

PLANNING & ZONING COMMISSION
 Regular Meeting
 December 15, 2009

The Planning & Zoning Commission held a regular meeting on Tuesday, December 15, 2009. Chairman Michael DelSanto, called the meeting to order at 7:02 o'clock, p.m.

The following Commissioners were present, viz:

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

Alternates: Lisa Conroy
 Edward Costello
 Patrick Saucier

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: Steve Kalkowski, Alternate

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 1, 2009

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

BUSINESS MEETING

A. Lovely Development, Inc., subdivision application for 42 lots, Recko Farm Estates, 703 West Center Street S #1277.

Sev Bovino, Kratzert, Jones & Associates represented the applicant. He reported the subject property is 49.3 acres located on the north side of West Center Street, 703 is the homestead that's there now.

The property is served by public water and sewer. It's an R-20/25 zone. Wetlands Commission approved this application and on September 1, 2009, we received special approval from this board for an open space subdivision for 43 lots.

The commission stipulated no connection to Monarch Drive. We redesigned the subdivision and the current proposal shows no connection to Monarch Drive and as a result of the redesign we have 42 lots with one lot having frontage on Monarch Drive at the end of the cul de sac.

This also shows an increase in the open space provided 28.9 acres to 31.4 acres. All lots meet or exceed the zoning requirements. Two rear lots are proposed.

We are preserving most of the wooded areas and adding additional trees within the subdivision in addition to the street trees required by the regulations.

The exiting homestead will be preserved. No additional curb cuts will be proposed on West Center Street. We proposed to retain 1400 feet along West Center Street which is west of the house as it is today. And, the upland areas will be part of the open space which will have multiple access points.

The project is proposed to be built in two phases. Two detention areas are proposed. One in the northwest corner and the other in the southwest corner of the development. The detention areas reduce the post development runoff in some cases as much as 30 percent.

Sidewalks are proposed within the development.

We received staff comments. We are working on reviewing the comments. We will be prepared to address those for the next meeting.

I'll be glad to answer questions.

In response to a question by Mr. Kenefick, there are no sidewalks proposed or required on West Center Street.

The homes with frontage on Monarch Drive were discussed. Lots 42 and 38, in particular.

The open space was described as including over 8 acres of upland area.

A quick review of the comments was had in response to a question by Mr. Chaplinsky.

The stonewall was located and discussed.

Discussion of the access for Lot 38 and the orientation of same.

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

B. Mario and Maria Riccitelli, site plan modification application for restroom addition, 15 North Liberty Street SPR 1423.2.

Stephen Giudice, Harry Cole & Son, represented the application. The property is located 15 North Liberty Street. It is known as Massimo's. This site was in before you in late 2005. It was an addition proposed to the rear of the building. Since that time, they've been open and operating.

Our plan tonight is for a proposed restroom addition. It's approximately 280 square foot addition for a men's room and a ladies' room addition to the plan. This would bring the building more into compliance with building codes.

We have submitted the plans and received comments back from staff.

Discussion.

We have submitted revised plans. I don't believe staff has really had the time to review the comments. One of the main issues is parking. We did receive a parking waiver with the last application. When the handicapped ramp was constructed, the space was then striped and we kind of lost the parking space in the process.

Discussion.

This is a municipal parking lot, owned by the applicant but it's actually maintained and operated by the Town of Southington.

Our addition proposed no additional parking spaces. We need a parking waiver even though our additional doesn't necessary require more parking spaces.

I am asking the commission to consider this application tonight if at all possible. We've tried to address all the comments as best we can. We don't object to any of the staff comments. We know any approval you may give will be contingent on us receiving that parking waiver. We'd like to move forward if at all possible.

I'll answer any questions you might have.

The Chair asked about the parking waiver. If we recommend approval of this, what does that mean to the parking authority? Ms. Savage Dunham explained procedurally you are not supposed to act on it until after the parking authority acts
Discussion.

Ms. Savage Dunham said responses to comments and plans came in this morning. She looked at them briefly. We did not have time to review them completely as we were busy with other matters.

Right off the cuff I can tell you we are concerned about the feasibility of the dry well as shown. Explained.

Drainage calculations just came in this morning.

The handicapped ramp is a problem for the building official.

Discussion of it being a municipal parking lot under lease.

