

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
January 4, 2011

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday, January 4, 2011. Chairman Michael DelSanto, called the meeting to order at 7:01 o'clock, p.m.

The following Commissioners were present, viz:

James Sinclair	Steve Kalkowski
Kelly Kennedy DelDebbio	Paul Chaplinsky
Zaya Oshana, Jr.	Francis Kenefick
Michael DelSanto, Chair	

Alternates: Patrick Saucier
James Macchio
Randall Gage

Ex-officio members present were as follows, viz:

Mary Savage-Dunham, Town Planner
Anthony J. Tranquillo, Director of Public Works/Town Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney
John Weichsel, Town Manager

Bruce Hillson, Consulting Traffic Engineer

Absent: Lisa Conroy, Alternate Commissioner

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

The Minutes are being prepared summary style and the video and audio tapes are available for further detail.

MICHAEL DELSANTO, Chairman, presiding:

Approval of Minutes - Regular Meeting of December 7, 2010

Mr. Sinclair so moved the motion to approve the Minutes as presented. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

Public Hearings:

The Town Planner read the legal notice into the record.

A. MC Realty Dev., LLC Special Permit Use application for child day care services for more than 13 clients, 2003 West Street SPU #490, continued from December 7th.

Sev Bovino, Planner from Kratzert, Jones & Associates, representing the applicant presented. He requested that the record from the last public hearing be incorporated into tonight's hearing.

He then reviewed concerns voiced at the last public hearing. He advised the applicant and Kratzert, Jones did their homework and would like to modify the request to note that the request to the state for licensing will be for a maximum of 181 clients and a maximum of 19 employees at one time. Revised data was supplied to the traffic engineer and the Town Planner.

He advised he did an actual count as requested by the Commission and his data and that of Mrs. Goldblatt was incorporated into responses to the Town by our traffic engineer, Scott Hesketh. He then submitted copies of the traffic count findings he did. (On file in the Town Planner's office.)

He then reviewed the traffic count numbers for the Commission comparing the Pumpkin Patch and the YMCA Daycare Center.

Mr. Bovino stated that Mr. Hillson's recommendations on Page 4 of his January 3, 2011 memo to the Town Planner will be incorporated into the application. He recommends the parking be allocated for employee parking in front of the building, relocating the handicapped parking farther west and also he recommends to have these eight parking spaces (indicated) be angled at 75 degrees and have one way traffic circulation coming out.

Discussion.

Scott Hesketh, Traffic Engineer, indicated his office had prepared and submitted a report initially with the application. That was date November 11, 2010. After the last hearing we had comments and concerns from the commission and staff in a memo from Mr. Hillson dated December 18, 2010. We responded to that memo on January 3, 2011. A second memo was issued on January 4, 2011 clarifying some remaining issues.

Discussion.

Mr. Hesketh went through his report page by page. (Report on file in the Town Planner's Office.)

He concluded by saying that he felt the revised traffic volume numbers and revised use analysis and the parking observations noted and proposed for this development will more than adequately accommodate the usage on site. And, with the suggested revisions to the internal circulation with the designation of certain parking spaces as employee parking spaces, we believe we have a site plan which will more than adequate accommodate the volume and will work appropriately for this site.

Questions were entertained from the commissioners regarding specifics in the report.

Charlotte Goldblatt, developer, made a statement regarding the initial numbers given versus the current numbers provided by the applicant. The new numbers are revised to show actual numbers rather than certification numbers based on 75 to 80 percent capacity.

Discussion.

Discussion followed regarding what would happen should the day care center have a special event which required attendance by the parents, i.e.: parking. Mr. Bovino indicated the applicant will stipulate that should there be a special event overflow parking will be provided. He did point out this is a B zone and this use is permitted in a B zone. It is not a residential zone. It is a mixed use zone. It is residential units with commercial parcels in front.

He explained it is designed architecturally to fit with the neighborhood and it is allowed in this zone by the regulations.

He further explained the applicant has been working with the health department regarding the grease trap which will be provided.

He point out in the regulation the maximum number of clients may be waived by the commission with a two-thirds majority vote.

He ended by saying that he feels the application meets Section 8 of the regulations and he would urge the commission to approve it when you are ready to vote.

Mr. Hillson presented his comments at this time as a result of a review of the site plan s well as the traffic study that was initially submitted for the applicant. He further said he reviewed the tape of the first two nights of hearings giving him a flavor of the presentation as well as the commentary made at those meetings. He also reviewed subsequent responses to comments with discussions or email back and forth with Mr. Hesketh in order to fine-tune some of the analyses.

In general, Mr. Hesketh has responded to Mr. Hillson's comments, he felt. His biggest concerns are the circulation and parking on site to make sure that there is adequate parking for the parents as well as circulation that would not require them to back out of areas when they are done. Parent pick up spaces were marked around the perimeter and the middle. This will allow traffic to flow smoothly on the site.

Discussion.

As to the question regarding adequate parking on site, Mr. Hillson commented he felt comfortable with the 19 employees as opposed to 30 which was initially discussed. Comments about additional parking being provided in the area which was originally intended to a banking institution.

Commentary followed about the queuing of vehicles waiting to get on site. And employee and parent drop off parking. Temporary parking was again discussed.

(Those speaking in favor of the application)

Karen Roy, 1985 West Street, Unit 42. Gave a little history of traffic when she lived at a condominium site in Bristol similar.

She felt the traffic volume at this site would not be a problem and spoke in favor of the application.

(Those speaking against the application)

Arthur Cyr, 103 Berlin Avenue. Mr. Cyr spoke in opposition to the day care center at this location. He noted his continuing opposition is that it is on the wrong side of the street.

He spoke about the temporary parking as suggested and parking on the access road is available for special programs.

He again noted his opposition is centered around the fact this is too noisy and is the wrong application in the wrong spot.

If you approve this at 180 children and I hope you don't, that does mean they can use it for the total 180 children. You can't then say we approved it for only 70 or 80 percent capacity. I ask that you deny this application.

