

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
July 21, 2009

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday July 21, 2009. Chairman Zaya Oshana, Jr., called the meeting to order at 7:02 o'clock, p.m.

The following Councilpersons were present, viz:

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

Alternates: Steve Kalkowski
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: Fran Kenefick, Commissioner
Kelly DelDebbio, Commissioner
Dennis Vachon, Alternate
Paul Chaplinsky, Alternate

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

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

STENOGRAPHER'S NOTE: The Minutes are now being prepared in summary style. You may refer to the audio or video tapes for more details.

ZAYA OSHANA, JR., Chair, presiding:

Approval of Minutes

Regular meeting of June 16, 2009

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

Special meeting of July 15, 2009

Mr. DelSanto made a motion to table. Ms. Conroy seconded. Motion passed unanimously on a voice vote.

Ms. Savage read the legal notices in the record.

PUBLIC HEARINGS:

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

Sev Bovino, Planner with Kratzert, Jones, representing the applicant presented the application. The property is located at 609 North Main Street at the corner of Flanders Street across the Oak Hill Cemetery. Currently, Beacon Pharmacy occupies the existing 3,000 sf building on the site.

The property is 3.01 (+/-) acres in a B zone with a small area of R-20/25 zone, approximately 0.3 acres along the easterly boundary.

It is served by public water and sewer. Gas, electrical.

The proposal is subdivide the property into parcels. Parcel A: 31,660 sf and Parcel B: 99,374 sf. Both parcels meet and exceeds all requirements.

Sidewalks are existing all around the property, Flanders and North Main Street.

Parcel A will continue to be used by Beacon Pharmacy. Parcel B is proposed to house a two story 20,160 sf medical office building. Both parcels will share cross easements in terms of access, parking and utilities.

Appropriate notes are on the subdivision sheet. Additional trees and shrubs will be planted to maintain and increase the buffer along the easterly side which is the R-12 zone.

I'll answer any questions at this time.

(No questions)

(Those speaking in favor of the application)

Arthur Cyr, 103 Berlin Avenue. I'm happy to come and speak in favor of this application. I feel it's a great application by a local businessman to increase our tax base. If it's within the regulations, I would think that economic development and logic would say that this application should move forward. I am in support of it.

(Those speaking against the application)

(No response)

(Staff Communication)

Ms. Savage read a letter into the record which is dated July 21, 2009 from the Lou Perillo, Economic Development Coordinator. Letter is on file in the Town Planner's Office.

(Rebuttal)

Mr. Bovino just wanted to add that during the site plan process we will have the traffic addressed by the traffic engineer.

The Chair closed this portion of the public hearings.

B. Today's Church Inc., Special Permit Use application to allow a place of worship in a business zone, 1205 Meriden Waterbury Turnpike SPU #474.

Reverend Christopher (Inaudible), Pastor of Today's Church. He read into the record the letter that was submitted with the application. (Letter on file in the Town Planner's Office.)

(Those speaking in favor of the application)

Karen Langry, 80 Stoney Corners Lane, Southbury. I am a member of Today's Church in Southington. Gave a history of the church and all the good it provides for the parishioners and the community.

We are a growing church, growing in God, our love for others and his plan for our lives.

Thank you very much.

Joseph Lavoy: 82 Parkview Drive, Plantsville. I have been a member of this church since April of this past year. Before that, I attended a church down in West Haven, CT that is very similar to what Today's Church is and it was great to find a place so much closer to my actual home than needing to travel nearly 40 minutes every week to go to services.

My daughter and I attend on a weekly basis. It's a place where I feel comfortable bringing her and letting her go to the children's program and I can attend my weekly worship without any worries as to the type of care or the people she's going to be involved with.

Spoke of the church in West Haven and its growth. I hope this church has the same growth and impact on the community.

Thank you.

(Those speaking against the application)

(No response)

(Staff Communications)

Ms. Savage had none at this time.

The Chair closed this portion of the public hearings at this time.

(Public hearing portion of the meeting was closed at 7:24 o'clock, p.m.)

BUSINESS MEETING

A. 609 North Main Street, LLC, 2 lot resubdivison, 609 North Main Street S #1276.

Ms. Savage reported staff has reviewed this project and worked with the agent who has provided responses to comments. At this point in time there are a few minor comments outstanding, however, as a whole we feel the project is ready for action, should you choose to.

The outstanding items are Number 12 and 15 from the checklist. Those are items the applicant couldn't take care of, yet. Explained.

There are also cross access and drainage easements for this project to facilitate the interaction between the two pieces of land. Staff would recommend a stipulation that those easements be provided in draft form for review by staff and they shall be filed before or at the same time as the subdivision mylar if the project is ultimately approved.

