

PLANNING & ZONING COMMISSION  
Public Hearing & Regular Meeting  
January 18, 2011

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday, January 18, 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: Lisa Conroy  
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

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 January 4, 2011

Ms. DelDebbio so moved the motion to approve which was seconded by Mr. Sinclair. Motion passed unanimously on a voice vote.

Ms. Conroy advised for the record she had read the Minutes and viewed the video on the January 4, 2011 meeting.

**SPECIAL PRESENTATION:**

**A. 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 introduced the item saying this is an 8-25 referral from the Town Council for the purchase and lease back of the North Center School.

At your last meeting, we had a cursory review of this. At the behest of this commission, we have a presentation here tonight. Chairman Goralski and Dr. Erardi is also here, Borghesshi Group is also here and our Public Works Director is here.

The Chair requested to hear Item 5-A now and then go right to 7-A before we go into the public hearing. Commission agreed.

Brian Goralski, Chairman of the Board of Education led off the presentation. He offered his apologies for not including a member of the Planning & Zoning Commission on the facility committee.

The BOE stands before you tonight with an opportunity to bring government together. Schools and the town have long been separate. This is a plan that brings government together by combining offices of the BOE with offices of the town government at the North Center School site with your approval.

We will be able to answer any questions you have at the end of this presentation so we can move forward with this opportunity.

He thanked all members who served on the committee and their active role.

Dr. Joseph Erardi, Superintendent of Schools. He passed out a copy to all members a booklet with details of the project. He then reviewed the project booklet.

He also passed around documents on the proposed site plan which Mr. Tranquillo will be speaking on.

He offered his apologies to the PZC for his oversight in not including a member on the facilities committee.

This plan comes to you with a thoughtful financial picture. It comes to you with the potential to take Beecher Street off the town rolls and perhaps replace that with taxable dwellings that may or may not be placed there. It further comes to you with utilizing North Center School. It is a building that was well maintained. It is an aging building that needs help but it can be a terrific show place as a town center with the school board and town offices that are planning to move over.

Our work is not done. And we know that there is a great deal of work ahead of us. But we also know is that in today's challenging economy, that we have what we believe is the absolute lowest, best price to get this done. I also know that if we chose to do nothing, we would have a building at North Center with marginal, if any use at all, other than energy use. I further know that I truly believe that this is an opportunity for schools in town, rather than talk about partnership, be strong partners and be more efficient in work for this community.

In the long run, I see this opportunity as cost effective. I see it as timely. I see it as an intricate part of the school board's plan to move forward for all students.

Anthony Tranquillo, Director of Public Works, addressed the site as it sits. (See information packet submitted.)

The conceptual site plan was discussed. He noted the access way is going to be moved northerly 50 to 60 feet. That'll line it up perfectly with the traffic light. Two way entrance. There are 87 parking spaces in the lot, 6 handicapped spaces. All parking requirements are met. Landscaping, everything is met by the site plan. He noted to the left of the plan, going out to Mill Street, there are 29 spaces. So the site itself will have approximately 125 spaces. We have 29 BOE employees and 27 Town Hall employees using the building. And, about 20 Town cars. We will have about 50 spaces for the public/visitors. A large advantage over what we have presently at this site.

Discussion.

A traffic study on the Hobart Street intersection will be done to see what we need to do to make that acceptable and keep the level of service C or better.

Discussion.

The preliminary floor plan was discussed. He noted the location of the health department office and the building department on the upper floor. On the lower floor will be the planning department, engineering department. He noted the new upper floor meeting room where the BOE and the land use boards would meet.

Explained.

Discussion followed as to why the departments were chosen to move to North Center School.

The at-grade entrances and elevator were pointed out making the building fully handicapped accessible.

We feel it is a very very well thought out plan as to which departments will work best together.

Attorney Sciota noted the 8-24 is for the use of offices there. The administration has put its recommendations in as to what it felt best for the departments to go. You understand that is a fluid process.

Land use was discussed. You have to make a determination if this is an appropriate land use for the site. The administration believes it is. But it is the commission's ultimate decision.

Allan Borghessi from Borghessi Company made a presentation on the building considerations in renovating the building for energy efficiency and usefulness and efficiency of the people working there and using the facility.

We designed an electrical and mechanical system. We designed the site layout and we provided a specification to the committee.

Discussion.

