

THE CHAIR: This was the subject of a public hearing earlier tonight. Ms. Savage Dunham, do you have anything to add?

MS. SAVAGE DUNHAM: I just bring to the commission's attention that in your packet you can see the responses to comments that we have. At this point in time, the application is for the removal of 5800 cubic yards, but as the commission is familiar, actually at this point there's going to be some importing of material. Approximately 388 cubic yards. It'd be 11 to 12 truck trips over a two day period.

The proposed hours for the truck traffic is 8:30 to 3:30 Monday thru Friday. And, that is at the commission's discretion. But it is a two day term.

If you look at the third page in your packet, you're being asked for a waiver of Section 11-16.3A stating that no activity shall take place within 100 feet of a property line.

And, a waiver of Section 11-16.3D to allow 2:1 slopes as opposed to 3:1 slopes.

The commission needs to take action on those waivers and it requires a majority vote to pass.

And, ---

MS. CONROY: Majority or two thirds?

MS. SAVAGE DUNHAM: Two thirds.

So, with that, as far as the earth excavation application is concerned, the staff has no other comments.

THE CHAIR: Wasn't there something with regards --- I think we should maybe talk about the sidewalk, too, as well. I guess there was some damage done to some sidewalks.

MS. SAVAGE DUNHAM: Mr. Tranquillo noted that there are some damaged sidewalks. And, I also state that we do look at sidewalks under the site plan.

THE CHAIR: The site plan, so that can wait?

MS. SAVAGE DUNHAM: But, Mr. Tranquillo brought up damage that is relevant to the earth excavation with the hauling.

THE CHAIR: Okay. So at the very least -

MS. SAVAGE: So the commission would want to -

THE CHAIR: -- talk about the damage that was incurred.

MR. TRANQUILLO: Make that statement.

MS. SAVAGE DUNHAM: And, another comment we did hear from one of the neighbors was requesting a privacy fence between the parking lot and the residential structure.

THE CHAIR: Okay.

MS. SAVAGE DUNHAM: And, the commission may consider that if you wanted to. But prior to any action on the overall application, you would need to consider the waivers. Okay?

THE CHAIR: Okay.

What's your pleasure, commission?

We're all seated members.

MS. SAVAGE DUNHAM: Correct.

MR. CHAPLINSKY: I have a question, Mr. Chairman?

THE CHAIR: Yes.

MR. CHAPLINSKY: Just to be clear, this application is for material that has already been removed from the site and we're talking about restoring some of that material, correct?

MS. SAVAGE DUNHAM: Correct.

MR. CHAPLINSKY: So I mean, in essence, if we decided against this excavation application, we would in essence be denying the restoration of the site. Right? Am I correct?

MS. SAVAGE DUNHAM: Yes.

MR. KALKOWSKI: What must be clear is we are not restoring a site to its original -

MR. CHAPLINSKY: Correct.

MR. KALKOWSKI: We are restoring the site to what this plan meets.

MR. CHAPLINSKY: Exactly.

MR. KALKOWSKI: So, let' be clear on that.

MR. CHAPLINSKY: Absolutely.

MR. KALKOWSKI: Okay.

MR. CHAPLINSKY: And, the site plan will follow which we can also address the sidewalks - a second opportunity at sidewalks at site plan. Correct?

MS. SAVAGE DUNHAM: To be clear for this commission, under SPU, which an EE is, you have broader discretion. And, the damage to the sidewalks that the Town Engineer brought up, are likely -

THE CHAIR: Town safety issues.

MS. SAVAGE DUNHAM: There's town safety issues, but they also are likely related to the hauling which was done with the heavy equipment and also with the connection to the utilities to the site. So, it would be appropriate for the commission to look at perhaps that section of the matter here and then put off the remainder or the balance of the sidewalks perhaps to the site plan. I think that would be a reasonable approach.

Certainly, town safety is very important.

MR. CHAPLINSKY: And, I even have to add, the town still has an opportunity to deal with sidewalks outside of all of this, if they deemed --- the Ordinance, the Town Ordinance.

MS. SAVAGE DUNHAM: We do, whenever we have a site plan in front of us, if the sidewalks are in poor condition, as a rule, we always have them replace it. And, that's standard operating procedure at the discretion of the engineering department with all sites.

MR. TRANQUILLO: The reason for that is that you are going to have major equipment on site. And, it makes all the sense in the world to do the sidewalks at the same time.

MR. CHAPLINSKY: Thank you.

THE CHAIR: Okay. We're looking for a motion.

(Pause)

MR. KENEFICK: I'll make a motion for approval but I don't understand the stipulations that Mary said about the waivers.

THE CHAIR: Okay. There are two stipulations that we have to act on separately as part of this.

MS. SAVAGE DUNHAM: The waivers. If you'd like to -

THE CHAIR: Sure, go ahead, Mary.

Well, we have a motion on the table. For approval. And, you want to take them one at a time, Mary, with the waivers?

MS. SAVAGE DUNHAM: The waivers should be done separately. There is a request for a waiver of Section 11-16.3A. And that is that section that says you can't do any work or tree cutting within 100 feet of the property line.

THE CHAIR: So, we'll take that first.

MR. KENEFICK: I'll make a motion to waive Section 11-16. Or whatever it is.

THE CHAIR: It's 11-16.3.A. Okay?

We have a motion.

MR. CHAPLINSKY: Second. Discussion?

(Pause)

Hearing none, Mary, would you please call the roll?

MS. SAVAGE DUNHAM:	Ms. Conroy:	Yes
	Mr. Costello:	No
	Mr. Kalkowski:	No
	Mr. Kenefick:	Yes
	Mr. Chaplinsky:	Yes
	Mr. DelSanto:	Yes

Okay. Motion carries 4 to 2.

THE CHAIR: The next one is we are looking for a waiver of 11-16.3.D. I guess that's 2:1 slopes instead --- 3:1 slopes instead of 2:1 slopes, correct?

MS. SAVAGE DUNHAM: That's correct.

THE CHAIR: Looking for a motion or a table.

MR. KENEFICK: They wanted it at a 3:1 slope, right?

MR. CHAPLINSKY: Yes.

You made a motion to approve the first waiver. And, they're looking for a second waiver of 11-14.3.D.

MR. KENEFICK: Isn't there a 3:1 slope there now?

MR. TRANQUILLO: Yes, that's what they want you to approve. That's what your motion ought to approve.

MR. KENEFICK: And, that, I am in favor of.

THE CHAIR: Okay. But we need a motion.

MR. KENEFICK: I make a motion.

THE CHAIR: A motion and -

MR. CHAPLINSKY: Second.

THE CHAIR: --- a second. Any discussion?

(No response)

Ms. Savage Dunham, please call the roll.

MS. SAVAGE DUNHAM:	Mr. Chaplinsky:	Yes
	Mr. Kenefick:	Yes
	Ms. Conroy:	Yes
	Mr. Costello:	No
	Mr. Kalkowski:	No
	Mr. DelSanto:	Yes

Okay. Motion carries 4 to 2.

THE CHAIR: Now, we are looking for the earth excavation application.

MR. KENEFICK: I'll make a motion.

MR. CHAPLINSKY: Second.

MR. KENEFICK: To approve.

MR. CHAPLINSKY: I'll second the motion.

THE CHAIR: We have a motion to approve the EE and a second. Any discussion?

MR. COSTELLO: Mr. Chairman?

THE CHAIR: Yes?

MR. COSTELLO: I am going to be voting no against this. I think this is a case where the applicant had clear knowledge of the process. In my opinion he circumvented the process. You know, in a way, this asking forgiveness instead of permission.

And, you know, I'd like to vote yes to have him put 1500 yards back. Um, you know, do we have that recourse? Is that an option for the town if this were to be denied?

MS. SAVAGE DUNHAM: It would be a legal matter. This was the subject of a violation. And, the commission is not bound to approve it.

MR. COSTELLO: Okay. Well, I just want to be on the record as saying that you know, this type of activity in town needs to stop especially with an applicant who has a clear knowledge of the process. He should have a clear understanding of the regs. Okay? That's all I have.

THE CHAIR: Any further discussion?

MR. CHAPLINSKY: Mr. Chairman? I'd like to say that I agree with Mr. Costello. I mean this is inexcusable that he did work without approval. This is just got to stop. There is no doubt about it. I agree with you.

On the other hand, I also look at what is in the best interest of all the parties. And, I think, unfortunately, a mistake was made. And, I don't approve of that mistake by any means. But also it seems as though the parties are trying to work towards an amicable solution. The affected parties.

And, I think that it's important that we support that activity and try to restore that area to the best of its ability so that everyone is in agreement. And, it seems as though the surrounding folks are in agreement.

It doesn't mean that we approve of what happened. And, for the record, I am with you 100 percent. I don't agree with it.

MR. COSTELLO: Well, I would just say that, you know, I take into consideration what Mr. Chaplinsky says but I disagree that he views this as a mistake. This was not a mistake. This is something that I feel was done intentional. So, I understand where this is going. It will be restored and hopefully all the parties are happy.

But this type of activity needs to stop. I think it's --- we have to set a precedent sooner or later.

That's all I have.

THE CHAIR: Any other discussion? Ms. Conroy?

