

PLANNING & ZONING COMMISSION
 Regular Meeting
 December 1, 2009

The Planning & Zoning Commission held a regular meeting on Tuesday, December 1, 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: Steve Kalkowski
 Lisa Conroy
 Edward Costello
 Patrick Saucier (appointed this evening)

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

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:

Appointment:

Mr. Oshana nominated Patrick Saucier as the Democratic Alternate. Mr. Sinclair seconded. Hearing no other nominations, the vote passed on a voice vote.

Patrick Saucier was sworn in as an alternate by Town Attorney Mark Sciota.

(Sworn, sworn)

Congratulations!

(Applause)

Approval of Minutes

A. Regular Meeting of November 17, 2009.

Mr. Sinclair made a motion to approve. Ms. DelDebbio seconded. Motion passed on a majority voice vote with Mr. Kenefick abstaining.

Public Hearings

Ms. Savage-Dunham read the legal notice into the record.

A. Carpenter Realty Co., 9 lot resubdivision application, Strawberry Fields, 154 and 176 Townline Road S#1259.1.

Attorney Andrew Denorfia representing the applicant presented the application. Offices at 133 Main Street, Southington, CT.

Along with me tonight is Stephen Giudice of Harry Cole & Son. We come before you for a 9 lot resubdivision of the Strawberry Fields subdivision which is located off of Town Line Road. Currently, it is zoned I-1.

As background, on August 7, 2007, you approved a 4 lot subdivision and gave site plan approval for lots 3 and 4 on March 17, 2009. Now this resubdivision concerns lots 3, which is 176 Town Line Road and lot 4 which is 154 Town Line Road.

Lot 3 is approximately 3 acres and lot 4 is approximately 3.72 acres. Both are bounded by Town Line Road to the north.

As with other industrial subdivision applications and as well as the economic development coordinator's acknowledgement, current industrial tenants are not requiring big lots. With that in mind, we are proposing to resubdivide lots 3 and 4 which are both over 3 plus acres into 9 lots. These 9 lots would be approximately one half acre each. They would front a proposed road known as Snow White Drive.

Serviced by public water and public sewer.

Steve Giudice would like to address the checklists, so I'll turn that over unless you have questions for me.

Stephen Giudice, Harry Cole & Son. This is a proposed resubdivision of lots 3 and 4. The total acreage is 6.72. It is zoned I-1.

This property is relatively flat. It is bounded to the north by Town Line Road and the Town of Plainville. Explained the boundaries.

The proposal is for 9 building lots with sizes ranging from 20,800 to 25,000 square feet. This is permitted by a text change you had approved a few years back allowing smaller lots in I-1 zones. We've utilized this on Industrial Drive off Captain Lewis and have had success with interested parties. Explained the user comes in and decides how much they need. And, then they buy the lots. We have a user right now looking at buying five lots. Explained.

The roadway is named Snow White Drive and the reason is for that is one of the potential buyers, the first involved, and Mr. Carpenter felt it would be good a fit to name the road after the business.

The detention areas proposed were described.

We have submitted plans and received comments. We've adjusted the plans and submitted revised plans. We've met with town staff today and we're still working on some of the details as far as drainage, storm drainage. Explained.

We think that the layout configuration as proposed is the best. Explained.

The road is approximately 600 linear feet long.

If you have questions or concerns we can try to address them tonight or incorporate them into our revisions.

Mr. Kenefick asked what the plans are for the rest of the lots. Mr. Giudice said these are the last two that are available. Explained.

Ms. DelDebbio asked about the four way intersection, is it going to be a stop sign or a traffic light? Mr. Giudice explained it would be a stop sign on the proposed roadway and there is currently a stop sign on Robert Jackson. He explained the STC had permitted this already. And, after a rereview he didn't believe they would make it a four way stop.

Ms. Conroy said a lot of the site seems to be devoted to drainage swales and you said there are issues because this is a flat site. Were the other lots in Strawberry Fields treated the same way? Are they also handling drainage in the same manner? Mr. Giudice explained the first two lots has some drainage swales and some conventional underground piping and catch basins.

