR. KENEFICK: Why have they waited so long to get this permit to start it?

MS. HUGHES: They didn’t realize they needed it. We would’ve never issued the building permit if we thought that they needed it. What the STC determined --

MR. KENEFICK: That’s what we were afraid of from the start.

MS. HUGHES: What the STC’s concern was with the connection to the Southington Care Center, it tripped the threshold for over 200 parking spaces and they wanted it reanalyzed. Southington Care, Bradley Hospital, in addition to these two medical office buildings.

MR. GIUDICE: That little connection through us into a tail spin, basically. So, that’s how it happened.

THE CHAIR: Anybody else?

(No response)

MR. CARMODY: Is this ready?

MS. HUGHES: We need it to be tabled.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

7. New Items to Schedule for Public Hearing for: September 5, 2006 or September 19, 2006:

A. Special Permit use application of Yarde Metals proposing to establish multiple buildings on one site within an I-2 zone, property located at 45 Newell Street SPU #431.

B. Petition of Kratzert, Jones & Associates, Inc. to Amend the Zoning Regulations Text to modify Section 12-01.1-O and Section 12-01.1-P pertaining to parking area for manufacturing and industrial properties ZA #531.

MS. HUGHES: Yarde Metals can go on the 5th.
Because of the need to refer the text change to the regional planning agencies, I suggest that go on the 19th.

THE CHAIR: Let’s schedule Yarde Metal for the 5th and the text change for the September 19th meeting.

8. Miscellaneous

A. Request of Atty. Bryan F. Meccariello for an interpretation of Section 5-01.1 and Section 5-01.2 of the Zoning Regulations regarding whether redistribution of non-finished goods would be a permitted use in the I-1 zone.

MS. HUGHES: I apologize. There was a misconnect on getting these in your packets. We did get a memo from Chuck Motes as well as a letter from Lou Perillo regarding the proposed operation.

Why don’t you take a quick look at it.

(Pause, pause, pause)

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

(Pause, pause, pause)

THE CHAIR: So, he’s saying --- did you have a conversation with Mr. Motes? Did he give you his verbal discussion on this?

MS. HUGHES: No.

THE CHAIR: He’s not coming out for or against.

MS. HUGHES: No. He’s just indicating that if all state and federal regulations are adhered to, then it shouldn’t be a dangerous operation but that he did confirm that it may be regulated by the state but when it’s transported it is considered hazardous material.

ATTORNEY MECCARIELLO: Good evening, Bryan Meccariello, 142 North Main Street here in Southington on behalf of the
applicant once again, Earl Clark.

I revisited the meeting Minutes from August 1st and I’m going to take Mr. Weichsel up on his offer to “enlighten him” as to the different regulated material and hazardous material. And, again, we are coming forward. As Commissioner Zaccagnino had so passionately discussed at the last meeting, it is a non-finished good. We happen to telling you up front its asbestos.

With me tonight in addition to Mr. Clark, I have Mister --- and forgive me, I have Vidai Trevetti, he’s a professional engineer and a certified hazardous materials manager. He’s right now with Reliance Environmental, LLC.

I have Stephen W. Connolly, he’s the Senior Vice President and officer in charge of Environs Science Consultants out of the Boston office. He’s an asbestos inspector and asbestos designer.

As well as Attorney (Inaudibe) Mazek who is the attorney that my client had engaged the services to go through the licensing process with the State of Connecticut DEP and Public Health.

What I just want to just pass out for the Commission, just the curriculum vitae of these two gentlemen here in addition to, as I mentioned, there is one other similar site in the State of Connecticut and it is located in Portland, CT.

Lagano Trucking Company is the owner/applicant back then. I have Minutes from the meeting just because if I were a Commissioner I would want to know if this has ever been proposed in any other Town. So, I want to leave that with you, as well. Although it is not as substantive as the Minutes that are taken here at this meeting, the points are well made. In addition to that, there was a letter from the DEP, which I’ll pass out as well. The purpose of that letter is there’s a process and again I am going to have Attorney Mazek --- defer to him on the process. But it’s a process where DEP will have a hearing to make a determination.

Now, in Portland, CT the site plan is a ten-day transfer facility. However, in the regulations in Portland it was the comparable zone to an I-2. So it didn’t have to come
before the commission at this level, at this stage of the game. They had gone in on site plan, but they also, they needed a special exception, for lack of a better word, to the regulations.