MS. CONROY: Mr. Kenefick, would you consider adding a stipulation amending your recommendation with stipulation that the developer repair, replace the approximately 40 feet of sidewalk that was damaged --- and curb cut that was directly damaged as a result of this excavation as recommended by the Town Engineer?

MR. KENEFICK: Can we talk about that right now?

THE CHAIR: Yes. She's asking you if you want to amend the -

(Everyone speaking at the same time)

MR. KENEFICK: I thought we were going to bring this up later?

THE CHAIR: No, this is --- that's the only thing that's on for tonight. The site plan stuff ---

MR. KENEFICK: There is nothing in this --- number three and number four, about the sidewalk.

I mean, I have no problem with them repairing the 40 feet of sidewalk. That's, I mean ---

THE CHAIR: On the advice of the Town Engineer.

MR. TRANQUILLO: A safety repair.

MR. KENEFICK: What's a safety repair?

MR. TRANQUILLO: Well, he could patch it up with asphalt or whatever for safety.

MR. KENEFICK: Great. I would have no problem with the amendment.

THE CHAIR: So, Paul would have to amend his second.

MR. CHAPLINSKY: I'll second the motion to repair the areas that are damaged from the excavation, absolutely. And, you know, I'll leave it to the Town Attorney (sic) to identify to the applicant.

THE CHAIR: Lisa, was that all you had?

MS. CONROY: Yes.

THE CHAIR: Any other discussion?

Hearing none, Ms. Savage Dunham, would you please call the roll?

MS. SAVAGE DUNHAM:	Ms. Conroy:	Yes
	Mr. Kenefick:	Yes
	Mr. Chaplinsky:	Yes
	Mr. Costello:	No
	Mr. Kalkowski:	No
	Mr. DelSanto:	Yes

THE CHAIR: Motion carries 4 to 2.

Moving on to Item B.

B. Michael Meade, site plan application to construct a parking area, property of Jim and Joe LaRosa, 72 Summer Street (SPR #1570)

STEPHEN GIUDICE: Good evening, Mr. Chairman and Commission members. Stephen Giudice with Harry Cole & Son and I'm here tonight on behalf of Michael Meade.

You're all aware this property was the subject of a previous public hearing on the earth excavation. That application was for 72-74. This site plan is just for 72. It is an existing building.

This plan proposed to add a few parking spaces to the site. We're adding a handicapped parking space in this location and a sidewalk connection to the front of the building and another parking space here. We are maintaining a 12 foot driveway to the back of the building and five additional parking spaces in the back as well as a dumpster enclosure.

We are proposing a small depression at the back of the property for storm water retention. The roof leaders and the parking lot discharging into this area and discharging into a catch basin located in Summer Street.

This property is serviced by public water and public sewer.

And, this is an existing building that the owners have been rehabilitating. The site has kind of come to a standstill until we resolve the earth excavation issues. But this is the next step in the process.

The plan also contains landscaping and fencing along this area. As part of the regulations, we need to buffer this from the abutting residential properties. We have a landscaped buffer along the northerly property line --- westerly property line. And, a portion of the southerly property line.

In this area we have a privacy fence that runs the length of the parking area up to this location, approximately 40 feet. Summer Street stops the 6 feet fence because of the front yard setbacks.

The plan itself has a considerable amount of landscaping around the perimeter of the property and along the front of the building, sides of the building and around the parking area. We have numerous trees in front.

This site plan has been reviewed by staff. We've submitted revised plans. I don't know if Mary has had time to review those plans.

At this point, one of the things that seems to be a point of interest is the sidewalks. This plan does contain notes stating the sidewalks will be repaired as deemed necessary by the Town Engineer. There is a standard Town of Southington sidewalk detail on the plan as to the proposed sidewalks on the proposed site. I'm sure that the

applicant will work closely with Mr. Tranquillo to repair whatever needs to be repaired.

That pretty much covers the majority of the application. A small little shop that's going there. The zoning board of appeals has granted approval for this nonconforming use.

THE CHAIR: Mary, did you have anything to add?

MS. SAVAGE DUNHAM: All I would add is that I just passed to you a checklist from the Environmental Planner. And, Steve is correct in that we received revised plans and responses to comments at like noon on Friday. This past.

We haven't had time to review the plans and responses to comments. So at this time, staff would request a table.

MR. CHAPLINSKY: Mr. Chairman, I'll make a motion to table. I'd also like to get a copy, Mary, of the plans for the next meeting. You know, a shrunken down copy of the proposed property.

THE CHAIR: We have a motion to table.

MR. CHAPLINSKY: I'm sure the applicant will provide that to us.

MS. CONROY: Second.

THE CHAIR: We have a motion and a second to table. All of those in favor?

(Motion passed unanimously on voice vote.)

C. Michael Zommer, Special Permit Application to modify existing approval to allow removal of existing wooded hillside, 25 Old Turnpike Road (SPU #484)

MS. SAVAGE DUNHAM: Mr. Chair, I did pass around to you during the public hearing section our checklist for the SPU. There was one comment, comment number one; staff recommended if there were action on this application the stipulation that the existing dumpster enclosure must have gates installed. The original approval called for that and they don't have them at this point in time.

With regard to the application, I did provide you with a packet with the photos of the existing (inaudible). We've heard a lot of testimony tonight. They are also asking for waivers of Section 11-16.3A and B. And, they'd also like the commission to authorize them not installing the reverse bench slopes which are in the regulations, as well. So you do have a couple of waivers.

Essentially, they want to continue the same pattern of development that you have on the adjacent properties.

And, they are proposing some replanting of the bottom of the slope. Staff would just say that a landscaped buffer along the bioswale that was shown on the map, they're proposing a tree every 20 feet. So 20 foot on center. That means you'll have a 2.5 inch caliper tree 6 feet tall every 20 feet. That's not --- something for the commission to think about is they're making some middle ground between new planting along the bottom of the bioswale and perhaps that vegetated buffer. The commission may want to think about what's being proposed there and if maybe there is a --- some place in between to go. Because 20 foot on center with a pine tree and then a maple tree, it doesn't really provide much, unless you have a staggered row or two or a little closer plantings done.

Aside from that, the commission heard a lot of information and I'm happy to answer any questions that you may have. And, I would also remind you that this is also adjacent to a residential zone. So when you're acting, if you were to act tonight on the earth excavation, you also need to be cognizant of and refer back to Section 8 which is your special permit use. You need to look at all of the different criteria within the SPU section.

- Is the proposed use in harmony and character with the area, et cetera?

- You have to make a finding that this is appropriate for the residential area.

- There is a section in here that talks about protection of natural resources, environmental protection and conservation.

THE CHAIR: Including habitat and wildlife.

MS. SAVAGE DUNHAM: Which are a little more ambiguous but certainly within the purview of the commission. This is a special permit so the commission has slightly greater latitude than with a site plan.

THE CHAIR: Okay. Folks? What is your pleasure?

MR. CHAPLINSKY: Mr. Chairman, you brought up a good point a little earlier with respect to Phase I and Phase II. You know, for me, Phase II is a really tough pill to swallow. I think it adversely affects the surrounding (inaudible) that is not repairable for a long time.

You know, Phase I, possibly. But just for the record, Mary, Tony, when we --- when I was in favor of the lot next to the library, I think the town had a significant need that would benefit many people in the community in fact, primarily backed up against you know,

business that was back there. The health center. And, I think that minimal disturbance ---and some folks may not agree with minimal disturbance, but certainly more minimal than this application here especially with that second phase.

There is no interest at this point to the best of my knowledge, and just correct me, the town is not looking to be involved in this phase. You are only initial interest is in that first phase. There's no interest in what is going on in this application, correct?

MS. SAVAGE DUNHAM: This is a private application. The town is not a signature on it.

MR. CHAPLINSKY: I don't know how you guys feel. I mean, looking at the first phase, it looks like there's only about 30 feet of impacted area on the top of the hill. That backs primarily up to that Southington Public Health Center, the medical office.

THE CHAIR: You are speaking, Paul, of the ----

MR. CHAPLINSKY: First phase.

THE CHAIR: But you are talking about the phases of the earth excavation application -

MR. CHAPLINSKY: Yup.

THE CHAIR: --- coming up in a little bit.

MR. CHAPLINSKY: Yup.

MR. KENEFICK: Mr. Chairman, I don't know how the rest of you feel, but I would like to make a motion for a table. And, uh, I want to go out and walk the site.

THE CHAIR: We have a motion for a table.

MR. KALKOWSKI: Second.

(Motion passed unanimously on a voice vote.)

D. Lovely Development, Inc., Special Permit Use application for open space subdivision, property located at Pacer Lane, Assessor's Map 050, Parcel 096 (SPU #484)

MS. SAVAGE DUNHAM: Thank you, Mr. Chair. Just very briefly, I would remind the commission that the question at hand with this special permit is do you do an open space subdivision or is the property developed as approved with a conventional subdivision.

In your regulations, Section 3-07.2 talks about the intent of the open space regulation: to conserve and preserve land. Preserve land for parks and recreation. To conserve forest wildlife, agricultural, et cetera, properties. To encourage controlled flexibility of design to promote the most appropriate use of land. To provide for the efficient use of land by providing a more flexible road and lot layout. And, to provide design development of tracts of land that a street pattern and landscaping and basins and slopes and maximize optimum solar energy collection.