Martin Rizzi, Unit 39. Has the applicant presented any evidence whether the day care center will adversely affect the property values? I think that is something you have to make a finding on.

(Rebuttal)

Mr. Bovino gave answers to questions regarding his choice of day care centers to compare. He indicated he picked the busiest centers.

As to the property values, this project was approved as a mixed use development with the anticipation of commercial uses in the front of the condo units. And, even if the buildings were not built before the condo, when the maps are available for review before they purchase a unit, you can see the commercial on there. It is the first thing you see on the site plan. Gave examples of other uses which could go there, i.e.: a 24 hour a day operation with blinking lights, et cetera.

He pointed out this proposal is a benign use and explained the children are outside a limited number of hours per day, and a limited number outside at one time.

He noted the first condo building is at least 200' away.

Mr. Chaplinsky questioned data on the Stork Club and who provided it. Discussion.

Ms. Goldblatt addressed the property value issue. Everybody that bought at the Ridgeview Development saw the site plan on the easel in our model unit. Explained.

She explained the commercial buildings are going to be built to compliment the condo units to give a village affect. This would finish the property in general. She explained other uses which could be considered: fast food establishments - which wouldn't fit in.

(Staff comments)

The Town Planner had one item to add. It has been provided to the applicant and the commission. It is a rather lengthy letter but

there is a short portion I would like to read into the record. (Letter on file in the Town Planner's Office. It is a letter dated December 17th, 2010 signed by 13 residents at the condominium development.

In response to a question by the Chair, Ms. Goldblatt indicated there are 27 more units to sell in the development. We have closed on 33 units and we have 2 units under contract.

Discussion.

Martin Rizzi, Unit 39, again asked with respect to the impact on property values and said he did not hear any evidence presented from an appraiser as to what the impact would be on current condo property values. And, the commission must make a finding that it does not adversely affect the property values and you need evidence to do that.

Mr. Bovino again pointed out it is an allowed use in this zone.

The Chair closed this public hearing item.

(End of Tape #1, Side A)

(Tape #1, Side B was not recorded on)

(Beginning of Tape #2, Side A)

B. Earth Excavation application of AA Denorfia Building and Development for the removal of 24,551 cy of material, 45 Carter Lane and 595 Main Street SPU #491.

Andrew Denorfia, 133 Main Street, Southington, CT, representing the applicant, introduced the application.

Steve Giudice from Harry Cole & Son and Mark Vertucci, traffic engineer, from Fuss & O'Neil also are representing the applicant.

The subject property is approximately 3.72 acres and is zoned entirely in the R-12 zone.

East: Carter Heights condo complex
West: Mix of multifamily and single family homes
& St. Armand's Estates Condos
South: Mix of single family and municipally owned elderly housing.

We are proposing to remove 24,551 cy from the site. Explained we are simply trying to flatten the top portion of the property. The height will still be above the surrounding properties.

We are requesting a waiver of the 100' buffer from the property lines. This is allowed under the regulations based on topography, land use and zoning. We believe we meet these regulations based on the fact that we have a small site that sits on the top of a hill in an R-12 zone and the site has unique topography because all the surrounding properties are significantly below the property. And, it will be same even after the removal of the material.

Steve Giudice, Harry Cole & Son, spoke about the specifics of the property. He passed around copies of an updated plan. We also have a conceptual layout for a multifamily in a residential use. A site line profile was generated for the truck route.

The applicant is AA Denorfia Building & Development of 133 Main Street this application is per Section 11-16. The purpose of the earth excavation is for the development of this property. He has immediate plans to pursue a residential development on this site.

This property consists of two parcels. They front on Main Street and Carter Lane. The whole area is 3.27 acres and no wetlands are located on site. There is an existing house located on Carter Lane known as 45 Carter Lane. It's mostly wooded and has some areas of open grass along Main Street and around the existing house.

The topography was described as rising up with a flat portion located directly off Main Street.

Serviced by public sewer and public water.

We did test pits on the site and we dug 18 to 20 feet down and we did not encounter any groundwater. Red silty sand and gravel.

We submitted a conceptual plan. We have special permit use hearing coming up for allowing multifamily use of this parcel. My presentation now will stick to the earth excavation portion of our application.

The grading is related to the layout provided. Explained cutting on the property has been minimized and we are proposing fill in the northeast corner. We are not taking any more material than we have to take.

We are proposing to disturb 2.1 acres of property (indicated).

We are proposing two waivers: (1) activities within 100' of the property line. This is a earth excavation regulation requirement. You can grant a waiver under certain situations. Explained using the layout. Without the waiver we would not be able to develop the site.

(2) To allow a 2:1 slope as opposed to 3:1 slope. The reason is the grading is related to the directly to the residential development we are proposing with the SPU.

Discussion.

Equipment on site was detailed.

Hours of operation are 8:00 am to 5:00 pm Monday thru Friday with no work on legal holidays.

We are estimating 1363 truckloads at 18 yds per truck. Full capacity is running four trucks, four loads, per hour. We estimate at a minimum approximately 60 days to remove the soil from the site. A two year permit is what we are proposing.

We have a driveway proposed to cut in following the contours for the condominium layout before you. Explained grades. After comments we received, we reduced the grade so we would propose that to change that to 8 percent.

Shot distances from the intersection of the proposed haul road. To the west we have 240' which is acceptable for cars and the trucks leaving the site. To the east, for truck traffic we have 546' and for cars we require 445'. We would need to install a small retaining wall to achieve the car sight distance and would be part of the site plan following. No improvements need to be made for the trucks leaving the site.

Erosion control features were discussed.

We did receive comments from Mr. Hillson yesterday and I've already addressed the first two items (1) truck traffic and sight distances.

The site will be top soiled when complete with 4" of topsoil and seeded.

We included dust measure controls.

We have a 200' access road as required by your requirements.

We are proposing safety fence around the area with slopes as required.

We are not proposing to stockpile more than 5,000 cy of material on site.

The site will be excavated in east to west direction as required by your requirements.