That was ultimately approved. I just happen to have the map and the approval Minutes. I’d like to just pass that around and then I know the meeting is going pretty quick and I want to keep it going in that direction but, the technical questions need to be answered by the gentlemen that are here. So, if you have any questions, I’ll bring them up. Okay?

In the fact, in the meantime, I’ll just start passing these. If you want to inquire of any of the people here, feel free.

THE CHAIR: Anybody have any questions at this point?

(Pause)

ATTORNEY MECCARIELLO: If you don’t, I’d like at least Mr. Connolly to address Mr. Motes’ memo, just if he can supplement and add anything.

Mr. Connolly?

STEPHEN CONNOLLY: My home address is 65 Heather Glen Road, Glastonbury, CT. My company is Enviroscience Consultants in Newington, CT is my office.

I did read over the memo quite quickly. I think Mr. Motes supports it. He describes the facility well. I think he’s correct in looking at the waste. It’s a special waste, regulated waster, but not a hazardous waste. Asbestos. Controlled in a transfer station and in this way it would be a safe operation. I agree with what he says in his memo.

THE CHAIR: Are there any questions?

MR. DELSANTO: I have a question: Let me ask you, sir, with regards to this asbestos, is it safer in these containers as it is in people’s homes where it’s removed?

MR. CONNOLLY: Again, the question? I’m not ---

MR. DELSANTO: The asbestos that’s being removed in homes
and various businesses, it’s sitting in ceiling tiles and sitting in tile floors. Okay? Once it’s taken out, it’s bagged and double bagged in secure containers. Is it safer inside of those containers as it --- is it more safe or less safe than it was when it was in the homes and businesses?

MR. CONNOLLY: Well, in the homes when it was existing in a facility, it’s in a condition generally that’s in good condition and not until it’s removed and disturbed to see you any fiber release or any other and all of that is always done with engineering controls like containments, negative air to keep that area secure, wetting, cleaning procedures, whatever.

When it’s bagged and it’s taken in a dumpster or a truck to a facility like this transfer station, it’s safe because that vehicle is locked and maintained locked and brought to this facility, brought into the facility and hooked right into the facility so there’s no escape of anything.

Everything inside is bagged, double bagged and ready for waste. So, I think it is safer in that sense.

MR. DELSANTO: So, it would be fair to say the most dangerous part is actually the removal because some gases may be let out?

MR. CONNOLLY: Well, there’s no gases involved. It would be a particulate or fiber. During the removal is when you see the disturbance. That’s when you would see it. There is engineers controls when that’s happening. Those same engineering controls are established inside this facility where the transfer will occur.

MR. DELSANTO: That is where it’s the most dangerous, but it is mostly heavily controlled at that point, as well.

MR. CONNOLY: Correct. But inside the transfer thing, it’s already doubled bagged. It’s just moving bags to another vehicle for transfer.

MR. DELSANTO: Thank you.

THE CHAIR: Any other questions?

Mr. Hart?
MR. HART: What safety controls are there in case of a power failure where negative pressure rooms aren’t able to maintain pressure?

MR. CONNOLLY: The negative pressure inside the station? Well, actually, the building is secure in that it’s sealed and locked and even though it wouldn’t be under negative pressure, there wouldn’t be positive pressure to push anything out.

But the real safety valve is this waste coming in has already been collected, bagged, double bagged and it’s being brought in and it’s just being moved from say a 30 yard or a 40 yard dumpster into a 110 truck.

MR. HART: But my question is, should there be a failure of any of these processes, what safety measures are there going to be in place to prevent an outside release?

MR. CONNOLLY: Well, as I think I was stating, in an --- removal, when you do removal, you have containment and the containment is what is a secure engineering control. It’s in place and this facility, your building is your containment. It is actually a secure thing. Vehicles back up to it. It’s cushioned on the site so you’ve got a seal around it. So, even without the negative pressure that you’re talking about that is run by power, you still wouldn’t have any release to the outside. And, they’re all bagged already and it’s already secured. It’s not like it’s loose or friable outside of those small bags containment. Okay?

Yes?

MR. KENEFICK: How large are these bags? How many pounds of asbestos in each bag, roughly?

