

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
June 16, 2009

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday June 16, 2009. Chairman Zaya Oshana, Jr., called the meeting to order at 7:03 o'clock, p.m.

The following Councilpersons were present, viz:

James Sinclair	Dawn Miceli
Michael DelSanto	Patrick Saucier
Zaya Oshana, Jr., Chairman	

Alternates: Dennis Vachon
Paul Chaplinsky
Lisa Conroy

Ex-officio members present were as follows, viz:

Mary F. Savage, Town Planner
Anthony J. Tranquillo, Director of Public Works/Town
Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney
John Weichsel, Town Manager

Absent: Francis Kenefick, Commissioner
Kelly Kennedy DelDebbio, Commissioner
Steve Kalkowski, Alternate Commissioner

The Chair seated Ms. Conroy for Mr. Kenefick and Mr. Chaplinsky for Ms. DelDebbio. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

ZAYA OSHANA, JR., Chair, presiding:

Approval of Minutes:

Regular meeting of June 2, 2009

Mr. Sinclair made a motion to approve the Minutes. Mr. DelSanto seconded. Motion passed unanimously on a voice vote.

Ms. Savage read the legal notice in the record.

PUBLIC HEARINGS:

A. Alysha Stearns, special permit use application to expand 2 family use and addition, 227 West Center Street SPU #573

Scott Stearns represented the application. 227 West Center Street. We're trying to put an addition on to add two bedrooms to our house because we live on the first floor and it's not usable really. We're having a family and we need an extra bedroom to make it more livable for ourselves and our child.

(Those speaking in favor of the applicant)

Diana Stearns, 110 Holly Hill Drive. Clearly, I'm her mother. I think that what they're trying to do is improve the neighborhood and they're going to make everything look nice. They're trying to go green. Recycle. And, have room for their baby.

They're also going to make the parking better in the back. They're going to expand it so they won't have to park on the street which has been a concern for some people.

I think it'll be a win/win for all.

Lillian Newell and I'm speaking for my mother. That was our main concern. We welcome the neighbors and it's awesome they want to expand but our concern was there wouldn't be parking on the street because we're across the street.

But since the person just spoke of expanding the parking lot we shouldn't have any problem with the parking across the street. It's really dangerous. We're on the crest of the hill. So we're happy.

Thank you.

(Those speaking against the application)

No response.

(Staff communications)

None to report.

The Chair closed this public hearing.

B. Twinco Corp. Earth Excavation, Filling and Grading application for 45,000 yards Parcels 169-015 and 168-013 Spring Street/Queen Street, EE #127.

Attorney Anthony Denorfia, 133 Main Street, representing the applicant, Twinco Corp.

The applicant is the owner of a site of approximately 20 acres in size on Spring Street. It's located in a B zone. Bounded north by the former Pratt & Whitney, east by the railroad tracks and on the other side the Staples building. South by Spring Street and west by a fairly large parcel of land also owned by one of the applicant's related companies that goes all the way to the Quininiac River.

This application is similar to an application that was approved by this commission approximately 8 years ago. There was a fill permit that previously existed.

What we'd like to do with the site ultimately is have a BJs Wholesale Club with a gas station on the property. It would be approximately 114,000 sf building. In conjunction with that construction, there is some fill that is needed on the site, approximately 45,000 cy and we're looking for approval from this commission so that we can start bringing that material into the site.

The primary material to be imported into the site is off of the Southington Library site. Explained the various stipulations and in particular the hours.

Because of the time of the year, it is critical that the applicant commences that construction. What we have done on the plan is to divide the extent of fill into two areas. Phase I and Phase II.

Phase I which is the one we would like to commence immediately, is filling of what would be the future parking lot. That area would absorb almost all of the fill that would be coming off of the library site.

Referred to a memo prepared by Phil Doyle of LADA Land Planners and he outlines the time it will take to import that approximately 35,000 to 36,000 cy of material that is coming from the library site. That would take approximately 6 to 8 weeks. Explained.

I know there were some concerns about erosion and sedimentation control and dust control, et cetera. I'd like Phil Doyle speak to that.

I think under your regulations we would be proposing to fill within 100 feet of the property line. You have the ability to waive that upon 2/3 vote. I think that excavation provision usually pertains to where you are doing a cut and you are actually excavating. Here we are not excavating. We are actually bringing the ground up a few feet so we would hope that you can waive that.

We're looking for an immediate approval on Phase I as our intention is to be nowhere near the wetlands as you can. We're talking about from the vernal pools, we're probably close to 500 feet and from the wetlands area, we're probably well in excess and the buffer area, well in excess of 400 feet.

We would be asking if you do see fit to grant it tonight, I think the Town Planner has a stipulation with regards to Phase I that we do not extend into Phase II until such time as we have site approval. And, at that point we would have wetlands approval.

On Phase I we have absolutely no impact on wetlands, in our opinion. Right now the site is relatively open so anything that is being done now would be importation of fill and compaction of it in place. And, stabilizing it. It's probably going to be a much better situation than exists now.

I'll have Phil speak to those items on the actual mechanics of the fill process.

Phil Doyle, LADA. The plan in front of you, the EW-1 plan, shows the limits of grading for the Phase I of the permit. Phase I would take most of the fill, between 30 and 35 thousand yards from the library site. It would occupy the eastern portion of the property.

On the plan it is highlighted as to the hay bale and silt fence protection around the entire perimeter of the zone the work would take place. There'd be a gravel tracking pad that would extend in from Spring Street approximately 150 feet.

