

PLANNING & ZONING COMMISSION
 Public Hearing & Regular Meeting
 September 15, 2009

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday September 15, 2009. Chairman Zaya Oshana, Jr., called the meeting to order at 7:01 o'clock, p.m.

The following Councilpersons were present, viz:

Kelly Kennedy DelDebbio	Francis Kenefick
Michael DelSanto	James Sinclair
Dawn Miceli	Patrick Saucier
Zaya Oshana, Jr., Chairman	

Alternates: Dennis Vachon
 Steve Kalkowski
 Lisa Conroy
 Paul Chaplinsky

Ex-officio members present were as follows, viz:

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

Absent: John Weichsel, Town Manager

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 September 1, 2009

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

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

Public Hearings

A. Mackiewicz Custom Homes, LLC, earth excavation application for the removal of approximately 148,000 yards of material for a residential development, West Pines Drive (Assessor's Map 1543, Parcels 2,5,9,10,11,12,13,14,`5,16,17, 18,19 20) EE #128

Stephen Giudice, Harry Cole & Son, 28 Werking Street, Plantsville, CT, presented on behalf of the applicant. The application said 178,000 and not 148,000 yards, he clarified.

Dave and Fran Bucholz of Mackiewicz Custom Homes, LLC and Jim Braim, engineer from my office is here as well.

Mr. Giudice noted all the parcels are located off West Pines Drive. The reason for so many parcel numbers is this is a pre-existing subdivision. Explained.

It is a total of 53 acres. It's in an R-40 zone. He gave a history of the property and how we got to this point explaining the various previous applications before the PZC and the Conservation Commission.

The property has been in limbo for the past 2.5 years while the parties have tried to figure out who actually has control of the property. During that time, bonds have been called by the town to do work on the property. Explained.

Mr. Bucholz has gained possession of the property and he is looking to move forward to get this project going again. It's a clean start. That's what we're looking at: a clean start.

Discussion.

He understands the sensitive nature of the application and the concerns of the neighbors. He wants to move forward step by step to make sure everything is done properly and in order. He's met with the Town Attorney, the Town Engineer and the Town Planner, Assistant Town Planner and Assistant Town Engineer to be sure we've covered all the bases and have no issues.

The next step is to complete Pine Hollow Drive and Sandy Pine Lane. He has retained a contractor to finish the paving, curbing, sidewalks, loam and seed the shoulder. My office will commence setting the pins and monuments and to complete the road as-builts. It is his intention to have the road accepted by the end of the year.

The commission has made changes to the residential subdivision regulations and we will have to make adjustments to the property lines.

We are coming forward at this time with just the earth excavation application. Our proposal is kind of two pronged here. The first order of business is restoration. We have submitted a restoration plan along with our earth excavation application. He reviewed the phased restoration plan for the approximately 10 acres which is on file in the Town Planner's Office.

The excavation process was explained. We're proposing 20 to 25 thousand cubic yards of fill material and a cut of approximately 200,000 yards leaving a net of 178,000 to move off the site.

The equipment to be on site was described.

The hours of operation are Monday thru Friday 8:00 am to 5:00 pm with no work permitted on holidays.

Explained the restriction of having a maximum of two acres of open excavation at one time has been incorporated into the plans.

The truck routes were detailed. The point of access of is West Pines Drive. They will come up West Pines Drive and travel north or south on West Street or traveling east on Spring Street.

Each truck is estimated to carry about 18 yds. Of material. We are estimating the truck will make 10 to 11 trips per day depending on the final destination of the material. We are estimating it will take approximately a year and a half which works within the 2 year permit.

We are proposing that spillage material on public roadways shall be swept on a daily basis and we'll utilize a water truck to prevent dusting on and off site, if necessary.

Temporary sedimentation swales and basins are located throughout the site. Explained they coincide with the detention basins that were approved as part of West Pines Section II.

Discussion.