MR. CONNOLLY: Well, the bag is a 6-mil bag and it’s ---

MR. KENEFICK: Six mil, that’s like a trash bag?

MR. CONNOLLY: Heavy --- no, no, no. It’s much thicker than that. A trash bag is about a 1 mil and this is 6 mil, so it’s heavier than that. But the bags are so big (indicating) and they’re filled probably half way and then goosenecked over and secured and then put inside another
bag in the same process is taken. So, it’s double bagged, double layered, really 12 mil. So, it isn’t like your garbage that you’re going to take out and every once in a while it falls out. That won’t happen with these.

MR. CARMODY: These bags never see the light of day coming in or coming out?

MR. CONNOLLY: They shouldn’t see the light of day because they go into a dumpster and that’s locked and brought to this facility and inside the facility it is transferred and then when it comes out in the truck, it goes to a land fill for disposal.

MR. CARMODY: Okay, thank you.

THE CHAIR: Anybody else?

(No response)

ATTORNEY MECCARIELLO: Mr. Chairman, if I might, for Commissioner Hart’s benefit, Mr. Trevetti, who is also here, actually works at the facility, had worked there in Portland, so he can explain maybe or answer any questions regarding the concern of back up.

VIDAI TREVETTI: 155 Bull Hill Lane, West Haven, CT. I’m a professional engineer and soil certified, hazardous materials manager. I’ve been working asbestos since October of 1990. I’m licensed with every single (inaudible) asbestos and lead in the State of Connecticut.

I did work in this transfer facility in Portland so I can explain to you very easily what it’s all about. When asbestos is removed from someone’s house, the school, industrial facility, what they do is they put asbestos they wet it down and they put it in 6 mil bags. A mil is like thickness. It’s one thousands of an inch. It’s very thick bag.

That bag is put into another 6-mil thick bag. Wrap it around very tightly and duck tape. Then we put the label around where we put the tape to see where this waste is coming from. Sometimes 15 to 30 cubic yard dumpster transport that waste from point of generation to the transfer facility.
The transfer facility is like, you can just assume like this, a higher ceiling. We have a negative, we have machines that are regulated like 2000 cubic feet per minute so the whole area is maintained under negative pressure. That means if I smoke outside here, the smoke is going to come in. Nothing will go from this room to outside. It’s very well maintained under negative pressure.

Machines are placed based on the size of the room. You can design those things. Everything was fine and there was no problem. And, these things, when they come, they just get transferred from the small container to the larger containers so the process is very safe.

And, asbestos is a regulated waste. It’s not hazardous waste. Hazardous waste is very specifically different any way. It’s very different rules and regulations that apply to hazardous waste. If you want me to explain, I can explain to you what hazardous waste and what asbestos waste is, but DEP and the Department of Public Health say asbestos is a regulated waste.

So, when you dispose of hazardous waste, you have to have a very long list, manifest. You have to have EPI number, transporter ID number. For asbestos you need only one paper. Solid Waste, shipping documents.

Very simple rather than hazardous waste disposal requirements.

So, I’ve worked in this place. I did a few weeks there. And, there was no (inaudible). With a power failure as your question was, there would be a generator for if the electricity goes off or something. So, the generator will back up those negative air machines. And, under any circumstances, as an engineer I can tell you, nothing will get released to the outside if a failure.

MR. DELSANTO: I’m curious. You say these bags are 6 mils. What is your standard garbage bag?

MR. TREVETTI: Oh, the garbage is very thin like --- I think one-fifth thickness of the 6 mil probably. The 6 mil ---

MR. DELSANTO: Listen, sir. I graduated high school, not with honors, but is the regular garbage bag 1 mil or less than 1 mil?
MR. TREVETTI: I can probably say 1 mil, yes, yes, yes.

But this thing, when you touch it, I can tell you it’s very thick. And, this gets wrapped in two 6-mil bags.

MR. DELSANTO: Okay. I’m just curious.

MR. TREVETTI: Oh, of course, sure.

MR. DEMELLO: Sir, when these, when this waste is getting into them bags, you said you wet it down?

