

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
June 15, 2010

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, June 15, 2010. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

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

Alternates: Ed Costello
 Lisa Conroy

Ex-officio members present were as follows, viz:

Mary F. Savage-Dunham, Town Planner
Anthony J. Tranquillo, Director of Public Works/Town Engineer
Louis Martocchio, Assistant Town Attorney

Absent: Paul Chaplinsky, Commissioner
 Patrick Saucier, Alternate
 Steve Kalkowski, Alternate

(*Arrived with meeting in progress)

The Chair seated Mr. Costello for Mr. Chaplinsky and Ms. Conroy for Ms. DelDebbio until her arrival. 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.

The Chair seated Ms. DelDebbio and unseated Ms. Conroy.

MICHAEL DELSANTO, Chairman, presiding:

Approval of Minutes - Regular Meeting of May 18, 2010

Mr. Sinclair made a motion to approve which was seconded by Mr. Pocock. Motion passed unanimously on a voice vote.

Ms. Conroy indicated she read through the Minutes and she did watch the video of the meeting.

The Town Planner announced there was a public hearing scheduled for Format, LLC. Earth Excavation 130 on Main Street and Old Turnpike Road. That public hearing was cancelled for tonight. The application has been withdrawn.

The Town Planner read the legal notice into the record.

PUBLIC HEARINGS

A. JOSEPH LAROSA, earth excavation application for the removal of 5,800 cubic yards of material, property located at 72 and 74 Summer Street, EE #131.

Stephen Giudice, Harry Cole & Son, 28 Werking Street, Plantsville represented the applicant. The total acreage of the site is .97 acres.

Our application tonight is in response to a cease & desist order that the applicant received from the planning department dated March 26, 2010. Work is being performed on the building with the anticipating of occupying this nonconforming structure. The applicant, since purchasing the property, has been working hard to bring the buildings up to par by upgrading the buildings on site.

The owner did go to the ZBA for an appeal to allow a less nonconforming use in the building located here (indicated). They were a little too eager and started moving material and got ahead of themselves before we actually submitted the site plan application. Thus the cease & desist.

Upon receipt of the cease & desist, we did submit a site plan. That was rejected because it was incomplete as it also did not include an earth excavation application. This is the earth excavation application. We recently submitted a site plan.

This is a situation where the applicant went in and moved material prior to receiving permission from this commission. It's an after the fact application. The applicant is moving forward to make it right and we're working with staff to address their concerns and comments. And, we have an abutting property owner where the grading was done over the property line and we are proposing to restore those areas to regarding activities, 3:1 slopes proposed in that area, as well.

It is our goal to try to maintain as much as what we've done as possible while restoring the areas that affected the abutting property.

As to the material removed from the site, we are proposing to bring back some material for restoration along the property line in order to make the abutting property owner whole again.

Mr. Giudice went over the typical questions the commission asks in an application like this and indicated some don't apply because it's already been done.

He further went over the questions that the commission needs to consider in an application like this.

He noted the issue with the property owner abutting and we are working hard with town staff to restore the property to pre-excitation conditions, loam and seed, and anything else we can do to make that right.

We don't believe this application is going to degrade the ground water or surface water quality or increase the risk of flooding.
Discussion.

In considering whether this work will result in a land form in the future that will be used for future uses in the zone. The whole reason for the site plan is we are proposing parking spaces behind the building which we felt was beneficial for the business use located in a residential zone. We think the grading would allow for an orderly development of the property.

You have to consider erosion and sedimentation issues. I don't believe we have had any to-date. The plan does incorporate a construction entrance and sedimentation controls.
Discussion.

We are working within 100 feet of a property line and you have to give us a waiver in order to allow us to do that. A 100 foot buffer on this site wouldn't permit any earth excavation whatsoever, typically.

The regulations allow a 2:1 slope but with an earth excavation he requires are 3:1 slope. The plan doesn't show 3:1 slope in its entirety on the site, however in speaking to the applicant, originally we were going to request a waiver of the 3:1 slope, but they're proposing to restore the slope back to a 3:1 so we wouldn't be requesting that waiver. Just the work for the 100 foot from the property line.

As to hours operation, we just propose to bring in the necessary fill to restore that area along the property line. And, regrade the property which should not take more than five or six truckloads which would take a day.