No more than 5,000 cy of material shall be stockpiled on site at one time. No long term stockpiling of material from off site would be proposed.

Discussion.

We are requesting a waiver of the 100 foot barrier, buffer, setback in this area (indicating). The reason is that that's an area of the roadway that was boxed out for this West Pines Drive Extension. You can see that area is too high and too narrow. We need to do work in that area. We need to cut it and widen it in order to get the roadway through that area. That's the only area with the intrusion into the 100 foot setback.

Discussion.

Then we will complete our subdivision application for this site. We have to look at the lot configurations based on the revisions to the regulations. That's where we are right now.

Discussion.

Again, I ask you to be open minded regarding this project. I know you have concerns but I can assure you that we're taking the proper steps to insure that the project will move forward smoothly and without impact to the adjoining property owners.

ZIRO has been accomplished. When this earth excavation is completed it will be basically graded for our subdivision. We've designed the grades to accommodate our subdivision, how things will lay out.

Explained.

We have incorporated a very extensive erosion and sedimentation control plan narrative that will prevent any erosion and sedimentation control problems for the abutting wetlands or abutting properties.

Right now the application does meet or exceed your requirements. We're open to hearing questions from you and the staff. A clean start has been our theme for this project and this presentation. Mr. Bucholz is here if you have questions for him.

We have received town staff comments. We're in the process of addressing those. I am going to ask you to continue this public hearing so we can answer any questions.

Ms. Miceli asked about the routes. Mr. Giudice explained there are three options. We don't have a final destination for this material so I can't say exactly where it will go. I would hope you would allow us to use all three of the routes.

Mr. Kenefick asked about unsuitable material. Mr. Giudice explained there was a cease & desist order put on the property so nothing's happened there. At that time, some of the commission members had concerns about some of the fill piles on site. So we retained DES or HRP to do a Phase I study and they did a soil sampling of the piles on site. There was no contamination. The Town has a report on file. Explained it was a lot of organics in the soils.

Mr. Kenefick asked if the fill coming out of here is as valuable as it was four or five years ago. Mr. Giudice said he would estimate that it is as valuable.

Discussion.

The cease and desist was discussed with the important issues being over excavation and erosion and sedimentation control issues on site.

Discussion.

Mr. DelSanto discussed the access in and out with Mr. Giudice.

Ms. DelDebbio discussed with Mr. Giudice again the numbers for the material to be cut, filled and removed.

(Those speaking against the application)

Joe Palfini, 95 West Pines Drive. This is the third time I've come and expressed my feelings about moving sand up and down the road. Explained.

They over excavated and brought dirt back in. Then very little happened in the way of development. Listening to the plans, it sounds positive as far as finishing what has been started.

Discussion.

The development right now is unfinished and unsightly and there's pipes sticking out of the ground and for the folks that live on the new street, I feel bad for them. For those of us on the existing street, frankly, it should have been taken care of long before now.

In summary, the application asks for 178,000 cy. My math and I may be wrong; you take 20,000 yards per truck load, that comes out to 9,000 truck loads. My math would be 30 to 40 trucks a day. That's roughly what we had before. The trucks started hauling at 7:00 am and they started the trucks around 5:30 am and backed them up and turned them around.

Explained.

Concerned about the effect on the street with the heavy trucks going up and down.

As for moving the dirt, frankly, it's a mining operation and I question whether it's necessary. My suspicion is it is a way of mining some more money out the property.

I think we on the street have been through enough. The time has been five or six years of discomfort and unpleasantness and I think the time has come to finish the development as they say, build some houses and let us enjoy our properties and our houses.

Mr. DelSanto said if this does go forward, if it happens at 5:00 am or 5:30, call staff every single time it happens. Or, call me.

The speaker said that in addition to the early morning hour, the number of times those trucks go up/down the street, we are virtually restricted to the backyard.

Mr. Kenefick asked Mr. Tranquillo if there was any way this site could be developed without removing 178,000 cy of material. Mr. Tranquillo said the emphatic answer to that would be yes.