Mr. Tranquillo said the one comment engineering has at this point is that we may need to widen Flanders Street at some point in the future. So we would like to get a dedication of property on the north side of this parcel for future widening. If we could get a 10' strip along the north side of these two parcels for future road widening, that's what I recommend.

Ms. Savage said that item hasn't been discussed in depth with the applicant prior to tonight's meeting. If you choose to table the matter, that is your discretion.

The outstanding items are Number 12 and 15 of the checklist, the cross access and drainage easements and the 10' strip along the north side. With the exception of those items, it is a fairly straightforward application. It meets all the requirements and staff is supportive of the matter added Ms. Savage.

Mr. Sinclair made a motion to approve this application with our Town Planner's and Town Engineer's aforementioned stipulations. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

B. 609 North Main Street, LLC, site plan application for proposed office building, 601 North Main Street SPR #1476.1, request for 65 day extension.

Mr. Bovino stated this proposal is for a two story building, 20,160 sf. Medical office use on Parcel B. It will have two separate levels; both are accessible on grade to take advantage of the topography. The building will have an elevator in it. And, they can come in on grade at both sides.

The building will have a 3' parapet to screen the equipment to be installed on the roof. Served by all public utilities.

The underground storage for drainage is in place on Parcel A. The access is via the existing curb cut on Flanders Street. And, a new right in, only, curb cut on North Main Street is proposed.

Jim Bubaras, traffic engineer, is here tonight to discuss the traffic study.

Architect David Quisenbery also is here tonight if you have any questions regarding the building elevation.

There is extensive landscaping on site. And, much more is proposed. The 20' buffer along the easterly property line will be maintained and enhanced as necessary. Explained.

Staff provided a checklist which was responded to in writing. Item 11 on the checklist feels with final grades on this site. Our proposal started with a 3:1 grade proposed. Explained.

The design has been changed because of that and the need for extensive walls in that proposal, we revised the grading plan to go to 2:1 with a bench as recommended by staff. Explained.

We changed the parking arrangement to have a one way situation in front of the building and each side of the project. Explained.

Under Section 11-16-3 of the regulation, you can approve such a proposal and we'd appreciate if you would consider that. It makes it a safer proposal as it will be away from the actual wires. Explained.

It's very difficult to stabilize slopes in the sandy condition like this area is and the less we disturb the better it is.

Unless there are questions, I will request the traffic engineer address the commission on the traffic issue.

The Chair asked if the engineer had a chance to look at the grading. Mr. Tranquillo responded his staff has worked with Mary and there's been quite a few iterations of this plan and it is my understanding that engineering is satisfied with this now.

Jim Bubaras, Principal of Bubaras Traffic Associates in Cheshire. We had prepared the site traffic evaluation study for this project. Explained the report which is on file in the Town Planner's Office for review.

In conclusion, what's being proposed here is not a high generator. It fits the site. I think the right turn in that's being proposed off Route 10 will help the site. It will certainly help what is being proposed to be added to the site. And, I don't think in the long term that this is going to have an adverse impact on what we experience out there today.

Mr. Kalkowski asked: In your professional opinion, don't you think a majority of the cars will take a right and either cut across Anneliese or Darling to hit Route 10 and they're not going to wait for that light? Especially at 5:00 when the office is letting out. My concern is we're going to be introducing all this new traffic into residential areas to by-pass Route 10.

Discussion.

Mr. Bubaras said he felt that in time people will go the way - we estimated to the east, Flanders and 40 percent will be to and from the north via Route 10 and 40 percent from the south of Route 10.

Shortcuts were discussed.

The queuing analysis was discussed regarding Route 10 over to the drive on Flanders - 260 feet. They are going to have to be patient to get out of there.

Sev Bovino pointed out the height of the building is 32' to the east on the high side and in a B zone 40' is allowed. That's to the highest point of the building, the peak.

Also, as to the traffic distribution, of 50 cars, 20 percent already go to the right and then the other 40 go to the north. Maybe some will go to the east.

And, Mary had some stipulations on the checklist that I responded to and I want the commission to know I have no objection to the stipulations.

Discussion.

The Chair asked to see the elevations.

David Quisenbery, Quisenbery Architects. The rendering was explained. The design concept is to fit in with the old factory building which have been renovated. The details from the brick,

windows and roof material we've kind of gone the extra step to make it look old and have a timeless quality.

Ms. Conroy had a question for Mr. Bovino: the proposed one way driveway, what is the grade? Mr. Bovino responded about 5 to 6 percent.

Discussion.

Ms. Miceli asked Mr. Tranquillo: With regard to the road widening for Flanders, that is something we have talked about for the future, do you see this project exacerbating that need now to widen it and was this something that was further out for the town but now it may bring it that much closer? Mr. Tranquillo agreed this project will put more pressure on that roadway. The time will come when we will want to put two lanes westbound there and this will provide the right of way. You have to have a plan.

Discussion.