Discussion of holding a special meeting once the parking authority acts in January.

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

C. Request for rear lot determination, 33 Prosperity Court Map 89, Lot 38 and 37 Prosperity Court Map 89, Lot 39.

Attorney Andrew Denorfia represented the applicant. We come before you tonight for the determination of two rear lots. The first is 33 Prosperity Court, Assessor Map 89, lot 38 and the second is 37 Prosperity Court, Assessor Map 89, lot 39.

Both lots are legal nonconforming lots and this has been confirmed by the Town Attorney.

Attorney Denorfia gave background on the lots. Thirty-three Prosperity Court is .233 acres. It existed as a separate lot prior to 1957. The Askkar family owned this lot from 1951 to a transfer to my client in 2004.

For 37 Prosperity Court, it's .116 acres. It also existed as a lot prior to 1957. This has been in my client's family since 1940.

Both lots will have access to Prosperity Court with an access easement. Explained.

We believe this is the highest and best use of the property and therefore request the commission to determine both are acceptable rear lots.

Mr. Tranquillo asked about water and sewer service for these two lots. Attorney Denorfia said water has been put in per the client.

Mr. Tranquillo said he would want the sewers to go out to Berlin. If we put into Prosperity Park, then the sewer in Prosperity will have to become a public sewer and I'm not sure we want to take on that responsibility. We should stipulate that. Attorney Denorfia said he had no problem with that if that is what the town wants.

Discussion.

Mr. Oshana made a motion to find that these two lots are the highest and best use of the property to make rear lots and I make a motion for approval. Ms. DelDebbio seconded.

Stipulation: That the sewer lines will exit out on to Berlin Street and not become a part of Prosperity Court.

Motion passed 9 to 0 on a roll call vote.

D. Westfield, LLC request for release of \$14,000 bond in lieu of site plan compliance, 20 Westfield Drive SPR #1430.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

E. Paula Guerin, request for release of \$2,000 E & S bond, 733 Prospect Street S #1274.

Staff supports this. Mr. Sinclair made a motion to approve. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

F. Paula Guerin, request for release of \$4,000 subdivision bond, 733 Prospect Street S #1274.

Staff supports this. Ms. DelDebbio made a motion to approve. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

G. St. Thomas, request for release of \$11,000 site improvement bond, 209 Belleview Avenue S PR 1496.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

H. St. Thomas, request for release of \$6,000 E & S bond, 209 Belleview Avenue SPR 1496.

Staff supports this. Mr. Sinclair made a motion to approve. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

I. Mar-Jo Estates, request for release of \$6,600 erosion and sedimentation bond S #1250.

Staff supports this. Ms. DelDebbio made a motion to approve. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

J. Kizl's Restaurant, request for release of \$10,000 water service bond, 2014 West Street SPR 1521.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Chaplinsky seconded.

Mr. Chaplinsky wanted to acknowledge the owner did that working with staff. That was quite an improvement. It really looks nice.

Motion passed unanimously on a voice vote.

K. Orchard Estates, request for release of \$30,000 E & S bond, Flanders Road S #1216.

Staff supports this. Mr. Pocock noted a big release of water up there on the last house. Is this a certain number up there, 1216? Mr. Tranquillo said we did design a swale that came down to the street and ran along the side of the street down to a cross culvert. There was some drainage intended to run along the road there. I'll go out and take a look at it.

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

L. White Oak Estates, LLC request for release of \$49,000 subdivision bond (bond replaced by new owner with new bond), 577 Meriden Waterbury Road S#1244.

Ms. Savage Dunham reported this subdivision is being sold. So our process is that the new buyer comes in and gives us bonding after which we formally release the previous bonding. So the town is still protected. I have the new bonding in place. I support the release of this.

Mr. Chaplinsky made a motion to release. Mr. Pocock seconded. Motion passed unanimously on a voice vote.

M. OJ Shaw, request for release of \$5,400 erosion and sedimentation bond (bond replaced by new owner with new bond), 577 Meriden Waterbury Road S #1244.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Pocock seconded. Motion passed unanimously on a voice vote.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

A. Special Permit Use application of Great American Donut for a second principal building on a site (ATM kiosk) property located at 433 Queen Street SPU #477 January 5, 2010

B. Town of Southington, Special Permit Use application for government facility in a residential zone in accordance with Section 3-02.2A of the zoning regulations, 999 Meriden Waterbury Road SPU #478, January 5, 2010.