We've established a staging area out towards the street. Explained.

The water from the staging area would be drained into a temporary sediment trap. Indicated on the map.

All of those areas are oversized to meet CTDEP requirements of 134 cy per acre of land disturbed directed to those points.

As the fills would be made on this property, what we have shown is around the perimeter that would face to the north, east

and west, those areas would be higher. Explained the water flow. We feel the work area is entirely protected.

After a large storm the water not absorbed or evaporated, would be pumped out of these temporary sediment traps to a discharge area in the upper right hand side and that would be the ultimate point where the water would flow overland and it would flow 500 feet across the current fields down to the low point of the property which is the wetland that would pass through the silt fence and hay bales barriers to do that. The water would be clean at that point.

The distance between the work area and the outermost limit of upland review area and that is some 295 to 300 feet.

The Town Planner has indicated concerns about the dust control. Dust control would be handled through applications of water trucks and/or calcium chloride. Explained.

We'd employ street sweeping along Spring Street to be sure that street is kept clean.

That covers most of the issues. Referred to the memo they put together. Discussion.

I'll answer any questions you may have.

(No response)

(Those speaking in favor of the application)

Paul Melluzzo, Queen Street. Spoke of the economy. Finding out about a big box operation like BJ's coming into this area would not only be beneficial to myself but to the whole town. Definitely bring in new jobs for construction, new jobs for staffing, tax benefits for the town and bring in revenues from surrounding towns which would benefit me being a retailer.

I think it would all be positive/positive. I hope the town will grant this application.

Thank you.

Kurt Nichols, Ductworks Heating & Cooling Solutions, 175 Spring Street. We're 100 percent in favor of this application. Any tax base we can build up in town or work, we're behind 100 percent. We're definitely in favor.

(Those speaking against the application)

No response.

(Staff communications)

None to report.

The Chair closed this public hearing.

C. Twinco Corp. Special permit use application for the development of a site larger than 4 acres or with more than 60 parking spaces, Parcels 169-015 and 168-013 Spring Street/Queen Street SPU #471.

Attorney Anthony Denorfia, representing the applicant, incorporated comments made in Item B.

Why we're before you today is there was an amendment to the regulations that stated that any development over 4 acres in size as far as the site plan or more than 60 parking spaces need to come before you for a Special Permit.

As mentioned, the development is for a 114,000 sf building plus a gas station on site. It covers approximately 20 acres and it has approximately 530 parking spaces.

We're here to seek approval for that.

Our initial foray before the conservation commission did not meet with success. We are going before them again with a similar plan to the one before. Explained the majority concern was they wanted us further away from the wetlands. We have modified the plan. Explained the future pad site, that site is now gone and it is a detention basin. Discussion.

This application is just for your consent to say that we can proceed with the development of a parcel over 4 acres in size that has more than 60 parking spaces.

(Those speaking in favor of the application)

No response

(Those speaking against the application)

No response

(Staff communications)

None this evening.

The Chair closed the public hearing.

D. Twinco Corp. Special permit use application for multiple buildings on one lot, retail store and filling station, Parcels 169-015 and 168-013 Spring Street/Queen Street SPU #472.

Attorney Anthony Denorfia incorporated comments from Items B & C above into this presentation.

Basically, under the original application that was filed, the applicant was looking for not only the proposed BJs store and the gasoline station, available to BJ members only, but also the restaurant pad site.

We ask that you acknowledge we are amending our application here to only include just the BJs gasoline station and the BJs Wholesale facility.

Under your regulations, Section 1-09 the only criteria is that this board makes a finding that the two are compatible. Explained most of the Costco and BJ sites have the gas station available with also the wholesale outlet.

We're hoping this board makes a finding that they are compatible. They will be a substantial distance apart from one another. The parking lot will be separated and someone could go to BJs, do their shopping, and get gas on the way out. They are not in close proximity and the traffic is proposed to be separate.

Any questions, we'll be more than happy to answer them.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response

(Staff communications)

None this evening.

The Chair closed the public hearing at this time and moved into the Regular Business Meeting.

Mr. Saucier made a motion to add Item 6-M, Discussion of calling of bonds 409 Canal Street, Maria Stabler, SPR 1398.1. Mr. DelSanto seconded and motion passed unanimously on a voice vote.

BUSINESS MEETING:

A. Alysha Stearns, special permit use application to expand 2 family use and addition, 227 West Center Street SPU #573

MS. SAVAGE: Thank you, Mr. Chair. This application is fairly straight forward. It's a request to expand the base floor area over 25% on a nonconforming lot to add two bedrooms.

Our regulations require this type of application to have a variance and then a special permit use approval. Enclosed with your packet memorandum is the decision from the ZBA, Appeal #5708 was granted by the ZBA with a condition that the one story addition with the ridgeline not to exceed 16'.

The map enclosed with your materials shows the first floor plan and the proposed extension. The applicant has stated that they intend to improve the parking area and the purpose is not to add another unit, simply to improve this nonconforming structure which is on a nonconforming lot. Just make it a little more livable now days with circumstances.

Staff has completed the review. We have no outstanding concerns. This is ready for your action, but we would also call out to you as you consider it that this is a mixed use area. There are multifamily, single family, different business uses, so it really isn't out of character with the existing development.

MR. SAUCIER: I'd like to make a motion to approve this application finding that it is in accordance with Section 8-02-11 in that residential zone.

MR. DELSANTO: Second.

THE CHAIR: Any discussion?