So those are the six purposes or intent of the open space development. Mr. Bovino provided to staff which I provided to you in your packet their statement of purposes. It is the second page in your packet memorandum.

As the commission is reviewing this request for an open space subdivision, Section E, review standard says: the commission shall review the application for conformity of the proposed development with the applicable standards of this section. And, that would be those six statements of intent.

Before approving any application, the commission needs to make a finding that the proposal accomplishes two or more of the purposes set forth herein. And, that the proposal incorporates more appropriate land use, planning techniques than a conventional subdivision and the development will not adversely affect existing or potential development of neighboring properties.

So for your deliberation is the statement of purposes and then with that the application is ready for action. If you were to support it, they would go back to wetlands and then it would be back before you for the more technical aspects of the development.

THE CHAIR: Okay. We've heard this tonight. It was part of our public hearings. We heard a slew of information. What's the commission's pleasure with regards to this application? We're looking for a motion or a table.

(Pause)

MR. CHAPLINSKY: You know, I think one thing that we need to keep in mind is that this is a private use property and most likely this property is going to be developed, one way or another. It's either going to be a conventional development or it's going to be an open space development.

I think at this point the commission has the opportunity, and again we're only looking at open space versus conventional. So we are not talking about the issues of drainage of swales. Those are things that we will talk about in the next phase and we will have an opportunity to work with the builder and the people in the community who voiced their opinions.

You know, for me, it seems as though it is appropriate that the open space provides a little bit of buffer for the people --- you know, maybe more so of a buffer.

I think it does hit on a few of the key points. Section 3-07 especially on preserving and conserving land Section A. Section C, to conserve forest and wildlife, more so, than a conventional. And, then also controlled flexibility of design. I think these are aspects that an open space subdivision gets a little bit more latitude to work with.

(Pause)

I'll make a motion to approve the subdivision as an open space subdivision versus a conventional.

MR. COSTELLO: Second.

THE CHAIR: Motion and a second. Any further discussion?

(No response)

The only thing I want to say is you know, I really appreciate you folks coming out tonight and speaking either for or against this application. I think what really rised to the top was the people's paramount concern with regards to water. And, that is often the case.

We have a wetlands commission. If this does get approved, they're going to have to go back to wetlands. I encourage all the folks that came up tonight and had specific questions with regard to the flooding and watercourses and which way the water is going to go to go to that meeting. Listen. Ask questions. That's your right.

We can touch on those things here but at the end of the day, it is the wetlands commission that has the final say with regards to all of those things. Okay? That's all I have.

Mary, could you please call the roll?

MS. SAVAGE DUNHAM:	Mr. Chaplinsky:	Yes
	Mr. Kenefick:	Yes
	Ms. Conroy:	Yes
	Mr. Costello:	Yes
	Mr. Kalkowski:	Yes
	Mr. DelSanto:	Yes

THE CHAIR: Motion carries 5(sic) 0. Good luck!

Sorry, 6 to 0. I apologize. I graduated. But not with honors.

E. St. Thomas Catholic Church, Special Permit Use application for addition to existing church building in a residential zone and to allow multiple buildings on one parcel, 99 Bristol Street (SPU #485)

MS. SAVAGE DUNHAM: Mr. Chair, this is for the intensification of a special permit use in a residential zone. And, to allow multiple buildings on one site.

The application is ready for action. Again, the commission needs to make a finding that the proposal is appropriate for a residential zone in accordance with Section 8.02.11 of the regulations.

Staff completely supports this.

THE CHAIR: Okay, folks, what is your pleasure?

MR. COSTELLO: I find that it is very appropriate for a neighborhood.

THE CHAIR: You just don't want to fight with God.

MR. CHAPLINSKY: Is that a motion?

MR. COSTELLO: I'll make it a motion.

THE CHAIR: Okay.

MR. CHAPLINSKY: I'll second it.

THE CHAIR: We have a motion and a second to approve. Can you just support that Ed with the aforementioned stipulation, but not stipulation but the aforementioned finding.

MS. SAVAGE DUNHAM: We're looking for a finding that it is --- the proposal is appropriate being in and adjacent to a residential zone.

MR. COSTELLO: Well, I find it appropriate.

MR. CHAPLINSKY: Okay, second.

THE CHAIR: Motion and a second. Any further discussion?

(No response)

Please call the roll.

MS. SAVAGE DUNHAM:	Mr. Kenefick:	Yes
	Ms. Conroy:	Yes
	Mr. Chaplinsky:	Yes

Mr. Kalkowski:	Yes
Mr. Costello:	Yes
Mr. DelSanto:	Yes

THE CHAIR: Motion carries 6 to 0.

F. St. Thomas Catholic Church, site plan modifications and parking improvements, 99 Bristol Street (SPR #1575)

STEPHEN GIUDICE: With Harry Cole. I'll just be brief as it is getting late.

Our application tonight is for ST. Thomas Church is a mostly parking lot modifications and we are proposing a small 800 sf addition to the back of the building for an entry way.

St. Thomas Church contacted us about modifying their parking areas and trying to streamline traffic flows through the property. And, we have come up with a couple of different scenarios that they considered. The plan you see before you is the one they ultimately decided to move forward with.

The application maintains the same number of parking spaces on site; however, we are eliminating some impervious areas. We are changing one of the curb cuts to an exit only. We're modifying the -

(End of Tape #2, Side B)

(Beginning of Tape #3, Side A)

(Continuing)

We are moving all the handicapped spaces to better locations. Providing sidewalks and crosswalks throughout the site. We have a raised crosswalk at this location for pedestrians to enter the school. A lot of thought went into the safety of how traffic flows, buses and cars are going to come into the site of the school. School activities was our main focus for traffic and how things function on a daily basis.

There is also improvements to drainage. Luckily, we are actually reducing the impervious area on site so ZIRO was relatively easy to handle. We are adding catch basins where need be. Piping. We're proposing replacement of the sidewalk along the frontage of the property. So, overall, what we are doing is nothing but improvements out there.

We are also proposing quite a bit of landscaping to the site. It will be or make the site very nice when it is done.

We did receive comments from staff. Nothing earth shattering. We felt they could easily be addressed with some revisions. We'd like to move forward with it. Mary can comment further.

THE CHAIR: Mary, do you have anything to add with regards to this application?

MS. SAVAGE DUNHAM: Staff did receive revised plans or we did review the plans. We provided a checklist July 2nd. I just passed it out to you. Most of the comments on there are more construction feasibility comments. It's a fairly minor project with some demolition. So, although there are, I think, 18 comments, there is nothing earth shattering there. They're all very --- constructability related.

Also, there is a checklist from the health department attached and that is dated June 21st, 2010.

In our opinion, although there may be a number of comments, they could very easily be stipulated and worked out after any approval by the commission.

MR. GIUDICE: We're just behind schedule with this project. We are looking for you to consider a motion ---

MR. CHAPLINSKY: When are you going to start?

MR. GIUDICE: We'd like to start as soon as possible.

MR. CHAPLINSKY: When is that?

MR. GIUDICE: They've already --- they're interviewing three contractors on Thursday night. So, I would say within the next two weeks they'd be starting.

UNIDENTIFIABLE: They got started already out there.

MR. CHAPLINSKY: We are not going to have a meeting for -

MR. GIUDICE: That's my concern. You're not going to have a meeting until August.

THE CHAIR: What is your pleasure?

MR. KENEFICK: Anything they do there is going to be an improvement. So --- you need a road map to get through that parking lot now.

THE CHAIR: Speed bumps.

MR. CHAPLINSKY: Motion to approve with the stipulations contained in the Planner's memos.

THE CHAIR: We have a motion --

MR. CHAPLINSKY: And, the health department.

THE CHAIR: We have a motion with some stipulations.

MR. COSTELLO: Second.

THE CHAIR: Motion and a second. Any further discussion?

(No response)

Hearing none, Ms. Savage Dunham can you please call the roll?

MS. SAVAGE DUNHAM:	Ms. Conroy:	Yes
	Mr. Costello:	Yes
	Mr. Kalkowski:	Yes
	Mr. Kenefick:	Yes
	Mr. Chaplinsky:	Yes
	Mr. DelSanto:	Yes

Motion carries 6 to 0.

G. Format, LLC, Gerald Rediker, Michael and Linda Zommer and Southgate Management, LLC, Earth Excavation application for the removal of 46,600 cubic yards of material, property located at 301-303, 319, 323 Main Street, and 25 Old Turnpike Road (EE #130.1)

MS. SAVAGE DUNHAM: Because you tabled the SPU, you can't take any action on this.

THE CHAIR: So we are looking for a motion to table.

MR. KENEFICK: Motion to table.

MR. CHAPLINSKY: Second.

THE CHAIR: We have a motion and a second to table.

(Motion passed unanimously on a voice vote)

H. Hawk's Landing Country Club, site plan application for year round use of existing structure and 1,050 square foot addition, 201 Pattonwood Drive, SPR#1533.2.

MR. GIUDICE: Mr. Chairman, Stephen Giudice with Harry Cole & Son. This application was before you for a couple of weeks now. And, we think we've finally got everything in order now.

