

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
January 5, 2010

The Planning & Zoning Commission held a regular meeting on Tuesday, January 5, 2010. Chairman Michael DelSanto, called the meeting to order at 7:01 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
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

Absent:

John Weichsel, Town Manager
Lisa Conroy, Alternate

(*Arrived at 7:06 o'clock, p.m.)

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 15, 2009

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

PUBLIC HEARINGS

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

The items were taken out of order to accommodate Mr. Tranquillo's arrival.

B. 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.

Andrew Quirk, PE, Principal with Kratzert, Jones & Associates, represented the application. This is for a second principal use at the present Dunkin Donuts facility at 433 Queen Street.

The proposal is to add an ATM drive up kiosk to the southeasterly portion of the site as a second principal use. Gave the history of the site approval to date as a Dunkin Donuts drive up facility.

The ATM kiosk will have a concrete pad to allow for one car at the ATM drive up. One car to be able to be stacked upon the exit from the ATM and for three cars to be able to be queued prior to the ATM kiosk.

Explained the layout of the three proposed drive lanes on the site. The location was selected so that users could either exit the site and use the ATM independently or get back into the queue prior to the fourth car to the drive up Dunkin Donuts window.

We did submit an additional traffic analysis that shows that it is not anticipated that this will have a significant impact in terms of additional traffic for the site. It is expected that half of the trips will come from the present traffic on site and the other half will be generated and at most we're looking at in the AM peak hour, at most, four trips total additional for the ATM.

We did receive staff comments and we will address those primarily in terms of the some traffic concerns. Explained.

As to the right turn exiting from the site impact concern, this was stipulated earlier this be a right turn only exit from the site, and a minimal impact is anticipated wherein we will add an additional sign that it's not left turn as a precaution.

The applicant and the traffic engineer are here tonight. We'd be happy to take any questions you have.

There would be a separate sign that the ATM is on site. It will be on the present pylon sign.

As to how much green is being removed from the site, the pavement area would be just the area for the five cars there which is still less than the previous pavement that was there before. As far as

drainage or ZIRO concerns, it is still less than the previous pavement that was there which would be the basis for ZIRO.

The first three parking spaces on the south side of the lot, when you are coming off of Queen Street and someone is backing out of those spots, it is very congested. Concerns were raised about exiting traffic. Concerns were also raised about cars queuing to try to get through the passing lane or sitting in the passing lane waiting to get into the drive thru, possibly cutting off someone who has already been in line.

Discussion.

Mr. Chaplinsky stated this was a tough one for him. He did not have a good feel about the flow of traffic in the area.

The right turn only restriction was discussed.

Alternate designs for location of the ATM kiosk on the site were discussed as well as the concerns with each alternate location. This was the best design because it afforded the opportunity to get into the drive thru line as far south as possible. The New Britain facility, similar to this, was discussed.

Discussion regarding the ATM being an ancillary use or another primary use on the site.

The comment was made, no matter what signs you put on; people are still going to do what they want. A sign isn't going to matter.

The commission asked if the applicant had data from the New Britain facility on people versus going single to the ATM versus the ATM and then on to the Dunkin Donuts. Mr. Quirk stated he did not have that information.

Discussion.

Those speaking against the application:

Arthur Cyr, 103 Berlin Avenue. Mr. Cyr stated his reservations about the site and reminded the commission of the Dunkin Donuts on North Main Street and the problems there with traffic.

Discussion.

This place is jammed in the morning. Putting any other kind of use on this property, to mess up what is currently a working site, I feel would be a mistake.

I recommend you reject this proposal.

Applicant's response:

Scott Fanning from Dunkin Donuts, East Main Street, Plainville. The New Britain location has no record of any accidents on the site at all. We don't personally have any records of that.

Ultimately, we don't want to do anything to impede the site. Our primary business is servicing customers through Dunkin Donuts. We don't want to do anything that would restrict that.

We look at the four trips peak hour, one every 15 minutes, and two of those being from a car already on the site. Webster Bank data shows in New Britain about 40 total transactions a day.

Discussion.

This is for a convenience to our customers. Explained.

