

PLANNING & ZONING COMMISSION
 Regular Meeting
 January 19, 2010

The Planning & Zoning Commission held a regular meeting on Tuesday, January 19, 2010. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

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

Alternates: Lisa Conroy
 Edward Costello
 Steve Kalkowski

Ex-officio members present were as follows, viz:

Mary Savage-Dunham, Town Planner
 James A. Grappone, Assistant Town Engineer
 Mark J. Sciota, Deputy Town Manager/Town Attorney
 John Weichsel, Town Manager

Absent: Paul Chaplinski, Commissioner
 Patrick Saucier, Alternate

Anthony J. Tranquillo, Director of Public Works/Town Engineer

The Chair seated Alternate Commissioner Kalkowski for Mr. Chaplinski this evening and 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 5, 2010

Mr. Sinclair made a motion to approve as presented. Mr. Pocock seconded. Motion passed unanimously on a voice vote.

The Town Planner read the legal notice into the record.

PUBLIC HEARINGS

A. Earth Excavation application of Format, LLC, Marie Tacinelli and Town of Southington for the excavation of 30,250 cubic yards of material, property located at 289,301-303 and 315 Main Street EE #129.

Michael Early, with Jones Engineering with offices at 92 North Summit Street, represented the owner of 301-303 Main Street, Format, LLC. Mat Florian from Format is also here with us tonight.

We're here in support of the earth excavation application for parcels, 269, 281, 289, 301 and 315 Main Street. All these parcels front along Main Street. It includes the land of the Southington Library and the parcels to the south. We're directly across the street from Derynoski Elementary School. All properties lie in the CB zone.

What we are proposing is an extension of the approved grading plan for the library property which is immediately to the north. This is being proposed to make our land more usable. We would like to continue the grading through our property, begin at contour elevation 210 along the eastern property line which continues along the east and to the south and grade the hill down at a 2:1 slope to contour elevation 162. The estimated amount of material that's going to come from this site excavation is approximately 30,000 cubic yards.

To accomplish this, we're going to need the same modifications and exceptions that were approved for the Town Library excavation application.

- Exception for the 100' buffer along the east and south property lines.

- Exception for the required 3:1 slopes. We are proposing 2:1 slopes to match the town's grading application.

- Modification to the requirement to provide for reverse slope benches as you grade down the hill.

Slope stabilization for this application is going to be the same as what was approved for the Town Library, i.e. a special crown vetch grass mix.

Aesthetically from the street it is going to look the same as it does now. Explained the toe of slope is going to continue over approximately 100'.

We feel by excavation this material, we're going to accomplish several things.

- Make the land at 301=303 Main Street more usable.
- Potentially create economic development down the road since it is a CB zone.
- Also, by continuing the grading from the town's property across ours it is going to open the door for the properties to the south to basically take the hill out and make their properties more usable, more valuable, possibly spurring economic development on the property to the south.
- There's going to be an increased land use on the town property by eliminating the need for the town to pull the contour back in and grade on their own property. It'll increase the land use for the town by approximately 7,000 sf which down the road to could lead to 20 additional parking spaces at the Town Library.

I'd be glad to answer any questions.

Mr. Oshana asked if they were planning on doing the same process that was done at the library, the excavation and the same slopes? You are asking for the same three exceptions that were done at the library. Mr. Early stated that is absolutely correct. We are going to match the Town's contours on the approved grading plan and carry them across to our southern property line and bring it down at a 2:1 slope creating a toe of slope matching where the town's property left off.

Mr. Costello asked when the project was proposed to start. Mr. Early said it would be started as soon as approved. Mr. Costello asked about the bank being stabilized in the cold weather. Mr. Early explained you can hydroseed in the winter. The Environmental Planner wanted a note put on the plan if they are going to hydroseed in the winter, extra slope stabilization methods be put in place, i.e. silt socks or silt fence at contour intervals along the slope to eliminate erosion from the top of the hill.

(Those speaking in favor of the application)

Arthur Cyr, 103 Berlin Avenue. I am speaking in favor of this application. Observed how impressed he was with the earth excavation at the library project which was done while school was in session with no problems. I ask we give this developer the same rules and regulations and restrictions that the town had for expanding their library parking lot.

