

PLANNING & ZONING COMMISSION
 Public Hearing & Regular Meeting
 September 1, 2009

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday September 1, 2009. Chairman Zaya Oshana, Jr., called the meeting to order at 7:04 o'clock, p.m.

The following Councilpersons were present, viz:

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

Alternates: Steve Kalkowski
 Dennis Vachon
 Paul Chaplinsky

Ex-officio members present were as follows, viz:

Mary Savage-Dunham, Town Planner
 James Grappone, Assistant Town Engineer
 Mark J. Sciota, Deputy Town Manager/Town Attorney
 John Weichsel, Town Manager

Absent: Lisa Conroy, Alternate

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 August 18, 2009

Mr. Sinclair made a motion to approve as submitted. Mr. DelSanto seconded. Motion passed on a majority voice vote with Mr. Saucier abstaining.

Mr. Saucier did state that he did watch the video of the last meeting as well as reading the Minutes.

Ms. Savage-Dunham read the legal notice in the record for the public hearings.

PUBLIC HEARINGS

A. Lovley Development, Inc., special permit use application for open space preservation subdivision, 44 lots at 703 West Center Street, SPU #375.

The Chair noted this was a continuation from our last meeting.

Attorney Sciota recused himself as his sister's property borders this site, but he would be available to advise on procedural questions.

(Left the bench and sat in the audience)

The Chair went over the procedure for tonight's continued hearing. If there are new items to bring up for the record, tonight would be the night.

(Those speaking in favor of the application)

Sev Bovino, Planner, with Kratzert, Jones & Associates representing the applicant noted this proposal is for an open space preservation subdivision under Section 3-07 connecting to Monarch Drive to the north, a temporary cul de sac.

The vision for this proposal is to have more open space. In this case 28.89 acres which is about 58.6 percent of the total property.

He reviewed Section 3-07. This allows the highest and best use of a land in a smaller footprint thereby reducing long term impacts in many ways which we discussed last time.

The proposed lots meet the same standards of the R-20/25 zone in terms of the buildable square. And, it also meets the R-20/25 requirement for a front building line setback, which is 40 feet. Most lots are larger than 14,000 sf. Explained even at that, they will be allowed to build a house with a footprint of 2,800 sf.

He reviewed the land ratio versus the number of lots noting this would come out to 1.4 acre of land per lot overall.

The layout was revised to eliminate one lot in the southwest corner of the property thereby increasing the open space and the connection to Monarch Drive and the open space in this area.

Access to the open space is provided in two locations. One on Monarch Drive and the other is for the entire length of West Center

Street which is west of the homestead, which is about 1400 lf east/west.

Additional trees and shrubs will be planted throughout the property. On the north side along the Monarch Drive subdivision, next to lots 16 and 17, the additional planting of evergreens and deciduous trees.

We are planning to install stone pillars here at the entrance on private property and on the south side of West Center Street to identify this project: Recko Farm Estates. Submitted copies for the record of a description of the pillar to be put up.

The proposed drainage system was discussed. It does not discharge into Monarch Drive or West Center Street. It goes west into two detention areas and then goes into the floodplain and wetlands to the west.

We are meeting and exceeding the requirements not to increase runoff after development.

An onsite Environmental Assessment Report will be available prior to the subdivision approval.

Any imported fill will not probably excess 5,000 cy. Clean, acceptable fill.

This proposal is done in two phases. Explained.

The sewer line will come in from the east and then across the northerly border to serve the subdivision. Easements will be given to the town to extend the sewer line sometime in the future to the rest of West Center Street.

Tonight, you must find that an open space subdivision is appropriate at this location. The next step is a resubdivision application which again has to be reviewed and approved by this Board.

Land is a fine eyed quantity and this is an opportunity to preserve 28.89 acres, of out which 7.3 acres is upland. Also, we will be providing housing opportunity.

The upland area was described.

Under the conventional scenario we would be required to preserve only 1.72 acres of open space and in this case we are providing 28.89 acres.

I'll answer questions.

The phases and timelines were discussed again in response to a question by Mr. DelSanto.

Mr. Chaplinsky asked about a conventional subdivision and the amount of acreage for open space how much would be left to build upon.
Discussion.

Mr. Kenefick brought up Monarch Drive. Mr. Bovino said the applicant is open to both scenarios. We have shown a connection because the regulations require a connection. If you want, we can revise the application and provide no connection.

The Chair asked how they come up with the fact they meet or exceed regulations on drainage and ZIRO. Engineering calculations were explained.

Discussion.

Paul Chaplinsky said he walked the property. The houses closer to the floodplain, there is standing water. Can you talk about the water and how this development will affect it.