MR. DELSANTO: I'd just want to say I grew up in this area. There's multifamily houses up and down West Center Street. This is nothing out of the ordinary. This is par for the course in this area as far as I'm concerned.

MR. CHAPLINSKI: Mr. Chair, I'd also like to say that I had a chance to stop by there and take a look at the site. I spoke with the applicant's mother, thank you for having me, and you know, it seems very consistent: the plans seem very consistent with the site. As you mention, there are two family houses all around they're talking about even putting up a fence in the parking area which is even going to further shield headlights from the neighbor. It seems like a very positive move.

(Motion passed 7 to 0 on a roll call vote.)

B. Twinco Corp. Earth Excavation, Filling and Grading application for 45,000 yards Parcels 169-015 and 168-013 Spring Street/Queen Street, EE #127.

MS. SAUCIER: Mr. Chair, as you heard the applicant's agent explain tonight, the earth excavation in front of us is for the import of 45,000 cy in order to prepare the pad site for the proposed BJs development and accessory gasoline filling station.

The applicant has now submitted the plans which are in front of you tonight which show that the earth work is being split into two phases. Phase I would be the initial preparation of the parking lot area. Phase II would then be the pad site development for under the building.

Without getting into too much detail, there's different structural requirements for the type of material to be under a building of that size. So it makes sense not only because of the shape of the parcel, but because of the requirements for the structural fill to phase the earth work to put the appropriate material in the appropriate place.

There is a stipulation in our regulations that talk about not doing work within 100' of a property line. This does relate directly to cutting more so than filling. However, the agent did ask that the commission would waive that prohibition. There will be work fairly close to the property line. It's required to get the drainage in the parking areas all on the right gradient so that the water goes in the appropriate direction.

The front part of the parcel is going to go to the front detention basin and the back part, the cleaner water from the roof, is going to end up in the back detention basin.

So that's not directly related to the EE but that has to do with the grading adjacent to the property line.

Staff has reviewed the material submitted. I have a correspondence in front of me from the Assistant Planner who is also the wetlands agent. And, staff was looking at the plans today and talking about reasonable stipulations to support the project, however, continue to be protective of the environment as we move forward thoughtfully.

The Ass't Planner states that a reasonable limitation in his opinion on the limiting of activity associated with the EE should include a stipulation stating that for Phase I, no earthwork inclusive of material deposition or removal shall occur within 200' of any vernal pool or within 150' of any delineated wetland on site.

The material presented to us tonight show that the work is at least double that distance from the regulated area.

Staff would also recommend a stipulation calling for silt fence to confine all new fill during Phase I activities which has been proposed but we'd like again to kind of belt and suspenders stipulate it.

We also would like a stipulation stating that Phase II work shall not commence until the conservation commission and site plan approval is finalized. Again, Phase II work is the work closer to the regulated area.

With that, all of staff's concerns with regard to the earth work operation have been addressed. We're supportive of Phase I commencing certainly because the commission stated very strongly that they would prefer this work at the library site to be done while school is in recess. And, so believe it or not, the summer is wearing on. So, because of the quality of the material submitted and the recommended stipulations, in staff's opinion, the earth excavation is ready for action.

MR. DELSANTO: Mr. Chair, I'd like to make a motion to approve -

ATTORNEY SCIOTA: You need the waiver motion, first.

MR. DELSANTO: Okay. Make a motion to waive the 100' waiver (sic) mentioned by the Town Planner.

MR. SAUCIER: Second.

THE CHAIR: We have a motion to waive the 100' buffer and we have a second. Any discussion?

MS. CONROY: Will there be any effect on the neighbors for doing that?

MS. SAVAGE: Well, just to clarify. It's not a 100' buffer. It's a prohibition of work within 100' of a property line.

So what you're doing is you're saying we know you are going to work closer to the property line.

I have not heard from any of the neighbors. Essentially, the site is being brought up between 1.5 and 2 feet. So there'll be some construction activity going on which will be managed by the dust control and staff visits. But I don't think that there will be anything onerous. It's a business zone. Actually, one of the biggest land owners adjacent to this property is the same owner.

THE CHAIR: At this point what you're hearing is that --- and Tony, what you're saying for the drainage issues, this is necessary in order for the drainage to work, correct?

MR. TRANQUILLO: Correct.

THE CHAIR: Okay, so by doing this, the drainage on the site is going to be effective.

And, the largest, as the Planner just mentioned, one of the largest property owners is the owner of this particular site.

Anybody else? Call the roll, please?

MS. SAVAGE: This is the roll call on the waiver of the 100'.

(Motion passed 7 to 0 on a roll call vote.)

MR. DELSANTO: Now, I'll make the motion to approve the --
- ITEM B. With the aforementioned stipulations set forth by the Town Planner.

MR. SAUCIER: Second.

(Motion passed 7 to 0 on a roll call vote.)

C. Twinco Corp. Special permit use application for the development of a site larger than 4 acres or with more than 60 parking spaces, Parcels 169-015 and 168-013 Spring Street/Queen Street SPU #471.

MS. SAVAGE: Mr. Chairman, this is a permissive approval on the commission's part saying that you are supportive of the development of this with more than 60 parking spaces or 4 acres. The intent of the regulation revision was to be sure that for a larger development that may not a trigger a public hearing, which there are some that would just require a site plan, that the commission had the opportunity to have public comment.

Staff is supportive of this.

MR. SAUCIER: Move to approve.