This is a good plan that we put forward. We are not proposing any grading that we don't have to do and we are not proposing any cutting that isn't necessary for the orderly development of the property.

Mark Vertucci, Fuss & O'Neil, Senior Transportation Engineer and also a registered PE in Connecticut and a registered professional traffic operations engineer.

We did prepare a traffic impact statement for the full build out of the condo development but I'll reserve that presentation to the SPU application.

The truck traffic is a minimal impact to vehicle traffic on Carter Lane. The vehicles will be utilizing the segment of roadway between the site drive and Route 10 which is only about 445'.

I can answer questions.

Mr. Chaplinsky asked Mr. Vertucci to talk about the line of site when you are pulling out of the parcel looking and west and more importantly east where the knoll is and the abutting properties. Mr.

Vertucci cited the CTDOT speeds require approximately 445' of sight distance for passenger cars coming out of the driveway. For trucks, there is a higher sight distance required of 560' for 40 mph design speed. The plan and grading proposed on the entrance along with the retaining wall is sufficient for cars and trucks to satisfy the CTDOT minimum requirements.

Discussion.

The sight line profile on the plan was referred to. No private easements are required.

Mr. Hillson said he heard four trucks per hour hauling material and you indicated four truck trips. There is a difference which is it?

Mr. Vertucci said he would get clarification.

Mr. Giudice said it would be four trucks per hour or eight trips.

(Those speaking in favor of the application)_

(No response)

Mr. Hillson asked to have the applicant check the sight line profile, if you could check the vertical scale to make sure that it's correct. Explained it is noted as 1" = 8' but everything seems to be plotted at 1" = 4'. If you could just verify that.

(Those speaking against the application)

Mike DeFeo, 159 South Borough Road. He stated he felt this proposal is going too far. Trying to cram 14 condos into 2.6 acres of land which requires removal of a natural buffer.

This project is more than just the removal of a few truckloads of dirt. It is a natural buffer which is a hill to Main Street/Route 10/Carter Lane/Old Turnpike Road.

Spoke about the wildlife in the area. Many trees would have to be removed. Years and memories of families that have lived there would all be destroyed.

Vivian Dalida, 16 Carter Heights. Excavation will eliminate virtually all trees on 45 Carter Lane and there will be no buffer left along 85% of Carter Heights property line.

Talked about the waiver of the 100' buffer.

Excavation will leave the property 1' lower than 45 Carter Lane at the rear of the property which means groundwater will end up on Carter Heights property.

My unit has flooded in the past. Explained.

Excavation so close to Carter Heights buildings which are less than 93' will create dust that will collect on the exteriors of the building. This dust will get inside the units, as well.

Excavation will destroy wildlife habitat. Explained.

Excavation will also remove the natural noise barrier which exists to Main Street traffic and surrounding homes.

Laura Day. I live on Carter Lane with my grandparents. The property that will be excavated is right behind our house and will disturb our health and the dust will get into the house.

There is a lot of animals that live back in those woods. Explained.

I am for the animals. I speak for the trees and the animals. Discussion.

Jennifer Wong, 601 Main Street. I live there with my family. And, the plot of land they are building on happens to be exactly to the side of our house.

I am just against this as Laura Day because of the animals that are living there and all the chaos and noise it's going to create.

Spoke about a pin being put in her driveway. Discussion.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

As many have said before me, they're taking down the natural sound barrier and we'll get all traffic noise.

And, the animals that live there. I speak for the animals. I speak for our driveway and I speak for all of our neighbors. I just don't think it's a good idea.

Thank you and good night.

Laura Day, 29 Carter Lane. We checked the zone before buying our house. I feel having condos behind my property will devalue my property.

They're on a hill. We're under them. If they excavate, don't you think mud will slide down into our yard?

As far as traffic with the trucks, Carter Lane is very narrow. Explained.

Carter Lane has no sidewalks. Traffic is a big concern.

It's going to be dirty and dusty and make a mess of the whole neighborhood. I totally can't agree with this.

Jayne Stephenson, 59 Carter Lane. My question is: Where is the access road going to be? Off Carter Lane or off Main Street?

The Chair noted the access is on Carter Lane.

Right next to her property.

Carter Lane has a lot of traffic.

They're proposing to take off a lot of hill. I am concerned about the drainage. They're only giving me 10 to 20 feet from the end of my property line to where they want to start leveling it. I have a dry basement right but I doubt that will be dry with an excavation particularly during construction when there won't be much to keep the soil in place.

I'm concerned about flooding and mud problems after it's developed.

The proposed permit to let them go closer than 100' would be not a good idea for our residents.

Carter Lane is very narrow with a lot of traffic. Adding 8 trucks per hour to that is a lot.

Did the traffic engineer look at the traffic that is currently on that street?

Steve Tyz, 50 Carter Lane. This is exactly across the street from this awful wall proposed. Anything to do with drainage, water table, traffic --- I just don't see how you can improve on Mother Nature by excavating this natural buffer.

Michelle Tyz, 50 Carter Lane. I am very concerned about the drainage. We have issues with the wetlands behind us. Adding to that is going to be devastating to our basement.

Discussion.

I am concerned about the health issues with all this dirt in the air for weeks and weeks on end.

Discussion.

I am concerned about the traffic.

Discussion.

I am also concerned about the property values.

Suzanne Wight, 601 Main Street. To talk about excavation without looking at the plan proposed for the 14 condo units is putting the cart before the horse.

The traffic engineer never told us about the traffic impact the 14 units would have in this area. Discussed the traffic and difficulty backing out of her driveway. It's very dangerous.

Discussion about the additional condo traffic added to Main Street. The area is very congested. Very dense units are proposed.

As to the earth excavation, I'm concerned about the hours and they never gave us notification.

Discussion.

I want to see the debris from the falling trees and chipping controlled. I don't want to see anybody getting hurt.

The operating hours were reviewed and discussed.

Kevin Flood, 35 Carter Lane. This entire project affects nobody more than me. Explained the location of his property.