Really, we had a site plan or SPU for year round use of the pavilion. Site plan you have before you is for the addition. This addition to the pavilion and installation of a septic system with restrooms.

I know that the health department --- we make a design for septic systems and there is certain functions that we use in the health code and we have a safety factor in there. I spoke to the health department about this on Friday. They felt that to change the system to a 40 inch concrete galley would give us more volume. So we were supportive of this modification to the plan. It is nothing that we weren't expecting to hear from the health department.

But other than that, I think the health department's content with the revisions that we made to the site.

We are proposing a grease trap as part of our plan. And, um, patio, sidewalk and the proposed addition.

We also are proposing street trees and moving the dumpsters into the enclosure in the parking lot and so on.

But I think we're ready and in pretty good shape.

MS. SAVAGE DUNHAM: The application appears to be ready for action. Staff would recommend stipulating the July 1, 2010 Health Department Memo.

THE CHAIR: Some information. We're looking for either a motion or a table of this application.

MR. CHAPLINSKY: Motion to approve with the Health Department Memo dated July 1, 2010.

MR. KALKOWSKI: Second.

THE CHAIR: We have a motion and a second. Any further discussion?

Mr. Costello?

MR. COSTELLO: I seem to remember some concerns about traffic. They should have a stop sign. I know it's a police issue. Does anyone have any knowledge of anything that was done with that to address the concerns of a few of the neighbors with the volume of traffic going in?

MS. SAVAGE DUNHAM: No action was taken that I am aware of. The traffic was considered during the --- for the commission under your SPU. And, that would be the time that we could probably do something.

Staff did not take any action on that. And, I recall many of the neighbors getting up and saying that they supported the application. I don't recall that we had a specific referral to me. Okay? So no action was taken on behalf of staff.

MR. GIUDICE: I think that actually someone asked for a speed bump.

THE CHAIR: Yah, I'm not too sure they're going to work.

MR. GIUDICE: We weren't changing the capacity of the parking area, so really no use, the SPU was going to be for year round and they still expected the same amount of people to be using it. They're not really increasing the capacity of the pavilion, either. We're putting in restrooms and the seating capacity will remain the same.

THE CHAIR: Any further questions or any further discussion?

(No response)

Hearing none, Ms. Savage Dunham would you please call the roll?

MS. SAVAGE DUNHAM:	Mr. Chaplinsky:	Yes
	Mr. Kenefick:	Yes
	Ms. Conroy:	Yes
	Mr. Costello:	Yes
	Mr. Kalkowski:	Yes
	Mr. DelSanto:	Yes

Motion carries 6 to 0. Good luck!

MR. GIUDICE: Thank you very much.

I. Request for approval under Section 8-24 for the sewer easement on Mill Street regarding the Farmstead/Mill Street interceptor project (MR#450)

MR. TRANQUILLO: Mr. Chairman, we have negotiated with the property owners and come to an agreement on the purchase of the easement. They'll run from Mill Street northerly to Applewood Road. We recommend --- also recommend them to you.

THE CHAIR: We're looking for a favorable or an unfavorable recommendation for an 8-24.

MR. CHAPLINSKY: Motion to approve.

THE CHAIR: We have a motion to send back a favorable 8-24.

MS. CONROY: I'll second that.

THE CHAIR: Motion and a second. Any further discussion?

(No response)

Hearing none, Ms. Savage Dunham, please call the roll.

MS. SAVAGE- DUNHAM:	Mr. Chaplinsky:	Yes
	Mr. Kenefick:	Yes
	Ms. Conroy:	Yes
	Mr. Costello:	Yes
	Mr. Kalkowski:	Yes
	Mr. DelSanto:	Yes

THE CHAIR: Motion carries: 6 to 0.

J. Mt. Southington, site plan application for installation of new equipment, 396 Mount Vernon Road (SPR #1574).

SEV BOVINO: Sev Bovino, Planner with Kratzert, Jones representing the applicant on this matter.

THE CHAIR: It's 119 degrees and we're talking about snow. Perfect.

MR. BOVINO: Well, we've got to be prepared.

(Chuckles)

Um, on this map, Mount Vernon Road is located to the right of the map. This is an existing facility right now. It's basically a T-bar. All the equipment is there. The power is in place.

And, the proposal is to put one of those people movers like you see in the airport. Instead of having the T-bar, children can just stand on this belt and be taken to the top and they would then come down.

So, that's really the proposal. There's not going to be any change to any of the equipment in terms of power and the location of the equipment.

But there is a wetlands application because we need to cross an existing ditch. The location of the activity is shown here in this square, rectangular shaped area. And, in general, here is the current

facility. The restaurant area is here. And, this is the area where everybody goes to take (inaudible) over here.

Just to give you a general idea of where it's located. It's in the lower southerly portion of this project.

MR. CHAPLINSKY: Can you show us exactly where that is one more time?

MR. BOVINO: It's right in this area here surrounded by the rectangular area. It's the southerly portion of the property. You have one lift over here and then you have the T-bar at this location.

You come at this location where the office is and the gate area is here. You would travel south to come to this area here.

The pond area is here just to give you a sense of where it's located.

THE CHAIR: Okay. What is the pleasure of the commission?

Mary, do you have anything to add?

MS. SAVAGE DUNHAM: No. It's before wetlands right now. So it's on for presentation and a table.

THE CHAIR: Okay. So we are looking for a motion for a table.

MR. KENEFICK: Move to table.

MS. CONROY: Second.

(Motion passed unanimously on a voice vote.)

K. High Ridge Industries, LLC, release of \$5,000 bond in lieu of site plan compliance, 125 West Queen Street (SPR #1510)

MS. SAVAGE DUNHAM: Staff supports this.

MS. CONROY: So moved.

MR. CHAPLINSKY: Second.

(Motion passed unanimously on a voice vote.)

L. Unique Builders, release of \$4,100 erosion and sedimentation bond, 79 Interstate Park Drive (condos) (SPR #1323).

MS. SAVAGE DUNHAM: Staff supports this.

MS. CONROY: So moved.

MR. KALKOWSKI: Second.

(Motion passed unanimously on a voice vote.)

M. Dan Michaud, request for release of \$4,000 erosion and sedimentation bond, the Meadows Condominiums (SPR #1450).

MS. SAVAGE DUNHAM: Staff supports this.

MS. CONROY: So moved.

MR. KALKOWSKI: Second.

(Motion passed unanimously on a voice vote.)

N. S. Carpenter Construction Co., request for release of \$47,000 subdivision bond, Strawberry Fields S #1259.2)

MS. SAVAGE DUNHAM: Staff supports this.

MS. CONROY: So moved.

MR. KALKOWSKI: Second.

(Motion passed unanimously on a voice vote.)

O. Ridgeview Estates, request for one year extension, 1985 West Street (SPR #1360.2)

MR. KENEFICK: Why do they need a one year extension? I thought they were moving along and everything is going to be done.

MS. SAVAGE DUNHAM: They have been moving along. The site plan, they get five years and then they get another five years. Because there was some issues out there, the commission initially granted them three months and then you granted them a year. So we wanted to keep them on a short leash. And, we had only given them a year.

And, that year is now approaching expiration. They'd like to have another year. I don't know if any of the commission has been out there lately, but they've done a great deal of work out there addressing drainage concerns and buffering.

I know, I've inspected the property. Tony, have you been out there of late? I know Mr. Grappone has.

Staff is supportive with how the property is on both boundaries. We support the extension.

I would support an extension for the remainder of the time but they are asking for one year.

MR. KENEFICK: How is the wall coming?

MS. SAVAGE DUNHAM: The wall is done.

MR. KENEFICK: It's all finished?

MS. CONROY: Do you think they need a year to finish up?

MS. SAVAGE DUNHAM: Well, they still are doing site work. They still have two open foundations. So, they probably will go to the end of their ten year period. I mean I think that just depends on construction.

Charlotte, you can step up to the microphone.

THE CHAIR: Charlotte, if you can, just come on up and give your name and address for the record.

CHARLOTTE GOLDBLATT: Sure. Charlotte Goldblatt, 120 Cora Lane, Orange, Connecticut. I am a partner in Ridgeview Estates.

And, we just turned half way. We sold our 30th unit. Which in this economy, we've been very happy with. And, we've been working hand in hand with staff to try and accommodate in every way. The site looks really, really good.

THE CHAIR: What's your pleasure?

Commission?

(Pause)

MS. CONROY: Move to approve Ridgeview Estates request for a one year extension.

THE CHAIR: We have a motion.

MR. CHAPLINSKY: Second.

THE CHAIR: And, a second.

Any discussion?

(No response)

Hearing none, call the roll, please, if you don't mind.

MS. SAVAGE DUNHAM:	Mr. Chaplinsky:	Yes
	Mr. Kenefick:	Yes
	Ms. Conroy:	Yes
	Mr. Costello:	Yes
	Mr. Kalkowski:	Yes
	Mr. DelSanto:	Yes

THE CHAIR: Motion to grant the one year extension is approved 6 to 0.

MS. GOLDBLATT: Thank you.

THE CHAIR: Good luck!

