

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
February 15, 2011

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday, February 15, 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
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
Garry Brumback, Town Manager

Absent: Zaya G. Oshana

The Chair seated Patrick Saucier for Zaya Oshana for this evening's meeting.

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 18, 2011

Mr. Sinclair so moved the motion for approval of the Minutes as presented. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

The Chair welcomed our new Town Manager Garry Brumback. Congratulations and welcome aboard to the first of many meetings to come. Welcome.

Public Hearings

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

A. Aquifer Protection Regulation Revision (ARA #1)

Ms. Savage-Dunham explained the revision to the Aquifer Protection Regulations. Our regulations are consistent with the state's model regulations. They revised Section 6 of PA 10135 and in order for our regulations to remain consistent with the state regulations, we have to do this revision.

Basically, it provides additional exemptions for delaying registration of regulated uses on municipally owned sites undergoing remedial action pursuant to 40 CFR 271. Briefly, that's acknowledging that remediating brownfields can be a lengthy and difficult process.

The text proposed is enclosed in your packet material. I did refer it out as required by state statutes and I have a letter to read into the record. It's from the South Central Connecticut Regional Planning Commission dated February 11, 2011. (On file in the Planner's Office)

Those speaking in favor of the application.

(No response)

Those speaking against the application.

(No response)

The Chair closed the public hearing for this item.

B. Michele Haman, special permit use application for parent/grandparent apartment, 236 Frost Street, SPU #493.

Sev Bovino, Planner, with Kratzert, Jones & Associates representing the applicant presented. This is a parent grandparent apartment. The location of the apartment would be in back of the garage. The apartment will be used by Mr. & Mrs. Haman. The house layout was provided with your packet, including an affidavit from Mr. & Mrs. Haman.

The applicant is aware of the conditions that the commission puts on these requests and those four conditions are shown on the plan in the upper right corner of the plan.

The home will have one front door as required by your regulations. It has a side door and the total square footage of the apartment is 700 sf.

I'll answer any questions.

(Those speaking in favor of this application)

(No response)

(Those speaking against the application)

(No response)

The Chair closed the public hearing item on this item.

6. Business Meeting

A. Presentation form Activate Southington

The Chair indicated this item will be postponed to the next meeting.

B. Aquifer Protection Regulation Revision (ARA #1)

The Planner advised the application is ready for action should you choose to. Mr. Sinclair made a motion to approve the amendment. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

C. Michele Haman, special permit use application for parent/grandparent apartment, 236 Frost Street SPU #493.

The Planner advised the application is in order and it's ready for action. Mr. Sinclair made a motion to approve this application. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

D. 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.

The Planner reported the public hearing has been closed. Within your packet I laid out the process with you with regard to the SPU application. This is the follow up application to an earth excavation project you considered earlier.

At this point in time, the proposal is for special permit use approval for 14 until multifamily housing development in accordance with Section 3-04.2B and 8 of the zoning regulations.

All testimony and material previously received and heard by the commission is still part of the record and you should use as your deliberate.

We refer you to Section 8 of the zoning regulations and the criteria in Section 3-04.2B when you consider the appropriateness of this application.

This is within and adjacent to a residential zone, so in making any finding or application, the commission should refer to Section 8-02.11 and make a finding of appropriateness as dictated in that section.

For the record, a final site plan application is still to be submitted before this commission for your review of the final details with regard to screening, buffering, access and drainage.

You heard a lot of concerns about loss of privacy and vegetation and headlights potentially shining off of the site. There are some items the commission has the authority to consider and placing stipulations on this application.

Staff would recommend that the final design of the sight line improvements shall be subject to approval of the Director of Public Works. I would state for the record that the applicant has agreed to this. The work

is within the town's right of way, so it's very critical for the town's review.

With regard to the landscaped buffer, you may want to place a stipulation with regards to the fact that the landscaped buffer should consist of a mixture of deciduous and evergreen species to provide a year round buffer. You could stipulate that the applicant work closely with staff on this matter. I would note for the record that the applicant has verbally assured staff that they would do so.