The mud has to come down my yard to get into Ms. Day's yard.

My biggest concern is the safety of the children in the area - mine and other neighbors' children.

Discussion.

I'm not for this. It is not the right thing.

Discussion.

Waiving the buffer between properties is something that nobody ever wants, but putting a driveway nearly 20' off my kitchen window is something that obviously I have a big problem with.

The excavation of all the soil and all the trucks, the dust, the dirt, the debris is a concern. Mainly, I am concerned about the end result. In leveling that entire property, I am very concerned about the degradation of my property line off to the proposed plan.

Explained.

Kathy Vassar-King, 12 Carter Heights. My concern is with the buffer zone right on the edge of the property where it looks like it is going to remove a lot of large trees. Explained some are hanging over our buildings and when they start excavating and cutting, I have concerns for our property. Flooding is one of them but that is another one. I don't see how they can do this without removing those trees.

Steve Stannish, 575 Main Street. My property abuts the back of this about $\frac{3}{4}$ of the way up the hill. My concern is for me and my neighbor. We already get water in our backyards. Explained.

If they remove part of this hill, what is going to hold it? If we waive the 100' buffer, how close can they come to us?

Discussion.

Everything will be right in our back yard. That's my concern for now.

(Rebuttal)

Steve Giudice responded about the slope, the 100' buffer, where the mud and rain is going to go and the removal of the trees. He went over the topography of the site in more detail as it exists today and what the proposal is.

Discussion.

The end result is not part of this application, but it has a lot to do with what is proposed on the grading plan.

(End of Tape #2, Side B)
(Beginning of Tape #3, Side A)

(Staff communications)

Ms. Savage Dunham read into the record a correspondence she received from Patrick and Janice Falvey, 87 Carter Lane. (Letter on file in the Town Planner's Office.)

Ms. Savage Dunham also pointed out for the record and the commission you did receive Mr. Hillson's memorandum of December 27, 2010. Some comments apply to the SPU and some apply to the earth excavation.

Mr. Hillson again reiterated that one of his concerns was the sight lines to the left as you come off the haul road on to Carter Lane. I've asked the applicant to review and make sure that it's prepared with the consistent vertical scale.

The other concern is with the haul road itself. It's going to be a 10 percent grade. With heavy vehicles loaded with 18 yards of material, that is a very steep grade and I'm concerned about the safety and activity on that haul road.

(Other public comment)

Sheryl Kraft, 18 Carter Heights. I am concerned about the beauty and the greenery. Make it right and beautiful.

Passed around photos of the trees on her property and those on the applicant's property. I'm concerned about what they're leaving as a buffer. It's laughable.

Discussion.

(Further Rebuttal)

Steve Giudice addressed Mr. Hillson's comments regarding the access roadway. As to the steepness, in our plan we had proposed a 10 percent grade. Our plan shows a 30' shelf at a 5 percent grade and then the road was originally proposed for 10 percent and we reduced that grade to 8 percent. It's a better transition for the trucks to come down.

He then addressed the proposed retaining wall. We can build that at anytime. If you're more comfortable we can do that first and that would help increase the sight distances for the cars leaving the site.
Discussion.

The Chair closed this public hearing at this time.

(The meeting was recessed at 9:50 o'clock, p.m.)
(The meeting was resumed at 9:57 o'clock, p.m.)

MICHAEL DEL SANTO, Resuming the Chair:

C. Special Permit Use application of AA Denorfia Building and Development for a proposed 14 unit multi family development, 45 Carter Lane and 595 Main Street SPU #491.

Andrew Denorfia, Attorney, with offices at 133 Main Street in Southington and Stephen Giudice of Harry Cole & Son and Mark Vertucci, Traffic Engineer with Fuss & O'Neil represented the applicant.

We're seeking an SPU for 14 condo units at 45 Carter Lane and 595 Main Street. The site is approximately 3.27 acres and zoned R-12. It's bounded by Carter Heights Condominiums, a mix of multifamily and single family homes as well as the St. Armands Estates Condos. Also, to the south there is a mix of single family and municipally owned elderly housing.

He went through the regulations stating that he believes that we meet or exceed all of the regulations pertaining to an SPU. Specifically, 3-04.2 which requires a minimum of 80,000 sf. We have 3.27 acres is 142,267 sf.

A minimum width of 200' is required and we have 213.9'.

Minimum land area for dwelling is 10,000. And, we have 142,267 sf which allows 14 units.

Serviced by public water and sewer.

No building height to exceed 35'. None of them will.

Minimum distance between multifamily units of 45' and we meet that requirement.

It requires a minimum distance between duplex and condos of 30'. Here we have a distance of 60'.

Sidewalks are required on one side. We are proposing that.

A play space of 400 sf per family is required. That's 5,600 sf which we are proposing.

We also believe we meet the requirements of Section 8. It's consistent with the surrounding area as much of the area is already multi family.

It does not impair property values. Submitted a letter from Daniel J. LaPorte & Associates, a licensed real estate appraiser. (Read the letter into the record.)

Streets provide an access in regards to traffic.

We are going to provide a more than adequate landscape buffer.

I'll turn it over to Steve to talk about the specifics.

Stephen Giudice, Harry E. Cole & Son. The application is per Section 3-04.2b, multifamily residential development in an R-12 zone.

There are no wetlands on the site. There is a house known as 45 Carter Lane located on the site. The site is mostly wooded with some open grass areas around the house and along Main Street.

The topography rises from the streets up to the high point and there is a ridge that runs through the property. It's generally flat out towards the Main Street area.

The application is for 14 condominiums. Access from Carter Lane.

Sight distance improvements were detailed.

Lot frontage widths were discussed indicating they met the requirement.

Discussion of the fenced play area.

Community mail box area was discussed.

Turn around for vehicles on site was discussed.

This application meets or exceeds the requirements of your regulations.

Anthony Denorfia passed around copies of what the two bedroom units would look like. They are to be sold in the \$260,000 to \$290,000 range. Primarily two bedroom units on the site. There are two handicapped units with the third bedroom on the first floor. Explained.