MS. MICELI: Second.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

D. Twinco Corp. Special permit use application for multiple buildings on one lot, retail store and filling station, Parcels 169-015 and 168-013 Spring Street/Queen Street SPU #472.

MS. SAVAGE: Again, this is exactly what it says. The commission is supportive of more than one principle structure on this site.

MR. DELSANTO: Move to approve.

MR. SAUCIER: Second.

(Motion passed 7 to 0 on a roll call vote.)

E. Twinco Corporation, site plan application for retail development with detached gasoline filling station, Spring Street SPR #1551, request for 65 day extension.

MS. SAUCIER: Does the agent wish to request a 65 day?

ATTORNEY DENORFIA: (From the audience) Yes.

I'm sorry: I saw you skipped about four of them to get it. We'd like, if the commission is so inclined, if you could grant a 65 day extension in time.

MR. DELSANTO: Motion to grant a 65 day extension.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: You're looking for a table at this point.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

F. Hillcrest Orchards, earth excavation and site plan application, remand from court, 508-544 Meriden Waterbury Road EE #121/SPR #1485.

MS.CONROY: Chairman Oshana, I will be recusing myself.

(Left the bench)

THE CHAIR: We are going to seat Commissioner Vachon in for Commissioner Conroy for this particular application.

MS. SAVAGE: Mr. Chair, I'll briefly frame this application for you, however, the applicant's agent is here if the commission has any questions, certainly they can come up.

These are the second two portions of the Hillcrest Orchards application set. There is an EE #121 and SPR 1485. The earth excavation is for the removal of approximately 18,000 cy of contaminated soil.

And, there is a site plan that has related off site roadway improvement proposed for the development of a 214 unit affordable housing project.

Staff recommends separate votes on each section.

The earth excavation approval is required to remove the contaminated soil. The court contemplated several different conditions of approval during the review and deliberation on these cases. At this point in time, staff has reviewed the court record as well as met with the agent: we would recommend three conditions of approval. These conditions of approval come from either the judge or from direct discussions with the agent.

The recommended condition:

(1) Hillcrest shall conform its plans to all modifications agreed to during the public hearing.

(2) Hillcrest shall remove the contaminated soil off site.

(2) Hillcrest shall conform its earth excavation plan for removing contaminated soil off site with all the changes recommended by town staff and Kathryn Cyr, PE and agreed to by Hillcrest.

The application is ready for action. It's not a discretionary matter. However, it's a point of order.

ATTORNEY SCIOTA: Just to refresh everyone's memory, this is a court order of this board and this is not a discretionary matter.

MR. DELSANTO: Move to approve.

MR. CHAPLINSKY: Second.

MR. DELSANTO: With the aforementioned stipulations set forth by the Town Planner.

THE CHAIR: Any discussion?

(No response)

This is, I'm sorry, for clarification, this is the EE.

(Motion passed 6 to 1 on a roll call vote with Mr. Oshana being opposed.)

MS. SAVAGE: And, the second matter is the related site plan application, #1485. Again, there are a number of conditions on the second page of your packet memorandum.

I do have a slight modification to one of them. Very briefly, the first condition is the developer shall conform its plans to all modifications agreed to during the public hearing.

(2) Hillcrest Orchards shall file language in the condo association document as well as on the individual deeds prohibiting the enclosure of decks.

I have a slight change to what you have before you. I'll provide a brief background. The judge did recommend that the applicant work with the town to try to improve the turning radiuses on Blatchley and Kiefer and 322.

To that end, the applicant talked with town staff and spoke to Tony Tranquillo about turning radiuses and safety considerations. And, after staff worked with the applicant, the following condition was agreed to:

(3) Hillcrest Orchards or the developer shall widen and improve traffic conditions at the intersection of Blatchley Avenue and Kiefer Road to achieve a turning radius of 30 feet as depicted on Sheet OS-7 of OS-7 and shall improve the turning radius to not less than 20 feet but will try to achieve 25 feet or as close to as possible without having to relocate the utility pole as depicted on Sheet OS-3 of OS-7 at the intersection of Blatchley Avenue and Meriden Waterbury Road.

Right now there is a 15 foot turning radius right there. But there is a utility pole, so we'd like to have that improved.

Recommended stipulation:

(4) The developer shall construct all traffic improvements recommended by Mr. Bruce Hilson and agreed to by Hillcrest.

(5) The applicant developer shall remove all contaminated soil off site.

(6) The applicant shall conform the earth excavation plan with all changes recommended by staff and Kathryn Cyr and agreed to by Hillcrest.

(7) On Sheet OS-6 of OS-7, the detail of the Meriden Waterbury Road sewer connection at Hacienda Court, the detail shall be corrected to show 50 feet of 15-inch PVC SDR 35 at 4.6 percent.

The existing plans at the time of this writing showed an 8-inch PVC pipe which is insufficient.

(8) Applicant shall file an easement for the cul de sac as per discussions with town staff.

Again, it is not a discretionary matter and it is ready for action.

MR. DELSANTO: Motion to approve.

MR. CHAPLINSKY: Second.

MR. DELSANTO: With the aforementioned stipulations set forth by the Town Planner.

THE CHAIR: Any discussion?

(No response)

(Motion passed 5 to 2 with Mr. Vachon and Mr. Oshana opposed.)

G. Donald A. Sirois, site plan application for proposed restaurant, 1032 Meriden Waterbury Road SPR \$1545.

(Ms. Conroy was reseated.)

MR. SIROIS: Good evening. Did we answer all of your questions?

MS. SAVAGE: I'll have four stipulations I'll recommend. You should tell the commission who you are and what you're asking for.