Mr. Bovino said the water is not standing water for normal conditions. It must've been due to the recent rain. We have determined it is not a wetland area. Runoff was explained.

Discussion.

Mark Lovley, President of Lovley Development explained his goal in developing this property was to try to do an open space subdivision for a few reasons: to try to keep as much vegetation naturally on the property as possible and not to put in homes on West Center Street Extension.

Discussion.

(Those speaking against the application)

Richard Post, 193 Winding Ridge. Handed in his statement for the record. (On file in the Town Planner's Office)

Carl Verderame, 1103 West Center Street Extension, Southington, CT. Last time I spoke about Section 3. Now I want to talk about Section 8, which is key here, special permit use. This is your only opportunity to put any stipulations going forward. He read the special permit use regulation into the record. Whatever you approve here has nothing to do with another site plan or another SPU. You can approve subject to conditions or modifications. Another key this is the consideration for public safety, public health, general welfare, property values and comfort and convenience of the public.

I have nothing against us acquiring more open space. I do believe this is your only opportunity to put the stipulations on there, right now.

Discussion.

Entered into the record the regulations and stipulations you can put on. (On file in the Town Planner's Office.)

(1) Number of lots (previously discussed)
 (2) Property values (previously discussed)
 (3) Public health and safety (Monarch Drive becoming a thruway was discussed, ie: West Center Street Extension at the top of the hill.

Discussion of putting in a small gravelway just enough for an ambulance or fire engine or police cruiser to get in. It could be gated and locked.

(4) Offsite roadway improvements is Section 8-2. And, signalization. What you should do is get a traffic study.
 Discussion.

ZIRO was discussed and remediation.

(5) Phasing timelines was clarified and discussed.

I truly believe that this development is not really going to be a major concern but if it gets hooked into Monarch Drive, you will see more traffic on Monarch Drive and this subdivision that is going to deter some people which is not a good thing.

If you believe the suggested studies should be done, you have time before your next meeting. And you should request them.

The speaker reiterated that any home that is abutting an R-20/25 zone, he believed those lot sizes should be equal to the R-20/25 zone because that'll keep the property values for the people who already have their homes. You have that right within the regulations.
 Discussion.

Tom Jehnings passed around pictures he took of the property. He noted the holding area that will be on his front lawn and he took pictures around town to see how they work. I don't want that on my front lawn.
 Discussion.

He noted on some of the photos the year round water standing. You can't build on it.
 Discussion.

Spoke about a meeting on Monarch Drive they held. They walked through the land and there is water everywhere.
 Discussion.

Discussion about Monarch Drive development.

The Chairman explained that developers follow the regulatory process to follow what needs to be done to meet the regulations.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

The Chairman continued to explain the review by the Wetlands Board.

The Chair explained the purpose and benefit of public hearings on applications.

Mr. Jehnings brought up Cardinal Drive and this is going to contribute more to the problem that I already have with the water. Discussion.

Mr. Jehnings then said the total site is water. Discussion.

He noted there is a lot less speeding since the last meeting. I can get out easier at the top of the hill. Thank you for that.

Noted the people were there for the wetlands on site inspection. There is no room for parking.

Discussion.

Again spoke of all the water on this property. I have 224 pictures.

Discussion.

Tom Morikis, 95 Monarch Drive. Just for clarification, last time it was said the homes to be built would be 2100 sf homes. Today I heard 2800 sf or the capability.

Handed in supporting documentation.

Addressed the issue of the cul de sac on Monarch Drive. My first concern is the safety and well being of my family see Page 1 of the hand out. Monarch Drive is pretty windy. The second page has highlighted on it three thru streets near our neighborhood which are straight roads. Spoke of traffic issues regarding the cut through from West Center Street to Jude Lane by way of Monarch Drive, if connected.

I urge you to revisit the decision of Monarch Drive as a temporary cul de sac and find this to be a permanent cul de sac based on the following:

- the road is not built to handle more traffic than the neighborhood it serves today
- the road contains many turns which in turn can easily cause many accidents
- we as parents already have concerns with young children in the street.

Discussion.

I urge you to weigh the pros and cons of opening the cul de sac. Do the convenience issues outweigh the safety risks you will burden Monarch Drive and the new Lovley development with?

My second concern applies if and only if the cul de sac is opened.

Discussion.

Approving smaller lot sizes would be detrimental to our property values if the cul de sac were to be opened and the two developments become one neighborhood.

My last concern is that any development respects the wetlands, does not have any negative impact on current floodplains.

Discussion.

Thank you and I urge the open space vs traditional plan be considered only after the decision is made to keep the cul de sac closed.