Discussion.

The Chair asked about the combining of the lots by interested parties. They would take three individual lots and put their businesses on three separate lots or would they combine three and make one large lot? Mr. Giudice said right now we have a user is looking to put one building on lots 1 and 2 (combined) and another building on lot 3. The other user is looking at two lots to combine them into one.

(Those speaking in favor of this application)

No response.

(Those speaking against this application)

No response.

The Chair closed the public hearing at this time.

Business Meeting:

A. Carpenter Realty Co., 9 lot resubdivision application, Strawberry Fields, 154 and 176 Townline Road S#1259.1.

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

B. Vincenzo Testa, Testa's Restaurant, flood plain filling and site plan application for proposed addition to existing restaurant, 26 South Center Street (FF #221/SPR #1251).

Mr. Bovino presented the application. The property is located at 26 South Center Street. Served by public water and sewer. It is a B zone.

Proposal is to upgrade the facility by having an addition on the first floor for a coatroom, foyer and men's and ladies' room. And, the second floor will be about 940 sf. It will be dedicated to a bridal suite and office space.

On the south side will be about 300 sf of storage area. And, that is the area which impacts the floodplain and we're proposing to build that on piers to limit the impact to the floodplain. And, we propose an excavation underneath the addition to compensate for the very minor fill.

This business has been going on for many years and they want to improve the image of the business by expanding it and providing more services. No additional seating area. And, they are going to eliminate the bar license. They'll be serving liquor with the dinners but no bar.

Ms. Savage-Dunham said that staff has reviewed the application. We have responses to all of our comments. The only outstanding item is that the health department would request a stipulation that at the time of the building permit, a grease trap be installed. The applicant and agent are aware of that.

We are supportive of this application and it is ready for action.

Mr. Sinclair made a motion to approve the application with the stipulation that the health department be applied to for a grease trap at the time of the building permit. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

C. Ken Harwood, request for release of \$1,000 E & S bond, Pine Street (SPR #1452.2)

Ms. Savage-Dunham advised staff supports this. Mr. Sinclair so moved the motion to approve. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

D. Hawk's Landing, request for release of \$2,500 E & S bond, 201 Pattonwood Drive, SPR #1533.

Ms. Savage-Dunham advised staff supports this. Mr. Sinclair so moved the motion to approve. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

E. Rite Aid, request for release of \$9,000 E& S bond, 500 Queen Street, SPR #1501.

Ms. Savage-Dunham advised staff supports this. Ms. DelDebbio so moved the motion to approve. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

F. High Ridge Industries, LLC, request for release of \$13,600 E & S bond, 125 West Queen Street SPR #1510.

Ms. Savage-Dunham advised staff supports this. Mr. Chaplinsky so moved the motion to approve. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

G. High Ridge Industries, LLC, request for reduction of Bond in Lieu of Site Plan Compliance from \$10,200 to a new amount of \$5,000, 125 West Queen Street, SPR #1510.

Ms. Savage-Dunham advised staff supports this. Mr. Sinclair so moved the motion to approve. Mr. Pocock seconded. Motion passed unanimously on a voice vote.

H. Westfield, LLC, request for release of \$3,000 erosion and sedimentation bond, 20 Westfield Drive, SPR #1430.

Ms. Savage-Dunham advised staff supports this. Mr. Chaplinsky so moved the motion to approve. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

I. Ridgeview Estates, request for a 245 day extension, 1985 West Street SPR #1360.2.

Ms. Savage Dunham reported that staff supports this. The applicant is requesting an extension to correspond with the extension they have for the Conservation Commission. They have been granted a one year extension out of a five year extension.

The PZC was granting increments of time. This is the remainder of time necessary to match the planning approval with the Conservation Commission approval.

The wall is essentially installed now. We are just waiting for a smart drain to come in. Explained the wrong part was shipped.

The applicant is here. They're getting ready to button the site up for the winter. It looks very good out there.

If the 245 days granted, at the end of that time, the applicant would be coming back to the PZC and the Conservation Commission asking for the remainder of their four years for their site plan.