All units have a one car garage.

The exterior was discussed.

The floor layout and amenities were discussed.

Gas heat and air conditioning.

He noted they are Energy Star Partner builders. Explained they build to a higher standard than what is code.

All units will be upscale. We take pride in our developments. There'll have landscape buffers. Slopes go away from the adjoining properties so all the water will be handled on site.

Mark Vertucci, Senior Transportation Engineer with Fuss & O'Neill. We did prepare a brief traffic impact statement for the condo complex which is dated December 22, 2010. He went over the statement. (On file in the Town Planner's Office.)

He reviewed a quick turning movement count and capacity analysis that they did at the intersection of Main Street and Carter Lane concerning the higher volume peak hours.

He did review the sight distance from the proposed driveway with CTDOT standards.

He commented the proposal is not anticipated to have significant impact on the traffic operations on the adjacent road network.

He responded to comments Mr. Hillson made in his memo dated December 20th. There were a couple of comments on trip generation and a note we calculated our trip generation based on average trip rates versus the equations that were provided in the ITE manual. In either case, we come up trip rates that are negligible impact.

Discussion.

The capacity analysis we performed at the intersection of Route 10 and Carter Lane appear to be based on machine counts, Mr. Hillson commented and he recommended a turning movement count be done. Mr. Vertucci clarified we did perform a 30 minute turning movement count at the intersection and cross referenced it versus DOT counts on Route 10. We did prepare an accurate analysis there. We are talking less than 1 percent increase in traffic there. It will not impact the operations at that intersection.

Mr. Giuidice noted part of the plan for this SPU is that we are required a minimum 35' landscape buffer around the perimeter of the site. And, anywhere that we are proposing tree clearing that within 35', we're proposing landscaping and the plans also indicate that any areas that aren't filled in would be filled in with evergreen or deciduous mixture.

Discussion.

The whole purpose for the SPU is for the use of this property, really. We're asking you to look at this site and say, is this use consistent with the abutting properties? Will it have a negative impact on property values and traffic or groundwater or drainage and things like that. I think we've testified that it is not going to have a negative impact on those items.

We believe this is going to be a good addition to the neighborhood.

Mr. Hillson made a couple of comments. He did not receive copies of the capacity analyses nor was there information about delays and so forth at the intersection of Main and Carter Lane. I'm not sure at what range of level of service D we're operating at during the afternoon peak hour. Be nice to have that information to review it in more detail.

The second thing again is the intersection and sight distance looking to the left out of the site driveway. It's being provided by virtue of a retaining wall. It's beginning at the property line and continuing in front of the abutting property. It is shown on the plan as being entirely within the town's right of way.

Discussion about a proposal he was involved in where the town insisted it be done on the abutting property. I would say to the commission is that this something that you should probably also consider as a structure of this nature would then become part of the town's infrastructure with all the maintenance and liability issues that go along with it.

Finally, again, the same comment I made earlier about the sight line profile vertical scale. I'd like that checked and confirmed and modified accordingly, if necessary, so I can review it in more detail.

Mr. Tranquillo explained the policy is that if we have a sight line problem, or other traffic issues, the town will cooperate with the private property owners to solve that problem.

Discussion.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Jane Stephenson, 59 Carter Lane. The retaining wall location was asked about. Is it to be in front of my property?

My house is the only house that doesn't have landscaping shown.
Discussion.

Again, I'm not convinced that a condo property will not degrade our property values.

Vivian Dalida, 16 Carter Heights. I'm the President of the Association for Carter Heights Condominium.

Have any of you actually gone to the proposed site to see the close proximity of the surrounding homes and properties to this proposed development?

Discussion of the proposed storm drain system which drains into the storm system on Carter Lane.

Traffic impact the intersection of Carter Lane and Main Street is currently a challenge and vehicles are often delayed when a vehicle has to turn left to access Route 10 southbound. I foresee a traffic light at this intersection in the future.

Questioned a development of this size at 45 Carter Lane.

If a development is put on this property, she proposed a 10' raised earthen berm with some type of evergreen planted on the top is warranted as a noise barrier and to prevent drainage on to Carter Heights property. As nearly all of the trees are going to be removed which is a natural buffer.

Discussion.

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

She continued to talk about the berm.

She suggested a smaller development be considered on this parcel of land and no excavation be done at the rear of the 45 Carter Lane property to preserve the natural noise barrier and wildlife habitat.

Perhaps a meeting could be scheduled with the developer to address our issues with an amicable solution.

John Barry, 79 Mark Drive. My concern is the water that would be runoff from this. You are going to be removing natural water containments. Trees, plants. Excavating.

You are going to be adding roofing, blacktopping.
Discussion.

We need to control the water before we develop.

Suzanne (Inaudible), 601 Main Street. This is too much program for the site.

(Applause)

They're not showing the existing houses on Main Street. If they carry the lot lines down, that would give you four houses. They're modest homes.

Discussion.

She said it is too tight and not in keeping with the existing character of the area.

The house coming down was built and owned by a sculptor.
Explained.

Spoke about property values in the area.

My other concern is still the safety.

Kevin Flood, 35 Carter Lane. I don't see my property value going up with a driveway close to my property line. Fourteen units, miscellaneous traffic, that's 60 passes by my house at a minimum every day.

Discussion.

I am worried about the slopes. A good solution for me would be a nice for privacy and as security.

I think this will have a negative impact to me personally. It impacts my property more than anybody else in this room.

Discussion.

I ask you to take my requests into consideration as well as everybody else's this evening when you review this.

Mike DeFeo, 159 South Borough Road. I have pictures of the area to pass around so you can get an idea of what we're looking at. The concern is the hill that's going to be removed.

Look at our middle schools, they're overcrowded.
Discussion.

Do we need more condos in this town?

I urge you to look at the site physically and see what we're dealing with tonight.

How about keeping this as open space for the town as an alternative? Leave the hill for the future.