Discussion.

Marcel Lessard, 75 West Pines Drive. I think the fact that this site was over excavated by about a factor of 10 already, should on its face cause a denial of this application.

Discussion.

I figure about 10,000 truck loads over a course of how many years is unacceptable on its face with only one means of access to that site, to the residential neighborhood is unacceptable.

Already three years of that sort of activity and now we are left with a strip mine in a residential neighborhood that has been abandoned.

The constant noise of fully loaded dump trucks going up the hill has been replaced by motocross dirt bikes that have taken over the property and now run at all hours creating a public nuisance.

The time has passed for this site to be developed. I submit it can be developed and we are anxious for it to be developed to bring the neighborhood back into the character that it could have.

Excavation of more material from that site is in my estimation unnecessary and unacceptable.

West Pines Drive is starting to be in disrepair. More dump trucks fully loaded over there will really tear that road up.

I request that the commission deny this application on its face and move on to the development of this property as was previously approved.

Thanks.

Thomas Crowe, 110 West Pines Drive. I don't want to rehash what's been presented.

The road shape is sad. It's starting to crumble. The weight and number of vehicles proposed would tear that up dramatically.

There's an excavator on site with a blown engine. Oil underneath the excavator. What happens? There is contaminated soil on the property underneath the excavator.

I'd like some information on what is proposed and what's planned for the residences. What size? We'd like to keep the neighborhood at the value of the homes that are there. Monetary value of the homes gong in?

I'd like to see it cleaned up. I don't think they have to take that amount of soil out. Explained.

Some leveling, some grass, foundations of homes would be great.

Monitoring of the activity on a two acre by two acre basis was questioned.

Joe Burrell 38 West Pines Drive. I think Messrs. Palfini and Lessard couldn't have put it any better. I totally agree.

I am all for the development of homes. These people are turning this into a mining operation. It's terrible.

Spoke of the traffic by 18-wheelers on the street. Spoke of the quality of fill coming in the site.

Discussion.

I hope you consider our feelings.

Diane Burrell 38 West Pines Drive. In looking at the plan here, I think it is imperative to think about another alternative route in/out. We're going to have at least a dozen new homes there --- cars, etc.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

(Comments by the applicant)

Mr. Giudice responded to questions/comments by those against the application.

As evidenced by the over excavation the previous site was not run properly. No monitoring. When I got involved, I stopped it and shot the grades. That's when things slowed down.

Discussion.

He further discussed his point that this is a fresh start.

He noted the material is a commodity in this area and it's something that Tilcon is very interested in and it helps bring this project to float. There is a lot of debt associated with this project.

Three trucks would be operating. If you have more trucks run, it reduces the timeframe but it is more intense.

As far as leaving the site as it, some work has to be done. There's a 20' cliff at the back of the property.

Discussion.

Discussed the amount over excavated and disputed the ten times the amount. However, it was excessive and way more than what should have been removed.

As far as trust, Mr. Giudice explained Mr. Bucholz's involvement. Discussion.

Tonight the approval is for an earth excavation. We will be back for the residential subdivision. It's definitely the next step.

As to monitoring, a lot could have been averted if it was mentioned. I don't think anyone was on top of what was happening down there. Sometimes we need a phone call.

Discussion.

The prior application wasn't done properly but I don't think this applicant should be held responsible for what happened in the past.

There is an excavator on site and I do not believe it's operational. Mr. Bucholz wants to remove it from the site. We'll look at it and if there is oil we will address that and take care of it properly.

The size of the proposed homes would be consistent with the neighborhood. We don't have any plans yet.

Mr. Giudice recommended weekly monitoring reports be submitted to the town staff.

There was some material trucked into the site. Explained the circumstances. Piles of millings were brought in to use under the roadway on Pine Hollow Drive. It was tested and didn't meet the requirements of the DOT and it could not be used. Some is still on site. It could be used as general fill around the foundations but it could not be used under the roadway.