P. Automaster, 1217 Queen Street, discussion of calling of bonds, SPR #1548.

MS. SAVAGE DUNHAM: Yes, Mr. Chair. This matter is on the Agenda for discussion. Basically, in brief, this application originated out of a violation about a year and a half ago.

The applicant was ordered to do a number of things and has been working diligently to do so. And, included in those items were connecting the gutters to the downspouts, obtaining building permits, screening the dumpster, restoring some disturbed floodplain/wetlands are with loaming and seeding.

Now, there was some floodplain filling that occurred. This application was to do some restoration. And, normally, we wouldn't be sitting here and talking about that except that the applicant also has a side venture going on in that he's a landlord. So he has tenants coming in and wanting to open up businesses in his building.

The Town typically does not sign off on things on a site with active violations. We've been working with his tenant to help them go along and get open.

And, in the same vein, the applicant has been working with the town to go ahead and remedy his issues. The only thing that is outstanding at this time is pulling back some fill from the floodplain and wetland area and basically digging out a swale which is floodplain mitigation. The back portion of the property is floodplain. He's done some floodplain filling. Flooding is a big issue in town.

It is kind of a technical matter. So I will tell you that staff has been going out to the site and working with the applicant. And, in fairness to the applicant, he's been doing a lot of work himself. So, we are in a position now where the only thing that's outstanding from staff's perspective is the finalizing of the swale and we've kind of hit an impasse.

We felt that it was important to have a conversation because the last time staff went out to inspect the site; we observed that there actually was more fill extended further into the floodplain in the wetland area. There's a garden installed the stream bank which is in the upland review area. You know, staff didn't say anything about that.

The dumpster screen is a little irregular. We're trying, you know, our main focus is this floodplain mitigation. We really have let a lot of things, I don't want to say go, but we have taken a more relaxed approach to a lot of items.

So, we have a \$1500 bond. And, you know, at this point, we don't particularly want to call the bond. But the last thing that is needed to do is about two or three hours of work. Just finish this. Plant some grass seed and it's done.

The town's interest is having this done before the next flooding season, if possible. And, then that would resolve our issue of signing off on COs for units in the building where there is active floodplain and wetlands violations because we try to treat everybody the same way. And, staff and the commission typically takes a hard line for floodplain filling issues.

So, we brought this to the commission. The applicant is here. Mr. Tranquillo was on site today for an inspection and talked to the applicant. So, that's where we are at.

THE CHAIR: Tony, can you speak a little bit on your observations today and your discussions with the applicant?

MR. TRANQUILLO: Yes, I was able to go on site just in preparation for this meeting and just to get a view of what the property looked like. The major issue is the floodplain filling in the back of the property.

The applicant said that the previous owner had filled that in and it was not him. And, I told him well, that's immaterial. When you bought the site, you bought the site plan that was approved with it. That showed that area being excavated for flood storage and it's not there now. So I think he understands that he has to do something with that.

At parting, we decided that we would meet as a group ---the town staff and him as a group - on site and go through the issues and try to resolve them.

THE CHAIR: Are you confident that you'll be able to come to some sort of resolution with this?

MR. TRANQUILLO: I believe so.

THE CHAIR: Does the applicant know ---I'm sorry. I'm taking over here.

Does anyone have any questions?

MR. KENEFICK: You're doing all right.

MR. TRANQUILLO: One of the comments that the applicant made was that he's not a Planner, he's not an Engineer, he's not a Commissioner. And, he didn't know what needed to be done.

And, just sending him checklists, he said, just confused him. So, that's when I suggested that we meet on site and try to - -

THE CHAIR: Now he knows what he has to do.

MR. TRANQUILLO: -- tell him what needed to be done and discuss the issues and try to come to a resolution.

MR. KENEFICK: Two quick questions. The fill has got to be removed then?

MR. TRANQUILLO: Yes.

MR. KENEFICK: How many, how much has to be removed?

MR. TRANQUILLO: Well, I don't know without taking some survey instruments out there, I'm not sure.

MR. KENEFICK: Well, Mary said there's like two or three hours of work.

MR. TRANQUILLO: I think it's more than that. I think it is more than that. But I can't quantify it here.

MR. KENEFICK: That, the fill that's there can't be put any other place? It has to be removed off site?

MR. TRANQUILLO: From the back of his building easterly, he's all floodplain. So, if he excavates it there, he has no place to put it. It's probably going to have to come off site.

MR. CHAPLINSKY: Correct me if I'm wrong. Fran or Tony, I think if you go to the back of the parking lot, um, there is an area that looks you know, relatively flat. Um, maybe it pitches a little bit towards the wetland.

I think what, you know, upon review of the plan, it looks like it needs to be I guess a north to south swale that goes kind of near that back parking lot, parallel to the parking lot and towards the wetland that allows for, you know, water comes up and captures it into that area versus the entire flat area, you know, into the parking area.

So, it would capture that in the swale and allow it to come back into the wetlands in a more natural fashion.

The question I have is, and I've visited the owner a week or so ago, um, and you know, I think what you're doing is a very good thing. Going out - and I know we've been to the site before - but I think this is an area where you know, we always find ourselves juggling how much do we consult with owners and applicants and you know, what is exactly our duty as you know, or maybe your duty as staff to um, how deep do you go? Right.

I think that this is a good thing, area that we need to work with the applicant and we need to find things because we have to recognize that everybody does, you know, some people do things on their own. So I think some people need a little bit more information from staff to clearly delineate what needs to be done.

In this case, it was a little bit, you know, confusing to me when I looked at the file because I looked and I recall last year we had a - we had an application before us and you know, upon review of the Minutes in either April or May, we clearly talked about what needed to be done on the site. And, we delineated three specific stipulations that needed to be done like planting shrubbery, um, erosion control. We talked about specifically planting grass.

And, I didn't see any specific mention and I think this is where the applicant in my perspective had a little bit of a problem was you know, maybe not knowing all of the rules and regulations at the last meeting he saw three stipulations. And, said, oh, that's all I've got to do. And, maybe not realizing that the site plan from years prior had that swale in it and for you know, for whatever reason and maybe it's clarified why we didn't stipulate that upon the last, you know the last approval process.

I think it caused a little bit of confusion and little you know, do I need to do it still? Do I not need to do it? I think --

MR. TRANQUILLO: Well, actually, in terms of the staff, sometimes it's difficult to tell if the applicant is just not knowledgeable about the issues or just being difficult. We do have many applicants that are just being difficult. They don't want to do it or don't want to spend the money. They don't understand the significance and the importance of it. And, in some cases it's just a lack of understanding.

So, I am hoping that if we have a field meeting with the gentleman, that he'll have a better understanding of what our function is, what our role is and what is important to the commission.

MR. CHAPLINSKY: I agree with you one hundred percent. And, I'm not, you know, I think what you're doing is right. I just want to --- you know, when you are a person who may not be as familiar with the

process and there's three bullet points that are laid out and you know, that's the approval for the site was based on those three bullet points, in writing, and none of them talked about a swale. It just adds a little bit of confusion.

I think we're taking a good step forward by meeting with the applicant and talking about, you know, how we can bring the site up to speed.

MS.SAVAGE DUNHAM: Just for the commission's --- we only stipulate things that aren't on the map typically. So when someone submits an application with a map, we stipulate things that aren't shown yet. Items on a checklist that weren't done, yet. Things that the commission specifically wants.

The map is a legal document. When that is submitted with your application, if the map is fine, we don't have any stipulations. That map is what we inspect to.

That's why the floodplain restoration wasn't stipulated to. It was called out on the plan. It was called out on the staff checklist. Restore the rear area, loam and seed it. Right in the staff checklist in the Minutes, it says applicant agreed to it.

But I do agree for the non-savvy developer that may be kind of a more finesse point than for those that look at it all the time.

And, just for the record, staff is willing to meet with the applicant on site again. But I will tell you we have done this a number of times already. Certainly, definitely willing to do it again.

We would prefer to just have the site resolved. And, if the applicant is willing to do it, that's fine. But it needs to be resolved his growing season. Ideally.

MR. CHAPLINSKY: Can we reduce the details of that discussion in writing and copy the commission.

MR. TRANQUILLO: Yes, we will.

MR. CHAPLINSKY: That'll be good.

THE CHAIR: Mr. Costello had a comment. Please?

MR. COSTELLO: Mary's statement kind of brings me to my next statement which is, or questions, actually. Based on what you've seen there, does the applicant have the technical expertise to carry out the work? I mean, there is a difference in staff explaining what needs to be done and explaining how to do it.

I mean, is this swale 400 feet long with a half a percent on it? Because, I'd have a hard time doing it.

MR. TRANQUILLO: No. Actually, it's not that critical. As a matter of fact, the applicant himself told me, applicant told me that he's already sought advice from an engineer.

MR. COSTELLO: Okay. That was my next plan. I mean, I want to try to help small business and I give him all the credit that he's due to try to pull it off himself and save a few dollars.

But it does get to a point where these things linger on. Floodplain filling is very serious. And, if he doesn't have the technical expertise to take care of it, he's going to have to pay someone to do it.