Kevin Flood asked if there was any consideration of having the entrance / exit come out to Main Street instead of Carter Lane?

(Rebuttal)

Anthony Denorfia responded. Spoke of being a resident in this town and his pride in his work.

Discussion.

Spoke about the density of this development as compared to other condo complexes in town. We are a lot less dense than what is proposed. We're building on one per every 10,000 sf.

Discussion.

We're probably 80 to 90 feet away from the Carter Heights property and we're probably 250, closer to 300 feet from the Main Street houses and we're probably 90 feet to the Stephensen's house. And, 110 or 120 feet from the Flood residence.

We tried to design the site to have minimal impact to the surrounding properties.

Compared his proposed development to Carter Heights in size. We're not building cookie cutters or anything we wouldn't want to live in ourselves.

We try to put everything internal to our site to minimize the effect on the surrounding properties.

I would like to have a meeting with the neighbors. My phone number is: 860-628-9671. We're available any time. We can meet and see if there are any particular concerns.

I understand the run off issue. We have ZIRO requirement. Explained. Post development, it should be a lot better.

Condominiums do not generate children. Explained a study his office did. It is housing for empty nesters or singles or newly married.

Retaining wall on 59 Carter Lane property was discussed.

The possible Main Street access was discussed. The problem is if you look where it comes out, you have within close proximity the intersection of Carter, you've got Bristol Street, St. Armand's Circle and they're all converging in that one spot. I don't think it would be as safe as the alternate on a side street. If the traffic guys say something differently, that's fine.

The 10' berm suggested was discussed.

Vivian Dalida, 16 Carter Heights, Plantsville, CT. spoke with Tony Denorfia about the buffer at Carter Heights.

The Chair explained he was going to keep the public hearing open to the next meeting.

D. Earth Excavation application of Charles Arcangelo for the removal of 97,000 cy of material for a proposed industrial development, 568 Old Turnpike Road EE #134.

Sev Bovino, Planner with Kratzert, Jones presented the application. Property is located on the west side of Old Turnpike Road at 568 Old Turnpike Road. This is the site plan showing the grading for the property.

Explained.

Explained aerial shots.

He pointed out the property previously used as a bulky waste site by the town. It is zoned I-1 and contains 6.79 acres of land.

Sewer and water is available to the site.

Bounded on the west and south by residential zone. And, the north and east by industrial zone I-1.

Along the residential zone there is a berm which has vegetation on it, planted during the Nunzio Drive subdivision process.

This proposed activity is allowed under Section 11-16 of the Zoning Regulations as a special permit subject to Section 8. The property slopes east to west and south to north.

Discussed the property's uneven grades making it difficult to develop in its current configuration.

This proposal will allow the removal of 97,000 cy (+/-) of material which is an important natural resource and also prepares the site for eventual I-1 development.

A preliminary subdivision layout is included in the packet, Sheet S-1.

We've provided an area map showing property lines and owners within 500' of the property, notifications were sent out to them, and

we have provided the excavation plan showing how the grading will be done.

It will be a 3:1 maximum slope which is a walkable reasonable grade.

Three phases are proposed starting from the north and working towards the southwest and southeast.

The access is proposed to be at the existing paved driveway. Trucks will travel mostly south on Old Turnpike to Route 322 and to 691 and I-84.

Hours of operation are 8:00 am to 5:00, Monday thru Friday.

We propose a 50' buffer which requires a waiver by a 2/3 vote. This is based on topography, land use and zoning. It is needed to make the site workable for future development and then when the required development takes place, the required buffer is 35' next to a residential zone.

Explained additional evergreen plantings are proposed.

Further explained the grades on the property will be lowered.

Historically, the property was approved for excavation in 1971, EE#23, in 1972 under EE #25, and in 1974, EE #27 and in 1978, EE #38. In the late 80's the bond was released on the excavation permit.

On November 29th we received staff comments. Plans were revised to address the comments and written responses were provided. All appropriate notes are on the plans.

Additional comments were received on December 22, 2010 and later on January 3, 2011. These comments are under review but we expect to be able to resolve all of them.

We will provide a field topo and calculation as requested by Mary. Explained the total amount to be removed is still 97,000 cy to be removed including the portion that was already taken out and it was used on the building under construction on the Chuck & Eddie property. They used it to backfill the foundation.

As to the traffic concern, we agree to provide a flagman during the operation as suggested by Bruce Hillson.
Discussion.

We agree with the analysis that Bruce Hillson provided in terms of the total truck count and the time needed to remove all of the material.
Discussion.

Silt basin calculations were submitted for the record.

Copies of the original excavation that was approved was submitted for the record.

Discussion about needing a bench halfway up the slope with the 3:1 slope. That is required by the state only if it exceeds 3:1. Submitted a copy of the DEP Regulation for the record. We are 3:1 or less so we don't have a bench provided.

This proposal is beneficial to the applicant and the community as a whole based on the use of the resource and the eventual tax base provided by the future development, therefore we are encouraging the commission to approve this plan.

We agreed to all staff comments and mailed responses today.

I'll answer questions.

Clarification was made that the 97,000 cy includes the work already done by Mr. Bovino.

Discussion.

Mr. Chaplinsky asked if there were any problems with the soils on the site. Mr. Bovino said test pits were done and there are no pollutants. There is a report.

Discussion.

Discussion on the further plans for the property.

The truck route was elaborated on. It will be exiting the driveway on Old Turnpike, heading south, to Route 322 and then heading west to 84 or south on 691 depending on who is purchasing the material.

(Those speaking in favor of the application)

Arthur Cyr, 103 Berlin Avenue. I speak in favor of this proposal. It's a good proposal. We have a shortage of I-1, I-2 and I-3 land. This is making more sites available which we need in this town.

If we want residential taxes to go down, we have to be in favor of economic development. This is what our Economic Development Coordinator and a couple of committees have been working on to try to get more people to do this and they sell out and this one will sell out, too.

I am in favor of this earth excavation to get the site ready for more economic development.