The alternate route is something that we are exploring. We still have to address some environmental issues.

Discussion.

Again, I request the public hearing be left open to give us time to address some concerns that were brought up tonight.

Ms. DelDebbio brought up the residents' concern about the breaking down of the existing road. Who is responsible for that? Mr. Tranquillo said we have to accept the damage to the roads. There is

no way to force that on the developer. We'd have to fix the damage that occurs if we approve this.

Discussion.

Hearing no further comment, the Chair continued the public hearing to the next meeting.

Business Meeting

A. Mackiewicz Custom Homes, LLC, earth excavation application for the removal of approximately 148,000 yards of material for a residential development, West Pines Drive (Assessor's Map 1543, Parcels 2,5,9,10,11,12,13,14,`5,16,17, 18,19 20) EE #128

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

B. Proposed revisions to Sections 4-01.2A; 4-02.2A; 4-03.2A and 4-04.3A of the Town of Southington Zoning Regulations ZA #550.

The Chair noted this application has been withdrawn.

C. Dean Michanczyk, flood plain filling and site plan application to remove exiting building, add to existing building and install new parking lot, 120 West Main Street (FF #217/SPR #1558)

Attorney Bryan Meccariello, representing the applicant, presented on behalf of Dean Michanczyk, Moses Realty, LLC and Tahoe Realty, LLC.

I will pass to the Town Planner the executed parking lot agreement which the Town Attorney and I worked out today and signed tonight.

I want to apologize to the Parking Authority. At a previous meeting, I made an unfair comment regarding the fact that there may not be a quorum at the meeting. I do apologize to the Chair and to the members. I did that to him personally and at the three meetings I was at since the August 18th meeting. I want that clear tonight.

He gave a quick update on the application. We are here tonight before you hopefully for the final time. We jumped through all the hoops and have gone to every board and gotten all the approvals and we are now here seeking your approval based on the agenda items for tonight.

Rich Mehan of Mehan & Gooden, the engineer, dealing primarily with site plan is here tonight along with Jim Sakonchick from Kratzert, Jones, engineer, dealing with the engineering aspects of the conservations commission which take up the Hearthstone Pub, the proposed restaurant. Both are here to answer any questions.

Attorney Meccariello advised they are going to submit an easement plan to go with the site plan. All easements need to be reviewed by staff.

Mr. Michanczyk is also here to answer any of your questions.

Richard Mehan from the Mehan & Goodin Engineers and Surveyors in Manchester, CT. We prepared the site plan for this property as well as the surveys. He went over briefly the plan as to what the property will consist of.

The property itself consists of a 2.8 acre area. The two or three acres to the rear of the property owned by Mr. Michanczyk are not under consideration this evening. The building at 44 West Main Street is proposed to be a restaurant. It will seat almost 200 people. A municipal parking lot will be constructed that will surround the property, go along side the Quinnipiac River and then come up again and also serve his building, the Stove Shop. A small building was removed that was adjacent to 44 West Main Street. That area will also be used for parking for the restaurant.

We have staff comments. We have provided our replies to them. If there are any questions, specifically, I'll answer them at this time.

Mr. Kenefick asked for a clarification on the floodplain filling. Mr. Mehan said Mr. Sakonchick will also discuss that, but the fact of the matter is in total there actually will be less filling. We're going to be taking out almost 250 cy of material out and to the rear of the restaurant is a small deck and there is going to be 9 piers placed underneath that deck. There are light posts proposed. Gas lights. There will also be a small bit of a curb. He pointed out the floodplain area, it's about 1.03 acres of that 2.8. We are going to be taking out more material than we're actually placing back in.

Discussion.

Attorney Meccariello, noting no further questions, stated it has been a long road. The other boards worked pretty well and understood this board's concerns. There was a conflict about the fence that goes along the river. Explained the conflict.