Ms. Savage said the application is under review by town staff. I provided you a wealth of information as we've gone back and forth with the applicant. I also handed out to the applicant and the commission tonight a letter dated July 20th.

(End of Tape #1 Side A)

(Beginning of Tape #1, Side B)

There are a number of design comments, fairly minor in nature, outstanding. The most substantive are the fact that we haven't seen any of these cross access easements or drainage easements, shared parking information, that type of documentation. There may be a sewer connection assessment. The rest of the comments are design in nature with the exception of traffic. Up until very recently, staff was still waiting for the traffic report. I'll defer to Mr. Hilson but I will briefly say that being not traffic experts, town staff has concerns about the internal circulation within the parking lot between the drive thru, location of the new curb cut and just customer traffic with that grade there and the water will be draining down towards Route 10, down that exit driveway across the sidewalk. There is a drywell there but we have some questions about icing. Then we're also looking for more information with regard to the queuing on Route 10 and the impact on that congested area.

I received the traffic information Tuesday afternoon and overnighted it to Mr. Hilson. He's here tonight and I believe he's done a partial review of the material.

Bruce Hilson, Traffic Engineering Solutions, Glastonbury. The information was sent to me and I received it late Wednesday. I was away last week and did not have a chance to look at the material until today.

Upon a very cursory review, I have two items which I've indicated in my memo and a third item identified after. Both items included in the memo have been addressed by staff. Explained the easement requirement for widening Flanders and the right turn entrance, only, from north bound Main Street on to the site which have been addressed.

Discussion of the internal circulation on the site being a safety concern.

In the traffic engineer's report, he talks of the sight lines being adequate, but there is no specific discussion as to what the distances are and speeds for which the distances are appropriate for. I think that information should be made available for my review between now and the next meeting, added Mr. Hilson, so he could comment further at the next meeting.

Ms. Conroy asked staff if they felt that turn was necessary off of North Main Street for this site to be functional. Mr. Tranquillo said he would let Mr. Hilson make that decision. He's the traffic engineer.

Discussion.

Mr. Bovino addressed the question in regard to the sewer that Mary mentioned. The applicant recognizes there could be a sewer assessment charge.

In terms of the cross easements, the client will provide the legal agreement. There is a note on the subdivision sheet noting the parcels have reciprocal access, drainage and utility easements.

Discussion.

As to the conflict down at the right turn in only, Mr. Bubaras is here for additional comment.

Do Not Enter signs are indicated on the sheet, L-1. All signals necessary to warn the public that you cannot come out of the drive thru and shoot right through the parking lot.

Discussion.

I do have a memo requesting a 65-day extension, if necessary.

The Chair said what would be helpful as Mr. Hilson continues his review one of the concerns is about the necessity of this entryway from Main Street and how that would work. As he had only a limited time to review this, he has not come up with his full review. Between now and the next meeting more questions will come up and at the next meeting that issue will be fleshed out a little bit further.

The Chair had questions for the architect. How is the building going to be lit from the outside? Mr. Bovino noted the landscaping plan and notes are provided on the plan that indicate they have to be

full cut off fixtures. The site is 16' below the grade of the property line. Any movement of cars, the lights or parking, would definitely not be impacting in terms of visibility of lights shining on the neighborhood.

Hours of operation? Mr. Bovino said typical office hours, 9:00 am to 5:00 pm.

Elliott Collasanto, 121 Bridle Path Drive, indicated office hours would be in the neighborhood of 9:00 am to 5:00 pm. Sometimes even shorter than that. No Saturday hours.

David Quisenbery, to address the issue of lighting, explained they have a rustic brick building with a plan of lighting to go down the length of the building that would basically be lighting the texture of the brick. The sidewalks are adjacent to the building so they will be lit. Light washing the wall of the building will be a nice character and will provide sufficient light on the sidewalk.

Discussion.

Mr. DelSanto made a motion to grant the 65 day extension. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

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

C. Today's Church Inc., Special Permit Use application to allow a place of worship in a business zone, 1205 Meriden Waterbury Turnpike SPU #474.

Ms. Savage reviewed the application. Staff has completed the review and would bring it to your attention this is a SPU approval and you should refer to the requirements of Section 11-21 and Section 8 of the regulations.

Because it's a storefront church, staff did not require the full extent of the site plan regulations that say you have to have the 8' buffer between the church and the neighboring residential properties.

I didn't require street trees on the entire retail strip. This is a slightly different situation than typical churches that are developed on new sites.

This is simply a request to occupy an existing storefront for a place of worship. It would be constrained by the mere size of the storefront and in the future if very successful it would be moving out of that location.

It is adjacent to a residential zone, so the commission in making any determination, must refer to the section in our Section 8 of the regulations and make a finding the proposed use is compatible and

consistent with the development and use of the neighborhood of the adjacent properties . . . that's found in 8.02.1.1.