The Chair advised both would be scheduled for January 5, 2010.

Administrative Reports

Ms. Savage Dunham passed around the updated commissioners' listing and just some correspondence with regard to a drive in sign. A couple of commission members asked me about it so I am providing it for your information. It just missed the packet and I wanted to get it to it before January. We don't have to go into it.

Receipt of New Applications

Ms. Savage Dunham reported:

1. SPU #477 and the SPR 1502.2 for the ATM Kiosk at 433 Queen Street.
2. SPU #478 which is for the government facility over at the drive in.

Commissioner Comments

Mr. Chaplinsky had two. The first comment was that over the past several weeks I've had the opportunity to have some feedback from folks in the field. I wanted to pass along some generic information. There are some folks who feel as though they're having difficulty navigating our systems. I'd like to consider getting feedback from people in the process to see where we can make improvements, if at all. I request we consider some sort of an open dialogue session. Discussion.

The Chair noted this concept has come up numerous times. It's not new. I think we should make ourselves available to help the public. That's what we're here for. Maybe something could be done to make things easier or explanations could be given as to why things are the way they are. I think it's a good idea and something we can do in the near future.

Staff is working on a pamphlet to help spell things out to the folks who may need help some help through the process. I think that's great.

As a commission, is there anything we can do outside of that to help things along.

Mr. Chaplinsky passed around some information that he sent to the Chair and the Town Council Chair and wanted to bring this to the commission's attention. As we look at improvements to our systems, capabilities and what we do, I'd like to plant a seed about new technology and using it to gain more input and feedback from our community so we maximize the residents' feedback on townwide issues. I put together this summary letter.

What I am proposing is considering an online on the town website, some sort of a link to the PZC's area where we can post matters where the public can provide input. Even if it's an open forum for idea generation, for improvements.

Explained an example of taking a public hearing, i.e.: the moratorium. It's a townwide issue that people have an opinion on. I think we can utilize technology to get a better handle on what our community thinks about some of the townwide applications.

Discussion.

An example of a survey was discussed that was in the handout. On line polling during a public hearing was explained.

The Town Attorney advised you cannot have a public hearing with an applicant on line. The applicant under statute has the right to hear and answer questions. Therefore, listen to everything that goes on. This is more, I would assume, for this commission to get a feel as to what people are thinking about certain issues in front of the board. Not public hearings.

Discussion.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Attorney Sciota continued his comments.

Mr. Chaplinsky continued that there are government agencies around the US that are using this type of system to gain feedback. It's a live living document on line. As the comments are posted, they can see them.

Discussion.

Mr. Weichsel voiced significant concerns. Not everybody has a computer. The obvious point about the applicant being able to legitimately cross examine. And, the public hearing, people do not

vote. They express their opinion and you take that into account. You, the elected people, have to make the decision. Input is fine, but be careful of the letter and spirit of FOI.

Discussion.

Mr. Kenefick commented about the thank you note in the packet from Enzo Testa. Thank you.

Mr. Sinclair reminded the commission that a few months back he had requested the Town Planner get some information about cell phone towers and possible side effects on people's health. The Town Planner said she did put in a couple of calls to the Citing Council. I never got any information. I will try to get some for the New Year.

Discussion.

Mr. Chaplinsky brought up the article in the paper about the Central Connecticut Planners Association, a group of towns that are involved in planning and zoning around the Hartford region are instituting an online permitting system. It's being trying tested by Glastonbury right now.

I believe Councilman Romano might be monitoring that. Attorney Sciota noted it has been sent to the IT Committee. That came up at a Council meeting. The IT Committee is going to be taking a look at that.

Attorney Sciota advised the Town Planner to check with Rich Lopatosky because they did a lot of work with cell towers when they did the umbrella.

Mr. Chaplinsky asked for a report on that from the IT Committee. Attorney Sciota advised Mr. Tranquillo is on the IT Committee and can keep you advised.

The Chair thanked everyone for all their hard work and their dedication, staff and commission members alike.

Have very happy holidays and we'll see you all next year!

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

(Whereupon, the meeting was adjourned at 8:00 o'clock, p.m.)