MR. CHAPLINSKY: I don't think we can make the determination who has and who has not the technical expertise. And, I don't think we should go that far. I think we need to put it in writing clearly so that everybody understands and how the applicant does it, is the applicant's (inaudible). We can't make judgments on who is technical and who is not.

MR. COSTELLO: You may be right. But we can also just stop and pull the bond. And, then we'll have someone with technical expertise

MR. CHAPLINSKY: It is not accurately in writing right now.

MR. COSTELLO: Okay. But, it still goes to my point that I want to help people. But if it lingers and it's a violation and they're trying to do it themselves, sometimes it doesn't work. And, that's my point.

MS.CONROY: We have four weeks until the next meeting. That seems like given all the prior conversation that staff has had with the applicant that that would be plenty of time to determine whether it would be done or not. And, maybe at that point, have this on the Agenda again for calling the bond if there isn't any progress made.

THE CHAIR: What's the bond?

MS. SAVAGE DUNHAM: The bond is \$1500.

THE CHAIR: Will 1500 bucks cover what needs to be done over there?

MS. SAVAGE DUNHAM: Barely.

MR. KENEFICK: It doesn't sound like it.

MS. SAVAGE DUNHAM: Barely. But the bond was set low as another accommodation for the business owner.

THE CHAIR: Okay. So everyone in the room here knows what has to be done.

MR. KENEFICK: As long as the applicant knows that.

THE CHAIR: You know something? Harry? Why don't you come on up here? And, get up to the microphone.

FROM THE AUDIENCE: Can I also talk?

THE CHAIR: Just the applicant if you don't mind. He's over 18, right?

MR. TERDIGIAN: I'm a mechanic to be honest. This is not my best thing.

THE CHAIR: And, I understand that. And, that's the point we're trying to make here, okay?

Mr. Tranquillo came out to your property today.

MR. TERDIGIAN: Yes, he did.

THE CHAIR: Okay, and you guys had a little discussion?

MR. TERDIGIAN: A little bit. Not in detail. Just a little bit.

THE CHAIR: Okay. So, he's going to meet with you again with other staff members.

MR. TERDIGIAN: Right.

THE CHAIR: To go over exactly what needs to be done.

You can do one of two things: take the information and hope that you remember it and figure out what he's trying to tell you to do or have someone with you that can help you do it. Because we understand your plight as you are not an engineer and you are a mechanic. And, I am not a mechanic. I wouldn't go in your shop and tell you how to fix a carburetor as I do not know what I'm doing there.

So, if you don't know what he has explained to you, our advice to you is to get someone. An engineer or a surveyor or someone or an excavator that could take the information that we are providing to you to get this done.

Because we don't want this to go on any further, either. We want to keep you in town. We want to make certain that you are going to

continue to thrive as a business and be a good neighbor here in Southington.

But you have to understand where we are coming from, as well. If the work doesn't get done, then we will have no other choice but to pull the bond and do it ourselves.

MR. TERDIGIAN: I understand everything that you're saying.

THE CHAIR: Okay.

MR. TERDIGIAN: Here's the thing. I never heard about this, this, um, swale, until about a week and a half ago. That was the first time I heard anything about it. No one from the department of engineering came down and said, Harry, this is what you need to do. Nothing. Not on the list.

THE CHAIR: But you know now that this has to get done.

MR. TERDIGIAN: I do. I do. The trouble is money. Just -

THE CHAIR: I understand completely.

MR. TERDIGIAN: You know, I'm a business owner struggling and barely making it. I can't hire Sev to constantly come and pay him you know, X amount of dollars. As it is, I bartered with him to be honest. He's helping me out. I don't have the funds.

THE CHAIR: I understand that. But there is some work that has to be done on the site and it needs to be done more than just a couple of shovels and some family members.

You need some equipment out there. And, maybe an excavator or a backhoe or truck to haul some stuff away.

So we are going to provide the information to you. It's your obligation to make certain that when you get that information you know exactly what you have to do.

MR. TERDIGIAN: Right. I have cooperated --

(End of Tape #3, Side A)

(Beginning of Tape #3, Side B)

THE CHAIR: My advice to you and I can't tell you what to do. I can't give you legal advice either because I am not an attorney is to get yourself someone there with you at the meeting. Either an excavator or someone that's in the business or an engineer that understands that we are trying to tell you to do.

MR. TERDIGIAN: Well, as of now, I kind of know what you're trying to tell me. There's a problem. My taxes just came in and they're

about \$15,000. Do I pay that? Do I pay an excavator? Do I pay my mortgage? What do I do?

THE CHAIR: Well, I can't answer those questions for you, Harry.

But I do know that if we don't come to some sort of a swift resolution to this before the flood season begins, we can't flood rivers for what you have over there.

SPEAKER: Michael, thank you and Mary for pointing out that we show faith in trying to come up with a resolution. We used our resources and means available to get done with family members. This is an undertaking that's a bit larger a bit more of a financial hardship.

And, like Harry is saying, \$15,000 due on taxes. How do we allocate our resources at this point?

We had five years to work with the original list, the three things on there. We showed good faith and did it within a year and a half. But this is a bigger project and we're under the gun right now financially. Business is not walking through the door. You know what the economy is like right now.

We're just asking for more leniency and especially more time, if you'll work with us. From our standpoint, we bought the business two years ago. This place has been as is for years. And, we haven't seen any signs of flooding or any, that we know of, complaints in the area. So, when this came up a week and a half ago, it totally caught us off guard. We were kind of taken back by it.

MR. CHAPLINSKY: Mr. Chairman, if I may? A couple of other things of interest for the applicant and for Tony.

For the applicant, I think you guys you know, we have a number of businesses that but up against floodplain with the river that we have going through town. And, I think it would be good for you guys to get copies of portions of the regulations that deal with floodplain. You know, just simple things like you know, a garden in a floodplain could be a violation although it doesn't seem as though it's a big deal. At least you guys have some of that information so that if you have --- so you know, you armed with it and you can read through it at your leisure so that as future issues come up, you'll know, at least whether you need to ask more questions, or not.

I would just encourage Tony, when you go out, you know, things that we might overlook, the details - for example, I know it was said, but your entire back of your property is floodplain. So, as you move material and create that swale, you can't just put it in another part next door to it. You know, right next to it. You've got to actually take it out.

I think we need to be clear on some of those things.

MR. TRANQUILLO: One thing I'd like to add, Commissioner. You know, the applicant is saying they don't feel they created any flooding problem, but the commission knows, the staff knows, many people in town know of all the problems we have along the river.

THE CHAIR: Absolutely.

MR. TRANQUILLO: It's not one person that creates the problem. It's a conglomeration of people.

MR. CHAPLINSKY: Absolutely.

MR. TRANQUILLO: Everybody fills a little bit and pretty soon the problem gets a lot worse.

As you probably have seen, Queen Street floods more often now. Why? Because Plainville didn't have good regulations for years and years.

MR. CHAPLINSKY: They're right by your area.

MR. TRANQUILLO: A lot of the water is coming down the river, it comes from Plainville. And, the lack of controls. And, that is not your fault. It's not our fault. But we have to live with it. So that means we have to do a better job of protecting our floodplain. That's what it all boils down to.

MR. CHAPLINSKY: And, the other thing, Tony, is I don't know, once the job is done, how do you ---you also may want to stipulate that the applicant, what do you need from the applicant to show that it's been done and done properly.

MR. TRANQUILLO: Ordinarily, we would ask for an as-built. That's fairly simple. So we'll just probably verify it ourselves, our own crew. Save him some dollars.

MR. CHAPLINSKY: I would say that you put that in writing so that we ---you know, everybody'd clear.

MR. TRANQUILLO: It's only a matter of an hour of our time, so we may go out with the survey crew and take a few shots and make sure they've excavated deep enough. But ordinarily, we would be asking the applicant to supply an as-built for us.

MR. CHAPLINSKY: So instead of - you know, somebody like Sev going out and you know surveying it for you and charging, it sounds like the Town is willing to put forward and do an inspection themselves.

MR. TERDIGIAN: We appreciate anywhere we can --- (inaudible).

THE CHAIR: Okay, so between now and our next meeting, you should be having a meeting with staff. Staff will be in contact with you in regards to that meeting.

MS. SAVAGE DUNHAM: Hopefully, maybe later this week or first thing next week --- as soon as you want. Call us tomorrow.

MR. TERDIGIAN: I'm always there so whenever is good for you guys.

THE CHAIR: Okay, guys.

EVERYONE: Thank you.

THE CHAIR: Good luck.

Q. Northstar Centers, LLC, Executive Boulevard South and Lowe's property, discussion of calling of the bonds SPR #1461.

MS. SAVAGE DUNHAM: Yes, Mr. Chair. I put this on for discussion. I have copied you on a couple of correspondences that I've sent out. Just in brief, the north plaza, there is some unstable piles of dirt. They were at one point covered. And, now the tarp is kind of flapping in the breeze. It's unsightly. We received complaints about it.

The fence around that north plaza used to have a green mesh on it. The green mesh is ripped and deteriorated.

There is a gate that sometimes is open. There are some bare areas of soil underneath the sign there where there was some parking. There is some spot speeding and loaming.

There is the matter of the access drive behind Lowes, heading down to the sanitary sewer manholes. Those or that was supposed to be treated with process. It's not. It has vegetation which is about 2 feet tall.