Staff has no further comments, but we are happy to answer any questions you may have.

Discussion of requirements for places of worship was had on a question brought up by Mr. DelSanto. Ms. Savage said they are not being compelled to improve the entire retail site. Attorney Sciota concurred.

The Chair said with the compatibility is the operation. One thing we really didn't get into is the hours of operation during the public hearing. The primary operation is on Sunday. But what about any other meetings during the week, nighttime services or services for children that might be going on during the week. Daycare?

Discussion.

In response to a comment by the Chair, Attorney Sciota explained he had a problem opening up a public hearing. People who were here could've left.

Discussion.

Attorney Sciota suggested tabling the matter and having staff talk to the applicant and get any hours that come in and they can do a report back to you and you debate that issue.

It was noted by commissioners that they have it in a correspondence that services are on Sunday. We could stipulate that.

Discussion.

The questions to staff would be the hours of operation as far as Sunday services and other services during the week and child care questions. Ancillary uses.

Ms. Savage clarified on the record that this board does not approve signs. Signs require a separate permit. The applicant will have to apply for a sign permit with the building department in accordance with the signage regulations. No matter what action the board takes on whether to permit or disallow the church in a business zone as described, has no bearing whatsoever on the signage issue.

Mr. DelSanto made a motion to table. Mr. Saucier seconded. Motion passed unanimously on a voice vote.

D. Twinco Corporation, site plan application for retail development with detached gasoline filling station, Spring Street SPR #1551.

Philip Doyle, Land Planner from LADA, presented the application. He explained Tony Denorfia, project attorney, is not available due to a death in the family.

The application is for site plan for a BJ's retail establishment and a BJ's associated gas station to be located on 20+/- acre site adjacent to Spring Street on the north side of Spring Street. Showed on the map.

Access from Spring Street is proposed at a signalized intersection. The boulevard entering the property was described as including storm water basin A. The parking lot for approximately 529 parking spaces in size, the service areas and the building would lie to the west of the main entry drive. And, in the back of the site towards the west we would have storm water basin B. There are wetlands in the back of the site. The Conservation Commission approved our application with various revisions to the plan and one of those revisions to the plan was that we take the parking lot storm drainage and direct it to the front and direct it into the storm basin prior to discharging into the rear of the site.

Kevin Clarke our civil engineer is here tonight with me. Also, Scott Hesketh from F.A. Hesketh Associates, our traffic engineer.

We have had a number of communications back and forth with town staff and we are still in the process of answering staff's questions and the latest letter we received from the staff, we have no issues with and we will address all of those comments.

Scott Hesketh, licensed professional with the first of F.A. Hesketh & Associates out of East Granby, CT. We are the author of the Traffic Impact Report dated April 30, 2009 which has been submitted in support of this application. A copy of the report was also submitted to the STC under cover of letter dated June 5, 2009.

He then read the report which is on file in the Town Planner's Office for review.

Mr. Hesketh concluded by saying we believe that the site is right for this type of development, zoned for this type of development. We understand that there are some issues that need to be worked out. We are working with the DOT and town staff to get those issues ironed out.

I think that everyone should understand that Route 10 is a busy commercial and commuter corridor. There are existing deficiencies in the roadway network and they will continue to be there whether or not this development moves forward. The applicant is making improvements

to the roadway network that are within his capability to do so in order to address some of those comments.

We continue to work with the DOT and with town staff to address further comments, existing and future deficiencies.

I'll be happy to address your questions on traffic.

Mr. DeSanto asked about the peak time on Saturday when it slips into the D grade. Mr. Hesketh responded that generally speaking the peak commuter shopping times is between 11:00 am and 1:00 pm.

Ms. Conroy asked about the feasibility of having a double left turn going north on Route 10 into Spring Street. I didn't see any analyses in the revised traffic report. Were you planning on providing that to see how it would work? Mr. Hesketh said he didn't submit that type of analysis because it's not something we're proposing at this time. We do not have the right of way. We have looked at it preliminarily. Ms. Conroy said she felt it would be helpful to see that. We have what's existing there today, what can be done with the site generated traffic when it opens in 201. It would be good to see what this type of improvement would be if we were able to the second left turn to see how it affect the traffic. Mr. Hesketh said he would provide it with the understanding they can't give it to you at this point.

Mr. Doyle noted he had recently received architecture for the store. It is rather unique in terms of the design. The breezeway section and the tire section faces the north. It would be gray and a rust color. The height limit is 40' and the peak of this building would be at 39'.

We also have the view of the 12-station gas station.

The applicant's team is available for questions.

Ms. Savage concurred with the agent that they have been working with the agent and the applicant and there has been a number of review sheets going back and forth many of which have been provided to you tonight.