MR. SIROIS: Donald Sirois, 36 East Ridge Court, Cheshire. I'm here on behalf of House of Dogs on 322. And, I believe we answered most of the commission's concerns. I think there are a few items left that need to be addressed for the restaurant.

MS. SAVAGE: Before we start, are we resitting -

THE CHAIR: Yes, we are resitting Commissioner Conroy in for the seat she left when she vacated for Hillcrest.

MS. SAVAGE: Okay, thank you.

Yes, this application is out of time. The commission must act tonight. It's for a hot dog restaurant across from the previous drive in. We've been working with the applicant since the last meeting. I do have in front of you four recommended conditions of approval should you choose to approve it.

(1) Encroachment permit is required. Provide evidence of application for same at preconstruction meeting. This the applicant is aware of.

(2) Prior to issuance of zoning -

(End of Tape #1, Side A)

Permit, architectural drawings showing any openings below the 124 elevation must be submitted to the planning department.

(3) Any modification to the parking or entrance/exit drives required by the STC ---

(Beginning of Tape #1, Side B)

-- shall compel the applicant to obtain site plan modification. We want to be sure that if the STC eliminates parking spaces or changes any of that, the plan comes back to the commission, because the plan site, there's more area so the applicant would be able to regain those parking spaces with a modification.

(4) Applicant shall supply the town with supplemental information on drainage report as requested by the Ass't Town Engineer.

With those stipulations, the application is ready for action should the commission choose to do so.

MR. DELSANTO: Mary, you spoke with the applicant and his agents with regard to these stipulations?

MS. SAVAGE: I didn't, I wrote this this afternoon after we were playing telephone tag for a while with the engineer. And, so but number 1, there is a note on the plan about it. That's been in our staff comments for months.

MR. DELSANTO: Number two you've been waiting for you said?

MS. SAVAGE: Number 2 has been in our staff comments for months.

Number 3 is just a protection for the town. Because the parking is so short there.

And, number 4, as of about 2:30 today or 3:00, the last time I checked with engineering, they still hadn't gotten their answers. So you know at a certain point in the day we have to say okay, we're moving forward.

I don't know if they spoke to him after 3:00. But so, you know -

MR. DELSANTO: Add it as a stipulation.

MS. SAVAGE: It's kind of where we are at. I mean, none of them are like real crisis level burden on the applicant that they can't meet the proof, however, the property does flood, so for example, stipulation #2, we don't want the commission to approve this and then come to find out that there are going to be openings that your regulations would have required to be flood proofed that we didn't know about because we didn't see the plans. So it's kind of a protective stipulation for the town. We don't expect a problem, we would like to have the leverage to address it if it arises. If that's fair.

MR. DELSANTO: And, we're out of time.

MS. SAVAGE: We are out of time. The second 65 day period is up in a few days. So it's either approve, deny or withdraw tonight.

MR. DELSANTO: Well, I'll make a motion to approve the application with the aforementioned stipulations.

(Pause)

MR. SINCLAIR: I had questions for the applicant. Will you withdraw that for a second?

MR. DELSANTO: Sorry. I'll take my motion back.

MR. SINCLAIR: When you came before us last time, Mr. Sirois, you said your engineer would be here tonight. He is not here?

MR. SIROIS: Yes, he is here.

MR. SINCLAIR: He is here?

MR. SIROIS: Yes.

MR. SINCLAIR: Okay, because I do have a couple of questions for him about the drive thru and stacking on the Meriden Waterbury Turnpike. If he could come up?

MR. SIROIS: Yup.

MR. SINCLAIR: I am not asking for a full traffic study. Obviously, something this size doesn't require it but my concerns are that how many - how much stacking room do you have number one between the drive thru --- that's a drive thru window I'm assuming I'm seeing on the plan?

ATTORNEY SCIOTA: Let him introduce himself.

THE CHAIR: For the record, if we could just get your name and address, sir?

BRIAN CUNNINGHAM: 18 Ledgewood Drive. I'm a professional engineer in the State of Connecticut.

MR. SINCLAIR: I assume that's a drive thru window I'm seeing going behind the building?

MR. CUNNINGHAM: Yes.

MR. SINCLAIR: Okay. So my first question is: How much stacking room do you have between the drive thru window and the entrance to the drive thru on the other side?

On the --- on the westerly side?

MR. CUNNINGHAM: There is stacking room for about four vehicles there.

MR. SINCLAIR: Four vehicles. And, then from that point to the Meriden Waterbury Turnpike?

MR. CUNNINGHAM: There's another (pause) 70 to 80 feet.

MR. SINCLAIR: Okay, another what, nine cars or so, give or take?

MR. CUNNINGHAM: Total. Maybe yah.

MR. SINCLAIR: Okay. My concern is that you do see cars down - I'm in this area a lot, um, stacking up on Meriden Waterbury Turnpike. The left-hand turns into restaurants or drive thrus. Do you think you have enough room there for that drive thru?

Also, you do have, with the cars, you're going to be knocking out one, two, three, four, five, six of your parking spaces.

MR. CUNNINGHAM: I think with the intended use, the type of food being given out at the window, that you wouldn't have extreme delays for the - your stacking concern.

MR. SINCLAIR: Okay. So you think you'll be able to handle that many cars at a lunch time rush on Thursday, Friday? That's what I'm concerned about, you know. You'll be able to move them thru that kick?

Problems? Special orders.