(End of Tape #3, Side B)

(Beginning of Tape #4, Side A)

(Those speaking against the application)

Thomas Andronowitz, 33 Pamela Court. This is in my backyard. There's a lot of wildlife up there. Things need to be considered.

My biggest concern is with removing this amount of property in excavation, what type of impact is that going to have on my property, not in terms of value but in terms of cleanliness and safety.

Discussion.

I would like to table this so I can speak with whoever is in charge of this operation to find out more details as to what is the plan. I don't want industrial buildings in my back yard.

Discussion.

Discussion of the grades on the property existing.

My concern is for the dust coming up, what is the usage plan for this property and for the safety of my children.

If you allow this, what provisions are going to be in place to protect any runoff possible.

Is there going to be blasting if you encounter ledge?

Is this going to be an industrial subdivision moving in or is it Chuck & Eddie's having more room to store cars.

The Chair pointed out the zone is industrial now.

The speaker acknowledged that. However, he still does not want it right in his backyard.

Discussion.

Dust control, with a white house, is a concern.

What are the barriers that are going to be set up?

Jordan Andrews, 29 Pamela Court. The dust was horrendous recently. There is a really nice buffer of trees and the regulation is 35' and you guys are proposing 55', what is the footage between here and here and here (indicating) where the foliage is? What is the current buffer versus what he does propose. Is it going to increase or decrease?

Discussion.

I have water in my basement and I want to make sure it doesn't get any worse.

Rita Menard, 578 Old Turnpike Road. I knew there was a junkyard back there when I bought my property. There are junk cars in the pit. I am going to ask if EPA is going to check in if this berm is contaminated. We have monitoring wells in our area.

Maybe we need to make sure this soil is not contaminated before we move it.

Discussion.

I feel we need some kind of protection even though it is industrial.

My concern also is how close to me is he going to start excavating and I have a beautiful garden in the back and he owns 5' from my house. I have grave concerns.

Discussion.

I would like to see the town enforce the dust control.

They're going to enter through the old transfer station which is behind my property. Couldn't they come in further down by their junk yard? Does it have to be on top of me?

I ask you to really consider a lot of these things. And, be considerate of the homeowners there. It is a vast piece in back there and encompasses a lot of homeowners.

Tom Andronowitz, 33 Pamela Court, two more questions: what are the new boundaries in terms of property lines going to be with this excavation? Is it going to remain the 100' or is it going to 50' or 35'?

Are the current property lines that exist going to be staked during this excavation so that way there's clarification to whoever is doing the excavation on how close they can get.

(Rebuttal)

Mr. Bovino answered the questions.

The grading plan shows Mrs. Menard's house. We are proposing to put a planted buffer here (indicating). We are proposing a 50' landscaped buffer with evergreen trees. The property goes up and will continue to go up to the top of the slope and then it is going to go down. You will be seeing less than what you see now in terms of activity.

Discussion.

The current situation on this property, the reason for the dust property is because the property is unstable.

The drainage will not drain into the neighbors property as there is a big berm here.

We'll drop the grade 10' probably and then we're going to gently slope it to the property line to blend the two properties together. That's the reason for the cut. The grade will be conducive to development.

The buffer is going to be 50' which more than what you have right now. Explained.

There is no blasting expected. We tested it and it goes deep in terms of sand deposits. The grades go away from the property lines.

After the cut, it will be stabilized with topsoil and grass. It's required and indicated on the plans. A bond will be posted for the value of the work in case it doesn't get done.

There will be an orange construction fence installed at the limits of the excavation. The limits will be staked by the surveyors.

This property is separate from Chuck & Eddie and it is not planned to have a nonconforming use extended. The plan is to use this property for I-1 uses as allowed under the regulations.

The entrance location was discussed. Mrs. Menard's house is over 200' away from the entrance. It is as far away as possible from her house.

The excavation is planned for two years. It'll be done in three phases. Each phase will have a two acre maximum disturbance at a time. Before we move to the next phase, the regulation calls for the first phase to be stabilized.

The number of trucks: we expect there to be two trucks on site and in some instances there could be a maximum of four trucks but they will not be at the site all at once.

Explained.

A DEP permit is required and we will apply for that permit.
Discussion.

The Chair closed this public hearing item.

Business Meeting

A. MC Realty Dev., LLC Special Permit Use application for child day care services for more than 13 clients, 2003 West Street SPU #490, continued from December 7th.

The Town Planner noted you had a lot of information tonight and the public hearing was closed. She explained the process. In accordance with Section 3-012f1, they have to meet the criteria in that section as well as Section 8 to satisfy the special permit requirement.

Section 3-01.2flc, calls out that in a business zone no more than 25 clients shall be accommodated at one time without a 2/3 waiver by the commission.

Then you weigh the appropriateness of this proposal against your special permit requirements.

You could vote tonight or you could vote at the next hearing.

Mr. Kenefick made a motion to table which Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

B. MC Realty Dev., LLC, Site Plan application for an 11,000 sf day care facility, 2003 West Street SPR #1578.

The Town Planner noted a supplemental checklist. We did see an alternate site plan layout for the first time. Because the SPU was not acted on ---

Mr. Sinclair made a motion to table. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

C. Earth Excavation application of AA Denorfia Building and Development for the removal of 24,551 cy of material, 45 Carter Lane and 595 Main Street EE#133.

Mr. Chaplinsky made a motion to table. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

D. Special Permit Use application of AA Denorfia Building and Development for a proposed 14 unit multi family development, 45 Carter Lane and 595 Main Street SPU #491.

Mr. Sinclair made a motion to table. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

E. Earth Excavation application of Charles Arcangelo for the removal of 97,000 cy of material for a proposed industrial development, 568 Old Turnpike Road EE #134.

Mr. Sinclair made a motion to table. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

F. Request for approval under 8-24 for the sale and lease back of the North Center School property on North Main Street, Southington, Connecticut MR#454.