The matter has been ongoing for over a year. And, we were almost at the position where we had it done as far as the access drive. We kind of did a little trade off. We'll work with you here if you guys can do this kind of thing. And, then the engineer that had the deal with us left the company. And, then nothing's happened.

I did send out those two correspondences in hopes that they would get it and say hey, let's give the town a call. Just typically I just have to send out a letter like that and somebody will call me up and say hey, what can we do? Let's work together. I haven't gotten that call, yet.

I wanted to discuss this with you briefly at this meeting. Between now and the next meeting I am going to actively try to track down the responsible party. If I still don't have a resolution by the next meeting, then unfortunately, we may recommend calling some bonds because again we need to have the vegetation or the stabilization in place prior to the winter. And, I hate to talk about the winter, but really we have one meeting in August and then if we were to do the work we'd have to go quotes and mobilize. It's not a fast undertaking.

THE CHAIR: You send like a certified letter to prove that they got it or maybe the company's out of business. What's the story?

MS. SAVAGE DUNHAM: I am not sure. I am going to give them a call personally. I mean, I think they've worked well with the town in partnership so I certainly want to give them every opportunity to resolve the matter.

I don't know if personnel has just left and maybe the letters are just sitting there. So, I need to do a little more work but I wanted to bring the subject up to the commission.

THE CHAIR: Okay. Any other discussion with regard to that?

MR. KENEFICK: Reminds me of another place in town that looks terrible.

(Chuckles)

MR. TRANQUILLO: Care to tell us?

MR. KENEFICK: No. I - I'll pass over that.

Mary's right. I mean, it is unsightly up there. The canvas is all torn. It's all ripped up and there is no need for that.

THE CHAIR: No.

MR. KENEFICK: I just hope there's enough bonding in place so if this guy does (inaudible) what're you going to do?

MS. SAVAGE DUNHAM: We do have a substantial amount of bonding. We have a lot of money up there.

MR. KENEFICK: What would you do that? Just grow grass on it?

MS. SAVAGE DUNHAM: I would talk to the engineering department.

THE CHAIR: Resources.

MS. SAVAGE DUNHAM: I'd probably do the cheapest thing possible first which would be to cover it. If we thought the site was

abandoned, then you take more aggressive steps. But right now we just want to cover it.

(Undertone comments/chuckles)

THE CHAIR: What's that? Oh, please, Paul?

MR. CHAPLINSKY: We received, well, two things. I have an update on the ---

THE CHAIR: We're going to get to that.

MR. CHAPLINSKY: Can we do the --- do you want to talk about what's in our packet?

THE CHAIR: Yah, the Washington Concrete thing didn't make it to the Agenda. Was that rectified?

MS. SAVAGE DUNHAM: Oh. I took that off the Agenda. It was a similar matter. But I sent out the letter. I didn't actually get any phone call but I did drive by the site last week and I saw that the excavator had been removed from the site.

THE CHAIR: Okay.

MS. SAVAGE DUNHAM: So, I took that as an act of good faith by the applicant. I asked my staff to touch base with them and just ask them to do a little more seeding out there.

THE CHAIR: Okay.

MS. SAVAGE DUNHAM: And, so that is why we took that off because we saw some action. We didn't want to be punitive.

THE CHAIR: Okay.

MS. SAVAGE DUNHAM: If they're working with us.

MR. CHAPLINSKY: In the May 20th letter, what is --- can you give us some specifics on --- it looks like the second sentence. "In addition a special permit use approval for this property has been declared null and void".

MS. SAVAGE DUNHAM: Yes. They had a special permit. In the I-1 zone, outside storage display is SPU. SPUs are valid for one year. You can get a one year extension. If it is not put into effect by then, it's null and void.

Their SPU stipulated that they had to build the building before they could start storing material because the commission was concerned about the aesthetics of the site. That never happened. The time line went by. So now it is null and void.

MR. CHAPLINSKY: So basically their timing ran out.

MS. SAVAGE DUNHAM: For the outside storage. The approval for the building is good for five years. And, if they decided they wanted to come forward and do the rest of it, they would simply make new application and have another public hearing and go through the commission.

MR. CHAPLINSKY: Another question for you. With respect to --- with respect to erosion control and the dusting, you know, it says that if the site is not (sic) disturbed for greater than 30 days, it needs to be stabilized and then you know, vegetation.

How do we, how do we determine whether there is activity going on there within that 30 day period? I mean -

MS. SAVAGE DUNHAM: Well, we are out there all the time because we're inspecting other construction sites. So, I will tell you that me or my staff or Tony's staff who we work closely with, we're on the road all the time. I drive out there all the time.

The state guidelines for erosion and sediment control state clearly that if a site or an area is disturbed for greater than 30 days, it must be stabilized. You have one month. Unless like the BJs site. They're working, they're working.

In this particular Washington Concrete site, they applied for a permit for a sewer lateral I think two years ago. I don't think that lateral has ever been put in. The site is all churned up. The soils out there in Strawberry Fields subdivision are very fine soils so when it becomes dry and windy, you get the dust clouds blowing up there. So dusting is a big concern by the Jensen's Community. Some of you on the commission for a while I'm sure have heard them speak to that out there.

So for us, as we see the site churned up with the equipment being on it and not moving it over a year and the weeds were growing up by the treads and we saw it for quite a while and we were, you know, quite honestly, we have other things going on and we're not out looking for things. After over a year, coming into another construction season and now the site next to AES is being developed. That's going to be an active dusting concern.

We have this other site that's not stable for any good reason. You know, I mean, we have these regs. We don't go around town looking for things. But at a certain point, you have to take a proactive step.

MR. CHAPLINSKY: Is there --- is there an active --- well, I guess, if they're actively you know, bringing --- I guess, my

understanding, they (inaudible) that property some. And, you know, grade it as they're filling it.

If they're actively doing that, they don't to provide, they don't need to put vegetation control on that?

MS. SAVAGE DUNHAM: It depends. It depends on the fill. It depends on each site and the characteristics. If they're actively trucking dirt in, and you know, working on the site, then that's one thing. We work with them and they have to have a water truck on site. We get a dusting complaint. They have to water down the site. And, we work with them like that.

I will tell you in this instance, that's not going on. This is not what I would characterize as an active site. I have not seen any work going on there in over a year.

But now that I did see --- I sent the letter and the equipment was taken off, I saw that as a positive step.

MR. CHAPLINSKY: I received a call just a few days ago. What they said to me was um, you know, that they're not in a rush to get this thing, you know, to its final grade. And, what they're doing is as fill becomes available once a week or once every two weeks, they're bringing a truckload over and dumping it there, knocking it down, getting it roughed out. You know, working from, you know, the street inward.

So I think we see vegetation growing by the street.

MR. TRANQUILLO: Well, they still have to control the erosion and the dusting. Even if they're actively working. The regulation ---

MR. CHAPLINSKY: Exactly, so ---

MR. TRANQUILLO: The regulation doesn't want you to abandon the site for six months and then there's no (inaudible) of what's going on there.

MR. CHAPLINSKY: So, are there other control measures for erosion other than planting vegetation so that -

MR. TRANQUILLO: Silt fencing, hay bales.

MR. CHAPLINSKY: One option for them might be if they are actively working it as they say they are, they may have to silt fence the property.

And, then the other thing is uh, you know, if dust is a complaint, we can, uh, verify that, you know, we may work with them on watering or ---

MS. SAVAGE DUNHAM: Yah, I mean, we don't really --- I have two reactions. First of all, we don't --- dusting is a complaint out there. That's not really a debatable thing. It is. It is a complaint out there.

MR. CHAPLINSKY: From who?

MS. SAVAGE DUNHAM: From the Jensen's ---

MR. CHAPLINSKY: Do you have those on file?

MS. SAVAGE DUNHAM: When people call me with dusting complaints, I don't write up paperwork on it. It's one of those things. They call up and I call the GC on the job or I have my staff or Tony's guy says something.

MR. CHAPLINSKY: Sure.

MS. SAVAGE DUNHAM: You know, we don't just document every single thing. But I'll also tell you when the planning department sends out two letters saying hey, give me a call. What's going on out there?

The applicant should call someone in my office and say, hey, we're actually trucking in a load of fill once a week. This is what we're doing. What's the concern? Let's figure it out.

I sent out two letters and nobody called anyone in my department about it. So staff can only work with people as much as they want to communicate with us. I still ---

MR. CHAPLINSKY: They stated that they spoke to Dave Lavallee at the end of last week or something like that.

MS. SAVAGE DUNHAM: Dave called them um, but we didn't get much of a response. And, I will tell you, we -

MR. CHAPLINSKY: Somebody ---

MS. SAVAGE DUNHAM: You know. So, you know, that's what staff has to say about it.

MR. CHAPLINSKY: Yah, I would just, I guess my only thing is we should probably talk to them about what activities should go on and the frequency and you know, if they can show that they're doing some sort of, you know, filling and grading that's going on out there, at some regular interval, it seems unreasonable to have them you know, plant seedling and have to knock it over again.

MR. TRANQUILLO: The bottom line is they have to control the erosion and sedimentation and the dusting. We're really not the ones who have to be proactive and make them do that. The state law

requires they do that. They should be doing that on their own. Not getting babysat by us.