MR. SIROIS: My idea here is just hamburgers, hot dogs and fries and onion rings. It's something that my whole basis is in and out in two or three minutes.

MR. SINCLAIR: Okay.

MR. SIROIS: Efficient.

MR. SINCLAIR: Okay. I am not sure if my concerns are alleviated or not. Two or 3 minutes per car, um, like I said, 7 cars, so if you get a good rush going, you know, they can stack up pretty quick on you.

I think you answered my questions to the best of your ability. I'm just not sure if my concerns have been alleviated.

That's all I have for questions.

THE CHAIR: Any other questions?

MR. DELSANTO: I'll make a motion to approve the application with the stipulations set forth by the Town Planner.

(Pause)

THE CHAIR: We have a motion. Is there a second?

(Pause)

(No response)

We have a motion and there is no second.

MR. SAUCIER: Actually, I'll second the motion.

THE CHAIR: Is there any discussion on this application?

MS. CONROY: I just have one. Under stipulation #3 by the Planner, refers to requirements by the STC. Since like Mr. Sinclair said this might be too small to fall under the review of the STC, there would still be a review by the DOT Permits because it does abut state roadway, so I don't know if we need to say STC or DOT review.

MS. SAVAGE: Sure.

ATTORNEY SCIOTA: Modify that to add to the stips?

MR. DELSANTO: Sure. I'll add that.

MR. SAUCIER: The second stands.

MS. MICELI: So in that case, the DOT would also be looking into whether -

MS. CONROY: Anytime there is a curb cut on a state road.

MR. DELSANTO: Right.

MR. SAUCIER: The only comment I have on this application is I mean, we get accused, this board gets accused of not being business friendly. And, we get accused by the President of our Chamber of Commerce and we get accused by some of the business people but the issue I have with this application, is that we are 130 days into this application.

Requests have been made from the beginning of this application for items that are still open and we are now stipulating those. I feel that we go above and beyond sometimes and even bend over backwards to accommodate situations like this.

And, unfairly, we are accused of not being business friendly or not being appropriate. So that is one of the issues that I have here. Yes, it's unfair to someone who wants to open up a business who wants to earn a living in this town to stay here. I see that. Hence my second for this application.

But also my comments that we shouldn't be here with this. In all rights, we should be denying this application. In all rights, this should be withdrawn. But we're too often accused of being business unfriendly.

That's my comments.

MR. SINCLAIR: Mr. Chairman, just to follow up on what Commissioner Saucier said, I agree. We do get, I think, unfairly attacked as being business friendly (sic). This is not a business issue. It's a safety issue in my mind with that drive thru right now.

I wish we had more time. I agree with what Pat said, this is 130 days in. Why wasn't this information given to us sooner? So we could have discussed it, so he could come back, so hear our concerns, revise your plans, if you so chose. And, move forward with this.

Opening a restaurant in this my economy, my hat off to you, sir. But I really do, like I said I am in this area a lot, take issue with, I think you're going to have a problem and I think it's going to hurt people.

So, I apologize to Mike. You know, I should've probably made a motion before you went there. I'll be voting "no".

THE CHAIR: Anybody else?

Ms. Savage, would you call the roll, please?

MS. SAVAGE:	DelSanto:	Yes
	Miceli:	No
	Saucier:	Yes
	Sinclair:	No
	Chaplinsky:	Yes
	Conroy:	Yes
	Oshana:	No

(Motion passes 4 to 3)

H. Landmark Properties, LLC, floodplain filling application and site plan application for proposed building and related parking, 148 Center Street SPR #1554/FF#216.

MR. GIUDICE: Good evening, Mr. Chairman and commission members. For the record, Stephen Giudice with Harry Cole & Son.

I'm here tonight on behalf of Landmark Properties. We have a .41 acre parcel of property located at 148 Center Street. It's formerly known as the My Bar property. I'm sure everyone here is pretty familiar with it.

The applicant purchased the property from the Town of Southington with the intent of redeveloping the parcel. The applicant is proposing to maintain the existing structure which is this building here and construct a new building with an associated municipal parking area in the back.

The proposed building would be 2900 sf on the first floor and approximately 2400 sf on the second floor. The uses for this site would be a proposed restaurant/deli in this building here located on the first floor with just food preparation services on the second floor. There'd be no commercial use of the second floor of this building.

This building here (indicating) would be retail on the first floor with professional office space on the second floor.

This application includes some floodplain excavation. We kind of got caught off guard. We didn't realize there was floodplain on this property until we kind of got into the design and said, ooh, time out. So we found it.

We are proposing to actually excavate this area of the parking in the back to create a flood storage area behind the building. The need for our flood filling application, it's actually a flood excavation application. We're not proposing to fill any flood zone. We're just lowering some of the parking lot so we if we do have a 100 year storm, this area would flood. It's designed to flood. To compensate for improvements on this site and our increase in ZIRO.

We're kind of knocking two birds. We're providing additional flood storage and we're addressing our ZIRO concerns.

Another thing we are doing is we're proposing some drainage structures in this location that would tie into Center Street drainage. Roof leaders for both buildings would be tied into this and this would be an underground storm water storage system, as well, that would help us address our ZIRO requirements.

The parking area is proposed to contain 21 parking spaces. We are under, we are 16 spaces short from your regulations. Our next step is the Parking Authority to respectfully request a waiver from that Authority. We'll be hopefully doing that at their July meeting.

We have received staff comments. We met with staff today to address a few of the minor issues that we had questions about. We are in the process of getting the plans up to snuff and ready for action hopefully at your next meeting.

