

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
November 16, 2010

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday November 16, 2010. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Steve Kalkowski	Kelly Kennedy DelDebbio
Zaya Oshana, Jr.	Michael DelSanto, Chair

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

Absent: Paul Chaplinsky, Commissioner
Francis Kenefick, Commissioner
James Sinclair, Commissioner
Lisa Conroy, Alternate Commissioner
Ed Costello, Alternate Commissioner
Patrick Saucier, 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 November 3, 2010

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

Ms. Savage Dunham read the legal notice into the record for the public hearing items.

PUBLIC HEARINGS

A. Zoning regulation amendment, Section 5-01.2.1, offices for veterinary medicine, animal hospital and kennels, as in I-1 zone (ZA #557)

Ms. Savage Dunham explained the proposal is zoning text amendment intended to permit animal hospitals, offices for the practice of veterinary medicine and/or kennels in an I-1 zone as a special permit use approval providing the use is more than 500' from a residential zone or use. A copy of the proposed text was enclosed in your packet.

I did refer this matter out to the regional planning agencies. I have a letter from the South Central Regional Planning Commission dated October 18, 2010 which I'll read into the record. (Letter on file in the Town Planner's Office.)

With that, I am happy to answer any questions you may have.

(Those speaking in favor of the application)

Sheryl Schwartz, Country Dog at 1177 West Street. I am a resident of Bristol.

I proposed this I believe about 1.5 month ago to be able to move my business to help with expenses to another location that is I-1 zoned so that I can file for that permit.

(Those speaking against the application)

No response.

Attorney Sciota clarified for the record: The intent of this proposal is that the kennels in I-1 zones is provided it is more than 500' from a residential zone or use and not what we currently have which is the animal hospitals, offices. Is that correct? The intent of this is the 500' applies only to the kennels.

Staff concurred.

The Chair closed the public hearing.

B. MC Realty, Dev. LLC, Special Permit Use application for child day care services for more than 13 clients, 2003 West Street SPU #490.

Sev Bovino, Planner with Kratzert, Jones representing the applicant presented the application.

The building elevations were explained on the board.

The location of the project is at 2003 West Street. Across from Kizl's Restaurant. There is an existing driveway that serves the condo projects, Ridgeview Condominiums. To the north is an existing structure that's used for multifamily.

The subject property is zoned business and is surrounded by business zoned land including the Ridgeview Condominiums. Ridgeview Condos received a special permit for a mixed use development on October 7, 2003. The idea was and still is to create a development, the components of which support each other reducing the need for travel for people to conduct business that live in the area.

The over 55 community is about 50 percent complete. Together with this development there was a proposal for a bank on the south side of this project. We have the bank, we have retail and we have the condos. The bank at the time was proposed to be 10,850 sf. Now if the bank comes, it won't be that large. Banks now days are about 4,000 or 5,000 sf.

The current proposal is for a daycare facility that can serve up to 190 clients with the expectation to employ about 20 to 30 people. There's ten classrooms. Two teachers per room.

The proposed building is 11,000 sf. The proposal is to have 44 parking spaces. It's served by public water and sewers.

There are proposed sidewalks externally and internally on West Street on the existing driveway and around the building.

This site was previously approved a 13,160 sf of retail space. Site plan #1360.

The lot area is 52,669 sf. Or 1.21 acres.

Section 3-01.2F1 of the regulation allows the proposed use in this B zone as a special permit subject to Section 8 standards. (Explained)

The hours of operation are from 6:30 am to 6:30 pm.

Pick up and drop off is scheduled at half hour intervals. Explained.

The applicant's experience is that the facility will operate at about 80 percent capacity.

We have provided copies of the traffic study with a cover letter addressing a day care use. Scott Hesketh is here to answer any questions you may have on that.

The facility has a food warming area and all dishes and utensils are disposable.

The lighting was explained as wall units with full cut off fixtures meeting town regulations.

On the north side we propose to install a solid fence and a row of evergreens 10' on center next to the residential use.

Explained the architectural details of the building. The materials are proposed to be matching the condos to be harmony. Siding, roofing and the finish work will match the look of the condos.