We met with the various departments to make sure that their section of the building works efficiently for them. Significant

changes have been made. Over the next two or three weeks we will have the layout finalized.

The interior of the building will be literally new. Explained floor systems, ceiling systems will be new, all newly painted. Windows will be all changed to high efficiency, insulated glass. The heating & air conditioning systems will be multi-zoned systems providing good control for various departments. High efficiency units, all roof mounted, natural gas heat.

The lighting system will be all high efficiency, updated lighting, meeting modern standards of utility companies in the area.

We've insulated all exterior walls in the offices.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Mr. Borghessi continued explaining the site design.

The preliminary landscape plan was discussed.

The parking spaces were discussed.

It has been a team exercise putting this together. And, it has worked very well. I'll answer questions, added Mr. Borghessi.

Mr. Kenefick asked about the roof. Mr. Borghessi said it will be a brand new roof. Explained additional 2" insulation that will be added. The roof will have a 20 year manufacturer's warranty on labor and materials. Explained it will continue to be a flat roof.

Attorney Sciota indicated all presenters were here to answer any questions.

Mr. Kenefick asked about the numbers as to rental fees/buy back fees. Attorney Sciota explained the rental fee would be \$400,000 a year. It is \$375,000 per the proposal and the town added a contingency or an allowance of \$200,000 to add new things in, i.e. technology improvements. We allocated that over the 8-year period of the lease.

After the eight years at \$400,000, if you chose not to purchase it, it would drop down to \$375,000.

If we chose to purchase it after 8 years, it would \$2.9 million total.

Discussion.

Mr. Kenefick asked the value of the building right now to the Town.

Extensive discussion on the figures and the years involved with those amounts.

Discussion of plans for Beecher Street.

The sidewalks on the site are going to be repaired.

Mr. Tranquillo explained the traffic flow on the site. If we need a turning lane, we'll have to build one.

Discussion.

Mr. Sinclair asked why these departments were chosen to move. Attorney Sciota explained they were used in the prior two referendums as to what would go into the new addition.

Discussion.

Mr. Sinclair was concerned about the departments that were moving. It seems like we're breaking the process up a little bit more. And, I've had comments that the process is broken, as it is.

Attorney Sciota said the PZC will be part of the process as to what departments will be moving. It's important that the administration and the commission as well as the Town Council have a say.

Discussion.

As to this plan, the administration and the BOE fully supports this plan for the departments.

Attorney Sciota said the administration should take as much abuse as the superintendent took. I believe it has been rectified and we all need to move forward.

Discussion.

Mr. Chaplinsky thanked everyone for the information which has been provided over the past two weeks. It really helps with the decision making process.

Discussion.

Mr. Kenefick asked if the town ever went out and asked for bids as to the improvements for the building without Mr. Borghessi coming back with bids. Did the town ever ask for bids to bring this building up to something like this right now?

Attorney Sciota reviewed the history of the project. He explained the feasibility study set forth the space needs. Then we put it out to RFP. Four came in with the RFP. The Borghessi Group being one of them. The final two, the numbers were not outrageously apart. Explained.

Mr. Kenefick asked: How much does it cost to bring this building up to the standards that Mr. Borghessi is? Attorney Sciota said the feasibility study estimated around \$6.5 million.

Discussion.

The Chair asked if there was a contingency plan if this doesn't happen. Attorney Sciota said the contingency plan right now, assuming the Council in the future goes to public referendum and the voters choose to purchase the property for \$2.9 million. If that's not the case, the options are threefold:

- choose not to go to referendum at this time and continue to lease and go to referendum at another time.

- Chose not to go to referendum at all and continue to lease for the full 20 years and then renegotiate after that for a longer period of time.

- They say, okay, we're done. We're going to move on to somewhere else.

Ms. DelDebbio said she is not particularly a fan of tearing down buildings that hold a piece of history in the town. I would really be in favor if the town could look into other possibilities for these buildings and have them renovated.

Attorney Sciota restated the highest and best use of the Beecher Street property would be an R-12 residential use.  
Discussion.

Costs of running North Center School were discussed.

A triple net lease was explained.

Mr. Chaplinsky stated we do need to do something for the people that work in the Gura Building immediately. Whether it's this plan or some other plan down the road, regardless of the decision, people need to be taken care of in that building.

Discussion.

Hearing no other questions, the Chair concluded the special presentation item and went right into Item 7-A.