So far, we're coming along pretty smoothly. If you have any questions about the site, or the uses, I'd be more than happy to answer them for you.

MR. DELSANTO: Mr. Chair, I'm a little late. I need to recuse myself on this application.

THE CHAIR: Okay, we'll sit Commissioner Vachon in for Commissioner DelSanto.

ATTORNEY SCIOTA: Steve, you know the Town has an easement to the property next door, this traffic area, can you flow, the designed can it flow into that?

MR. GIUDICE: That was one of the comments that the Town Engineer had today that the town would or is going to require an easement to allow traffic to flow into this property.

ATTORNEY SCIOTA: That's all I need.

MR. GIUDICE: There's just a slight change in grade between the two properties, but if this were to, I think the back half would be the best place for that connection.

THE CHAIR: Anybody else?

MS. MICELI: I 'm just curious, are we talking tonight about aesthetics with regard to this?

MS. SAVAGE: The commission can talk about whatever you like.

MS. MICELI: Because I see that some of your comments, Mary, were with regard to keeping with the theme downtown, Renaissance, just want to make sure that it's going to be aesthetically pleasing because it is downtown.

Did you agree with some of Mary's comments and what not?

MR. GIUDICE: I did -

ATTORNEY SCIOTA: Before Steve talks, per the approval from the Town Council, when we put this out, Steve has to show to the staff the look of the building. So that's got to come, the look of the building.

So at your next meeting, you should have the actual plans to Mary as to the look of the building. That was part of the RFP.

MR. GIUDICE: I may be mistaken but those plans were also presented to the Town Council, as well.

ATTORNEY SCIOTA: Yah.

MR. GIUDICE: So I do have building plans that unfortunately I didn't bring here tonight. But I will bring them.

MS. MICELI: That we'll look at next time, you're saying?

ATTORNEY SCIOTA: Well, he doesn't have them now, so obviously, you'd have to look at them next time.

MR. GIUDICE: I could get copies to Mary. Maybe I could email them to the members of the commission.

MS. SAVAGE: If you get them to me, I can send them.

THE CHAIR: Anyone else?

We'll look for a table on both of these items this evening.

MR. SINCLAIR: So moved.

MS. MICELI: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We will reseat Commissioner DelSanto.

I. Mandatory Referral under 8-24 for the reconstruction of approximately 4,700 lineal feet of Spring Street, from 411 Spring Street to its intersection with West Street (MR#445)

MS. SAVAGE: Staff supports this.

ATTORNEY SCIOTA: Yah, obviously, staff supports this.

MR. DELSANTO: So moved.

MR. SAUCIER: Second. Send back a favorable 8-24.

THE CHAIR: We have a motion and -

MR. SAUCIER: His motion, my second.

MR. DELSANTO: Send back a favorable 8-24.

(Motion passed 7 to 0 on a roll call vote.)

J. Mandatory Referral under 8-24 for the reconstruction of approximately 5,600 lineal feet of Lazy Lane from its intersection with Queen Street to its intersection with Curtis Street (MR#446)

MS. SAVAGE: This is a -

MR. DELSANTO: I'll make a motion to send back a favorable 8-24.

MR. SAUCIER: Second.

THE CHAIR: With the entry to the letter, Lazy Lane has the dubious distinction of being the worst read in town at this time.

ATTORNEY SCIOTA: Not for long.

(Chuckles)

(Motion passed 7 to 0 on a roll call vote.)

K. Joseph Klepacki request for reduction of Erosion and Sedimentation bond from \$6,600 for a new amount of \$1,200, Welch Road S #1179.

MS. SAVAGE: Staff supports this.

MR. SAUCIER: So moved.

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

L. Ten Acre Estates, request for road acceptance subject to the posting of a \$56,000 maintenance bond (total distance of 890 lineal feet, Acre way, S #1214.

MS. SAVAGE: Staff supports this.

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

M. Discussion of calling bonds at 409 Canal Street, Maria Stabler, 1398.1.

MS. SAVAGE: Very briefly, Mr. Chair and commission, this application was before you fairly recently. One of the critical items of staff's concern was the road reconstruction which needed to have been done. That was a condition of a previous approval. The work had not been done and that's a serious safety matter as Mr. Tranquillo can speak to.

The applicant hadn't posted bonds and was running out of time, was looking for accommodations from the commission in order to get a CO. Staff was hesitant, however did work with the applicant. However, we did stress to the commission and the applicant at that time that it was unacceptable for the town to be in a position to go through yet another winter season with that road condition like that out there. It's a serious safety issue.

There are other issues on the adjacent property, as well. To that end, the town set a sizable bond requirement which the applicant posted and we advised the applicant at that time that she was to move forward expediently to secure a contractor and do the work.

And, we have been staying in contact with her. I sent here a letter May 7th. I did hear back from her. The bottom line is that from the town's perspective, we need to have a preconstruction meeting in the very near term and the shovel has to be in the dirt by July. You know, that's kind of the drop dead date or else the town is going to think about doing the work ourselves. It takes the time some time to gear up to get projects moving.

And, we wanted to put this on the Agenda tonight for discussion to give the commission a head's up. Its staff's intent to have it on the July 21st Agenda. If the project isn't actually in progress at that point, then the town's going to be strongly recommending pulling the bonds and doing the work in the interest of public safety.

Do you want to say anything else about that?

MR. TRANQUILLO: Well, we've struggled with this for at least two winters and we don't want to go through a third. It is a serious safety hazard.