We appreciate your concerns and feedback. We tweaked the design many times. Great feedback from staff. Appreciate the time.

Mr. Quirk stated that the applicant feels this addresses based upon the traffic analysis performed, this site is one that was designed with all the new standards for the Dunkin Donuts drive up compared to some older sites. With that design that addresses the drive thru for the Dunkin Donuts facility, we feel it can also address the ATM drive up service.

That concludes our presentation.

Staff comments or correspondence:

The Town Planner stated she had no correspondence to add.

The Chair closed the public hearing.

A. 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, 995 Meriden-Waterbury Road SPU #478

Anthony Tranquillo, Town Engineer, presented the application. All of us know the history of the site. We've gone through several years of discussions back and forth between the parks department and the Town Council as to what to do with this property. What you see before you now is resolution of those discussions.

Joe LaPorte and Dave Lapreay both from the parks department are here in the room in case you have any questions regarding the use and the maintenance or the operations of the facility.

Explained the map. The uses proposed are all municipal uses. One of the prime uses is a 200 by 400 foot all purpose field to be used for midget football as well as soccer and for other athletic contests.

Also, there is a pavilion / restroom facility which we have worked with the parks department on the details and features of it. We'll be putting that out to bid shortly if this plan is approved. A new facility, an open pavilion. About 50 by 115 feet in size.

The northern part is closed. There is a service area and a kitchen service area and then the restrooms at the far north of the building. Handicapped accessible.

There is significant parking to the south of the site and the north of the site and along the road here (indicating). It's approximately 125 total spaces.

You can see the old screen, Screen 2, located at the far left, that has been saved. The Council and the park department are very interested in showing family type movies there with people coming in and putting blankets on the grass area and being above the view the screen. Bringing back the nostalgia of the site.

The last feature is the access road here (indicating) which comes from the exiting road up to the parking area. That will be an emergency access road. It will not be for the normal visitor to the site. There will be a gate at the north end because we don't want circulation between the north and the south and we sense that the DOT will object to that as it will introduce much higher flow down to the Meriden Waterbury Turnpike. We have to submit an STC application to them so when we get our approval we'll be submitting that.

The sight distance down at 322 and the entrance road is very good. We improved that as part of the plan.

The existing concession stand in this area (indicating) is in the process of being demolished.

The park department and Joe LaPorte are very anxious to get this plan approved so they can start construction as the weather allows.

This parking area here, the access road and that parking area (indicating) will be millings. Asphalt millings.

The pcb dirt has been taken off site and the site has been declared clean by extensive tests by GZA.

Parking spaces on the northeast side of the site was discussed and also the plans to cut the tree line back. The berm will be removed, also.

Discussion.

The Town Planner explained why this application is before the Commission for an SPU. Any municipal use in a residential zone requires a SPU application and approval. The main reason for special use approval is for the commission to have a thorough opportunity to look at the appropriateness of the proposed use for the location and any impacts that may come along with it as far as traffic, aesthetics, design. In keeping with Section 8.02.11 and any action on a special permit located near or in a residential zone, whoever is going to make the motion, actually needs to make a finding this is appropriate in this particular location.

Fertilization of the grounds near the brook was discussed. Dave Lapreay said ball fields are fertilized three to four times a year. There is no irrigation. We don't do organic right now, but we could look into it.

Mr. Tranquillo mentioned we do have our IW approval already.

Others speaking in favor of the application:

Joe LaPorte, 30-1 Prosperity Court. Member of the Parks & Recreation Commission. The approval of this application will enable us to fulfill a very very urgent need for space. Rec Park is over utilized at this point. Explained.

The pavilion will fill a need that we've had for years. The only covered area we have in the park right now is roughly 200 sf gazebo down by the pool area. This pavilion will hold approximately 300 people. Facilities for grilling, restroom facilities and can be used for a variety of event. This is probably the most important facility that we've proposed in the last ten to fifteen years.

Discussion.

As far as the field goes, we are working on getting irrigation. Explained.

This is going to be a great asset to the town. I can't wait to get started.

Ron Newmann, 30 Hacienda Circle, former President of the SVMFL down at Rec Park. We've been working on preparing this property to make an extension of Rec Park. Gave a history of the application from the referendum on.