The site is heavily landscaped and will meet and exceed the town regulations.

Together with the application and the fees, we are submitting an area map, owners names and addresses within 500' of the site. Notifications were mailed out. Also a full site plan was submitted, as required.

We received comments for the SPU which we address tonight.

Also, we received site plan comments which will be addressed at the site plan time.

The Learning Experience is a nationwide company with sites in Connecticut and 15 other states. I have some material to introduce into the record:

- Fact sheet for the original mixed use development proposal approved.

- Copies of the approval letter for the special permit which was granted on October 7,2003.

- Copies of the original rendering with a view from West Street showing the two commercial sites and condo units in the background.

- Copy of the zoning map showing the area highlighted. It is in the center of the B zone and is surrounded by Industrial zone to the south, east and west. Westbrook Road is probably 1,000' from West Street which is residential.

- Copy of the overall approved development at the time which shows the 60 units of condo and the commercial buildings.

- Copy of the DOT required improvements at the intersection of West Street and the driveway. All improvements have been completed.

- Letter from the Learning Experience management team describing the building.

- Typical monument sign for the Learning Experience.

- Copies of the building elevation in color to give you a sense of what it will look like on West Street. Our building will be more New England style and matching the condo units to the east.
- Southerly entrance of the facility. The easterly side faces West Street. You can see the quality of the finish work on West Street.
- Floor plan.
- Booklet with information with regard to the Learning Experience. The company, where it's located and other sites and all of that.

We have a representative from the Learning Experience here to answer questions about the operation.

We have Scott Hesketh here with regard to the traffic report.

Scott Hesketh, PE in the State of Connecticut, F. A. Hesketh & Associates. I was the author of the original traffic impact report which was submitted for the original site plan back in February, 2004.

We've also submitted a letter dated November 11, 2010 outlining the trip generation potential of the proposed daycare center.

He then summarized the original traffic report and the potential for the daycare center.

He summarized the traffic report presented previously presented similar type numbers when compared to the lower trip generation user and significantly less volumes when compared to the higher trip generation user, so any mix of uses that we have on this site including the daycare facility will likely provide less trip generation than the previously approved development.

Generally speaking when you compare the trip generation, we are less than what we had presented previously. The intersection as designed to accommodate it. This commission reviewed and approved those numbers and approved a site plan based on those numbers. We believe we are going to have similar or less volume with this proposed development than what was approved.

From a traffic perspective, we are comfortable that the facility would work.

Mr. Oshana asked about the internal flow of the traffic. Discussion followed.

Ms. DelDebbio voiced her concern as there not being enough parking onsite for employees and parents dropping off/picking up. Discussion.

Mr. Kalkowski discussed the average drop off/pick up times for students by parents.

Claudine Cerasuolo, regional director for your area here, with The Learning Experience. Addressed average drop off as being 5 minutes and pick up times 8 to 9 minutes.

Discussion.

She noted that they find that 20% of our families are siblings.

Further discussion of drop off times/pick up times and the number of students during that time.

Ms. Cerasuolo noted that the employee hours are staggered and the spots won't be filled at all times.

Explained.

Mr. Kalkowski pointed out the math is not working for him. He's fearful of queuing out on the road.

Explained.

Ms. Cerasuolo said this data is from the day to day operations of doing this for almost 30 years now and buildings that are 10,000 up to 15,000 square feet, we do it all the time. It works.

Discussion.

Ms. DelDebbio brought up queuing on the main road.

Further discussion of the parking spaces on site.

Mr. Bovino wanted to make clear, we were given the responsibility to design the site and I asked the questions regarding traffic and how the operation works. And, the company provided this data based on their experience.

Mr. Oshana asked about the layout of the play area. How far away is that from the house that's in existence and the condos? Mr. Bovino said the house is 80' from the property line. To this condo it's about 250' with the detention area and the first building. To this condo on the south side of the roadway, its 100' as the crow flies.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Richard Norris, 1985 West Street. My condo happens to be the one right across the street from this new building coming up. It's a 55 and older complex. I'm going to have 190 kids in my backyard --- screaming. A little upset over that.