Pat Henderson, 194 Monarch Drive. I am opposed to the open space subdivision because of property values.

Discussion.

Discussed the layout of the homes in detail. Where are the streams on these maps?

With Monarch Drive going through and the name of the road continuing the same, if this passes, the lot sizes could be smaller and that's the main reason I do not want this approved. I feel the lot sizes should conform to the existing zone.

Discussion.

I do want to express I am in favor of development. I would like to see another community be able to enjoy what we've enjoyed on Monarch Drive. I would prefer that to be its own development.

I have a concern with the pillars if it is going to be the same road. Why would you need them?

I hope you do look into keeping the cul de sac closed.

Mr. Kenefick noted there are 33 homes on Monarch Drive. He asked the speaker: If the cul de sac was to be permanent on Monarch, how do you feel about the reduction in the lot sizes for the open space subdivision?

The speaker said it didn't matter to him. Different neighborhood. It doesn't impact me at all.

Kevin Hurley, 100 Monarch Drive, reiterated a lot of the points and expressed his concerns, as well.

As a property owner I have concern about the size of the lots. Also concerns about the value of our houses.
Discussion.

In terms of the cul de sac, I do support keeping Monarch and turning it into a permanent cul de sac for a lot of the concerns you've already heard.
Discussion.

I am in favor of development in the right way. If you are going to develop it, certainly doing the right due diligence around some of the water studies.
Discussion.

Thank you.

Michelle Nucifora, 718 West Center. I can't sell my house of the basement issues. Besides the point.

Spoke of the impact on the education budget to educate the additional children in this new development.

I am in agreement with everybody else who has spoken. I know a lot about the water in the area and I am concerned with what might happen with the water.
Discussion.

Traffic, et cetera, the wildlife, potential noise are all issues.

Scott Polverari, 118 Monarch Drive. I have a question: Is it possible to approve a plan like this with the stipulation that it does not connect to Monarch Drive?

The Chair advised the Commission is going to deliberate a whole bunch of stuff after this.

The speaker urged the commission to consider not opening the cul de sac.

Mr. Kenefick pointed out two letters. One from the fire department and one from the police department. They are definitely in favor of opening that cul de sac. For safety issues.

The Chair added the letters will be read into the record.

Brian Keslewski, 164 Monarch Drive. I spoke last time. I wanted to bring up a point that was brought to our attention. It was November

6, 2002, a PZC meeting. I'll put the Minutes into the record. (Submitted for the record.) It's on the safety issues for the police and fire. (On file in the Town Planner's Office.)

Manny (Inaudible) 177 Commission Street. Spoke about what a good developer Mark Lovley is.

The lot sizes should be in conformity with the abutting properties. That's a very valid point.

(Staff communications)

Ms. Savage-Dunham read the following letters into the record. The letters are on file in the Town Planner's Office for review.

- Nancy Voisine, dated August 19, 2009.
- Karen and John Kerchis, 156 Monarch Drive.

Before putting the two staff letters into the record, Mr. Tranquillo is not here but from the administration's standpoint, whether conventional or open space development, staff's position is that the connection should be made as per the previously approved plans.

- Department of Police, September 1, 2009, Chief Jack Daly.
- September 2, 2009 letter from Harold Clark, Fire Chief.

(Applicant's rebuttal comments)

Mr. Bovino noted a lot of comments were made. They talk about water and clearly there is a distinction the land that we're building on and the land they're talking about.

Discussion.

I want it clear: We are not building where the water is.

Discussion.

We have 49.6 acres of land of which we are donating approximately 29 acres to the town for open space. In that area there's wetlands and there's a brook. None of that is near where we are constructing the subdivision. The subdivision is constructed in the open fields.

Discussion.

A treatment train is proposed for the runoff. Explained it achieves more than required under the DEP regulations.

The wetlands function is to purify the water prior to entering a watercourse and that is why we protect wetlands.

An environmental assessment, as required, will be provided before the approval of the resubdivision. It's not required for tonight's meeting.

The fill for sure will be tested. Explained the reason for the fill around the houses. The foundations will be built on virgin soils.

The floodplains and the FEMA Map were explained. The floodplains are away from the developed area. We are not filling floodplains and we are not filling wetlands.

Discussion.

In this proposal, out of 49.6 acres, with many acres of wetlands, we are not filling any.

The wetlands were delineated by David Lord, certified soil scientist. We had a wetlands site walk last Thursday. Wetlands will be discussed Thursday night and it was discussed in the field. The Chair and the Ass't Planner came back into the field and continued investigation of the wetlands. There has been a big effort and they're being careful with the wetlands and where they are.