The site is top soiled and seeded. The slopes have been stabilized. There is some open soil behind the building (indicated) in this area. A silt fence will prevent any erosion in that area.

Dust controls are needed to be considered. Most of the site is stabilized but we would adhere to any recommendations the staff has as far as dust control.

We are not proposing to stockpile material on site.

A safety fence was requested by staff along the top during construction and we will comply.

The applicant is well aware that what was done was improper. He's working very hard to bring back up to snuff and hopefully you will allow us to move forward.

Any questions, I as well as the applicant are here.

The Commission asked a variety of questions clarifying the comments which Mr. Giudice answered.

Others speaking in favor of the application:

(No response)

Those speaking against the application.

ATTORNEY ROBERT ZIEGLER: Plainville, CT. I represent the Calandras. We have been working with the town and the LaRosas to try to come to some solution for this issue that's been created.

The problem that we have is that this has been done without a permit and the plans up until today indicated a 2:1 slope. Now, we've been told it's a 3:1 slope. If you look at the southwesterly property line, there was a crest which was removed without the permit in that area. Part of the solution between the neighbors would be to restore the crest of the hill so that water doesn't flow down into the LaRosas' properties and create possible problems in the future. And, in conjunction with that is where do you put the crest of the slope so the water slides back into Calandras' property. We have suggested that the crest of the regarded area be at least 1 foot into the property line of the LaRosas'. So the water will flow from the crest down to Calandras on one side going southwesterly and then southeasterly down into LaRosas' property.

Not having the seen the plans, I can't say yes or no.
Discussion.

There is an issue also of a hold harmless agreement for the subsequent owners of these two pieces of property with regards to any potential water. We haven't seen that agreement, as of yet.

We found out today a site plan has been submitted and we have not seen that.

That all ties into the regulations which has to do with the 100 foot buffer, bonding and the like, which hasn't been discussed, yet.

I'd like to submit to the commission copies of a working proposal, for settlement purposes, only, but it still needs some work. Discussion.

Discussion of the unnamed amount of dirt that will be brought in and how the property will be accessed.

I suggest that you might want to continue this public hearing to a later date so the Calandras have an opportunity to take a look at the revised plan and have an opportunity to look at the site plan so we can get an idea of what is going to happen out there and everyone has a full understanding.

Discussion.

Staff comments were made and there were no responses submitted that I've been able to see to determine whether or not there will be an impact on this proposed settlement agreement. We are moving forward and trying to come to a resolution.

Discussion about the crest in response to a question by Mr. Kenefick.

Staff Comments:

Ms. Savage Dunham read a letter that was submitted and I'll read it to the record. It's dated June 11, 2010. Regarding the Carbone property. (On file in the Town Planner's Office.)

Discussion of the letter. I responded to his letter and I will read that letter into the record. (On file in the Town Planner's Office.)

Mr. Carbone can contact me with any questions or clarifications he has. He is supportive of remedying the drainage and the grading.

Elevations were discussed with Mr. Giudice in response to questions by Mr. Costello.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Mr. Giudice discussed the crest and the slopes in relation to the restoration.

Discussion of trees removed from the property.

Jim LaRosa, applicant. Spoke about the hold harmless agreement and gave the history.

As for the trees, although we are not required to put trees along the back, Mike Meade said he's willing to put some trees along the back of the property as a buffer. Ten to 12, maybe.

Discussion.

Spoke about the arborvitae tree line. None of them are on Angelo's property, but one is close. I said I'll take two trees away --- I don't care.

Staff is still waiting for revised plans and responses to comments. Staff can work with the agent if you close the public hearing. Staff can communicate with the attorney for the neighbor if you close the public hearing. If you close the public hearing, that will stop the applicant and the neighbor from getting up here and addressing you.

After discussion, it was decided the public hearing be kept open.

The applicant did consent to a 30-day extension on the public hearing.

The Chair left the public hearing open to July 6th.

BUSINESS MEETING

A. JOSEPH LAROSA, earth excavation application for the removal of 5,800 cubic yards of material, property located at 72 and 74 Summer Street, EE #131.

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

B. HAWK'S LANDING COUNTRY CLUB, site plan application for year round use of existing structure and 1,050 sf addition, 201 Pattonwood Drive SPR #1233.2, request for 65-day extension.