MR. TREVETTI: That is required by the law. When is the generator for this first bag is completed wetted down so it does not become airborne. The main thing with asbestos is it does not become airborne. Asbestos can be in the ceiling tiles. I can be in the wallboard, the floor tiles. It could be glue. It could be ceramic tiles. Asbestos is a mineral that is mined and anywhere you go you face asbestos, not that you know, you can get away with this.

But when it’s bagged, it’s perfectly sealed. There is no potential for any rupture or damage of --- (inaudible).

MR. DEMELLO: So, it always stays damp ---

MR. TREVETTI: Always, always. That is required by the law. I am a licensed project manager. I supervise when the contractor removes to make sure when the waste is being placed in the bag it is adequately wet. With the Health Department regulations, they are very strict about it. You cannot deviate from that requirement. If you do deviate, they take your license away.

MR. DEMELLO: Thank you.

THE CHAIR: Anyone else?

(No response)

All right.

MR. TREVETTI: Thank you.

THE CHAIR: Thank you.
MR. KENEFICK: I just had a question for Bryan.

Mr. Meccariello: Is your applicant stating that if this is approved that they will install a generator system for that building?

ATTORNEY MECCARIELLO: That, that -- yes. In fact, um, I can’t speak as to the specs of the building but that is going to be required by at least the Fire Marshall. And, if you take a look at the approval from Portland, there were conditions. Obviously, one of them was DEP / Public Health which they need to be --- the permit has to be issued, first. And, that is quite a complicated process. If you need to hear from the attorney -- if not, that’s fine.

But then they had next was the Fire Marshall with respect to the containment of the building. That was a requirement. The file was very light, but there was an approval from the Fire Marshall as to that, if you need to visit it for site plan purposes, then that’s fine.

Mr. Clark back there is going to do everything it needs and everything it takes to keep the place safe but also to follow state, local and federal rules and regulations.

And, I’m glad we’re talking about the site plan. I think it’s important. It’s getting ahead, but it is necessary at this stage because there needs to be a comfort level on the Commission’s part, but also on my client’s part because he’s getting into the contractual relationship with the owner of the property and then spending quite a bit of time and expense with the State of Connecticut in processing.

And, he might be denied. I mean, there is all indications that he’ll be approved, but he might be denied. But I think from the last discussion at the last meeting, I think it’s really, can you read this into the regulation, into the I-1 zone. And, I think that’s obviously up to the Commission at this point.

THE CHAIR: Mr. Zaccagnino?

MR. ZACCAGNINO: I guess the, going back to what I was mentioning last time, as far as whether this belongs, this type of activity belongs in an I-1 zone, how does it effect the other businesses, entities already currently operating in an I-1 zone, is there any negative implications there?
Not that I can think of any, but that would be a consideration, I would imagine, trying to fit this into that.

ATTORNEY MECCARIELLO: Well, not to equate this to a ZBA application, but I mean this Commission needs to look at the harmony in that zone and look at the other type of permitted uses. You know, I can very easily fit this into the definitions of an I-2. I-1, I am taking advantage of the section, after consultation with Attorney Sciota, you know, let’s let the Commission thumbs up or thumbs down this because that’s really what we need before we can move forward.

And, I’m trying to provide you as much of a comfort level because out of the box, we are talking about asbestos as opposed to dog food, I think it was in the question last time.

MR. KENEFICK: I don’t know if I’m saying it right but, I think I would like to take a feel from the people that are in that area. Do you think that’s a right thing to do? I mean, a lot of these people invested a lot of money there. There’s a guy that just came before us that added on three, four or fives times up there. He’s got a big shop up there. Do you think this is right? I mean, to ask what they feel about this? I mean, if they’re going to be neighbors? I mean, we’re looking for something that should be in an I-2 and we’re sort of, if we approve this, we’re giving him permission to do it in an I-1. Do you think it’ll sort of ---

MR. DELSANTO: I think ---

MR. KENEFICK: --- make these people that are doing the right thing in an I-1 ---

MR. DELSANTO: My only concern with that is that we would have to educate those people, as well. Because from what I read last week from the last meeting, what I read in the Minutes, it was asbestos? No way. I think that is going to be everyone’s knee-jerk reaction. No, I don’t want asbestos.