THE CHAIR: We covered this pretty thoroughly.

MR. DELSANTO: Oh, yah.

THE CHAIR: When we did this last. We talked about cones, we talked about curbing, we talked about a whole lot of stuff. And, I thought we made it very, very clear what we needed done.

MR. DELSANTO: That was like in January. Middle of it.

THE CHAIR: Yah. With the expectation was, we can't do it now. The applicant couldn't do it now because of the weather. But as soon as it got nice, get the contracts in place and get the process started. So I'd be in favor of doing it now, but I understand that we need to get the notification out there, get the stuff going. So I'd say get it ready for the 21st meeting. And, if stuff isn't ready by the 15th, I'd be in favor of calling the bond at that point. No later than that.

And, if the process is started, but they're not in place, I'd say call the bond. That's the purpose of the bond. That's my perspective.

Anybody else?

MR. DELSANTO: Absolutely. There should have been a shovel in the dirt the day the frost broke. Like March 15th.

THE CHAIR: Exactly.

MR. SINCLAIR: I think the commission was crystal clear on this issue when they were before us.

THE CHAIR: All right. Pretty clear.

7. ITEMS TO SCHEDULE FOR PUBLIC HEARING

A. 609 North Main Street, LLC, 2 lot resubdivision 609 North Main Street S #1276 July 21

B. Today's church Inc. Special Permit Use application to allow a church in a business zone, 1205 Meriden Waterbury Turnpike SPU #474, July 21.

THE CHAIR: Let's do them both at our next meeting, July 21st.

ADMINISTRATIVE REPORTS

Ms. Savage had none this evening.

RECEIPT OF NEW APPLICATIONS

Ms. Savage passed around a sheet with 2 new applications on it. (On file in the Town Planner's Office.)

THE CHAIR: Looking for input from commissioners. I have a couple of things I'd like to bring up. I agree completely with the comments that were made earlier regarding applications. I think that this commission has done a tremendous amount of work over the last couple of years trying to make this town more business friendly.

We've done a lot of work on our regulations. We've done a lot of work with doing things to make it easier for business to come in and set up shop and small businesses to come in and develop their business, but it's really, really important for businesses to do good plans. To do them on time. To do what the regulations say.

I don't think that this commission has asked anybody to do anything other than what the regulations allow. There have been a lot of flexibility --- and there has been a lot of flexibility built in to the system to help people set up shop. And, in small businesses, one of the most difficult things to do and in these days it's even worse.

But when an application gets put into place and then it's extended the 65 day extension and another 65 day extension. And, all you're asking for is what the regulations ask for. Simple stuff.

Come in with a plan. Come in with the plans required. Come in with what the regulations require. You can't say you don't know what the regulations are. They're in a book. If you don't have the book, they're on line. If you can't get on line, come downtown. They're very easy to get. They're very easy to access.

Hire a professional if you need one. You don't need one? Come to the Planner. We have professionals downtown to do that stuff with you.

So I think that this commission in the last several years, the people on this board, have done a tremendous amount of work. The staff has done a tremendous amount of work to make Southington much more business friendly and the fruits of the labor is out there. You see it all around town.

So I am very proud of what's happened here. People need to follow the rules because the town needs to get - consistent. Consistency has been put into place. It's more difficult because you've got to follow the rules. But if you don't follow the rules anarchy develops. And, you get businesses going in the wrong places. You get, well why did this one get it and I can't get it? And, then everything goes to pot.

I agree completely with what was said before.

The only other comment I have and I didn't say it before because that wasn't the time. At some point, somebody needs to explain to me as a commissioner here how you go from --- how a developer can go from developing an open space subdivision where you can come here and layout all the positive attributes of an open space subdivision, meeting after meeting, and how it is so good for the town and so good for the applicant and then come in with an application for over - how many condominiums?

MS. SAVAGE: 212.

UNIDENTIFIABLE: 214.

THE CHAIR: Two hundred fourteen condominiums. So you go from an open space subdivision which you tout and you think is the best thing in the world for the Town of Southington. And, then you wrap yourself in a regulation which had great intentions but has been destroyed in my eyes to be used to get, I don't know, what you want.

So you go in there and put it anywhere you want in the town. And, wipe out a town's regulations any way you can because, I don't know, you want to.

Heck with the town's regulations. Heck with the land use department. The heck with the staff. The heck with what the other residents in the town want. I'm going to come in and use a regulation which I may or may not even care about.

But wipe away all the good stuff I said before. I didn't mean it. I won't go as far as to say I lied, but I guess I didn't mean it. I'm going to do something different.

So, some day, an applicant has to come in and explain. Maybe it would've been nice if they had done it tonight. How you go from an open space subdivision to something that sure is not an open space subdivision.

Anybody else?

MR. DELSANTO: Zaya, I -

MS. MICELI: Here, here, Mr. Chairman.

MR. DELSANTO: I do have one thing. Just to add to your comments with regards to an application before us tonight.

Pat hit the nail on the head with that application. And, Jim's comments were right onboard, as well.

Sometimes I am often guilty of having a heavy heart for small business people. For people who're trying to make a dollar especially in this economy as Jim says. Coming from a family of small business owners, you know what I mean?

So, sometimes the heavy heart takes over. But your points were valid and right on. I mean, Pat, you couldn't have said it any better.

THE CHAIR: Anyone else?

(No response)

All right, we are looking for a motion to adjourn.

MR. SINCLAIR: So moved.

MR. SAUCIER: Move to adjourn.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 8:20 o'clock,
p.m.)