At this point in time, there are some items that the applicant has assured staff they will respond to, but we haven't gotten revised plans to review, yet. There aren't any items we can't resolve, but there is such a number of them, given the outstanding traffic concerns and site concerns, at this point in time staff doesn't feel the project is ready for action.

A supplemental punch list was prepared this week. A number of the comments talk to constructability. There's going to be a lot of moving parts on this project. You approved a very large earth excavation project and the building pad preparation is going to begin

along with the parking lot preparation. A lot or dirt moving. And, then the actual site plan project. Staff wants to look at all the fine print to be sure that we all on the same page about how the project will proceed.

Staff is happy to any questions you have.

The applicant concurs with staff. We are looking forward to making sure all the I's are dotted and the T's are crossed.

Bruce Hilson presented his original memo included 8 comments, all of which were responded to in the July 16th letter submitted by F.A. Hesketh & Associates. Each item has been satisfactorily addressed.

One item that remains of concern that Mr. Hesketh has addressed and Mary has addressed and that is the queuing on Route 10 and elsewhere. I think for me to say its okay as it is or not, DOT is going to review it. I think we're in a bit of dilemma here. If we're going to continue this process, it would be nice if they could resolve the land swap and the two lane and bring everything to a conclusion so that there aren't queues hanging out there that are longer than the length of roadway you have to store them and we enter into this with the knowledge that we will have gridlock out there at times.

The new item I added today was looking at the site plan, I just wanted a sense of and if the applicant could show us how trucks will circulate as they enter the site, go the loading dock and as they leave the site from the loading dock just so we have an understanding of where they're going to travel on the site and whether it will impact parking and to make sure the corner radii are appropriate for those movements.

Mr. Doyle said he wasn't aware of the question, but we can provide this on the plan as well. The site is designed so the trucks are isolated to a specific area. Explained the traffic circulation pattern for the trucks. They enter through the main driveway, proceed along the north boundary along the backside of the site and enter the service area. They back into the loading docks and then swing around and leave the same way they come. The trucks do not enter any of the parking lot to the south and east of the building.

Discussion.

Ms. Savage pointed out you may not have the answer from the DOT by the time you have to act and I would be surprised if you do have it. You'll rely on your traffic consultant to let you know how this is going to operate once it's built.

I do know the applicant is working diligently to work out the remedy. I do know that the road improvement work would be back before the commission in the form of site plan modifications or lot line revisions, mandatory referrals, roadway improvements. If we are lucky enough to have that work out, it will come before you again.

(End of Tape #1, Side B)
(Beginning of Tape #2, Side A)

Mr. Doyle said Mary makes a good point and it is a debate we have had internally. Working with the DOT is always difficult. STC will not act until you act. It may be they come up with conditions we may or may not be able to meet. If we can work out the comments with staff, we hope you can make a decision so that we can move forward with the STC and try to resolve something with them. We need your decision to move forward.

Mr. Hesketh said if you are not going to wait for the DOT to have an answer, a couple of comments in Mr. Hilson's report I want to reply to. The DOT did ask about our directional distribution. We are soon to provide a written response to DOT. And, we agree 10 percent in that direction makes sense. We put them on Spring Street, 229 rather than bring them out to the left hand turn which I think a lot agree doesn't work unless you have double left turn lanes.

Discussion.

In terms of the queuing, we understand. We disagree with the state that some of these queuing deficiencies don't currently exist because I think in the analysis we demonstrate that clearly there are queuing deficiencies at each one of these locations during all peak hours whether we're here or not. When we are done, there are going to be some queuing deficiencies. Some are the same, some are different, we fix some of them, we shorten some of them, we make some of them a little bit longer but there are queuing deficiencies in the background conditions and in the combined conditions. We are addressing the ones that we have the ability to address. We are attempting to address additional ones and we hope to get that done.

It's up to you to decide whether or not it's appropriate to have this development recognizing that there are deficiencies in the existing system and there are going to be deficiencies in the future system. The applicant will address as many of them as he possibly can reasonably. You need to decide if we need to move forward with the project in town.

Extensive discussion about the property swap in response to a question by the Chair.

Ms. Miceli started a discussion about the aesthetics of the project with Mr. Doyle and what you are going to see from Spring Street.

Peter Huntley, Vice President of Development for BJ's. Explained this is the New England Prototype. He explained the Wallingford set up as compared to this site.

Ms. Miceli said she felt it was a very long structure --- can we have something else, some sort of detailing as you pull in, that gives it a little pop.

Discussion.

It was pointed out the loading area is going to be very well screened. And, Spring Street actually moves away from our property with a natural buffer in addition the landscaped buffer.

Mr. Huntley explained why the building could not be flipped.

Mr. Huntley explained, like Manchester, it is the desire to have the tire center more closely related to the breezeway. That could be moved to help break up the façade. But the merchants and the operators would like us not to do that. But it is an option I can offer. I don't know how much it will do.