MR. ZACCAGNINO: And, again, my problem was ease off on the actual asbestos. There is an underlying more basic question
is the redistribution and I guess, the redistribution of
the material, that kind of activity, proper in the zone? If
you ask some other industrial resident if the
redistribution of industrial material in an industrial zone
is offensive to them, I can’t think of anybody that would
say no. The asbestos part? That’s for them to deal with
later. And, the other attorney back there is going to have
to impress all the proper people at DEP and I think, I
don’t see the --- I don’t see a harmony issue. Safety? I’ll
take their word for it for now but someone else is going to
have to be impressed for them to succeed on that end.

ATTORNEY SCIOTA: There is a section in your regulations.
I’m sure you’re very aware of it. Section called public
input. And, if the Commission chose, according to Mr.
Kenefick, if you wish to have something like that and the
Commission agreed, you could have public input session at
your next meeting and what would happen is we’d do
notification whether you want to do it in an area, it’s up
to you. But our section that you put in several years ago
allows you to do that. I don’t know if it’s going to help
you here because they’re almost all businesses and I’m not
sure what kind of representation you would get, but that
certainly is your option and it is available to you as you
just stated.

MR. CARMODY: The permitted uses in the I-1, some of them
read like this: the manufactured processing or assembly of
goods. Farm or construction equipments sales and service.
Warehouses for finished goods. So, it’s not in there. But
it’s not much more -- you know, he’s going to have trucks
that any one of these allowed uses would use. The stuff
goes in. I even asked: does this stuff see the light of
day? No. It’s backed up to a bay that’s sealed and secure.
They come in. Take them out of the barrels and put them in
big barrels and the trucks come out. Just like if you were
assembling, processing or manufacturing goods and shipping
them back out. The neighbors --- our real issue is its
asbestos and it’s this big, scary word.

MS. HUGHES: Well, for me, the issue is this is a transfer
station. This isn’t re distribution of finished goods or
removed goods. This is a DEP permitted transfer station and
you have to be comfortable that that use is of similar
character of the uses in the I-1 zone that you’re going to
permit that use. Because we just can’t say here on Robert
Porter Road. We’ve got to take a look at it in its Town
wide impact and this is as I said, a DEP permitted transfer facility.

MS. CONROY: I agree with you. That seems to be what it is versus the dog food analogy from last week that at least, or manufacturing that is also going on there, using the same trucks, those goods are actually going to go out and be goods. If it were some sort of an unfinished materials that was say stone that was going to eventually go out, that’s different than something that will eventually go to storage and be sat there until the end of eternity.

Again, as Mary said, that needs to be determined as to whether or not that is appropriate in this zone.

MR. ZACCAGNINO: I can’t see the disharmony. Just from looking --- I know what they’re doing may not be the redistribution as they had asked, so maybe there question doesn’t even help them. The answer to their question may not help them. To me, what they’re doing is coming in, taking items in ten barrels and putting them inside 20 barrels and sending them out. Basically, what they’re doing is backing up, doing something inside, and pulling out.

I don’t see from the outside how disharmonious that could be to an industrial area.

MR. CARMODY: I agree with him.

MR. DELSANTO: In my estimation, I think it’s less of an impact. This type of a business has less of an impact if they were doing something, if they were producing something, you know, I’m not talking smokestacks and stuff like that, but this is an I-1, but I mean, I think it’s less of an impact of the normal stuff that goes on in I-1.

THE CHAIR: I’d like to ask our Town Manager: What are you thinking on this?

MR. WEICHSEL: I’m persuaded that with the experts that were produced, that the safety aspect is secure. The question of what Mary just said is more sophisticated. The question of is it an I-2 zone, that you people are better at than me. But my enlightenment, I appreciate, but that then leaves the question of is it an I-1 use and Mary has made fairly clear that a DEP transfer station probably is not.
MR. CARMODY: What’re we talking about for activity?

ATTORNEY MECCARIELLO: If I may first address Chairman Kenefick’s comment and you know, if Mary, if we have to go to every I-1 zone and ask every I-1 zone occupant or property owner, is this something, because obviously it’s going to effect I-1 zones around Town, but this is an I=1 zone which happens to be in the industrial zone, enterprise zone, excuse me. Um, and representative of the economic --- well of the enterprise zone, put together this committee. The Southington Enterprise and Economic Development Committee, which is business people and landowners and anybody in that zone. And, that zone isn’t entirely and correct me if I’m wrong, I=1. But because my wife was a member of that at one point and we live in a residential, we just happened to be in the Enterprise Zone itself

So, we’ve brought it to that committee which to me, I think, fairly represents the interests in that area although maybe not the actual individual property owners abutting this property. But the actual use as I described last time, um, in terms of hours of operations. I mean, it’s --- we have a 10,000 sf building. Hours of operation will be Monday thru Friday, 7:00 am to 7:00 pm. Four personnel inside --- well four secretarial and one dispatcher.