I also am upset about what you had said about the traffic. It's never going to work. We know what West Street is like.

Explained.

I'm upset over the whole thing. The size of it. And, the location. I think it's not a good idea.

It's going to be a disaster. You're going to end up with some accidents.

You don't have enough parking spaces. They'll be parking up the driveway that goes all the way up through the condos. That's a narrow road.

Anybody want to buy a condo?

Arthur Cyr, 103 Berlin Avenue. This is the first complex that I ever got up to speak up against. I guarantee you none of the people in there thought they would drop a daycare center in there with 190 kids. Buyer Beware!

He disputed the numbers.

(End of Tape #1, Side A)

(Beginning of Tape #2, Side B)

Further disputed the numbers.

He was concerned this was a 7 member commission with 3 alternates. That's a total of 10. There are only 4 sitting tonight. I would ask this public hearing be continued until the next meeting when there is more people. And, items 6-B and 6-C on the Business Meeting get tabled until there is a lot more here.

He stated he felt the queuing was too close to the traffic light. Why can't their driveway be moved up higher or even have a one way in / out.

Discussion.

I don't like the site layout. There is not enough parking.

Thank you.

Ken (Inaudible), 1985 West Street. My concern is with the light. People run that red light. And, for the people waiting to go in, are they going to be waiting on West Street or on our street?

What about the people living there - are they going to be able to get out if they block the road.

(Rebuttal)

Mr. Bovino responded to comments. On a personal basis, I thought that an over 55 community, I'm over 55, if they have grandchildren, I thought it would be a nice thing to have a daycare next to where you live so you can drop them off close and not 10 miles away.

I'll have Scott talk about the traffic.

The comparison was not made between a daycare and a bank. The comparison was made between a daycare and retail. The bank is on the other side.

Discussion.

This is a successful business. The applicant has looked hard to find a commercial use for this property. They didn't do it on purpose to build the condos first. Everything is dictated by the market place. They've worked hard to find somebody and we come here and we have this kind of opposition. We are telling you the proposed development has experience at other sites --- you could visit the sites and compare and size and parking spaces that they have.

Nothing works at 100 percent. We wish that every business comes before you would be full. This is a business venture. They're going to put the money down for a facility that they hope will accommodate 190 kids. But the experience is its 80 percent full.

We have a signal approved by DOT. It's not like it's not designed for it.

Scott Hesketh also responded to traffic comments. We did a report several years ago and we projected a certain volume of traffic for this development. We believe that this particular use will result in a lower traffic volume generation of the development overall than we presented several years ago.

Explained.

This intersection was designed to accommodate a higher volume of traffic than we anticipate with this particular development.

Discussion of a typical experience of this facilitator at these types of facilities based on 180 students, they anticipate certain numbers. It is not a hard and fast rule for every day. It's their experience based on the overall size of the facility.

Further discussion of the drop off/pick up times. We believe the intersection is designed to accommodate that volume of traffic.

Explained.

Traffic generation comparisons were discussed i.e.: retail, daycare facility, bank.

Mr. Kalkowski was concerned with the profile of the daycare business versus the profile of a retail establishment and a bank and a residential neighborhood which the original report was based on. This is a high peak morning and a high peak afternoon - bursts in the morning and in the afternoon in a very tight window of time. Versus retail where people are coming in throughout the day and a bank they are coming in throughout the day. That's truly my concern. I would like to see you address that specifically as to the site.

Discussion.

I'm not convinced that this site is going to support that without creating all kinds of issues on West Street, on queuing up and the residents not being able to get out concluded Mr. Kalkowski.

There has not been a thing that you have said today or anybody to convince me otherwise right now added Mr. Kalkowski. Nothing is convincing me that this site works.

Mr. Hesketh said the traffic volume numbers we've given you indicates the intersection itself operates. Discussed the averages for drop off/pick ups and employee spaces. There will be enough parking on the site.

Discussion.