Discussion.

Delays on development of the property was discussed.

Explained how much the SVMFL has grown since its inception.

If we're lucky enough to get the grass planted in the spring of 2010, we might be play football in the fall season of 2011.

Made other comments in favor of the application.

Tom Verde, 40 Prospect Street and I'm President of the SVMFL presently. Spoke of the children that use the fields during the fall season.

The playing field is tight and the playing has become a safety issue. We are concerned that we are outgrowing the field. We are very excited about this new field and we are working hand in hand with the park board to do any kind of fundraising or to support this in any way we can.

We are willing as a league to help in any way we can to benefit the Southington children.

Discussion.

We are looking forward to this expansion for our children in the years to come.

Thank you.

Michael Riccio, 100 Old State Road, Southington. I am speaking in favor of this. There is definitely a need here in town. Explained.

I thank the staff and Mr. LaPorte for working on this. I do have one question for Tony. The Council requested a shift in the building and it looks like it has been shifted. I personally believe the drive in theater is going to be a wild success, ie. Music on the Green.

I think the design right now can accommodate a few cars. I do wish the building were swung up more to the north. But joining the bathrooms together was a plus.

I recommend you guys approve this. I do like the greenery in there. I would recommend that the shrubs on the west side of the parking lot be low and no trees in case this is a successful event for drive in movies.

Discussion.

Thank you.

Those speaking against the application:

Arthur Cyr, 103 Berlin Avenue. I'm in favor of this proposal but I am opposed to this plan for various reasons. Explained.

Spoke about the use of the screen for movies and the location of the pavilion.

I feel before you approve any plan, you get some kind of indication from a current Town Council whether they approve this plan rather than you approving a plan and then having the current Town Council say that's not what we wanted.

Mr. Cyr stated that their duty is to recommend to the Town Council - not to do what they want - and they made their recommendation and the Town Council told them to do something different.

No where do I see a formal motion by the Parks Board to approve this plan in their Minutes.

Discussion.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Attorney Sciota clarified there is no legal requirement that the parks board has to vote on it. This board and the Council will give input. The SPU is something you can vote on. It's simply the use. If you are concerned the Town Council has an issue on it, we will present it to them on Monday, and if they have any issues, they can send it back to you. The SPU can be approved tonight.

Mr. Cyr spoke about the zoning complaints he filed regarding the site on this sign. Ms. Savage Dunham explained the town's ruling. (Read the letter which was sent to Mr. Cyr on this complaint which is on file in the Town Planner's office.) The sign is a legal nonconforming sign. We concluded it was not substantially altered. Explained.

Mr. Cyr said his objections are that things seem to be getting done at the drive in without permits. I just ask that before you move forward that you get some input from the top governing body of this town regarding this site.

Discussion of the location of the pavilion. Mr. Tranquillo explained the location would be convenient to the parking lots, handicapped parking, and it's a good location for both the restrooms and the pavilion. Centrally located on the site.

Discussion.

Frank Chambrello, 996 Meriden Waterbury Road. Only question I have is coming off of the Meriden Waterbury Road, is that just going to be an entrance or an entrance and an exit? Is it going to go around to South End Road? What kind of traffic control is being provided?

Mr. Tranquillo responded the road off the Meriden Waterbury Turnpike will only service the south side parking lot. No flow of traffic between existing Rec Park and this new facility. As far as traffic control goes, we don't feel the volume is going to be that

high that we'll need police protection or lights at the entrance. We have to submit to the STC and they'll determine what we need to do.
Discussion.

(Response comments)

Mr. LaPorte explained they met before the Town Council at least three times with a plan. The plan is basically the same. We did move the pavilion up at Mr. Riccio's request. We did attach the bathroom at Mr. Riccio's request to the pavilion. We responded to the Town Council.

Explained.

We discussed this at every Parks Board meeting and everybody is aware of it.

Explained.

Attorney Sciota stated for the record he has met with the Chairman of the Parks Board, Mr. LaPorte and Mr. Tranquillo.

Mr. LaPorte resented the criticism without having the full facts.