To maintain the safety, we are going to do our best with the plantings because that fence was actually for safety, noted Attorney Meccariello. The fence is going to come down.

Mr. Kenefick disagreed with the fence coming down. It is there for safety reasons so people don't fall in the river.

Ms. Savage-Dunham noted Attorney Meccariello is correct. It has been a long road. A lot of work with the project. I've included in your packet a copy of the conservation commission findings on the floodplain filling application. There were stipulations that were put on FF 217. Any action on the planning commission's behalf on that application, I would recommend the same conditions.

With regard to the site plan application, staff comments were transmitted in April. We received comments back September 9th, responses to comments. There are a number of comments not responded to which we just would like to enumerate on the record.

- We do indeed need the easement map which shows the different easements being granted or that exist as well as the merging of the parcels. That will then be filed on the land records for clarity.

With regard to planning staff comments which were in your original packet, #8 is still outstanding. Staff's comment originally was about the outdoor display area, asking for clarification if that meets the regulations. The response to the comment was: the display area as shown has always been a part of the plan. That doesn't respond to whether or not it complies with the regulations.

Staff would ask that some of these outstanding loose ends as part of any approval or action the commission may take will be stipulated so that we can resolve them prior to the signing of the plans. I don't think any of them are deal breakers per say, but they are loose ends.

- Comment #9. Staff's original comment was asking for the parking table on the maps. All applications do have a parking table that shows how many spaces are required for the uses. And, then if there are a waivers or excess or deficit of parking it's called out. The response to the request for a parking table on the map is: the total square footage of the existing buildings since the rear addition is off limits to the public and Mr. MICHANCZYK received a complete waiver from the Parking Authority last week.

Staff is still unclear. That's not really being responsive to the question. Staff would ask the parking table be put on to the plans.

Number 10, we still need an easement map.

Number 15 is still an outstanding comment. It just refers to the municipal parking lot. I don't think there is any controversy about what the questions were, so that should be resolved.

There are still some outstanding engineering comments and a successful resolution of those comments are necessary to build the project as proposed.

I'll turn it over to Mr. Tranquillo.

Mr. Tranquillo noted the checklist was issued on August 20th, 2009. I've been on vacation the last two weeks, so when I notified the applicants of that fact, they didn't have a chance to respond before I left. I looked at the plans this afternoon, and my checklist had 42 items. Many of them have been taken care of. There are still 14 items and most of them are editorial or engineering clean up type of notes. None of them are deal breakers but it is important to have a complete and clear map for future reference.

One thing not on my checklist and I believe the original submission had an A-2 survey map included and the latest set of plans does not. The A-2 map should be included in the set.

I believe I saw standard notes before but I didn't see them on this set, also. Those two items should be added.

He noted the plan says the site is 5 acres but the 3 acres is not part of this application. That creates confusion.

Discussion.

If you want to approve, I recommend a condition of the approval be that they take care of items 1, 2, 4, 5, 6, 7, 9, 10, 11, 30, 34, 36, 41 & 42. And, they include an A-2 survey and the standard notes which are on all our site plans.

Discussion on Item 30. The woodpile infringes on the four parking spaces which are located in that area. And, the applicant states that he's going to have traffic trailers possibly backing into that loading dock. Those vehicles will be sticking 3, 4, 5 feet further out into the access area to the delivery lane for the tractor trailers. The one is aesthetics.

Discussion.

Discussion of alternate places on the property he could move the wood.

Dean Michanczyk 853 Andrews Street. I think that comment is very opinionated. I am a hearth shop and will remain a hearth shop. If you don't like the way the wood looks, I am not sure what to tell you but I am in the hearth business and that is the only way that I have been able to afford to do what I am doing on this project today. I don't see how I can move it. It is stacked neatly. We burn wood. That's what we sell. We save oil, from buying it from foreign

countries and keep the money in this country and I believe in what I do.