## **BUSINESS MEETING**

**A. 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)

The Town Planner stated as your back up material in the packet indicates, this matter is ready for action. It currently is a municipal facility. It has been for many years. So our plan of conservation and development helps dictate where municipal facilities should be located and where they're appropriate. Clearly, since it's been there for many years operating, I think that that indicates that it has been found to be an appropriate location for a municipal facility.

Staff recommends a favorable finding be returned because this proposal is not in conflict with the plan of conservation and development and it will be beneficial to operations overall.

Mr. Kalkowski commented he is supportive of the BOE moving into this building. I am not supportive of the other town offices as I've seen on the plan here. So, I want to get comfortable on that going forward. It is just something we must do. I am going to be supportive

of this going forward and I would like to make a motion to approve this 8-24.

Mr. Chaplinsky seconded. He noted all the information which has been passed to the PZC. He noted research he had done with surrounding Town Planners and regional agencies to get a feel for their perspectives on a couple of issues.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

He also wondered if the departments planned to be moved are the appropriate ones based on the information that we have at this point.  
Discussion.

Mr. Chaplinsky asked as the subcommittee moves forward, he would like to consider an additional subcommittee be put together to determine is the original proposal for which departments are to be moved, is that appropriate and the best choice of departments. Or is there another mix that might be more appropriate.

It might not be the greatest thing in our CB zone to take the Gura Building. He stated he looked forward to discussing the site plan for that building and the BOE.

Discussion.

He was in favor of obtaining a taxable dwelling after the sale of the BOE building.

He was in favor of investing into the education system and I hope we do more of that. Not only with this 8-24 but also in other areas.

He looked forward to the opportunity to correct the traffic flow in that area. It needs attention. That will be a potential benefit to the town and the people traveling on that road.

He also discussed the potential for the natural extension of the CB zone if we approve this.

The other benefit is we are going to bring more people downtown using the linear trail which abuts the building in the rear. Good for the CB zone, as well.

Mr. Saucier stated he was in favor of the 8-24. Professional office space is allowed in a residential/office district, so based purely on what's in front of us, on an 8-24, this fits with the area and we should send back a favorable recommendation.

Mr. Oshana agreed this is a logical thing to do. It makes sense. My biggest concerns are as follows:

- I don't know as the planning commission whether or not enough planning has taken place.

Discussion.

- We have a vacant building that we are now going to fill at North Center but we are going to trade that for another vacant building

at Beecher Street which we're going to try to sell. We don't know if that's going to sell.

Mr. Sinclair said that moving general government with the BOE is a good idea. It's the wave of the future. Some things I like about this plan, but there are a lot of unanswered questions. What about the Beecher Street building? What about the Gura building? I'll be voting against this.

The Chair said if we don't do this now, where does it end? Spoke about the poor condition of the buildings in town. This is an opportunity for the town to do something good for the people of Southington. There are a lot of unknowns, but for this vote tonight, it's for the deal to go forward to the Town Council so this company can take it over and make all the improvements. Then who knows? I think for now, for today, this is something that we have to do.

Roll call vote:	Chaplinsky:	Yes
	DelDebbio:	Yes
	Kalkowski:	Yes
	Kenfick:	No
	Oshana:	No
	Sinclair:	No
	DelSanto:	Yes

Motion passes 4 to 3.

#### **PUBLIC HEARINGS:**

**A. 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)

Stephen Giudice with Harry Cole & Son reviewed the application and recapped what was presented at the public hearing last meeting.

Since the last public hearing, we did have the opportunity to meet with some of the abutting property owners to discuss concerns they had on site. Some of the modifications have been made to the plans that are before you:

- Modifications along the Carter Heights property. Additional grading has been proposed along with a berm with landscaping at the top of the berm.

- Ms. Stephenson discussed the retaining wall with us. And, the option of possibly grading that property out instead of the wall. We also proposed a berm around her perimeter to provide additional privacy along her property with landscaping.

- Additional landscaping along Mr. Flood's property was proposed.

- Proposed moving of the haul road for earth removal to the center of the site, further away from the property during the operation.

Mr. Giudice pointed out this SPU for multifamily housing provides for a 35' landscape buffer around the perimeter. We are able to retain existing vegetation around the site and we are proposing to add additional vegetation within the 35' buffer to help maintain privacy from the abutting properties.