Property values, we don't have a report. Stated the projected sales prices for the homes. (\$389,000 - \$430,000 range)

Discussion.

Discussed the square footage footprint of the homes (2100 to 2800 sf).

House separation distances were explained.

We have used all the regulations on the books in designing this subdivision. We have exceeded the regulations. We have a right to apply under the regulations and that's why we have the rules, for both sides, the developer and the homeowners.

The detention area locations were discussed. The one on this corner is very shallow. Explained.

That's my response to the comments by the public.

The half acre lots next to the R-20/25 zone were discussed.

If you have questions, I'll answer them.

Lot 13 was eliminated bringing it to 43 lots proposed tonight.

Ms. DelDebbio asked, regarding the cut through, is there any way to kind of make it a little less obvious? Discussion of Commission and Autumn Lane. There's two ways to enter and exit but it's not obvious.

Also, should we change the name from Monarch if there has to be a cut through?

Mr. Bovino said we are connecting to Monarch Drive, so it could be called Monarch Drive Extension if you choose.

Discussion.

The layout is to help the traffic situation. Explained a straight connection is not as desirable as this. This gives a different look at the streetscape when driving through the subdivision.

Discussion.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Ms. Miceli clarified the square footage on the homes. (2150 to 2800 sf)

Discussion.

Mr. Kenefick asked if this were to be a permanent cul de sac, would that affect the lot right next to Monarch? Mr. Bovino said the cul de sac would be here with two lots on Monarch Drive and then do a loop. It wouldn't affect the number of houses.

Carl Verderame asked if he could rebut on behalf of the opposers. The Chair said right now the commission was going to have a discussion.

The drainage issues were discussed. Andrew Quirk, PE, from Kratzert, Jones, explained the drainage report which is on file on the Town Planner's Office.

Mr. Quirk also discussed the soils on a site like this.

Mr. Quirk pointed out there is a wisdom to the regulation that a permanent cul de sac with a 24' width and a 600' length max as opposed to the 2300' length of cul de sac designed with a 26' width.

Mr. Grappone commented the predevelopment and post development flows were either matched reduced in the drainage report. Foundation drain discharges were discussed. Basement floors and wetland elevations were discussed as being a reason for the fill we discussed.

The roof drains are handled through the storm water management system, the detention basins. There are some that are flowing out to the back towards the wetlands.

Discussion.

Mr. Grappone said generally the report appears to meet the Town regulations. We have not fully reviewed it and we normally do that at the subdivision stage.

Hearing no further discussion, the Chair closed this public hearing.

B. Proposed revisions to Sections 4-01.2A: 4-202.2A: 4-03.2A: and 4-04.3A of the Town of Southington Zoning Regulations ZA #550.

Ms. Savage-Dunham explained the proposed revisions. She referenced the material provided in the packet to the commissioners.

Briefly, the purpose of the text amendment proposed is to disallow for eliminate construction of places of worship within business zones. We would like to limit new churches or places of worship to residentially zoned properties.

Discussion.

She read into the record a letter from the South Central Regional Planning Commission and the Central Connecticut Regional Planning Agency. (Letters on file in the Town Planner's Office.)

The text amendment was prepared and referred out at the direction and guidance of the commission. She would be happy to answer questions.

(Those speaking in favor of the application)

No response

(Those speaking against the application)

Anthony Denorfia, 137 Williamsburg Drive, Southington. What you are trying to do with the regulation is limit churches, as I understand, which is basically limiting religion. My personal view is I think churches should be allowed in all zones. Cited the Constitution.

Discussion.

What could be the rational? The economy and taxes were discussed.

Maybe you thought it was not compatible with a business zone and was more appropriate in a residential zone. Well, this is under a SPU now.

Discussion.

Cited several areas in town that are business but with a residential character that this would fit in.

Lastly, you to have to look at the way a lot of churches are now. They are more than the old fashioned 2000 sf church. A lot of churches now a days, they want a bigger church and eventually they want to get into a school. If you limit to only residential zones, you're saying we're not going to allow churches in town because what will happen is that every time someone goes in on a residential zone, the neighbors will come out and say they don't want a 30,000 or 40,000 sf building next to us and that really belongs in a business zone.

All in all, I think it's not a very good idea. I don't think you should limit people and their right to worship in this way.

Severino Bovino, 285 Hightower Road. Tony was very eloquent about the subject and I support that totally.

The other thing is he's right. Spoke of the Tabernacle Church on West Street and its history.

There are a lot of vacancies in a B zone. If we don't have somebody to occupy it, it will look worse than having a church there.

Manny (Inaudible). What triggered this thing? What caused this change?