In the interest of economic development, I ask that you proceed as quickly as possible on this.

Thank you.

(Those speaking against the application)

(No response)

Mr. Kenefick asked the engineer where the fill was going to be taken. Mr. Early said it was going to possibly the BJ site on Spring Street. Discussed the truck routes.

Attorney Sciota added approximately 6,000 cubic yards is going to be heading south to either the drive in property project or the transfer station for storage.

Discussion.

(Staff Communications)

Ms. Savage-Dunham referred to a communication from Lou Perillo in support which was distributed previously to the Commissioners. (On file in the Town Planner's Office.)

The Chair closed the public hearing at this time.

BUSINESS MEETING

A. Earth Excavation application of Format, LLC, Marie Tacinelli and Town of Southington for the excavation of 30,250 cubic yards of material, property located at 289,301-303 and 315 Main Street EE #129.

Ms. Savage-Dunham reported staff has received submitted material. We have revised plans and responses to comments which have been distributed to you. Comments have been resolved for the most part.

I have a few points of order to bring up and then outstanding staff comments:

The applicant is asking you to waive the restriction on any work within 100' of the property line. That requires a 2/3 vote by the commission.

The applicant is asking you to waive the requirement for not more than 3:1 slope. That also requires a majority vote by the commission.

The applicant also wants you to waive the requirement for reverse bench slopes. That would require a majority vote by the commission.

Ms. Savage-Dunham explained the purpose of reverse bench slopes. Staff does not oppose the waiver of the bench slopes, however, if we are not going to have bench slopes, staff would require the slopes be matted to avoid erosion problems.

Discussion.

There is a note on the plan, as well, and please refer to the Conservation Commission comment #2. Mr. Lavallee reviewed the plan and that is one of his comments which I support.

Mr. Lavallee's comment #6 should be addressed. This site is different from the town site. The town site was mostly clear. This site is mostly treed. Mr. Lavallee is bringing to your attention that cutting down all this vegetation, there should be some kind of planting of shrubs, if not trees, on the slope to help stabilize the slope and replace some trees that are being lost in this area. We fully support comment #6.

The applicant is asking to continue the 210 contour along the very top of the parcel. Staff had commented that it might be appropriate to have a bench at the top of the slope for vegetation, fence or screening.

Discussion.

Because of the mature trees at the top of the contour, the town found that they had to pull back from the property line because they were cutting into the root system. One of our comments would be the grades need to be pulled back from the top of the slope to not compromise the root systems of the trees on the top.

Discussion.

Mr. Grappone explained it was about 10' we had to pull back the start of our grading operations from the property line in an effort not to compromise the root system of those trees. Staff may need to work with the applicant in the field on this.

Discussion.

Ms. Savage Dunham explained we would like to see the practice that is happening on the town site carry over on to this site.

Our final comment is that both the Town Engineer and myself recommend not more than a one year approval. They are asking for two. Considering the number of trips per day they are planning, a one year approval is more than sufficient. There is plenty of time for them to come back and ask for another year, if necessary, which allows the commission, if there is any concerns with safety, traffic or erosion to intervene.

Discussion.

The rest of the comments were fairly minor in nature.

However, I have one other recommended condition: We'd like a stipulation that the applicant execute an agreement with the Town Attorney regarding the town's ability to relocate the access way on to the applicant's property, if necessary. This has been discussed with the applicant and he fully understands.

Explained.

Ms. DelDebbio brought up the issue about the top of the town's construction site where we needed to place boulders. Is that a similar situation with this property? The Town Planner said that could be stipulated that if you like. It is a serious slope.

Mr. Grappone noted that the orange construction fence was placed on the town site to protect the area. The CALCO representatives did utilize the Bradley Memorial parking area in the back on occasion. They worked that out between the two parties. I'm not sure if that would be the same in this case.

The Town Planner said that as to safety, it is well within your jurisdiction and is actually a good idea.

Mr. Kenefick made a motion to approve the waiver of the 100' buffer to the property line, waive the 3:1 slope and waive the bench slopes. Mr. Oshana seconded the motion. Motion passed 7 to 0 on a roll call vote.