We did revise the plans based on comments from the Town's Traffic Engineer and submit them as late as this weekend. He responded he was satisfied with the change in the plans. We clarified the issue about the sight distance scales. We did respond to some staff comments.  
Discussion.

Many issues will be addressed during the site plan process.  
Explained.

Attorney Andrew Denorfia, 133 Main Street, Southington addressed the Commission. We spent the last two weekends meeting with people and talking with people on the telephone.

He spoke about the proposed modification to Carter Heights. He has letter from them saying that they were happy we worked with them. (Letter on file in the Town Planner's Office.)

Dr. Stephenson, we met with her. He explained she had the option of a retaining wall or grading. She seemed to indicate she may prefer grading, but that is up to her. We're willing to go either way. And, we added another berm and plantings to address her concern for privacy.

We did meet with Mr. Flood a few times. We are proposing to move the drive over during the earth excavation. If possible, we'll keep it that way.

Explained.

We are adding quite a bit of trees and plantings all of the way down to the house line of Mr. Flood to help him with a little bit more of a buffer.

Discussion.

Attorney Denorfia went over the pertinent regulations as he did in the last meeting and reiterated they meet or exceed all of them for the SPU.

Attorney Denorfia reviewed Section 8 of the regulations indicated as he did in the last meeting they meet that.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Pamela J. DePaolo, 54 Delahunty Drive. I completely disagree with and oppose this plan. Explained her familiarity with the roads and the area. The development of smaller parcels of land for use by high density residential housing is no longer desirable for Southington. This area is mostly single family homes. I disagree with

the Attorney who just spoke. This neighborhood is not mostly multifamily housing. It is mostly smaller single family homes.

Discussion.

Carter Lane is a narrow street and now suitable for this type of development. It would cause unacceptable levels of incoming and outgoing traffic on to relatively quiet streets. The area would be noisier, busier and with a higher density of residences than there should be in this area.

Discussion.

This area is more suitable for single family homes.

Discussion.

This development will lower the value of surrounding homes because of more people in the area and increased traffic which will crowd the area unnecessarily.

Spoke about St. Armand's Estate condominiums.

Spoke about many access points on Route 10 for developments.

Carter Lane access was discussed as being unsuitable.

Excavation is undesirable because it risks losing the natural buffer qualities for sound, pollution, noise as well as natural beauty and natural runoff and ability to absorb excess water.

Discussion.

I would like you continue to limit these types of building proposals because they also put an increased strain on town water, sewer and road and maintenance services.

Our developed neighborhoods need to be protected by our zoning officials from over development and they need to be protected from excess excavations, needless alteration of small pieces of land and property which are better left alone as natural landscapes or developed with lower density than these proposals. A few single family homes on larger lot sizes would be preferable and would accomplish this and not alter so negatively and so severely this quiet neighborhood.

Thank you.

Mike DeFeo, 159 South Borough Road. Two weeks ago we spoke about the concerns of this proposed development. We have had time to digest and reflect and we have more concerns related to the project.

We continue to oppose this proposed development and we oppose all the waivers that go along with it for a lot of different reasons: natural buffer, residents boundary lines and privacy would be impacted, water drainage, excessive noise, increased traffic flow on Carter Lane and Main Street.

We oppose the 100' boundary line waivers. We also oppose the 2:1 slope waiver and we also oppose the 2-year completion waivers. There is no reason whatsoever to approve these waivers for this development.

Why not build a couple of two family homes which coincide with the neighborhood and keep the hill intact.

This project is not in harmony and would be out of character in this neighborhood.

I challenge you all to make a good decision on what you think is right, but I hope this is a decision based on facts and regulations and not what is right for the developer but rather what is right for the people in the neighborhood.

Thank you.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

Rennold Hansen, 75 Plum Orchard Road. I'm here on behalf of my mother who resides at 589 Main Street adjacent to the vacant lot near Tony Denorfia's. I need to be a voice for my mother.

We are here for special permit - unique and unusual. Single family housing surrounds this development.

Discussion.

Spoke about the traffic with this development. Excavation traffic was discussed.

He spoke about the quality of life in this neighborhood now.

He spoke about what the neighborhood would look like with the lack of the hill.

The intention of the voters on November 4<sup>th</sup> was pretty clear that we wanted to do business differently. At this time, I would implore this commission to vote against this proposal. Let's set a real precedent on what this town is going to look like going forward.