You can think about whether or not some lightproof fence might be appropriate along the access drive next to those frontage parcels where the headlights may be onerous to the neighbors. The exact placement of the fence may not become evident until further along in the construction process. You could consider making some kind of stipulation that final placement or requirements for the fence be determined in the field or be shown on the site plan which has yet to come before us. That is your discretion. Staff feels that some kind of fencing may be appropriate particularly right in the first entry part where it's very narrow with houses adjacent to the drive. There could be a 4' fence or a landscaped berm.

My guidance would be, because I don't have a final site plan in front of us to say exactly which may be the best for everyone involved, you may want to give some broad guidance in the form of a stipulation and allow flexibility for the design.

You could stipulate that the limits of clearing should not exceed what is shown on the plan before you if that's a concern to you.

I'm happy to answer any questions you may have on this. Again, as you deliberate on this, I would remind you to refer back to Section 802.11.

The position of the driveway, coming out to Carter Lane, was it possible to redesign that entry, was discussed in response to a comment by Mr. Chaplinsky.

Mr. Chaplinsky made a motion to approve with the stipulations discussed earlier: the final design, the sight line to be approved by the Director of Public Works; landscape buffer should include deciduous and other mixes species for year round coverage; the fencing on the front parcels need to be finalized with some field work but certainly some 4' fencing along that entrance way to protect the neighbors from headlights; the limits of clearing should not exceed what is shown on the plan before us tonight. Also the motion to approve would find that this is in accordance with Section 3-04.3B and Section 8 of our regulations. Mr. Kalkowski seconded.

Discussion as to whether the commission could stipulate that the portion on Main Street would stay as it is. The Planner said the applicant is not proposing any development or work on that site, but you can codify that in a stipulation that it remain nature, you have that ability.

Mr. Chaplinsky added that stipulation and adds to it not clearing the growth on the parcel. Mr. Kalkowski seconded.

Attorney Sciota suggested the stipulation be limited to residential structures being put on that property. If it's needed for development or accessory structures it can be used.

Mr. Chaplinsky also added the stipulation that before excavation occurs, the excavation boundaries be marked clearly with visible markers. That is also stipulated on the EE application. Mr. Kalkowski seconded.

Mr. Sinclair said this has not been an easy application. I sat out there at the gas station on Main Street and looked at the houses on the street and then I pictured the condos behind the houses. Is that really what we want to have in that area of town? I looked at our regulations, specifically Section 802-09. I don't think that this application fits in with that section of Section 8. So I will be voting no.

The Chair commented on the process saying that what disappoints him is that we've received emails from residents that are inappropriate, rude and questioning our integrity and what we do up here. It upsets me that somebody would think something undermined is going on here. Keep your emails and correspondence coming, we appreciate it. But the rudeness and inappropriateness is what we don't want.

Discussion.

Motion passed 6 to 1 on a roll call vote with Mr. Sinclair opposed.

E. 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 Planner advised the public hearing on this item has been closed. This has been ready for action since before the last meeting. The application before you is an earth excavation application to allow the removal of approximately 97,000 cy of material on property known as 568 Old Turnpike Road, zoned I-1.

Procedurally, this application is subject to the regulations contained within Section 8 (special permit use regulations) as well as Section 11-16.

This application would first need a waiver of Section 11-16.3A which would permit work within 100' of a property line with a majority vote by the commission.

After that you would need to consider your special permit use applications and refer back to Section 8-02.11 and make a finding for this use because it's located adjacent to a residential use and determine whether or not it is compatible and consistent with the development of the neighborhood. Whether or not it creates a conflict with or impedes the normal traffic on the local roads and whether it does or does not hinder or discourage the orderly and appropriate development or use of the adjacent properties.

Our traffic engineer identified concerns about the truck traffic within the site and recommended the applicant provide a flagger at the entrance. The applicant has agreed to that recommendation and is supportive of that. Staff would recommend stipulating it for the record.

Also, we recommend that you stipulate comment #2 which is codifying the fact that no additional excavation work shall occur until the applicant follows through with the items listed there.