You need two people outside. You need somebody who is monitoring the yard, someone who is actually at the weigh scale, the scale house.

The equipment we’re talking about is a bobcat, a forklift, an excavator, two trucks. And, some roll offs. The traffic is ten trucks per day, in. And, only three going out. The noise would be the truck traffic, only.

Other than, if I can answer any other questions in terms of the activity ---

MR. CARMODY: That’s what I meant. Ten in and three out a day?

ATTORNEY MECCARIELLO: You know, they’re not lining up waiting to get in. Unlike the bulky waste you see on Old Turnpike. It’s not that.

MR. CARMODY: You answered my question.
ATTORNEY MECCARIELLO: But again, we’re here just to --- because not that time --- time is getting, we’re going through our process with the State. We need to get permitted, of course. And, we’re not hearing a no, but we’re not hearing a yes.

If you need more time, to be comfortable, then you need more time and take that time.

THE CHAIR: If the Commission is going to say yes/no on this opinion, but when this comes forward and we start looking at what is really written in the I-1 zones in terms of some of the exclusions, an interpretation doesn’t mean a yes.

ATTORNEY SCIOTA: Well, the site plan itself has to be approved by your section of the site plans when it eventually comes in. What you’re saying is this activity is allowed in an I-1 zone.

THE CHAIR: A transfer of finished ---

ATTORNEY SCIOTA: Exactly what he is putting forth here is allowed under Section F.

THE CHAIR: Redistribution of non-finished goods ---

ATTORNEY SCIOTA: Well, he’s applying it to Section F which is your catch all type paragraph. And, what you are saying as a Commission is that the policy of this Commission is to allow this particular use in an I-1 zone. So, you can’t then come back after he applies for a site plan with this type of use, saying we’re denying you based upon the fact it doesn’t fit into an I-1 zone. It doesn’t work that way.

THE CHAIR: No, I understand. If we put that in there and I’ll be quite frank, quite honest, I think that this change, looking at some of the examples that were given: dog food, material coming, redistribution, I don’t have an issue with that. I think actually when we are starting to look at some flexibility going forward in our industrial regulations, we need to do that and I think we should do that.

My issue right now is that I’m not sold on this particular project and I commend you for being honest and coming forward with that because I think that’s very important.
I think we should --- I won’t see an issue with changing the regulation, adding that to the regulation.

I do see an issue with a DEP transfer facility going in an I-1 zone. So, when you talk about interpretation, I would interpret redistribution of non-finished goods maybe differently than some other people.

So, what I am saying is if we made that adjustment, the interpretation of what a non-finished good, I don’t know if my interpretation is asbestos, removed asbestos. I’m not sure how that goes legally. Since we’ve had that discussion here on the table.

ATTORNEY SCIOTA: The courts have always ruled that the Commission interprets its own regulations. But I would be hard pressed to say that asbestos is a non-finished good. Maybe Mary can answer that. That’s a tough one.

MS. HUGHES: I don’t know of an adaptive re-use for it, yet.

MR. ZACCAGNINO: He’s still got to convince you that what he’s doing is going to fit into what he wants to change.

ATTORNEY SCIOTA: I think that Section F is what he’s asking for and I think that a section that if you feel this particular use is appropriate compared to all the other uses and it does not negative effect, that’s exactly what that Section F says. And, that’s what is in front of you.

The courts give you massive latitude on that. If you say no, they’re going to back you up. If you say yes, they’re going to back you up.

You interpret your own regulations.

MR. KENEFICK: It is a transfer station, correct? Transferring whatever. What would stop like an All Waste type of guy coming in, getting a big building in an I-1 zone, bringing in garbage, putting it in, transferring it another dumpster ---

ATTORNEY SCIOTA: All interior type of thing?

MR. KENEFICK: Yes.
ATTORNEY SCIOTA: Mary’s point.