I do have an issue in preserving the integrity of mother's life the rest of her time here. That I do have a concern with. This will negatively impact every single person north, south, east & west, if you approve this.

It's a privilege to be part of this process and I thank you for your time.

Steve Battista, 555 Main Street. I live right across the street from the gas station. That wasn't there when I bought my house, but if you allow this to happen, I don't know who does the traffic studies. I'm trying to echo everything everybody else said. There are times I can't even get out of my driveway.

Discussion.

Main Street is congested. I can't see this. It's just out of control. I can't believe this would happen and I'm really upset with it.

Suzanne Hoy, 601 Main Street, Plantsville. I'm still completely against this proposal. It's too dense for this area. They're asking for exceptions from the zoning and what I've been told is that the Southington PZC does not do spot zoning. There is not a single person in this area who is for this proposal. We're all very, very saddened by it. It's too tight.

Discussion.

With the 100' buffers, there is only one small little triangle in the middle that can be built on. It doesn't meet the zoning regulations. It's very tight. This is only going to contribute to the noise in the area. And, the spaces are too small for the people to live in.

It doesn't follow zoning whatsoever.

I don't know why all the houses aren't shown on this plan.  
Explanation.

Carter Heights space was discussed.

St. Armand's are free standing condos and not side by side townhouses.

You need to look at this to realize how very, very dense this is.

I agree this is much better suited to houses of similar size and character in the neighborhood with some yard space so the fabric is consistent throughout the neighborhood which would maintain the values.

Spoke about how tight these new units are spaced.

With the hill taken down, you will see a row of row houses behind these historical homes on Main Street. I ask everyone to walk down Main Street and you will see that.

And, the drainage is going to change. Explained.

Spoke of flooding in the area.

There are better ways to improve this land and improve the area and our town. We need to find that.

(Rebuttal)

Attorney Andrew Denorfia responded. This is an R-12 zone and you have regulations for an SPU and I went through every one of them that we need. You also have regulations for an earth excavation and I went through those last time. We meet those, as well.

This is not spot zoning. Explained.

You can see multifamily near this property; i.e.: Carter Heights, St. Armand's Estates, two family homes.

Discussion.

In terms of traffic, we hired an expert and the Town hired an expert. And, they're both in agreement.

Discussion.

ZIRO, extra berms and extra plantings were added to keep more water on our site. This will help the drainage.

As for 595 Main Street, that is part of the development. What is being proposed right now is what's going to go there.

Discussion.

Egress on Route 10 was discussed last time. We believe it is safer and better for the development to be exiting on Carter Lane.

Steve Giudice spoke about the SPU process for the application being very emotional.

This is a permitted use. Explained this is not spot zoning. It is not too dense.

Discussion.

Compared this development to St. Armand's Estates.

Waivers were part of the earth excavation application. This hearing is for Special Permit Use. Nothing to do with waivers.

Density meets your requirements.

Spoke about a proposed subdivision in this area and the negatives of same.

Reviewed the application particulars again.

Mr. Kenefick applauded the applicant for working with the neighbors.

(End of Tape #2, Side B)

(Beginning of Tape #3, Side A)

Discussion of why the houses on Main Street are not on the map --  
- they're not required.

Mr. Giudice concluded by again saying the application does meet or exceed the regulations and we hope that you will approve it.

(Staff comments)

Ms. Savage Dunham read three correspondences into the record:  
(On file in the Town Planner's Office for review)

- Michele Tys
- Carter Heights Association

- Laurie Day

The Chair at this time closed the public hearing.

**BUSINESS MEETING:**

**B. Earth Excavation application** of AA Denorfia Building and development for the removal of 24,551 cubic yards of material, 45 Carter Lane and 595 Main Street EE #133.

Ms. Savage Dunham advised the commission has in front of them the modified plans which have been changed with regard to some of the grading and berms referred to in the previous presentation.

The application at hand is an earth excavation for the removal of approximately 24,551 cy of material from 45 Carter Lane & 595 Main Street currently zoned R-12 in accordance with Sections 11-16 & 8 of the regulations.

The Town Planner reviewed Section 11-16 regarding the waivers which has been the subject of a lot of conversation. She advised this requires a 2/3 vote for the commission to approve the buffer waivers and the slope waivers to 2:1.

Discussion.

Revised plans were received. Mr. Hillson had two concerns which she reviewed for the commission from previous meetings. If the sight line is resolved one way or the other prior to the onset of operations, he's okay with it.