Discussion.

Ms. Miceli stated she was talking more about architectural design work rather than openings. Just to break up that big box.

Ms. Savage did say the Manchester store did have some architectural detail breaking up that long façade. A different treatment showing columns. Is that something you could consider doing here? Mr. Huntley said he would look into it.

Discussion.

The Chair pointed out there are still traffic issues we need to review. And then we have this rendering to look at and review.

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

E. Salvatore Geremia, dba Geremia Gardens, site plan application for retail nursery, 1720 West Street SPR #995.4.

Joe Adams, professional engineering, representing the applicant presented. This project is putting in some restroom facilities. And, in order to do that, we have had to connect to the sewer, find some additional drainage feasibilities to get rid of the runoff from the greenhouse and we've had a bunch of comments from the Planner's office and we've taken care of that.

We finally got the easement for the sidewalk which was on the owner's property. I don't know where we stand now.

Attorney Sciota pointed out currently there is a site plan in front of us.

Ms. Savage said we have a site plan in front of us, 995.4. We've been working with Mr. Adams on this project. Staff feels that it is ready for action. I just passed around a memo which Mr. Adams has. The concern is that - these comments relate to the connection to sewer. Although it's not called out within these items, the health department has recommended four conditions of approval which staff supports and the intent of the conditions is to compel the connection to sanitary sewer.

The conditions are:

1. Performance bond sufficient to assure completion of work be required. That work is the sewer connection.
2. Project start date within two years of approval or sooner should the applicant choose to. Staff is supportive of sooner.
3. Finish date within one year of the start of the project.
4. If the owner or operator does not finish within the specified time period, the town will call the bond, hire a contractor and force the finish the project.

Staff supports those stipulations for approval, but as an aside, Ms. Savage stated that requiring a performance bond is standard operating procedure and calling the bonds if we are required to is standard operating procedure.

The Director of Health felt it was imperative, given the fact that this is an operating facility, that he's supposed to have sanitary facilities and they were never constructed. There's no restroom there. It's imperative for the town there be a bathroom there.

Discussion.

Salvatore Geremia, addressed the commission, indicating the site plan being talked about exists before our business started. We had no knowledge of a septic system, leech fields. We found out through Mary a few months ago. We even added on to the greenhouse 12 years ago and the staff here, nobody brought up that comment until just this February. It wasn't in our plan ever. It was in Klepacki's plan when he subdivided.

Ms. Savage said that was accurate. From the town's perspective the septic system was supposed to be there. Mr. Geremia's perspective is he hadn't proposed one so he was content operating the way he is. He did add a greenhouse on the site and it was discovered there was no CO ever granted on the greenhouse. Mr. Geremia asked for a CO. The town cannot issue COs without a valid site plan. The site plan had expired. It was then that we said there needs to be a bathroom here.

I am saying for public health and safety concerns and from a town staff perspective it's important to have restrooms at this facility.

That is forever who the operator is. Sometime we don't realize there is an issue until we realize there's an issue. Then we are compelled to address it.

Right now there is a portable toilet on site.

Discussion of the time frame for this work to be accomplished. Mr. Geremia said it would be two to three years. Staff is deferring to the health department. The Director of Health is reasonable. He's saying require a bond and a start within two years of tonight. And, it needs to be done within a year. If not, we would call the bond and finish the work. Everyone agreed that is the two to three years.

Mr. Saucier made a motion for approval with the four stipulations put forth by the public health department. Ms. Miceli seconded. Motion passed 7 to 0 on a roll call vote.

F. Salvatore Geremia, site plan application for retail nursery, 1700 West Street SPR #1516.2.

Mr. Adams said business is pretty good and we'd like to expand now. We propose five new greenhouses, three to be built first and the last two as time, business and economics allows it. We have comments from the Town Planner and we are finishing them. We are not ready for approval.

Ms. Savage said the project is under review. The health department has indicated that they will require this project to connect to public water.

Mr. Adams said this is a nursery and they don't want public water. The treatment in the public water kills the flowers. We'd prefer to put a well.

Ms. Savage said her office had no jurisdiction. State regulations say if you're within 200 feet of public water supply, you must connect. We are working to get responses to comments.

This project is on the site to the one we just heard about. The business owner leases both properties and operates one business. These applications are in support of that. Now on this site which is the undeveloped site, there is no bathroom proposed. The building official and the health department brought up that matter. Town staff is discussing internally whether or not we would propose a condition that at such time is one of the leases is terminated, and then you would have to put it in. We acknowledge its one operation.

Discussion.

Mr. Geremia said he was under the impression there needs to be bathrooms for both or just one lot. Ms. Savage said the staff has said the site should be designed as a standalone facility. What I

brought up tonight is the fact that staff is working to find an accommodation to alleviate the requirement that a bathroom be at 1700 West Street because you'll have one on the other site. We are looking to do it in such a way to protect the town.