THE CHAIR: Nothing.

ATTORNEY SCIOTA: Mary’s point.

MR. DELSANTO: Well, I disagree with that. Your talking apples/oranges there. Garbage is garbage. It gets thrown in the dumpster and you smell it and it leaks and there’s flies and maggots.

MR. KENEFICK: But it’s a transfer. I’m just saying, I never realized until she said it, it’s a transfer station.

MR. HART: Its apples and apples. Yes, it’s demolition material. It was a finished good. Asbestos is a mineral that’s mined out of the ground. It’s finished ---

MR. DELSANTO: Bagged, double bagged. Put into a secure ---

MR. HART: We are talking about whether it’s finished or not, garbage or not.

It’s demolition material.

MR. DELSANTO: Okay.

MR. HART: So, it is garbage. If you go to --- what’s the place in Berlin? The transfer station there. You go to the transfer station on Old Turnpike Road. Gypsum is mined, turned into sheetrock, put into your walls, torn out, is that garbage or is that demolition material?

MR. ZACCAGNINO: Is it handled the same way? Is it double bagged in a negative pressure area?

MR. HART: We’re talking finished good, not finished good.

MR. ZACCAGNINO: I think you have to compare the harmony intrusion with the other areas. If you start bringing garbage in and out and you smell Mrs. Peterson’s old milk carton, rotten, that’s a lot different than double bagged -- then double bagged ---

MR. HART: Then you’ve got to put a definition on a transfer station. That’s what has to be done. What is allowed --- transfer station in an I-1 zone as opposed to elsewhere.
MR. ZACCAGNINO: Fine. If that’s what you want to do. I mean, I’m just saying, the type of situation they are going to propose, I think, doesn’t invade the harmony to the extent that something that you had mentioned before with the garbage.

MR. SAUCIER: It’s still waste material. Demolition material, it’s waste material, it’s not going to be used for anything further down the production line. It had its life. It had its cycle and now it’s being thrown out.

MR. ZACCAGNINO: But to the neighbors ---

MR. SAUCIER: I understand. But what I’m thinking here, is you know, and this was a question to Mark here, is that it all comes down now to our definition of non finished goods. If we say yes to this, a redistribution of non-finished good is an acceptable use in this area, then it becomes whether we feel asbestos is a non-finished good or a waste material.

MR. ZACCAGNINO: That’s my question.

ATTORNEY SCIOTA: I think the easier question is as Mary hit right on the head, do you feel that this type of --- to use the word, transfer station --- is appropriate? I think Mary named it the best it is. It is a transfer station. And, that’s your decision.

MR. KENEFICK: I’d like to take Bryan at his word. I think I myself need more time to think about this.

If we had to vote on it this tonight, I think I would be against it, but if I get more time --- I’m not saying I am for or against it --- it’s just that I think I need another couple of weeks to really digest this.

And, I can’t believe that just the word, what Mary said, transfer station in an I-1 zone. That’s what is throwing me off.

MR. DELSANTO: I have a question for Mary, too. Is it fair it to call it a DEP transfer station or a DEP controlled ---

MS. HUGHES: DEP permitted.
MR. DELSANTO: Permitted transfer station. So, it’s not, I mean, run by the State, it’s run by these folks but it is heavily controlled by ---

MS. HUGHES: Mr. Yorowski used to, when I was in Canton, Griswold, Mr. Yorowski had his own private landfill. Not all landfills are public. So, his operation will be a private operation, but it will be a transfer station for asbestos. They’ll bring the asbestos in and they’ll take the asbestos out. And, it has no second use.

It’s not like bringing in dog food pellets, putting them in a bag and shipping them in.

MR. ZACCAGNINO: But the coming, putting and shipping is the same. I’m trying to figure out the difference of what happens to it afterwards. Does it really matter to us what happens once it gets to Pennsylvania. If they were going to use it and make asbestos ski hills out of that, then it would have another use. If they were going to bury it, then it wouldn’t have another use. But, I guess for us in our zone it seems, I guess I am over simplifying it.