Staff comments are we haven't reviewed the newly proposed berms. But we would tell you that the landscaping, the berms, and the drainage those are all things we look at very, very closely during the site plan process. We are talking here the excavation, the proximity of the excavation to the property line and if 2:1 slopes will be permitted by the PZC. The remaining items, from staff's perspective, we can iron out during site plan. The applicant has represented they will address the issues and staff knows the commission will hold them to the regulations and staff recommendations.

Discussion.

Buffers were discussed again and the intent of the 100' buffer. Attorney Sciota noted that 100' buffer is intended to provide a buffer to the property owners for their protection. The waiver necessity was discussed, as well.

Discussion.

Mr. Chaplinsky made a motion to approve the waiver of the 100' Buffer pursuant to Section 11-16.3A based on the plan submitted tonight. Ms. DelDebbio seconded.

Stipulation: Orange fencing be put up to delineate where the excavation should end based on the plan submitted. Motion passed 6 to 1 with Mr. Sinclair opposed.

Mr. Chaplinsky made a motion to waive Section 11-16.3D. It appears as though the slopes are pretty similar to 2:1 and the applicant will work diligently to insure adequate buffer and threes remaining and staff has committed they will make sure that occurs. Mr. Kalkowski seconded. Motion passed 6 to 1 with Mr. Sinclair opposed.

Mr. Chaplinsky made a motion to approve the application for the requested 2 years. Ms. DelDebbio seconded.

Mr. Sinclair felt this was a lot of excavation in a very cramped place and there is no buffer and now we're dealing with the slopes, as well. I'll be voting against this. It's too much in too confined an area.

Motion passed 6 to 1 with Mr. Sinclair opposed.

**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.

Ms. Savage Dunham reviewed the application noting revised plans which have been modified have been submitted. We haven't had a chance to closely scrutinize the revised plans with regard to the SPU requirements or the buffering and landscaping. Staff would respectfully request a table so we could review.

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

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

The Town Planner explained the SPU is before you at this time for a daycare for serving more than 13 clients at the above referenced property currently zoned Business. You have heard a great deal of data on this application.

Mr. Hillson advised given the latest revision of the proposed site plan discussed last meeting, the applicant essentially agreed to all of Mr. Hillson's suggestions to improve the traffic situation. He feels that his concerns have been addressed with regard to traffic related to the daycare.

You have to consider the application and compare that to Section 3-02.F1A, C & D as well as the requirements of Section 8.

She then reviewed each section that needs to be considered.

She then reviewed Section 8, special permit use requirements.

This is ready for action and it's out of time.

Effect on property value data was not provided to the commission.

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

Mr. Kalkowski recapped the application, saying he was not convinced this is the right place for this business.

Discussion.

Mr. Oshana said he was fully supportive of this application when it first came up as I think this is type of application and use is fully effective in this particular area.

Discussion.

We were told previously that they were not proposing a daycare, per the Minutes. They were considering: financial institutions, retail and office spaces.

Discussion.

As to the SPU regulation, it does say it shall be considered on an individual case and we should take into consideration public health, safety, and the general welfare of property values and comfort and convenience of the public in general.

Discussion.

Parking was discussed.

He went through the regulation one by one and explained why they were not met.

Mr. Oshana made a motion to deny the application. Mr. Sinclair seconded. Motion passed 6 to 1 with Mr. Kenefick opposed.

**E. MC Realty Dev., LLC, Site plan application** for an 11,000 sf day care facility, 2003 West Street (SPR #1578).

A vote for denial is in order based upon the denial of the SPU. Mr. Sinclair made a motion to deny for all the reasons stated for the SPU and failure to have an SPU. Mr. Oshana seconded. Motion passed 6 to 1 with Mr. Kenefick opposed.

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

The Town Planner reviewed the application. She passed around a response to comments we got on Friday a 3:30 pm. Staff has not reviewed the revised plans or responses to comments. For that reason, staff would suggest a table to allow us to review the plans.

The plans up to this submittal on Friday afternoon never included the minimum application requirements of showing us exactly what the existing conditions are. We would like to review as we are getting it at this point and come up with any outstanding comments for we can appropriately stipulate, if necessary, any action by this board.