Discussion.

In response to a question by Mr. Kenefick, Ms. Savage Dunham indicated all of the plantings and wetlands work is complete.

Discussion.

Mr. Kenefick noted one wall is pretty close to the deck. Ms. Savage Dunham said they may end up removing one or two of the decks and installing stone patios.

Discussion.

Discussion of the relocation of the electric box. Ms. Kathy Nicholas, who runs the site, explained the conduit bringing up the power line, we couldn't move it far away from the tree, but if you go out there and really look, it is away from the tree by about that much (indicating). It is not on the tree.

Mr. Sinclair made a motion to grant a 245 day extension. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

J. Wyndcrest Estates, LLC, request for release of \$9,000 erosion and sedimentation bond S #1242.

Ms. Savage-Dunham advised staff supports this. Mr. Sinclair so moved the motion to approve. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

K. Level A Aquifer Protection Area map revision

Ms. Savage Dunham explained the new aquifer protection areas using a colored map. She pointed out the Cheshire pieces. The

difference here is that the blue and pink areas are all aquifer protection areas. The majority of the area is east of Queen Street.

Aquifers are important and it is important that anyone within an aquifer area is cognizant that they are and perhaps modify their actions so as to not pollute our drinking water. However, our regulations and the need for registrations and applications before this commission are more for business and office uses.

Residential properties are essentially exempt from the aquifer protection regulations. The areas have been adopted by the state. They're delineated on our zoning map.

The next steps are I will be working with Mr. West from the water department. We intend to have a public information meeting in the spring. We intend to do a couple of mailings. One will be to all the residential properties in the aquifer zones. Explained the content of the letter will be that you are in an aquifer protection area and that you are exempt. We may have a hand out of BMPs for people of things that they should know about.

Discussion.

We'll do a separate mailing to the businesses or industrial or office zoned properties. Even if they are in a residential use right now, if they're zoned as a business or industrial or office use, we'll send them a letter.

We'll let everyone know about the informational meeting via direct mailings and advertising.

People in a regulated zone will need to register within 180 days with the planning department.

Explained.

Discussed some of the precautions the town would be asking for if you are in an aquifer protection areas, i.e. double walled tanks, alarms and spill kits.

This map is in the Town Clerk's Office as well as the Planning Department. It is on the DEP website.

If people want to come in and talk about it, I am happy to answer anybody's questions.

L. Request for road acceptance, Bishop Avenue S #1250

Ms. Savage-Dunham advised staff supports this. The work has been completed. We recommend acceptance pending the submission of a \$40,000 maintenance bond. The length of the roadway being accepted is 250 feet. Mr. Oshana moved to accept 240 feet of new roadway pending

submission of a maintenance bond in the amount of \$40,000. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

Items to Schedule for Public Hearing

None this evening.

Administrative Reports

None this evening.

Receipt of New Applications

1. Site plan modification for 15 North Liberty Street. SPR 1423.2. It's for an addition.
2. Site plan application for Atwater Street, F & F Concrete. Concrete block cold storage area. SPR 1562.

Executive session, pending litigation, CGS 1-200(9) (c) - 228 Queen Street

Mr. Sinclair moved to adjourn into executive session excluding the press and the public but including the Town Manager, Town Attorney, Town Planner, Town Engineer and Special Counsel Attorney Byrne. Mr. Oshana seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned to executive session at 7:30 o'clock, p.m.)

EXECUTIVE SESSION

The Southington Planning and Zoning Commission entered executive session immediately following their meeting with the following in attendance in order to discuss pending litigation, CGS 1-200(9) (c):

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: Steve Kalkowski
 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

Steven Byrne, Esquire, Special Counsel

No motions were made or votes taken during executive session.

Mr. Sinclair made a motion to adjourn from executive session.
 Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

(Executive session was adjourned at 9:17 o'clock, p.m.)

REGULAR SESSION

Mr. Oshana made a motion to adjourn the meeting which was seconded by Mr. Sinclair. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 9:18 o'clock, p.m.)

Mary Savage Dunham
 Acting Clerk