There is a 50' residential buffer being proposed to be retained by the applicant. Once the site is developed with a subdivision, that buffer would shrink to 35'. Comment #3 in the checklist states that given the concerns from the abutting neighbors with regard to impact on adjacent residential uses as well as the commission's interest in buffering residential uses from commercial or industrial development, you may want to stipulate that during the final inspection, if there is gaps in the buffer, additional plantings may be required.

Staff recommends you stipulate the limits of clearing be staked with an orange construction fence. The applicant agreed to that but we would like it stipulated.

Also, the Planner mentioned stipulating the flagman at the construction entrance.

Mr. Kenefick made a motion to grant the waiver. Mr. Saucier seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Kenefick made a motion to approve the application with the stipulations Mary just set out. Mr. Saucier and Mr. Chaplinsky seconded.

Motion passed 7 to 0 on a roll call vote.

F. Charles Aracangelo, request to construct one larger building instead of 3 smaller buildings on site, adding 2nd story office, 450 Old Turnpike Road, SPR #1219.3.

Mr. Bovino presented the application. This is previously approved site plan with a special permit allowing multiple buildings. The proposal is combine three buildings on the southeast corner of the property. (Indicated)

The operation will be better if we combine the buildings. In doing so, the applicant decided to increase the size of the buildings. Now he has two 12,000 sf buildings.

(End of Tape #1, Side A)
(Beginning of Tape #1, Side B)

Mr. Bovino said this is to provide additional space for employees. Thus the second story.

He explained buildings in the center of the site will be increased. We received and responded to comments in writing.

I'll answer questions.

These are going to be the canvas-type of buildings with the big arch. They are economical and work well with the snow loads.

The proposed use of the buildings was discussed as noted on the plan.

The goal is to have all operations indoors so he has no more problems with DEP.

The Town Planner noted responses to comments have been and reviewed. I would note you did act on the site plan, SPR 1291.2 on January 6, 2009. On December 2, 2008 you approved a special permit use for this project. The applicant has been working diligently over the past years to improve this property.

A condition put on the SPU still does remain on this property and approval of the site plan does not negate any of the previous SPU conditions.

"No new building, structure or enclosed work or office space shall be installed, erected, converted or otherwise constructed onsite unless the applicant's LEP certifies and the Town's LEP agrees that said building structure or enclosed work or office space shall be free from the upward migration of volatized contaminants. In the event that the applicant's LEP cannot so certify then a liner system or vapor barrier system shall be installed during the construction process as designed by the applicant's LEP using CT DEP approved standards of methodology."

And, with that notation, for the record, the application is ready for action.

Mr. Sinclair made a motion to approve the application. Mr. Chaplinsky seconded.

Mr. Sinclair noted they have gone a long way trying to clean this property up and bringing it into conformity as much as they can. I'd like to see them get started as soon as possible.

The Chair noted this is a state of the art facility and for what they do, it's great stuff. Good for the Town.

Motion passed 7 to 0 on a roll call vote.

G. Lake Compounce, site plan modification for deck, Mt. Vernon Road (SPR #1494.2)

The Town Planner noted the architect is not here tonight. The application is fairly straightforward. Its site plan modification for Lake Compounce theme park. They would like to construct a deck with a gazebo area overlooking the water park. The property is zoned R-80. The proposed deck is to be 528 sf. The intent is to have cabanas on the deck for rental by park guests.

The checklist is in the packet. We received responses to comments from the architect and they were all satisfied. We feel this application is ready for action at this time. Staff is supportive.

Jerry Brick is here from Lake Compounce if you need to ask him questions.

Mr. Kenefick made a motion for approval which Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

H. WB Staebler Properties, LLC, site plan modification for drainage improvements, 409 Canal Street, SPR #1398.2.

Mr. Bovino presented the application. The owner is here as well as the attorney and my partner added Mr. Bovino.

The application is before you because there was installation of brick pavers on the easterly side of the building. Explained.

We are here to show you the limits of the brick pavers and the paving and what we are going to do to compensate for the ZIRO required.
Discussion.