Mr. Sinclair made a motion to approve the application with the following stipulations:

- Vegetation be planted on the slope.
- Pull back 10' from the top of the slope for the root systems on the mature trees on the other property.
- One year approval.
- Applicant enter into an agreement with the Town Attorney to relocate the access to the property, if necessary.
- Matting on the slope.

Mr. Oshana seconded.

The Town Attorney recommended adding the same timing stipulations for excavation as the current town project to the north.

Mr. Sinclair amended his motion to include that. Mr. Oshana seconded.

Ms. DelDebbio brought up again the rocks that were needed at the top of the town site right now. Can we carry that same idea over for safety on to this property.

Mr. Sinclair commented it would be safety and aesthetics and he would amend his motion to include that stipulation, as well. Mr. Oshana seconded. Motion passed 7 to 0 on a roll call vote.

B. Lovley Development release of \$4,900 erosion and sedimentation bond, Devonshire, 1175 South Main Street SPR #1215.

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

C. Woodruff Meadows, release of \$1,000 erosion and sedimentation bond, Heather Lane S #845.

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

D. Michael Davis, release of \$7,600 erosion and sedimentation bond, 329 Hobart Street S #1151.

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

E. Bristol Trust, LLC, request for release of \$3,500 erosion and sedimentation bond, 110 Corporate Drive SPR #1230.

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

F. St. Dominic Church, release of \$1,100 erosion and sedimentation bond, 1050 Flanders Road SPR #965.1.

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

G. Hubeny Farm Estates, request for reduction of erosion and sedimentation bond from \$32,700 to a new amount of \$12,700, 553 Mt. Vernon Road S#1253.

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

7. Items to Schedule for Public Hearing

A. Carpenter Realty, resubdivision application for 2 lots, 176 Townline Road (Strawberry Fields) S #1259.2, February 2

Set for February 2, 2010.

8. Administrative Reports

A. Proposed Zone Text Amendments - bonding procedure revisions (ZA#552 and SA #23)

The Town Planner reviewed the proposed zone text amendments which have been provided to the Commission and are on file in the Town Planner's Office.

She explained the reason for the change to the bonding procedures is to bring our regulations up to the standards of current practices. In essence, eliminating passbooks as a bonding form.

Discussion.

The second change is the contingency be changed to 20% which is currently what we use.

These are housekeeping changes and they have been referred out. It is ready for scheduling for public hearing at the second meeting in February.

It will improve financial accounting for staff and it will help customer service as we will have the money to return to the applicant.

B. Northwest Quadrant - Discussion of Zoning

The Town Planner noted the commission has seen this before. I'm sending you out a report you received last year. At that time you had directed me to refer it out to agencies which I did. It's ready for revision by the commission or the subcommittee or scheduling for public hearing. Staff is still supportive of that.

C. Analysis of Potential Health Impacts of Cell Towers

The Town Planner indicated they were submitted to the commission so they could read them at your pleasure. The federal government sets the standards for cell towers. And, so we are not allowed to regulate any stricter than the federal government does. Their position is that the standards that they have are protective of public health.

Discussion.

Mr. Sinclair thanked staff for providing the information.

9. Receipt of New Applications

The Town Planner reported the following:

Resubidivision scheduled for public hearing next meeting - 169 Townline Road, S#1259.2.

Site plan application for two office buildings at 973 Queen Street, SPR 1563.

Five lot subdivision on Spring Lake Street, Assessors Map 102, Parcels 17 & 19, S #1278.

Zoning and subdivision regulation amendments discussed tonight, ZA#552 and SA #23. They have been filed in the Town Clerks Office so you can read them online, as well.

Commissioner Comments: Mr. Kenefick thanked who was in charge of Mount Southington. They put some extra caution lights out there and they did some striping. Thank you.

The Chair brought up another subcommittee he would like to create. We have the moratorium on sexually explicit businesses and I'd like to form a subcommittee to work closely with staff to try to come up with some ideas on how to, if we need to, change our regulations with regards to sexually explicit businesses.

Steve Kalkowski, Jim Sinclair and Lisa Conroy will be the subcommittee with Mr. Kalkowski Chairing the subcommittee. As a heads up, we are on a pretty fast timeline with this. You need to contact Mary as soon as possible to try to get this ball rolling.

10. Adjournment

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

(Whereupon, the meeting was adjourned at 7:45 o'clock, p.m.)