The Chair responded it was some discussion amongst the commission talking about planning proper placement. Looking at where, in terms of business versus residential, the proper placement for houses of worship is.

There was discussion to send off a regulation adjustment and we're going to debate that following the public hearing.

The Speaker indicated he supported Tony Denorfia's comments.

Churches are there to benefit the town.

SPEAKER: I find it kind of ironic that the Town Seal has a house of worship in the middle of it and yet this panel is trying to limit that. Should we take the church out of the Seal?

My name is Eric (Inaudible) and my residence is 64 Birchcrest Drive.

Jim Townsley, 696 Spring Street. I've been involved in church planning across the country. Explained.

Spoke of the SPU process. I don't see the reason why we would change the law. They could go to a storefront temporarily. They have to meet the regulations.

Discussion.

I would prefer more churches as opposed to some of the other things.

(Staff communications)

None to report.

The Chair closed this public hearing.

BUSINESS MEETING:

A. Scheduling of a public hearing regarding a moratorium on adult oriented businesses.

Ms. Savage-Dunham went over the process of how this would take place. A moratorium is a temporary halt to a certain type of development. She passed around a text amendment. The process of establishing a moratorium is actually the Planning Commission doing a zoning text amendment. As such, to create a new section in your regulations on moratoriums. That is subject to the same process as any other zoning text amendment.

It has to be referred to the regional planning agencies, adjacent municipalities per comment. The public hearing cannot be closed prior to 30 days from receipt of the regional planning agencies, certified mail, their comments from their commission considerations must be read into the record.

The courts have been very strong on saying there has to be a clear purpose for the moratorium and there has to be a clear reasonable term.

I passed around a draft of a proposed new section, 19, moratorium on sexually oriented businesses. (Read the draft wording)

I would recommend the appropriate hearing date would be October 6th. Explained.

Attorney Sciota added the six to eight month timeframe is a reasonable number. Two things we'd be looking at is the eventual court case and two, either through staff or a subcommittee we would review other ordinances and ours to see if there is any possibility of looking at ours and making modifications.

Discussion.

We feel it is appropriate in staff's view.

Attorney Sciota explained the court case in Berlin. Their regulation is different than ours. Explained.

We review our regulations regularly. Our regulation has a specific percentage. Explained about a year ago there was a subcommittee that asked us to look at the regulation. We looked at it then.

Discussion of the Berlin case. What happened here is the business owner changed his business model to meet our regulation.

Discussion.

In response to conversation, Attorney Sciota pointed out that percentages are much safer for a municipality because we can define what that it is. Whereas, significant and substantial is very difficult.

Discussion.

Mr. Kenefick asked if VIP is a sexually oriented business. The Town Planner responded it does not meet our definition for a sexually oriented business.

Discussion.

Discussion of the fact that what needs to be reviewed is our sexually oriented business regulation. That's part of the process.

The process timeline was reviewed again.

Mr. Kalkowski said he fully supported this although it doesn't go far enough and fast enough. We need to have a black and white definition of what a sexually oriented thing is. I think everyone in this entire room has a different definition - very similar probably. We need to clearly define the details of what sexually oriented is and then work on the percentages from there.

Mr. Sinclair said he liked the moratorium. The decision in the Berlin case is going to be very important in making a law that will stand that we can go to court with and hold our head's high on.

Discussion.

Attorney Sciota added that because you are having a public hearing in October, it doesn't stop you from establishing a subcommittee now or working with staff now.

Ms. Miceli supported the moratorium, as well. I would like to ask staff with regard to a similar type of business coming forward to try to do something in the meantime, can we have a professional courtesy that it be discussed with this commission.

Attorney Sciota stated he was sure the Planner agreed with that.

Ms. Miceli said she interpreted the regulation differently. Everyone has a different opinion as to what ten percent means.
Discussion.

Attorney Sciota stated that staff understands the comments.

Mr. Chaplinsky asked about it being broader. Attorney Sciota responded we are putting a moratorium on all businesses that fall under our regulations, period.

Mr. DelSanto made a motion to add this to public hearing schedule for October 6th. Mr. Sinclair and Ms. Miceli seconded. Motion passed 7 to 0 on a roll call vote.

B. Lovley Development, Inc., special permit use application for open space preservation subdivision 44 lots, 703 West Center Street, SPU #475.

Mr. Sinclair asked Attorney Sciota: When I first got on this commission, you told me that no member of the commission, if we're having a public hearing, can meet with and receive information regarding that application. Is that still true? Attorney Sciota said it was.

Mr. Sinclair said it was brought to light we had a commissioner who went out in the field and talked to people and received information. Should he recuse himself? Attorney Sciota said he would talk the commissioner and find out exactly what happened before I render an opinion.