MR. CHAPLINSKY: I understand. I'm just saying - we -

MR. TRANQUILLO: We have a lot of things to do, Paul, other than go up there once a week.

MR. CHAPLINSKY: In the paragraph of the most recent letter, it says: please make arrangements to hydroseed this lot with tactifier to establish vegetation and reduce issues.

So, I guess all I am requesting of you is to determine if there's activity and if there is regular activity, even though it might not be as much as we want, if there's regular activity, hydroseeding may not be appropriate for this person. Other erosion and sediment controls may be more appropriate. That's all I'm asking.

MR. TRANQUILLO: We will attempt to do that but what I'm telling you is if we had to do that with every site, we'd have three guys riding around all over town looking at what people are doing.

They're supposed to call us.

MR. CHAPLINSKY: I understand.

MR. TRANQUILLO: If there's activity so we can schedule what we're doing and not waste our time and the town's dollars.

THE CHAIR: Has Washington Concrete contacted you at all and said no, no, when they received the letter, wait a minute we are not going to seed it because once a week we're dumping dirt and spreading it out and -

MR. TRANQUILLO: They would contact Mary.

MS. SAVAGE DUNHAM: Dave called them maybe a month ago after I sent the first letter out. And, I said, Dave, give them a call before I send another letter and find out what's going on. You know, because if we can verify some kind of compliance, I have better things to do than to send out letters and as Tony said babysit all these sites.

And, uh, Dave made a phone call and had a brief conversation. And, then nothing else every came up with it. We were supposed to get a response back with some additional details. Never got a phone call back. No one has ever called me. Directly. And, I know the Sweetmans and they have no problem calling me.

So, you know, at a certain point, you have to do -

THE CHAIR: Move on to the next step.

MS. SAVAGE DUNHAM: You know, I mean, like I said, I pulled it off the Agenda because I saw the truck was gone.

But you know, they've got a 3.5 acre site there. So if they're bringing in one truck full of dirt a week, I would suggest to you that perhaps the whole entire 3.5 acres does not need to be disturbed all at one time. Okay?

There's not --- that's not how you work a construction site, per say.

THE CHAIR: Okay.

MR. CHAPLINSKY: Yah. So, we need to work those details out. I mean, if the site closest to the road on the east side is done and it's at its level and it's roughly graded then you know ---

THE CHAIR: Where is he storing all of his concrete stuff anyway, all of the pavers and stuff?

MR. TRANQUILLO: There is storage of his products there.

THE CHAIR: I remember that.

MR. TRANQUILLO: Which I think Planning had a problem with that, too, didn't you?

MS. SAVAGE DUNHAM: He is not storing anything there at the moment that I'm aware of. But I mean, these are all things -- you know, Paul, these are all things that we actually talk to people. When we sent out a letter and they give us a call, or stop by, we communicate and we talk about it. And, actually, we are more than reasonable. So, none of what we're talking about is unreasonable.

But I can't, you know, we can't chase the guy down to have the conversation. At some point there's got to be some positive action.

MR. CHAPLINSKY: Yup. Very good.

THE CHAIR: Okay. I know, Paul, you have something else. Do you want to talk about that now?

MR. CHAPLINSKY: Sure.

Just a brief update on the Continuous Improvement subcommittee with Commissioner Oshana and Commissioner Sinclair. We have, you know, generated a rough list of all the comments that we've -- my apologies. I'm sorry. Commissioner Oshana and Commissioner Saucier.

No. Say that again. Commissioner Saucier and Commissioner Sinclair.

We've generated a first cut list of you know the entire number of comments that we've received from a number of people, including staff. I hope to pare this down a little bit and make it a little bit more meaningful and circulate it around.

But you know, we've received things to the tune of - the other day Mary had a suggestion on Doggie Day Cares. And, we've heard suggestions on commercial vehicles, redefining corner lots. We've talked about setbacks of the corner lots and defining front yards. Things like financing and cash bonds. Mobile billboards. Outdoor wood burning furnaces, which, you know, I'm not sure is a ---if that's something that we would deal with here or if that's an Ordinance issue. Tattoo parlors. ZIRO regulations.

There's a whole number of things here I think that we'll have the opportunity to speak about at the next meeting. I guess I would ask you, Mr. Chair, is how do you want this? I'll circulate this to the various parties who have an interest in reviewing it and then making final comments.

Do you want us to talk about the specifics at the next meeting?

THE CHAIR: I think so. It's funny. Mary just passed out the receipt of new applications and there's one.

Any public hearings to schedule for the next meeting?

MS. SAVAGE DUNHAM: I don't believe that we have anything that's ready for a public hearing.

THE CHAIR: Okay. It may come up in the next couple of weeks, but ---

MS. SAVAGE DUNHAM: We just got this resubdivision in. But it's in wetlands so it wouldn't be ready, yet. I am not aware of an application that needs a public hearing, but if I did get one in, with four weeks until the next meeting, if it was like a home occupation or something easy and we could get it on, I'd like to be able to email you ---

THE CHAIR: Okay, that's fine. I just think in the interest of time, I don't think it's going to be another heavy duty meeting like tonight where Paul could take some time and discuss this at length at the next meeting.

MR. CHAPLINSKY: Is that the format that you want? Do you want me to --- how do we present this?

THE CHAIR: I want to open air it, yah. Let's talk about it. We'll have to get Attorney Sciota onboard, obviously.

MS. SAVAGE DUNHAM: If you want me to send anything in the packet, you can get it to me ahead of time and I can mail it out.

MR. CHAPLINSKY: And then I would guess that what we would want to do is maybe make some suggestions on prioritization on how we might tackle certain issues.

THE CHAIR: It's going to be an ongoing thing.

MR. CHAPLINSKY: Yup.

THE CHAIR: Even though once the subcommittee is done.

MR. CHAPLINSKY: You mean I am never going to be done with this?

THE CHAIR: Never.

MR. COSTELLO: Will that be in our packet, Paul?

MR. CHAPLINSKY: I don't know. I have to talk to the other subcommittee folks and find out ---

THE CHAIR: There is a lot of stuff.

MR. COSTELLO: Excellent.

THE CHAIR: We have a Cease and Desist Order.

MS. SAVAGE DUNHAM: Yah, I passed this around for the Commission. This is on Rite Aid and it's just an FYI. We sent out a violation order on their time and temperature sign for scrolling advertisement.

I know the commission was interested in this and I just wanted to give you a copy tonight instead of waiting until a future time.

THE CHAIR: What did she say when you tell her, hey, by the way, you're advertising again the billboard?

MS. SAVAGE DUNHAM: Well, the first time we were out there, we talked to the Manager and they said, okay, okay. This time Mr. Vinci went out and I think it's a different Manager. That's the problem when Managers change. And, this Manager said, oh. Corporate controls that. So, I said, okay. I said call back that helpful Manager, please, Mr. Vinci, and get a contact name for corporate and we'll just send it right to corporate because it's, one way or the other, until the commission --- under their approval now, they have approval for time and temperature. So unless the commission changes their regs or they want to get a variance, that's what they have approval for.

I've never seen them scroll it before. But I think what they do is do it ---I'm not only here when I work. When I get off every morning, I look at the sign and it's fine. When I leave, it's fine.

MR. TRANQUILLO: They've got your schedule down.

(Chuckles)

MS. SAVAGE DUNHAM: But the complaint that I got was like at 11:00 at night. Commissioner Saucier actually has told me he has seen it before very very late at night.

MR. CHAPLINSKY: Seems as though they are changing at night, sometimes.

MS.SAVAGE DUNHAM: And, I am certainly not here at 11:00 at night.

(Undertone comments)

Well, maybe tonight. I'll look tonight.

MR. CHAPLINSKY: You know maybe it's also a holiday thing, too. Maybe they're --- I don't know. Who knows?

MR. KENEFICK: I think they need more than scrolling information up there. There is never anybody in there.

THE CHAIR: I'm with you. I know.

MR. KENEFICK: Whatever.

(Undertone comments)

THE CHAIR: Okay. Anything else the commission wants to bring up? Ms. Conroy?

MS. CONROY: Yes. I know it's a long meeting, so I'll keep this brief. But the intersection of Route 120 and 322. The old appliance maintenance place that burned down. Is there any --- it's becoming an eyesore.

THE CHAIR: We've got about three years to go, right, Mary?

MR. CONROY: I know, but they also have spray painted: We Moved!

THE CHAIR: Can you send them a letter?

MS. SAVAGE DUNHAM: I don't know that it would count as blight. The blight Ordinance is something that the Town Attorney handles. I'm not sure that there is an easy solution to this one, but we can certainly have a conversation about it.

I don't know that I have a tool to address it the way it is right now.

THE CHAIR: We can talk with Attorney Sciota. I'll give him a call. Is he on vacation? We can send him ---

MR. TRANQUILLO: Call his cell phone. He'll like that. He'll like that.

THE CHAIR: Anything else the commission wanted to discuss?

(No response)

Hearing none, I'm looking for a motion to adjourn.

MR. KENEFICK: Motion to adjourn.

MS. CONROY: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 11:15 o'clock, p.m.)