I don't see where this woodpile could go. Unless staff sees otherwise, if you have other comments, I 'm more than happy to listen to them but I think I have tidied up that site quite a bit. Look around at the other places in Plantsville.

I'm a little bit insulted by the remark. Maybe you can clarify that for me.

Attorney Meccariello noted the four spaces near the woodpile are purposely off the municipal parking lot.

Discussion.

Attorney Meccariello spoke of the village atmosphere trying to be maintained in downtown Plantsville.

Discussion.

Alternate sites were again discussed and discounted. The wood is going to stay. It has been there for 30 years pointed out Attorney Meccariello.

The Chair and Mr. Tranquillo both said the discussion was not meant as an insult. It has to do with aesthetics.

Discussion.

Mr. Michanczyk said when the Rails to Trails come through; he wants to put up a nice iron fence. I think I've shown I've put my best interest forward in keeping that property as nice as possible.

Discussion again on the location of the woodpile by Mr. Chaplinsky. He said he was with the applicant on this one, unless staff feels there is a significant safety hazard.

Discussion.

Mr. Chaplinsky asked where the fence was stipulated. Ms. Savage-Dunham responded it was done during part of the review process of wetlands and with planning staff. The fence is in disrepair. The applicant wants to cut down trees on the stream bank. Staff has to look at the structural stability of the stream bank and any kind of obstructions. This is more from the floodplain and floodway safety issues. That's a floodway and that's even more sensitive than a floodplain. We tend to be conservative. We are bound by federal regulations. We are sensitive to the Parking Authority concerns about safety. Staff did meet with them. But there are other ways to achieve or address their concerns and still come into line with the environmental concerns.

Discussion.

Mr. Mehan explained the three trees would be taken out and replaced with bayberry and winterberry shrubs.

Discussion.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Mr. Saucier made a motion to approve the FF with the stipulations on the conservation commission approval letter of September 4, 2009. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Saucier made a motion to approve the site plan application with the Planner's comments, the A-2 survey map being included and the standard notes on the map and the engineer's outstanding items except for #30. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

Everyone agreed that Mr. Michanczyk is going a great job and it is exciting for Plantsville.

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

Ms. Savage-Dunham noted the applicant has requested a 65-day extension. Comments have been provided to the applicant.

Upon a question by Mr. Sinclair and others, extensive discussion was had regarding why the extension is necessary.

Ms. Savage-Dunham noted there are two items outstanding the applicant is working on. One is the matter of the well and the other one is obtaining some cross access easements. The engineer is waiting for a couple of things before he submits the final plans to the town.

If you deny the application, the application is denied and at some point in time the applicant will have the right to come back in, reapply.

Mr. DelSanto made a motion to deny the site plan application. I think we have given the applicant ample time to answer our questions to our comments and he has failed to do so. It's clear he's not taking our questions or responses seriously. Mr. Sinclair seconded adding that it seems that he doesn't want to come to conformity with our regulations. Time and time again here and I think a 65-day extension is just a waste of time.

Mr. Kenefick agreed it is a waste of time. What is with the well? Ms. Savage-Dunham said there is no well on the property and he would like to have a well. State statutes say you shall connect to public water if you are within 200'. The health director is not negotiating. He has to hook up or not have water at this time.

Mr. Kenefick asked about the easements. Ms. Savage-Dunham said he is working with the neighbor to secure cross access easements. If he can't get those, then he has to have a separate curb cut.

Attorney Sciota noted staff's recommendation to him was to have his own curb cut.

Motion to deny the site plan application passed 6 to 1 with Ms. Miceli opposed.

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

Stephen Giudice presented the application. We are proposing to put an addition on to the back of the building. We did require a parking waiver which was granted by the Parking Authority. We are proposing to restripe some spaces in the rear of the property, relocate some air conditioning units and fence the dumpster pad.

We have submitted revised plans to town staff late and we had the Town Attorney scrambling putting an easement for the municipal parking lot.