Mr. DelSanto asked why this was being brought up. Mr. Sinclair said it was the second time this has happened. I know Alternate Commissioner Chaplinsky has gone to classes on the PZC. He has tried to do a good job. I don't want any grounds for appeal.

Discussion.

(Mr. Chaplinsky and Attorney Sciota left the bench.)

Attorney Sciota reminded the commission he was recusing himself from the discussion.

Ms. Savage-Dunham reviewed the application. Just to focus, the topic before the commission to decide is to decide if an open space subdivision or a conventional subdivision would meet the intent of the regs and be more appropriate for this location. The plans in front of you are conceptual in nature and after this step, whichever way it is determined to be, it is in front of the Wetlands Commission for their review, and then it comes back to you for a subdivision approval. Another public hearing.

I will draw your attention to the residential development regulations, 3-07.2. There is discussion about the intent to allow open space subdivisions. You have been provided with a handout from the agent which stated purpose and comments as to how they're meeting those purposes.

She read the pertinent regulation into the record. As you deliberate, I would draw your attention to the purpose of an open space subdivision. Is it appropriate to have an open space subdivision here? Has the applicant shown that the proposed conceptual design accomplishes the intent.

It is an SPU. You have Section 8 to refer to. A lot of the items brought up tonight, ie: Phase I, we get those at the subdivision phase. Right now, the question is: What's it going to look like?

You have the right to require the lots adjacent to the other developments to meet those design standards.

I'm happy to answer your questions.

The Chair brought up the lots adjacent to Monarch Drive. Discussion. The Town Planner referred to the regulations when you have a lot on the turning radius or a corner of an intersection with difficult configuration.

During the preapplication when this came forward to discuss the connection of the road, Monarch Drive was proposed originally as a temporary cul de sac. The original approval plans call that out: temporary cul de sac. The road width as was indicated earlier is larger than that of a permanent cul de sac. The length exceeds our regulations for a permanent cul de sac.

When the applicant came to the town about moving forward and doing the connection, the town was also concerned about traffic and wanted some traffic calming measures implemented. That led to part of this design here. Mr. Tranquillo and I suggested that it was appropriate to either have a T-intersection or some kind of curvature which is what is shown there instead of just a straight shot through. Discussion.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

Discussion of the cul de sac. Mr. Weichsel stated the administration's view. You have a very thoughtful letter from the Fire Chief going into some technical explanation. A letter from the Police Chief, as well. Both are saying that they're better off if it goes through. Senior members of the commission will recall that when this issues comes up elsewhere the administration always would like a

through --- not the least of which the problem is the matter of snowplowing. Cul de sac, you cannot plow that the way you do others.
Discussion.

It's said we have a lot of cul de sacs. Well, you can have a lot of something and realize it ain't great and try to not have more of it. There is the question of utility connections.

I want you to understand that as far as we're concerned the word temporary cannot be misunderstood. It means: temporary. We would strongly urge that in any discussion that you require a connection through.

Mr. Saucier noted this is a long cul de sac. This commission took a look at our cul de sac regulations and because we had a lot of lengthy cul de sacs we realized they were starting to proliferate around the town. We took some steps to eliminate those.
Discussion.

Mr. Saucier said he personally would not be in favor of adding a stipulation to keep it as a permanent cul de sac. The cul de sac now is about 2300 feet and our regulations say 600 feet is the max.
Discussion.

Mr. Kenefick said he likes what is proposed as an open space subdivision. But I also agree with the people on Monarch it should be two separate and distinct neighborhoods. I think you are better off with two cul de sacs. I love cul de sacs. I am definitely for the cul de sac. A lot of safety there.
Discussion.

Ms. Miceli agreed she would second a motion with regard to keeping Monarch separate from this new area.

Mr. DelSanto said he didn't want to discount the letters received from the safety professionals, but largely the information provided is so they can use it as a cut through at the expense of the folks on Monarch Drive and I'm not in favor of that.
Discussion.

Mr. DelSanto pointed out he was in favor of the open space subdivision and with keeping it as a cul de sac.

Mr. Saucier commented on the open space subdivision. We are looking at a six lot difference between an open space and a conventional subdivision. I'm in favor of the open space subdivision. I feel it will be more open space, visual, may not be walkable, but it will be visual.
Discussion.

Mr. Saucier reiterated he was in favor of the open space subdivision and would pretty much go with the will of the commission on the cul de sac.

Mr. Sinclair said he was not in favor of two cul de sacs here that are both a violation of our regulations. Explained.