Comments were received and responded to and maps show the revision to the plans.

Ms. Savage Dunham confirmed comments were provided to the applicant and we received revised plans and responses to comments. The plans are ready for action. Staff would note that normally a site plan application has a five year term of approval. With this application, staff would recommend you consider granted a one year approval term instead of the five years.

This project was submitted as a result of some drainage issues observed on the town's Rails to Trails property which is immediately adjacent.
Explained.

This application goes a long way to compensate for those drainage concerns. In working with the applicant, the town is going to do a little more work on our side of the Rails to Trails to provide a more comprehensive swale system to then collect the drainage a little further down the property line and prevent water from ponding on the Rails to Trails or causing icing conditions or other issues.

Because of the drainage concerns and for that reason, we're hopeful that the town and the applicant can both complete their work this construction season.

If for some reason it can't, the applicant does have the right to come back to the commission and ask for an extension and the remainder of the terms. The project is ready for action and staff is satisfied with the design.

Mr. Kenefick made a motion to approve which was seconded by Mr. Chaplinsky.

Stipulation: That the project be completed within one year, and if not, they can come back and ask for an extension.

Motion passed 7 to 0 on a roll call vote.

I. WalMart, request for release of \$3,000 bond, 235 Queen Street SPR #1210.8.

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

J. American Eagle Federal Credit Union, request for release of \$1,000 Erosion and Sedimentation bond, 888 Queen Street SPR #1476.

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

K. Oakland Developers, LLC, reduction of public improvement bond from \$46,000 to \$31,000 Spring Lake Street S #1278.

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

L. CV Tool, request for release of \$1,400 erosion and sedimentation bond, 44 Robert Porter Road, SPR #791.5.

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

7. Items to Schedule for Public Hearing

A. CT Land and Home, LLC, 14 Lot resubdivision application, 790 Meriden Avenue S #1281. March 1

B. Dennis Repoli, special permit use application for multiple buildings on one lot, Queen Street (SPU #492) March 15

The Chair asked those be scheduled.

8. Administrative Reports

Ms. Savage Dunham reported on a few items:

- Brief administrative report on hookah lounges. We've done some research into the matter at the commission's direction. This use is becoming more popular particular with the college students and other more specialized segments of the population.

I'll let you read through the document at your leisure. But I've provided some local case studies on how other communities are handling it. There's different ways to handle it. But this type of use isn't one of those things that they're all the same.

Jumping right to the recommendations, I don't recommend putting a definition in our definition section because this is the type of thing that is kind of like a restaurant and the use is different depending on how the owner is. They have their own specialized way that they set it up.

Certainly, it is a place of assembly. This type of use fits as a permitted use within our business zone or a CB zone under clubs and lodges,

in staff's opinion. This would trigger either a site plan approval or a zoning permit as far as permitting. In our opinion, it is more of a social establishment and the sale of the tobacco product, although critical to the social aspect, is kind of accessory.

Discussion.

This is a lounge and the intent is to go there and sit down and smoke. For staff it is slightly different than a retail store. Those are our recommendations you need to consider.

We can revisit this after your review.

- Revisit the topic of fencing in front yards. I am passing around to you a little sketch. Currently our regulations say in the front yard fences shall be less than 4' in height and in the rear or side yard they shall be less than 7' in height. People that live on corner lots, according to our regulations have two front yards and can find this to be onerous.

Corner lots do have, typically, sight line restrictions, as well, for safety.

One thing staff has put here is - there is a debate on how you define the primary front yard versus the secondary front yard. For the sake of this conversation, I've defined the primary front yard as where the front door is.

Discussion.

If we take that position for the sake of this discussion, there would be a 4' fence in the front yard and then staff would recommend as an intermediary position is to have the secondary front yard retain the front 4' fence height to the rear wall of the house and then have it step up to less than 7' in height.

Discussion.

This is staff's one option moving forward. There are lots of different options, but staff recommends you strongly consider this.

Extensive discussion.