(Speaking for the applicant)

George Roberge, 11 Fox Run Drive. The recreation is for the kids is held down at this park and this provides a great deal of money to this town as far as incomes goes.

Explained.

Parks & Rec has put a lot of time in on this to get this thing going. For the sake of the kids in the Town of Southington, this has got to be done. This is critical.

(Staff comments)

The Town Planner added one correspondence into the record. It was received December 28th from Thomas Pigeon, 996 Meriden Waterbury Turnpike. (On file in the Town Planner's Office.) It seems to be in support. There are some comments about the deer for your information. Concerns about pedestrians, lighting, landscaping with regard to safety for the kids at night. Driveway access questions. A suggestion that the site of the theater should have a placquard letting future generations know what had been there --- list a historic kiosk or something.

The Chair closed the public hearing.

BUSINESS MEETING

Ms. DelDebbio made a motion to add items:

6-Y Orchard Estates, release of \$9,200 subdivision bond, 1387 Flanders Road S #1216.

6-Z Orchard Estates, reduction of \$30,000 E & S bond to a new amount of \$5,000, 1387 Flanders Road, S #1216.

Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

A. 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, 995 Meriden Waterbury Road SPU #478.

Mr. Kenefick made a motion to approve the SPU as it is the highest and best use of the property. Ms. DelDebbio seconded.

Attorney Sciota added it is a natural connection to the existing park that's located there.

Mr. Chaplinsky advised that it does conform to Section 802-11 being adjacent to a residential zone and it does meet with the regulations with respect to that part of our regulation as well.

Ms. DelDebbio added it was a referendum with one of the highest turnouts. The people of the town thought obviously that it was an important use and it's a great addition to the town and it goes along with our family atmosphere that we have. Very good.

Mr. Kenefick thanked all the presenters tonight for their time and passion for the kids of Southington.

The Chair commented these are the kinds of applications we love to vote for. The smiles on the kids is worth its weight in gold.

Motion passed 7 to 0 on a roll call vote.

B. Town of Southington application for construction of a park on the former drive-in property (5,500 sf pavilion and 1,250 sf bathrooms) 995 Meriden Waterbury Road SPR #1560.

Mr. Kenefick made a motion to approve this application. Mr. Sinclair seconded.

Mr. Sinclair asked Attorney Sciota, in light of a speaker's comments, does this plan have standing? Attorney Sciota responded what we will do as a courtesy is we'll show it to the Council on Monday. And, there could be possible field changes by staff which are done on many site plans.

Mr. Sinclair then asked: everything is legal and above board? Attorney Sciota responded: Yes, sir.

(Chuckles)

Attorney Sciota stated in response to a comment that the staff would look at the tree height issue and if the Council so chooses, they can add a plaque.

Motion passed 7 to 0 on a roll call vote.

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

The Town Planner reminded the commissioners that this is adjacent to a residential zone so any affirmative action, you need to make a finding in accordance with Section 8-02.11. Otherwise, I'm happy to answer any questions and I have no other information to add.

Mr. Oshana said his biggest concern is not having any information from the New Britain to support the process of saying this is going to be a good idea or a bad idea. It would have helped us to make the decision if we had seen that.

Discussion.

He further stated his biggest concerns were the queuing on the site, cars coming out of the site. I don't think this is going to be a huge traffic generator per the traffic study. It is a tight queue right now.

Discussion.

You didn't bring the information. It would have been nice to have more ammo to say this would not be a problem. Right now it's going to add more conflict, in my opinion. It's going to add more conflict on to Queen Street. At this point I am not in favor of it.

Mr. Sinclair agreed to those comments. I think adding this to the site is just too much.

Discussion.

Mr. Saucier said his concerns are related to site plan and not the SPU.

The Town Planner clarified: This isn't an accessory use; it's an SPU for a second principle use.

Mr. Oshana commented we don't know if it is an ancillary use or a primary use. We don't know how many people are going to come on site for just this or if they're going to come on site to withdraw to go to the Dunkin Donuts. We don't know if it is a secondary or primary site.

Discussion.

Mr. Kenefick said he had a hard time accepting there would be only four transactions per hour.