Attorney Sciota advised this is a request by the administration for an 8-24 favorable referral back to the Town Council. The plan is to sell North Center School and lease it for a period of up to ten years and then buy it back with a public referendum. We plan on moving the entire land use division over to that building to share it with the administration of the BOE. And, possibly your new home, because the meetings will probably be over there.

We're are asking for a favorable referral back to the Town Council.

Mr. Kenefick asked about the actual numbers.

Attorney Sciota explained we are leasing the property for \$375,000 to \$400,000 depending on how it works out with the adjustments. We are going to purchase it back for \$2.9 million.
Discussion.

Mr. Kenefick pointed out at two referendums the people voted over whelmingly not to expand Town Hall. This bothers me. We have a piece of property we own free and clear. Somebody put a price tag on prettying it up for the BOE - they don't know where they are as far as

teachers in the next coming years. They're knocking out programs. Pay for Play. And, these people want to spend \$6.8 million probably to move people around.

I'm not in favor this.

Mr. Weichsel presented that this responds very much to the failed referendum which would have been a larger amount of money. This is sort of a privatization. We think this would be the all time final solution to the Gura Building property. The administration very strongly supports this.

Discussion.

Discussion of the Gura Building and what the plans are for it.

Mr. Chaplinsky noted this is a CB zone. Is there going to be committee or people from this commission have a seat to talk about what the plans are with the building and its impact.

Discussion.

Mr. Chaplinsky pointed out the 8-24 is before us, but we feel as though there has been no input from us with respect to developing the plan around this.

Discussion.

Mr. Chaplinsky asked how this all impacts the CB zone as that is a concern that he has. If we move the departments mentioned out of the CB zone, we lose a lot of daily traffic into the CB zone for routine use. Has there been a study done on how that might affect the economics of the CB zone and the businesses that are in the CB zone?

Discussion.

The Town Attorney stated this to make it easier for the developers and attorneys by putting the land use divisions over there so it would be almost one stop shopping. It's never going to be perfect. But when you put health, building, engineering, planning & zoning all in one area, that is as much one stop shopping as you can get.

Discussion.

Mr. Saucier noted his concern with 8-24s coming before us, particularly this one, it seems, in his opinion, to become a rubber stamp of this commission. Minds are made; plans are made prior to coming to us. We hear about it but for the most part most of them are a rubber stamping.

Discussion.

We don't have a seat at the table during some of these plans pointed out Mr. Saucier. This maybe a message to the Council, to the BOE, to the BOF, to the administration that as we use or look at how we want this town to grow and what we want to do with the buildings within this town, maybe we should have representation from this commission on those committees.

Discussion.

I understand the process that we have our input during the SPU and during the site plan. We can approve or deny those. But by

approving or sending back a favorable 8-24, we are authorizing the Council to sell this property.

Attorney Sciota noted this is not authorizing anything. It is a statutory provision which says it does not violate your plan of development.

Mr. Saucier said his point is why go through it? We should be having a seat at the table for these areas so they don't come back at us for a rubber stamp.

Discussion of the process and input by PZC.

Mr. Kenefick said his point is, we own this building. Why should we pay somebody \$400,000/year to rent it and then buy it back probably for \$2.8 million? That's my point.

(End of Tape #4, Side A)

(Beginning of Tape #4, Side B)

Mr. Oshana felt more information was needed and a table would be in order. He felt action needed to be taken but he was not ready to vote. He made a motion to table and to request a presentation with more detail for the commission so we can make an educated decision. Ms. DelDebbio seconded. Motion passed 70 to 0 on a roll call vote.

The Town Manager pointed out it has now gone past midnight which is your stop time.

Mr. Sinclair made a motion approve Items G thru Q with the exception of Item O. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

G. ShopRite, request for release of \$2,640 E & S bond, 750 Queen Street SPR #1573.

H. Mike Meade, request for release of \$15,600 public improvement bond, 72 Summer Street SPR #1570.

I. Sno-White Powered Equipment, request for reduction of E & S bond from \$22,600 to a new amount of \$2,000, Townline Road SPR #1542.1.

J. Prosperity Park, request for release of \$28,000 E & S bond, pending receipt of a bank check in the amount of \$3,000 to cover remaining work, Prosperity Court SPR #1497.

K. Testa's Restaurant, request for release of \$2,500 bond in lieu of site plan compliance, 26 South Center Street SPR #1251.1.

L. Testa's Restaurant, request for release of \$1,200 FF bond, 26 South Center Street SPR #1251.1.

M. Testa's Restaurant, request for release of \$1,700 E & S bond, 26 south Center Street SPR #1251.1.

N. C V Tool, request for release of \$3,000 bond in lieu of site plan compliance, 44 Robert Porter Road SPR 791.5.

P. Gerald and Robin Crispino, request for release of \$24,000 E & S bond, Trotter's Crossing, Pacer Lane (replacement bond in place) S#1257.1.

O. Queen Spring, LLC, request for 5 year extension of approvals, 438 Queen /Old Spring Street FF #192 and SPR #1425.

Mr. Sinclair made a motion to table which was seconded by Ms. DelDebbio. Motion passed unanimously on a voice vote.

Q. To accept Amber Lane from Churchill Street to its terminus, a total distance of 650 feet, subject to the posting of a maintenance bond in the amount of \$29,000 S #1264.

Staff supports this. So moved by Mr. Sinclair and seconded by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

R. To accept Prosperity Court from Berlin Street to its terminus, a total distance of 335 feet, subject to the posting of a maintenance bond in the amount of \$33,000 SPR #1497.

Staff supports this. So moved by Mr. Sinclair and seconded by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

S. Hawk's Landing, request for bond in lieu of site plan compliance for a 90 day term, 201 Pattonwood Drive SPR #1533.2.

Staff supports this. So moved by Mr. Sinclair and seconded by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

Administrative Reports

- Aquifer Protection Program Implementation: Registrations
- Aquifer Protection Regulation Amendment: ARA #1.

Receipt of New Applications - will be emailed to the commissioners.

Adjournment - Mr. Sinclair made a motion to adjourn which was seconded by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 12:12 o'clock, am.)