They’re coming in. Putting it in bigger containers. Getting it out. I guess I fail to see the relevance of what happens after they get it out. When looking at the harmony of the zone, I think. The guy next door that runs a paper mill ---

MS. HUGHES: You have to be aware that you’re opening up the I-1 zone to a transfer facility. That’s my obligation and responsibility to tell this Commission. I can’t say to this individual, yes you can do it here but no it can’t be done anywhere else in the I-1 zone. And, the Commission has to be aware of that.

MR. DELSANTO: Mary, do you think that’s going to open up a floodgate?

MS. HUGHES: You never know.

MR. DELSANTO: I don’t know. What’s the transfer station business like in the world?

MS. HUGHES: I’m not in the waste removal business but I’m understanding it’s quite profitable.
MR. DELSANTO: I know a few people.

THE CHAIR: Anybody else?

MR. KENEFICK: Mr. Chairman, I’d like to make a motion to table.

MR. SINCLAIR: Second.

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

B. Request for Approval of Conceptual Plans for the previously approved Nanfito & Raya Clinic site Plan, property located at 200 Queen Street (SPR #1427) – Plans to be displayed at meeting.

MS. HUGHES: You had approved their addition with a condition that you wanted to see their architectural. So, they’re just following up with that stipulation. That’s what the building’s going to look like.

(Pause)

MR. KENEFICK: Is this before or after?

THE CHAIR: Here’s the new part.

MS. HUGHES: After, Fran.

(Comments/chuckles)

MR. KENEFICK: I thought they were going to, you know, architectural design plans, I thought they were going to get really fancy here.

(Undertone comments)

THE CHAIR: All right. So, we’ve seen the conceptual plan.

MR. SINCLAIR: Move to approve their conceptual plan.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)
C. Request for Release of the $65,200 Maintenance Bond, the $37,000 Public Improvements bond and the $2,500 sidewalk Bond being held for the Luty Estates subdivision with acceptance of 955 feet of the new roadway, February Drive S #1204.

MS. HUGHES: We have a recommendation for release of the bonds from the engineering department and acceptance of the road?

THE CHAIR: We need four separate motions here?

MS. HUGHES: One for release of the bonds and one for acceptance of road, Mark?

ATTORNEY SCIOTA: Two is fine. As long as acceptance of road is a separate motion, that’s fine.

THE CHAIR: Looking for a motion for release of the three bonds.

MR. DEMELLO: Move to release.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We’re looking for acceptance of 955 feet of new roadway.

MR. SAUCIER: Move to accept the road, 955 feet of roadway.

THE CHAIR: Motion to release, I’m sorry, motion to accept. Is there a second?

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

D. Request for Release of the existing $13,500 Performance bond for the George Sakellarious/G.S. Associates, Inc. site Plan, property located at 189 Atwater Street SPR #1187.1.

MS. HUGHES: We have a recommendation from the engineering department for release.
MR. SINCLAIR: Move to release.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

E. Request for Release of the existing $254,800 Maintenance Bond for the apple Blossom Estates subdivision covering Section 1 (Blossom Way) & Section II (Old Cider Mill Road) S #1135.

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

MR. DELSANTO: Motion to approve.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

ATTORNEY SCIOTA: You need to continue the public hearing to next time.

THE CHAIR: So, we’re going to continue Item B to the September 5th meeting.

Mr. Kenefick?

MR. KENEFICK: The last couple of meetings I was at, I had to recuse myself and go in the back of the audience there. And, I really want to tell you, it’s hard to hear anybody say what they’re saying.

Now, it’s hard to hear. I realize and John brought up a good point, we have plans in front of us and everything. But not only this, they’re talking about the Commission, but especially if like Steve gets up, Steve Giudice. You cannot hear what he’s saying. Steve talks very soft anyways, but I mean, you really can’t make out what’s going on.

I don’t know what we can do. Can we turn this up a little bit? You can’t do that.
MR. WEICHSEL: What you have to do, Commissioners, is address the mike. You folks move around and move your head and so on, and you’re three and four feet away, it’ll never pick it up.

Steve is a very low voice.

If you’ll be really close to the mike, I don’t believe you’ll have a problem.

MR. KENEFICK: We should tell people when they get there, please put the microphone six inches from your mouth.

What do you think? Mr. Cyr?

MR. CYR: (From the audience) The lady moved up sitting behind me, she couldn’t hear a word that Mary said tonight.

MR. DELSANTO: Motion to adjourn.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 8:30 o’clock, p.m.)