Discussion.

Mr. Chaplinsky wondered if the question was a second use on the site or if we are talking about traffic.

Discussion.

Mr. Oshana made a motion to deny this SPU. Mr. Sinclair seconded as did Mr. Chaplinsky.

Reasons: The concern is the on site traffic per Section 802.5 and 802.6. And, there was incomplete traffic information provided. This is adjacent to a residential zone, Section 802.11 it is not in conformance with letter B, underscoring the concern with traffic.

Mr. Oshana amended his motion to include those reasons. Mr. Sinclair seconded.

Motion passed 7 to 0 to deny.

D. Great American Donut, site plan modification application for proposed ATM kiosk, 433 Queen Street SPR #1502.2.

The recommendation is a motion to deny based on the fact that it does not have an SPU and traffic concerns. Mr. Sinclair made that motion to deny for those reasons. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

Andrew Quirk stated he assumed the site plan would have been withdrawn if the SPU was denied. We'd prefer to withdraw it.

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

Andrew Quirk, Kratzert, Jones & Associates, on behalf of the applicant, we'd like to withdraw the application.

The Chair stated the application was withdrawn.

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

Sev Bovino, Planner, with Kratzert, Jones & Associates represented the application. The subdivision is for 42 lots. The SPU was granted for 43 lots. The property is 49.3 acres. The layout allows 31.4 acres of open space to be incorporated and set aside for the benefit of the environment and the public. We had an extensive checklist and all comments have been addressed. We had a meeting with staff to confirm our responses were appropriate.

Under the regulation, 3 rear lots are allowed and we propose 2 rear lots. The criteria under the regulations was referred to and discussed. We believe that the proposal meets the criteria outlined in the regulations. Explained.

Lot 34 was discussed as to access.

Lot 38 has two choices for access. Explained Option 1 or Option 2 (which was preferred by the developer). Mr. Bovino passed around the two options for the commission's review.

After discussion, it was the consensus of the commission to choose Option 2.

Mark Lovely made a presentation in favor of Option 2. Screening was discussed.

The Town Planner reminded the commission that the first action would be to make rear lot determinations with regard to this development. As to the site plan, should you choose to approve it, I would recommend a few stipulations:

1. The sewer easement be revised to 30 feet.
2. The final approval of deeds and easements by the Town Attorney must happen prior to filing the Mylar on the land records.
3. Development Option 2 for lot 38, if that's the option you want.
4. Lots 37 and 38 shall not be less than the R-20/25 standards which was a condition of your public hearing.

5. A motion the applicant should work with staff to meeting the intent of the buffering between the Monarch Drive property and the houses.

Otherwise staff feels it's ready for action. All comments have been addressed.

Mr. Chaplinsky made a motion on the rear lot determinations. I find it's the highest and best use of the land for the rear lots. Mr. Pocock seconded. Motion passed unanimously on a voice vote.

Mr. Chaplinsky made a motion to approve the site plan with the five stipulations the Planner listed with the driveways coming off Monarch, which is Option 2. Mr. Oshana seconded. Motion passed 7 to 0 on a roll call vote.

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

Stephen Giudice, Harry Cole & Son, representing the applicant. The Parking Authority was gracious enough to hold a special meeting yesterday afternoon and they did grant our one space parking waiver. I thank them for that.

Attorney Sciota indicated that action has been confirmed by their Minutes which is now in these Minutes.

This application is for a small addition to the northerly side of the building, 234 sf, to accommodate a men's and women's restroom. After our review process, staff had comments regarding the handicapped parking space. We're proposing to restripe that space.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

We submitted revised plans late last week. Ms. Savage Dunham added all comments have been addressed and staff supports the application. It is ready for action.

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

G. F & F Concrete Corp. site plan application proposed concrete block cold storage area, Atwater Street, Assessor's Map 63, Parcels 74 and 80, S PR #1562.

Mr. Bovino presented the application. This proposal for a concrete block building located in the southeastern corner of the property that abuts Atwater Street. It's immediately east of the future Rails to Trails in the area. It's for cold storage. No proposal for utilities in the location.

Discussion.