Setbacks and sight lines were discussed.

Extensive discussion.

- Ms. Savage Dunham passed around for the commission to read with conversation in the future, we've had a lot of conversation about outdoor wood burning furnaces. This is an article that was in the CCM Magazine.

Do we have a couple of them in town that are not problematic at this time. With dense housing, they can be problematic. We can review this down the road.

Discussion.

The state regulations are pretty strong and they're right on top of it, commented the Chair.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Discussion continued.

Mr. Chaplinsky said his committee is looking for guidance on a couple of more items:

- We'd like your feedback on drafting a recreational vehicle regulation, ie: quads, motorcycle. We've discussed a zoning regulation which defines a track on a residential zone and coupling that with an ordinance which allows for enforcement of such recreational vehicles that may fall outside of the regulation. Is anybody really against adding regulations about recreational vehicle use in residential zones?

The Chair felt the regulations need to be strengthened regarding this to protect property owners from nuisance.

Discussion.

The subcommittee will take a stab at drafting something with staff support, as well.

The Planner said they are having problems with hockey rinks, as well. It might be appropriate for you to define some of the very specialized recreational pursuits people are passionate about and maybe just have more scrutiny from the commission.

Discussion.

- We want to revisit mobile billboards and our overall sign strategy for the town, noted Mr. Chaplinsky. We would like to request that staff pull some examples with Connecticut regulations that are examples of what staff feels might be the most restrictive sign regulations and maybe the least restrictive sign regulations and something in the middle so we can review and consider that in the subcommittee to see if we should come back to you with some changes in our own regulations.

- CB zone rear setbacks are something that we think we want to do. We have concern about how we can draft a regulation that understands complete impact of the CB zone. ZIRO, dumpsters and parking are the three major issues for rear yards in the CB zones pointed out Attorney Sciota.

Discussion.

- We should talk about the mylar maps. Do they need to be signed? Is there an issue with who signs those? Is there a policy we should be following? The Town Planner confirmed the secretary does sign all the mylar maps for the projects you approved. Explained that the mylars are typically submitted when the paper plans are submitted. The engineers don't normally release those under their clients pay the bill. And, a lot of times the clients don't pay the bill until they're ready to start their work.

State statutes don't allow the filing of Mylars on the land records until the bonds are in place. The applicant's typically don't like to post their bonds until right before they file their Mylar.

Mylars must be filed within 90 days of the approval of a subdivision with 2 90-day extensions allowed to be granted. After that, the subdivision is declared null & void.

Discussion.

You don't see or sign Mylars for lot line revisions unless they come before you in conjunction with another project. I do lot line revisions for various and sundry other things.

Discussion.

Mylars are also done for condo declarations. Or an A-2 survey, a free cut. Those are signed by the Town Planner.

- Mr. Brumback explained an overall visioning session. The intent is to include all four major elected bodies. Information will be forthcoming. The overall goal is to look out and try to define a vision that all four boards can get general direction with. We're looking at the ten, fifteen, 20 year range. This is an introductory message. We'd welcome your active participation in this process.

The Chair explained the subcommittees which were formed about a year about this commission.

- Regulation Review Committee
- Northwest Quadrant Committee

9. Receipt of New Applications

Ms. Savage Dunham passed around and reviewed the list of new applications which were received to date.

The Chair asked for another other comments at this time.

Mr. Kalkowski brought up the amount of snow we've had and asked Mr. Tranquillo about the safety measures we have for businesses as far as making sure the sight lines are preserved. What are the regulations or the accountability? Mr. Tranquillo said we have to appeal to a higher authority. We have been clearing some sight lines at intersections. That's our responsibility. The private driveways, that's a private responsibility. Motorists have to use caution.

Discussion.

Mr. Kalkowski said that is not acceptable. We have to do something. Whether we take the lead on that as a town - it's not acceptable.

Mr. Tranquillo said they could discuss it with staff and see if it's something we want to attack. It's a huge legal responsibility we would be taking on.

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

(Whereupon, the meeting was adjourned at 8:19 o'clock, p.m.)