The Chair noted the July 17th memo from the health department which makes it clear the public health department denied the well application. The regulation says if you are within 200' of public water, you have to connect to public water. You need to go to the health department to talk about that issue.

Discussion.

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

G. MVF Enterprises, LLC, site plan application for proposed 2-story building addition, 96 Center Street SPR #1555.

Steve Giudice, representing the applicant, presented the application. It's a .12 acre of parcel of property. Currently it houses Smoke 'n Fire the cigar shop and a professional office on the second floor. They're proposing to add an addition to the rear of the building. A two story addition. We'll relocate parking and air conditioning units to the back side of the building. We're proposing a dumpster location here. (Indicating)

We have pedestrian access through Center Street and an access through the town parking area and then a private easement or pass way that runs out to Liberty Street. (Indicating)

We have staff comments and we have just started to address those. Our next step is the Parking Authority where we will be requesting a parking waiver for this application. We've also discussed with town staff offering about offering these parking spaces up in the municipal parking for future development of the area.

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

H. St. Aloysius Roman Catholic Church, request for release of \$7,900 Erosion and Sedimentation bond, 254 Burritt Street, SPR #1325.1.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Saucier seconded. Motion passed unanimously on a voice vote.

I. St. Aloysius Roman Catholic Church, request for release of \$8,100 bond in lieu of site plan compliance, 254 Burritt Street SPR #1325.3.

Staff supports this. Mr. Saucier made a motion to approve which Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

J. Discussion of calling of bonds, 409 Canal Street, Maria Staebler SPR #1398.1.

Ms. Savage advised staff recommends the commission call the bonds and authorize staff to use the funding if necessary to do the work.

Mr. DelSanto made a motion to call the bond. Mr. Sinclair seconded.

Discussion of the history. Ms. Savage said the concern is keeping the project progressing appropriately and if we call the bonds, and we allow the applicant to proceed as she says, if she drops the ball, very quickly we can step in with the contractor and say keep moving. If she continues on and does the work, then we'll be happy to return the bond to her.

Motion passed 7 to 0 on a roll call vote.

K. YMCA (Camp Sloper) request for release of \$3,900 E & S bond, 1000 East Street SPR #1495.

Staff supports this. Mr. Sinclair made a motion to approve which Mr. DelSanto seconded. Motion passed unanimously on a voice vote.

L. Vincenzo & Teresa Scirocco, request for release of \$3,700 public improvement bond and \$2,700 E & S bond, 30 Kuhr Drive S#1025.1.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

M. Rima Parth, LLC request for release of \$1,000 E & S bond and \$12,200 public improvement bond, 802 West Street SPR #1528.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Saucier seconded. Motion passed unanimously on a voice vote.

N. Vintage Estates, request for reduction of E & S bond from \$5,000 to a new amount of \$500, Vintage Estates S #1233.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Saucier seconded. Motion passed unanimously on a voice vote.

O. Christopher and Elvira Janazzo, request for release of \$1,100 E & S bond, 152 Williamsburg Drive (rear lot)

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Saucier seconded. Motion passed unanimously on a voice vote.

P. Captain Lewis Industrial Park, LLC request for 2nd 90-day extension to file mylar, 320 Captain Lewis Drive S #1273.

Staff supports this. Mr. DelSanto made a motion to approve. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

Q. Renaissance Commons, request for reduction of Public Improvement bond to a new amount of \$1,500 and reduction of bond in lieu of site plan compliance to a new amount of \$20,000, Liberty Street & Columbus Avenue SPR #1441.

Staff supports this. So moved by Mr. DelSanto. Seconded by Mr. Saucier. Motion passed unanimously on a voice vote.

R. Twinco, LLC, request for release of \$184,000 floodplain filling bond and request for release of \$19,000 E & S bond, Spring Street EE #106.

Ms. Savage said these are bonds being currently held on the BJs site. Staff is recommending release of this bonding because we don't feel the bonds are transferable and we prefer to get revised bonding submitted for the new project. We'll recommend release of this as we're very rapidly getting new money.

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

7. Items to schedule for public hearing:

A. Lovley Development, Inc., special permit use application for open space preservation subdivision, 44 lots, 703 West Center Street (SPU #475) August 18th

B. Connecticut Sikh Association, Inc., special permit use application for more than one building on a site, 1596 and 1610 West Street SPR #476, August 18th.

Both scheduled for August 18th.

Administrative Reports

Ms. Savage reported on two:

(1) Passed around a draft zoning text amendment to limit places of worship to residentially zoned parcels. We've discussed this a number of times. If you choose to limit churches and tax exempt places of worship so that they cannot locate in business zones or even in an R-O zone, these would be the required. I have it ready to refer out so if you authorize me, we can move forward.