We received comments and responded to them. I met with Tony this afternoon. If you have questions?

Ms. Savage Dunham stated all comments have been addressed. It is ready for action. I would state on the record that they're working to resolve a cease & desist order with regard to comment #4 of the checklist. We've advised the applicant that part of the sign off on this project; we'll complete our inspection to the spring as weather permits to close out the order. The applicant has made very good progress. We have problems and we are supportive. The applicant's response was that they acknowledged that and they understand.

Mr. Kenefick made a motion to approve. Mr. Sinclair seconded as did Mr. Pocock.

Discussion of why the building needs to be so close to the Rails to Trails as there is quite a bit of land here. It does meet and exceed the regulation in terms of setback.

Section 9 of the regulations was referred to and discussed.

Mr. Bovino offered screening for the area.

Motion passed 7 to 0 on a roll call vote.

H. Request for road acceptance, Wyndcrest Court, pending receipt of a maintenance bond in the amount of \$45,000 (S #1242).

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

I. St. Thomas, request for release of \$45,500 public improvement bond, 209 Belleview Avenue SPR #1496.

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

J. Dino-Flanders, LLC, release of \$2,200 erosion and sedimentation bond, Rockwood Hills, 489 and 495 Flanders Road S #1258.

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

K. Request or road acceptance, Alicia Court, Woodruff Estates S #1245.

Staff supports this. Ms. Savage Dunham recommended approving this pending the submission of a \$40,000 maintenance bond. Mr. Chaplinsky so moved the motion. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

Attorney Sciota stated for the record: This is for the record, when we accept roads tonight, the town does not take responsibility for plowing those roads until a developer puts a maintenance bond down.

Discussion of the posting of the bond and the fact there is no timeframe.

L. New England Liner, release of \$3,100 public improvements bond, 40 Westfield Drive SPR #1464.

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

M. New England Liner, reduction of erosion and sedimentation bond from \$16,300 to a new amount of \$5,000, 40 Westfield Drive SPR #1464.

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

N. Gladke and Sankowski, release of \$1,300 E & S bond, 702 and 712 Flanders Street, S#1210.

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

O. 41 Frost Street, LLC, release of \$6,500 E & S bond, Cobblestone Drive Ext. S #1223.

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

P. Kenneth Bell, release of \$1,000 E & S bond, 363 Mulberry Street S #1182.

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

Q. Mt. Southington Ski Area, release of \$2,000 E & S bond, Mt. Vernon Road SPR #1248.

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

R. United Tech. Corp. release of \$1,000 E & S bond, Newell Street (SPR #1267.

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

S. Home Depot storage area, release of \$1,000 E & S bond, 89 Interstate Park Drive SPR #1241.

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

T. Giggles and Grins Day Care, release of \$1,000 E & S bond, 21 Cummings Street SPR #1258.

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

U. Marjorie D'Angelo, et al, release of \$20,000 E & S bond, Crystal Spring Farm VIII, Copper Ridge Ext. S #1169.

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

V. Marj-Jo Estates, request for reduction of subdivision bond from \$278,000 to a new amount of \$40,000 to cover maintenance bond, Bishop Avenue Ext. S #1250.

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

W. Stop and Shop, reduction of E & S bond from \$73,000 to a new amount of \$13,000, 505 North Main Street SPR #1518.

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

X. Fred Harrington, reduction of Public Improvement bond from \$9,500 to a new amount of \$2,200 to cover remaining work, 1187 Queen Street SPR #1536.

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

Y. Orchard Estates, release of \$9,200 subdivision bond, 1387 Flanders Road S #1216.

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

Z. Orchard Estates, reduction of \$30,000 E & S bond to a new amount of \$5,000, 1387 Flanders Road, S #1216.

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

ITEMS TO SCHEDULE FOR PUBLIC HEARING

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, January 19th.

The Chair scheduled it for January 19, 2010.

8. ADMINISTRATIVE REPORTS

The Town Planner advised she did provide a couple of cease & desist orders for your information.

I was asked to put on some information about a project. I received some questions with regard to the bonding on Kizl's Restaurant. Staff is holding some bonding.