When it comes to why we're here, I think the open space subdivision is better for the neighborhood, for the town, it leaves a more rural feel in that area. I'll vote in favor of the open space subdivision.

Ms. DelDebbio commented on the reasons for open space subdivisions. I just think it's the way to go for the town, definitely.

The Chair said from some of the comments, there is a dramatic difference of open space that would be available in an open space subdivision compared to a conventional subdivision.

Discussion.

When you look at the issue of the cul de sac, I'm sensing a consensus forming on the commission. The question is: If this commission chose to vote not to open the cul de sac, when we hear from our staff there's an issue with emergency vehicles and the potential of putting through the cut through there, so that if the emergency vehicles had to get through - my biggest concern right now is with the emergency vehicles. If staff said they need access from both ends, what can we do to facilitate that?

Discussion.

We have to look at the water issue. It is important. Lot size, placement of the ponds is going to be important to the number of units in the facility.

Discussion.

The traffic study, this type of development doesn't require a traffic study. Common sense rules when it comes to traffic issues.

Discussion.

Some of the other comments about water and wildlife, that's the reason why an open space subdivision would be more beneficial in this area than a traditional subdivision.

Mr. Saucier commented about the access for the fire department and police. Discussion followed amongst the commissioners.

Discussion of a possible motion and its wording.

Mr. Kenefick made a motion we approve the open space subdivision with the closing and keeping Monarch Drive a permanent cul de sac. Ms. Miceli seconded.

After discussion, Mr. Kenefick amended his motion to add that the abutting properties to Monarch Drive be R-20/25 regulations. Lot 38 & 37. Ms. Miceli seconded.

Motion passed 7 to 0 on a roll call vote.

Attorney Sciota and Mr. Chaplinsky resumed the Commission.

Mr. Chaplinsky advised on our conversations, I'd like to notify the commission that he determined I did break any rules, laws. However, I want to let everybody know I did formally volunteer and recuse myself from further comment.

(Whereupon, the meeting was recessed at 9:55 o'clock, p.m.)

(Whereupon, the meeting was resumed at 10:06 o'clock, p.m.)

CHAIRMAN OSHANA, resuming the Chair:

C. 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.

Ms. Savage-Dunham briefly stated the text change was brought about with not such much as we don't want churches in our business zones, that wasn't the precipitous discussion of the commission that led up to the zone change.

The earlier discussion earlier on was what can we do to foster our business ones to thrive and continue to develop and what do we want to see in our business zones. My recollection is, particularly in the northwest quadrant, what do we want to see up there? The commission expressed their interest in seeing is hotels, businesses, restaurants, those types of things.

We've had a number of large places of worship come in on West Street that take up huge tracts of land that are business zoned. Those parcels could have larger business developments, there's no denying that.

Some commissioners asked staff what can we do about that and the only thing you can do about that is either become more stringent in your interpretation of Section 8 or revise your regulations to say that places of worship are appropriate in residentially zoned areas.
Discussion.

Mr. Kenefick said he was not in favor of changing the regulation.
Discussion.

Ms. Miceli asked if other communities were doing about this. Ms. Savage-Dunham responded there are other communities that do the same thing. No doubt there is a revenue factor involved.

Discussion.

Input from the Economic Development Coordinator was requested.

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

D. Connecticut Sikh Association, Inc., special permit use application for more than one building on a site, 1596 and 1610 West Street SPU #476.

Ms. Savage-Dunham explained the application. From Staff's perspective the SPU is ready for action.

Mr. Chaplinsky said he was at the site. I ask you to consider the multiple driveways proposed and requesting a single drive. Ms. Savage-Dunham pointed out one of the driveways was eliminated in the revised plans, as well as a number of other modifications to the site plan.

Discussion.

Mr. Kenefick brought up the rear parking lot. The revised set of plans addressed the corrections.

Discussion.

Extensive discussion of the gravel level spreader.

Ms. Savage-Dunham noted the site plan was reviewed by staff. She passed around the outstanding items on the site plan. A lot of them are minor. Item 8, we left the door open for Tony to come back and say he wanted to have that modified by putting in a stipulation that drainage calcs and plans shall be subject to Tony's final approval.

Discussion.

Mr. Saucier made a motion to approve the Special Permit Use for more than one building on a site with a stipulation that the drainage calcs and plans shall be subject to the Town Engineer's final approval. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

E. Connecticut Sikh Association, Inc., site plan application to construct an 11,250 sf religious facility, 1596 and 1610 West Street (SPR #1556)

Anthony Denorfia, Attorney, representing the applicant. The applicants have agreed to all the stipulations. Renderings were displayed.