Attorney Sciota responded he prepared the parking lot easement. The representative said his client has reviewed it and agreed to the terms. I am satisfied with the stipulation that he actually signs the thing in my office.

The Planner said staff has reviewed the plan. She passed around copies of the comments. The outstanding items are very minor.

- Number 3 talks about the paving of the access way which has been agreed to.
- Number 4 talks about the easement.
- Number 6 is a stipulation that no residential use will move forward which has been agreed to.
- Number 8, on the engineer's checklist, again refers to repaving the parking area pass way.

Staff is supportive provided those comments are stipulated. And, we get revised plans noting those.

Mr. Sinclair made a motion to approve with the aforementioned stipulations by the Town Attorney, Town Planner and Town Engineer. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

F. Biodiesel One, Ltd, site plan modification for exiting biodiesel production, 102 West Center Street SPR #1559.

Mr. Chaplinsky noted he had a conflict of interest, recused himself and left the bench.

Michael Early with Jones Engineering at 92 North Summit Street represented the applicant, Carl Radune and Biodiesel One at 102 West Center Street. The entire location is within flood zone A-E as soon on the current FEMA flood zone map.

The applicant constructed some concrete slabs and containment bins located within the floodplain in conjunction with his biodiesel production business. The applicant did not obtain the appropriate permits to do so. The town ordered a cease and desist. We're beginning the process of bringing this operation in conformance with the town.

We've submitted an existing conditions plan/site plan to show the town staff and commission where the location elevations of these slabs and containment bins are. The town staff has begun their review process. I received comments earlier this afternoon. We are going to work with the town and do whatever we can to get this property back in conformance and rectify the situation.

Mr. Radune from biodiesel is here to help address any comments or answer any of your questions.

Mr. DelSanto asked Mary to explain what is involved here. The Town Planner said at this point in time staff is very comfortable with where the application is. Explained the comments generated are fairly minor in nature except they speak to permits or approvals at the local level that need to be obtained.

(Reviewed the comments explaining the permit process for each)

Mr. Tranquillo asked if there were any methanol in the tanks and if so has the fire department reviewed that methanol tank. Mr. Radune explained the fire marshal for the state has cleared that and signed off on that.

Review of the floodplain filling requirements.

The Town Planner added that staff is not opposed to the project. We would like to get all appropriate approvals in place at this time. In the future, any work on the property requires approvals and scrutiny from the town on the floodplain filling perspective.

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

G. Middlewood Investment Group, request for release of \$9,500 erosion and sedimentation bond, 60 Industrial Drive SPR #1514.

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

H. Oakland Developers, request for release of \$2,000 erosion and sedimentation bond, 157 Pavano Drive EE #1268.

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

I. Carpenter Construction Co., request for release of \$8,700 erosion and sedimentation bond, EE #126.

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

J. Carpenter Construction Co., request for release of \$5,000 erosion and sedimentation bond, Strawberry Fields subdivision, Townline Road S #1259.

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

Items to schedule for public hearing

None to schedule.

Administrative Reports

ZA #551 Moratorium

A copy of the language for the moratorium for the sexually oriented businesses was in the packet. That was the language that was referred out. The public hearing is October 6th at the DePaolo Middle School. The purpose of the public hearing will be to discuss this moratorium on any new or expanded uses as described in this material. This material is on file in the Town Clerk's Office, thru the Planner's Office and it's open for public scrutiny. We put it on the website, as well. It's available.

Ms. Savage-Dunham passed around a copy of the notice she received from Cheshire with regard to an application. It's about the aquifer

protection area in Southington. The Southington/Cheshire well field. It's for informational purposes.

Also in the packet is the schedule for next year's meetings for you to think about.

Also, included is the quarterly, the Connecticut Federation of Planning & Zoning Agencies. There is some fairly pertinent material in there this time.

Another copy of an administrative report that I previously prepared that the Chair had requested is included.

Receipt of New Applications

The Planner reported she had none.