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

**G. Request for release of \$70,000 subdivision Bond (S#1235) - Sandy Ridge Estates, Amber Lane.**

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

**H. American Eagle Credit Union - 888 Queen Street, Request for release of \$1,000 E & S bond SPR #1576.**

Staff supports this. Mr. Chaplinsky so moved the motion which Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

**I. WB Staebler Prop., LLC, request for release of \$31,000 Public Improvement bond, 409 Canal Street SPR #1398.1.**

Staff would just put before the commission that this is a property that we did have a violation on. We are working with the applicant to resolve that. We had agreed that we would support the release of the bond with the stipulation of submittal of the final as-built and release document for the retaining wall as well as having a new application to remedy the issues on your Agenda.

It's your discretion. I believe that the new application was brought into my office the end of the week. It hasn't even been logged in, yet. I would be remiss in not telling you we have a rolled up plan in my office. But we haven't looked at it.

If you were to release this, we would recommend a stip as stated: submittal and acceptance of the final as-built and release document for the retaining wall which is in the town's right of way.

Discussion of what has to be done on the retaining wall.

Mr. Kenefick said these people have done a lot of work there and it looks pretty good. I would be in favor of releasing the \$31,000 bond. I think they did an excellent job and it really looks nice.

Mr. Chaplinsky made a motion to approve with the Planner's stipulation. Ms. DelDebbio seconded. Motion passed 5 to 2 with Mr. Oshana and Chairman DelSanto opposed.

**J. Edward J. DellaBitta, request for 5 year extension of site plan approval, 54 Tridell Drive SPR #1433.**

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

**K. Queen Spring, LLC**, request for 5 year extension of approvals, 438 Queen Street/Old spring Street (FF #192 and SPR #1425).

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

**L. St. Thomas Catholic Church** - 99 Bristol Street, Request for release of \$37,300 Public Improvement Bond (SPR #1575).

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

**M. Presentation from Activate Southington**

This has been moved to our next meeting.

**8. ITEMS TO SCHEDULE FOR PUBLIC HEARING**

**A. Aquifer Protection Regulation Revision (ARA #1) - February 15th or March 1**

Set for February 15, 2011.

**B. Parcel #70 Queen Street, Request for multiple buildings on one site (SPU#492) - February 15 or March 1**

Set for February 15, 2011.

The Town Planner stated she has a parent/grandparent apartment she would like to put on for a public hearing on the February 15, 2011 meeting.

**9. ADMINISTRATIVE REPORTS**

None to report this evening.

**10. RECEIPT OF NEW APPLICATIONS**

Ms. Savage Dunham will email information. It's mostly the SPU and the associated SPR and the parent/grandparent apartment.

**COMMISSION COMMENTS:**

Mr. Chaplinsky mentioned four items:

- Communication regarding hookah lounges. I'd like staff to look at the regulations. Maybe we can look at Tolland's regulation and

see if we can put some rough language in front of the commission next meeting to consider.

Ms. Savage Dunham reported she has met with the Town Attorney and we're already working on that matter. Yes, we have interest from someone who wants to put a hookah lounge in town. We will provide some material at the next meeting.

Discussion.

- He would like to get back to revisiting the recreational vehicle use in residential zones. I'd like to put a revised regulation in front of you, myself, maybe review with staff before the next meeting and see if we can put something in front of you to see if it's something we want to move on. This is with respect to ATVs and snowmobiles being driven on small residential parcels of land.

- We want to revisit the corner lot regulation.

- And the sign regulation revision.

I hope to work on this with the subcommittee and put them in front of the commission, as well.

Mr. Oshana noted this is the last meeting with the Town Manager and I'm sorry he's not here.

Attorney Sciota advised he may come to the February 1<sup>st</sup> meeting as his last day of work is February 2<sup>nd</sup>.

The Chair brought up the fact he sent an email out last week congratulation the commission for how we acted with the North Center School property. I'm very proud of this commission and members stood up for us saying we're out of the loop here and we need to be in the loop. It was great. It really showed.

It was nice for a couple of seconds tonight to be apologized to profusely. But, I don't think they did it purposely. I think it was just an oversight on their part. It's nice to know that we're appreciated and I guarantee this won't happen again.

That's always been our goal, to work with other commissions in town, and let's hope this oversight is a good way that it won't happen in the future.

Nice job. Kudos to everyone involved.

11. **ADJOURNMENT** - Mr. Oshana made a motion to adjourn. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 10:05 o'clock, p.m.)