Mr. Chaplinsky said he was asked to look into that by the owner of Kizl's. Just what is the status of reducing or releasing the E & S bond that's related to that site.

The Town Planner gave a history of the site. Staff issued a cease & desist on May 21, 2008. That prompted the submittal of a site plan which is the subject of -- #1251 - that's what we have the bonding on. We had a \$10,000 water service bond, a \$14,500 P I bond and a \$6,100 E & S bond.

We did recently release the \$10,000 water connection bond. There were some outstanding issues out there. The cease & desist order was related to some off site drainage concerns, some improvements that were done. In any event, when we require bonding on a project they're performance bonding. And, so the work has now been completed, mostly to plan, but not completely. There was some field changes made independently without involving staff. Half of that property has the right to the drain to the next property which is the Ghio property and then down to a farm in the rear. The other half does not have the right to flow. It's important for the owner to not flow all of his water downstream. He does not have the legal rights.

Essentially, the project has been built. Staff does what we normally when somebody requests a CO. We go out and inspect. I have a letter in the file here from October 23rd that we wrote. (Read the letter which is on file in the Town Planner's Office.)

Another memo from December 8th was read into the record. (On file into the Town Planner's Office.)

We want to observe the site during a storm event or two just to make sure that it is actually working as it says it's going to work.

In an effort to show good faith, we did release the \$10,000 for the water connection which was finally done.

I have another memo here from December 23rd. It says we do not yet have the as builts showing XY&Z.

Basically staff's position and Mark also has been involved in this as has Tony's office, and have advised the owner several times staff's position is that in the spring after we see a couple of rain events happen over there and we can verify the site is functioning as it is supposed to and we need to get the spot elevations because they did deviate from the approved plan and the drainage out there is critical, after that point, we are happy to release the bonding.

So, at this point we won't be releasing or reducing the bonds. Attorney Sciota added his office supports that position 100 percent.

9. RECEIPT OF NEW APPLICATIONS

The Town Planner noted Format, LLC which we discussed and scheduled.

The Chair stated before adjourning into executive session, is there anything any of the commissioners want to bring up?

Mr. Kenefick brought up Mount Southington. I think it's a dangerous situation because the crosswalk is there, the people feel they have the right of way to walk across the street. They don't even look.

Discussion.

Mr. Tranquillo responded this issue has been around for a long time and the police department has looked at it several times. We should refer it to the police department.

Mr. Saucier reported Rite-Aid on Queen Street is advertising again. The Town Planner will look into it.

The Chair advised that he wanted to set up two committees:

Northwest Quadrant - Commissioners Chaplinsky, Oshana & DelDebbio will form the subcommittee to work with Mary and Mark and Tony and Lou Perillo. And, report back in a couple of months with any information on where we can make some suggestions for changes to this area.

Chair: Mr. Oshana

Zoning Board of Appeals Process - Commissioners Sinclair, Saucier and Chaplinsky to serve on that committee. It's our regulations we have to look at. They enforce our regulations.

Chair: Mr. Chaplinsky

Adjournment to executive session to discuss pending litigation:
Primus vs Town of Southington.

Mr. Sinclair made a motion to adjourn to executive session excluding the press and the public and including the Town Attorney, Town Engineer, Town Planner and Attorney Tim Sullivan.

Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

The Town Attorney added the reason is the current Primus v Town of Southington.

(Whereupon, the meeting was adjourned to executive session at 9:05 o'clock, p.m.)

EXECUTIVE SESSION

The Planning & Zoning Commission entered executive session immediately following their meeting with the following in attendance in order to discuss pending litigation: Primus vs. Town of Southington.

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
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
E. Timothy Sullivan, Esquire

Absent:

John Weichsel, Town Manager
Lisa Conroy, Alternate

No motions were made or votes taken during executive session.

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

(Executive session was adjourned at 9:30 o'clock, p.m.)

REGULAR SESSION

Mr. Chaplinsky made a motion to adjourn the meeting which was seconded by Ms. DelDebbio. Motion passed unanimously.

(Meeting was adjourned at 9:31 o'clock, p.m.)

Mary F. Savage Dunham
Acting Secretary