Ms. Savage Dunham added for the Commission that she received the traffic report actually Monday. Now, that I have a complete application, I will be referring it out to a traffic consultant for the commission to provide peer input on possible improvements on how the site might operate. I'll be sending that out tomorrow.

The Chair kept the public hearing until the next meeting.

BUSINESS MEETING:

A. Zoning regulation amendment, Section 5-01.2.1, offices for veterinary medicine, animal hospital and kennels, as in I-1 zone (ZA #557)

The Town Planner noted the commission's interest is having the 500' separation distance for residential zone or use only being applied to the kennel. So staff would make that slight clarification.

Mr. Oshana wanted to table the application until a full commission is here to have full discussion on this. It is an amendment that is going to affect the town. He then made a motion to table.

Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

B. MC Realty, Dev. LLC, Special Permit Use application for child day care services for more than 13 clients, 2003 West Street SPU #490.

Mr. Oshana made a motion to table. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

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

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

D. Royal Acres, request for 1 year extension, 2118 Meriden Waterbury Road SPR #1422.

Staff supports this. Mr. Kalkowski so moved the motion which Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

E. Dean's Stove and Spa, request for reduction of Public Improvement bond from \$13,000 to a new amount of \$3,000, 120 West Main Street SPR #1558.

Staff supports this. So moved by Mr. Kalkowski. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

F. Dean's Stove and Spa, request for reduction of Erosion and Sedimentation bond from \$5,200 to a new amount of \$1,000, 120 West Main Street SPR #1558.

Staff supports this. So moved by Ms. DelDebbio. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote

G. Loureiro Contractors, Inc., request for release of \$1,600 Flood Filling bond, United Technologies, Newell Street FF #191.

Staff supports this. Mr. Kalkowski so moved the motion. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

H. Loureiro Contractors, Inc., request for release of \$1,900 Erosion and Sedimentation bond, United Technologies, Newell Street EE #177.

Staff supports this. Mr. Kalkowski so moved the motion. Mr. Oshana seconded. Motion passed unanimously on a voice vote.

I. BJs request for reduction of Erosion and Sedimentation bond from \$70,000 to a new amount of \$10,000, Spring Street SPR #1551.

Staff supports this. Mr. Kalkowski so moved the motion. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

J. Aparo's Electric Motors, request for release of \$6,000 Erosion and Sedimentation bond, 134 Industrial Drive SPR #1539.

Staff supports this. Mr. Kalkowski so moved the motion. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

K. Donna DeSorbo, request for release of \$12,000 subdivision bond, 1920 and 1926 Mount Vernon Road S #1074.1.

Staff supports this. Ms. DelDebbio so moved the motion. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

L. Request for road acceptance - to accept Honey Lane as a public street from Rahlene Drive to its terminus a total distance of 680 feet, subject to a maintenance bond in the amount of \$47,000 S #986.4.

Staff supports this. Mr. Kalkowski so moved the motion. Mr. Oshana seconded. Motion passed unanimously on a voice vote.

M. Sandy Ridge Estates, request for reduction of Erosion and Sedimentation bond from \$ 12,000 to a new amount of \$5,000, Amber Lane S #1235.2.

Staff supports this. So moved by Ms. DelDebbio. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

ADMINISTRATIVE REPORTS

The Town Planner noted emails sent regarding two requests from the last meeting. The first item I am passing around is the punch list for the Knight's Crossing as you requested. These are the outstanding items with regard to the roadwork going on out there.

We have compiled a list of the unaccepted streets currently under construction as requested by the commission. The streets with the asterisks are ones that we feel there are only minor items remaining and we may see before you for acceptance in the short term.

RECEIPT OF NEW APPLICATIONS

1. Application for site plan modification, Southington Country Club.

2. Earth Excavation Filling and Grading application for the removal of 24,000 cubic yards of material at 45 Carter Lane and 595 Main Street.

3. Special Permit Application for a 14 unit condominium dwelling that would be after the earth excavation.

For the record, no traffic report was submitted with 2 and 3. When I do get that information in, then I can refer it out.

ADJOURNMENT - Mr. Oshana made a motion to adjourn which was seconded by Mr. Kalkowski. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:20 o'clock, pm)