The Chair brought up some information going around the table is some information that the Planner put together regarding West Street - some preliminary data that was put together regarding that development.

I'd like to appoint tonight a subcommittee to begin the process of review of the development of West Street to go forward and work with the commission and staff on the planning development of West Street.

I'd like to ask Commissioner Saucier and Commissioner DelSanto to serve on a subcommittee for the planning and development of West Street to work alongside with staff and come back in and start that process.

The Chair addressed Mr. Tranquillo. A couple of meetings ago we talked about and you were going to get information and get back to us, there was a cease and desist order on the site Mountain Pond Estates. You were going to do research as to the value of the fine. We were going to look at how much money was available in the bond and whether or not there was enough to do the roads, sidewalks and restoration of the property. Have you been able to do that?

Mr. Tranquillo advised he has been on vacation but Mr. Grappone has been working on this. He was getting quotations for the work. We are very, very close to the amount of money we need to finish the public improvements. (Road, sidewalks, curbs that are missing and all the miscellaneous paperwork items, as-builts, letters from utilities companies, et cetera. The detention pond needs to be completed.)

The Chair noted there will be no money left, so what happens to the property? Mr. Tranquillo compared it to other projects that have

gone "belly up". Captain Lewis Drive is a good example. This is not uncommon.

Discussion.

Mr. Chaplinsky added that he had spoken to Mary and Mark Sciota regarding new commissioner training. What policies we have and what materials we have available. I'd like to consider down the road putting together some sort of a presentation or a mandatory sit-down session that we have to go through and sign off on. A workshop.

Especially the media protocol for those who might not be familiar with protocol. Just for future discussion.

Ms. Miceli responded when she was a new commissioner, she took the responsibility myself and met with the Town Attorney and the Town Planner. We sat down and went over everything. Some of the onus has to be on us as elected officials. This Town Hall and their doors are open every day.

Mr. Chaplinsky agreed. I do think we need to have a standard and as staff moves on there is not a different story from staff member to staff member. I am recommending we put together a standard for people to refer back to. It's not an unreasonable request certainly.

Discussion.

Mr. Sinclair added he did what Dawn Miceli did. Explained.

Attorney Sciota said as the Chairman knows, I make a point of actually calling every new Chairman and meeting with them. Our door is open for everybody. I will be happy to work up some stuff for all the new members.

The Chair commented the politics should be taken out of this. This board has been around for a long time and to make this a political issue, I think is wrong. This needs to be and always has been a non political board.

Discussion.

Executive Session, pending litigation, CGS 1-200 9c

Mr. Sinclair made a motion to move into executive session excluding the press and public and including Attorney Byrne for pending litigation under Connecticut General Statutes 1-200 9 c.

Mr. DelSanto seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned to executive session at 9:15 o'clock, p.m.)

EXECUTIVE SESSION

The Southington Planning & Zoning Commission entered executive session immediately following the regular meeting with the following in attendance in order to discuss pending litigation, CGS 1-200 9c/

Kelly Kennedy DelDebbio	Francis Kenefick
Michael DelSanto	James Sinclair
Dawn Miceli	Patrick Saucier
Zaya Oshana, Jr., Chairman	

Alternates: Dennis Vachon
 Steve Kalkowski
 Lisa Conroy
 Paul Chaplinsky

Ex-officio members present were as follows:

Mark J. Sciota, Deputy Town Manager/Town Attorney
 Stephen Byrne, Attorney

No motions were made or votes taken during executive session.

Mr. Sinclair made a motion to adjourn from executive session.
 Mr. Kenefick seconded. Motion passed unanimously.

(Executive session was adjourned at 10:05 o'clock, p.m.)

REGULAR SESSION

Mr. DelSanto made a motion to adjourn the meeting which was seconded by Mr. Kenefick. Motion passed unanimously.

(Meeting was adjourned at 10:06 o'clock, p.m.)

Mark J. Sciota
 Acting Secretary