Staff supports this. Mr. Sinclair made a motion to grant the 65 day extension. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

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

C. MUTUAL HOUSING ASSOCIATION OF SCCT, request for 5 year extension of site plan approval, 491 Darling Street SPR 1415.

Jeff Alvitz, Architect with offices in Milford, CT. We're here to ask for an extension of the approval given by this commission on October 4, 2005 the reason being by the time we received approval we got into the economy plummeting. We're still working on financing and to have it within the next three to four months.

Since the time we received approval, we received many phone calls as to whether we're going to have 2-bedroom apartments in this building. Our original approval had all 1 bedroom apartments. We now have 36 units of which four are 2 bedroom units. The site plan has not changed.

Discussion.

Mr. Kenefick asked about cleaning up the property. Mr. Alvitz said representatives of Mutual Housing have met with the building department and other agencies this morning. They'll be out there tomorrow morning starting work to clean it up.

We hope to have the building demolished by September 1st.

The Chair commented that is great, but maintenance is important. Discussion.

The original application approval was discussed. The Town Planner said she would research it and get back to the commission.

Mr. Sinclair made a motion to grant the 5-year extension. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

D. BRADLEY MOUNTAIN ESTATES, reduction of erosion and sedimentation bond from \$21,000 to a new amount of \$10,000, Shuttle Meadow Road S#1193.

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

E. MONARCH ESTATES, request for release of \$100,000 Maintenance bond and a \$5,000 bond for miscellaneous repairs/uncompleted items, Monarch Drive S #1180.

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

F. FJ KENEFICK, release of \$4,200 erosion and sedimentation bond, 76 Poriello Drive ZP #12196

Mr. Kenefick recused himself on this item. The Chair seated Ms. Conroy for Mr. Kenefick for this item.

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

The Chair reseated Mr. Kenefick for Ms. Conroy.

G. 227 WEST CENTER STREET, SPU #473, request for one year extension

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

ITEMS TO SCHEDULE FOR PUBLIC HEARING

Lovley Development, In., Special Permit Use application for open space subdivision, pacer Lane (Map 50, Parcel 96) July 6

Ms. Savage Dunham said she had another special permit which was just submitted today but with the commission's authorization we can have the public hearing on the 6th, as well.

It's an addition to a church building in a residential zone and churches are a special permit use in residential zones. SPU #485, 99 Bristol Street.

The Chair said that would be fine.

ADMINISTRATIVE REPORTS

Received in packet.

RECEIPT OF NEW APPLICATIONS

Received in packet.

OTHER COMMENTS/COMMUNICATION

Mr. Tranquillo discussed the SPU for the drive in site and then a site plan for the same site. Movie night was discussed. He advised the DOT would like a letter from the Commission stating that you've seen the application and approved it.

Discussion.

The Chair said it has his full support and a letter may be drafted and he would sign it on behalf of the entire commission.

Mr. Oshana brought up Mountain View Farms. Do we have a status updated on that? The Town Planner said we've the quotes for over a month and a half and the work has already started. They should be done by September, October of this year.

Discussion.

Mr. Oshana had a couple of things regarding communications. He brought up receipt of new applications on the Agenda and he wanted to expedite some of the communication with the applications both with the planning and economic development department:

- in terms of new applications maybe we could get a copy of the incoming log. The Town Planner said the commission gets a list of new applications received just as quickly as they are received now. You'll note on the current list in front of you, number 3 we got in on Friday. And, numbers 4 and 5 we got in today. You kind of already have a pretty current list of what's going on.

Discussion.

And, the same thing from Lou Perillo as he gets inquiries coming into town.

The Town Planner explained the confidentiality involved with new applications and what can be disclosed and what can't be disclosed.

The Chair brought up the applications that fall apart. Is there a way you can keep us abreast of those, as well? The Town Planner said if you ask --- a lot of times I don't know about it. They have five years. Spoke about the Red Robin restaurant application.

Discussion.

We can have Lou Perillo put something in the packet once a month.

Mr. Tranquillo brought up at the Town Council this week, they asked for an update on the West Street Corridor and Northwest Quadrant committee. Mr. Oshana explained they are taking a road trip and then they will have a report. This is a planning and development committee.

Discussion.

Hearing no further comments, 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 8:15 o'clock, p.m.)