Discussion.

The Chair said he would like to see this move forward and there was concurrence by the commission.

Ms. Savage said it would then be scheduled for public hearing on September 1st.

(2) The other one sent around for you comes out of a meeting with Mr. Perillo and Mr. Tranquillo. The PZC is reviewing the northwest quadrant of town which is essentially from Exit 31, north.

Staff supports that. However in the short term staff feels that it's important to take immediate action to rezone a section of that quadrant from R-40 to I-1. That's shown on the attached map.

It is zoned R-40 but it is really not appropriate for R-40 type development. There's contaminated groundwater. You've got a family amusement park which may want to expand. You have an active mining operation. You have the site of a former landfill and right over the townline there is an existing trash operation. For all of these reasons, staff feels that it's important or a more appropriate type of use in this area would be industrial.

We're suggesting you rezone this land from R-40 to I-1. There is an existing residential subdivision and I would suggest the I-1 zone has a buffer of 35' and I would recommend that the proposed new zoning boundary be 50' off those lots which are existing nonconforming lots and then you'd have the additional 35' buffer the I-1 zone would afford. And, there are a great deal of wetlands there.

Discussion.

If you support this, I would move forward expediently. Everyone concurred.

Ms. Savage advised she did administratively approve, after review with staff, a modification of the earth excavation approval to the BJ's project. It's to allow them to establish additional soil stockpile areas to the rear of the site beyond the wetlands. We are requiring substantial additional bonding for that. It was an operational type of matter all internal to the site.

Discussion.

Receipt of New Applications:

Ms. Savage passed around a sheet which is on file in her office listing the new applications.

Other Items to Come before the Commission:

The Chair brought up a cease and desist order for a facility down in the center of town. Could we have a history of this, Ms. Savage?

Ms. Savage said the project started before she began here. It's a biodiesel project zoned I-2. It is in a floodplain. There's wetlands on the property. The project had come before staff for scrutiny and determination as to whether a site plan was required before I got here.

It was in the process of going through the cycle when I got here. Ultimately, it was decided it didn't require a site plan at the time. So the applicant received approval.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

There was construction of a new tank facility. We did go through that permitting process and site inspections. At the time of the site inspections for COs, the staff was out there and I believe Attorney Sciota was on site, the fire marshal was there, the building official was there, I was there, Mr. Grappone was there and Mr. Lavalley was there.

At that point we made it clear to the applicant and the developer that any future improvement or modifications to that site would trigger a full blow site plan application due to the sensitivity of the site and the operation.

It has come to our ongoing attention that there has been some working going on there and most recently I was surprised at the fact that there was two new portable oil tanks installed or placed on the site. The building official noticed them as he was driving by.

He brought it to the attention of the fire marshal because it's flammable material and come to find out it is highly corrosive material. The fire marshal wasn't aware of it. No permits pulled were pulled with the fire department, building department, zoning department. They asked me about it.

I said they shouldn't be doing anything out there because they don't have current site plan approval and we left it with them prior to any additional work, come in for your floodplain approval, site plan approval and possibly wetlands.

Given the concerns regarding the nature of the material being stored, as well as the ongoing improvements or staff's inability to really gauge what's going on, it's a moving target, staff determined that it was clearly time to issue a cease and desist order, which we did.

The next step is for the applicant to make application to this commission for site plan approval and secure all necessary permits before any further work is done.

Discussion.

The Chair noted flammable, hazardous and corrosive liquids in a floodplain that are placed there and we don't know if it's a safe or unsafe area and they were put there in clear violation of staff. They knew this should not have been done. They were clearly told that. Anything further, they knew they had to come in and there is no question that that was told to them. Ms. Savage responded: No question whatsoever.

The Chair noted this is a clear and flagrant violation. Ms. Savage said it is clear.

The Chair said they need to come in and make application to the town, no favors, no questions. Ms. Savage said she has a meeting set up for this Thursday with a principal who is going to bring material for us to look at and start the process moving forward.

Discussion.

The Chair asked if there were other issues that took place on this site. Staff has been questioning improvements to structures. It's hard to pinpoint in absence of any definitive mapping. Ms. Savage did say that various staff in town speculates that there have been some improvements.

The Chair said it is very important staff stay on top of this problem. If you have a tank like this rupture, it's right on the river. If they were brought in in violation, a cease and desist had to be put into place, that means illegally, right? Who knows how they were installed. Were they installed safely? What kind of damage could that have caused to our residents in the town and the safety of the river that was there if they exploded and harmed or killed people?

That's unfortunate and whoever did that should be held accountable.

Attorney Sciota added that is a very valid criticism.

Mr. Sinclair made a motion to adjourn. Mr. DeSanto seconded. Motion passed unanimously.

(Whereupon, the meeting was adjourned at 9:30 o'clock, p.m.)