Ms. Savage-Dunham asked for the engineer to touch just briefly on the curb cuts. Drainage was a big concern and if we could talk about the galleys real quickly.

Rob Blanchette, Borhessi Building, made a presentation. He touched on the items that an adjoining property owner had. He explained they took the curb cut on the north side and closed that off. That solved two problems: the commission wanted us to close a curb cut and it also alleviated 90 percent of a problem we had there with the water going down the driveway.

Another thing we are going to do is replace both drywells with catch basins with a sump.

Another big issue was along that existing parking it was bermed up and it had logs. Explained the water flow which caused problems. What we have done with the stone strip is we've gotten rid of the berm and the logs and the water can now sheet flow evenly off this entire area. Explained.

All of those, I think, went above and beyond what they had to solve the problem.

They wanted to see a fence in the area along the stone strip where the vegetation was going to be removed. We put that in.

Another thing they wanted was to make sure the debris along the bank would be cleaned up and we added a note to the drawing to that effect.

He reviewed the comments he was just handed today noting none of the comments would be a problem.

(End of Tape #2, Side B)
(Beginning of Tape #3, Side A)

Discussion of some of the comments on the checklist of September 1, 2009.

Mr. Kenefick made a motion for approval of the application with the stipulation all comments on the September 1, 2009 memo be addressed. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

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

Ms. Savage-Dunham indicated staff recommended a table. Mr. DelSanto made a motion to table. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

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

Staff recommends a table. Mr. Sinclair made a motion to table. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

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

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

I. Pools by Murphy, flood plain filling application for the construction of an inground pool, property of James Armack, 40 Squires Drive FF #218.

Ms. Savage-Dunham briefly described the history of this application. This did go before the wetlands commission. There is no filling as there's excavation. It is an in ground pool. They're also being required to install a non backwash and filter.

Staff would recommend the same stipulation as the wetlands commission recommended: all excavated material associated with the pool installation shall be hauled off site.

Mr. Kenefick with the stipulation. Mr. DelSanto seconded. Motion passed 7 to 0 on a roll call vote.

J. All-Pro Collision, request for release of \$1,000 erosion and sedimentation bond and \$4,000 public improvement bond, 971 South Main Street SPR #1531.

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

K. Ridgeview Estates, request for reduction of bond from \$135,000 to a new amount of \$83,000 to complete remaining items, 1985 West Street SPR #1360.1.

This is a bond reduction for the sizable bond we required for this development. We inspected the matters completed. I was out there again yesterday with Mr. Grappone. We support the reduction.

Mr. Kenefick didn't think we ought to reduce anything for these people. My problem is this buffer we are talking about in the back. Is there supposed to be drainage pipes running through a buffer? The Town Planner said the drainage pipes will be underground behind a wall. That's the way the commission approved it.

Discussion.

Definition of a buffer zone and a structure was explained by Attorney Sciota.

Mr. Kenefick said these people trespassed on other people's property up there. They cut all the roots on the oak trees. Liability issues questioned and explained by Attorney Sciota.

Discussion.

Ms. Savage-Dunham said none of the bond items are related to trees. These bonds relate to bricking up manholes, et cetera.

Mr. DelSanto made a motion to leave the bond as set. Mr. Sinclair seconded.

Discussion of what that means.

Attorney Sciota said history should be left aside. Staff has inspected on the bond and the bond is for a specific purpose. These are all bond reductions. Your staff went out there and said that whatever the bond was for, a total of \$135,000 and of that X number of work has been done so it's able to be reduced to \$83,000. I'm not sure of your point. Are you saying the work hasn't been done to reduce the bond to the new amount? Or is it the fact you just want to hold the bond in place?

Mr. Kenefick thought they were supposed to build a retaining wall. They planted grass there instead of doing the wall. The Planner said the approved plan calls for a grassed swale area and a retaining wall. As reported last time, work is progressing well. Right now they are doing the work that leads up to the retaining wall installation. They're waiting for the building department to sign off on the retaining walls plans. They are waiting for a smart ditch to come in. They are moving towards completing the retaining wall.

Discussion.

Mr. Grappone pointed out the items recommended for reduction which was submitted with the packet item. Work is progressing nicely.

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

L. Cortland Estates subdivision, request for acceptance of Apple Gate, from Flanders Street to its terminus, a total distance of 900 lineal feet, subject to the positing of a \$65,000 maintenance bond for a term of not less than 18 months S#1234.

Staff supports this. Mr. DelSanto moved to approve. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

7. Items to Schedule for Public Hearing

A. Mackiewicz Custom Homes, LLC, earth excavation application for the removal of approximately 148,000 yard of material for a residential development West Pines Drive EE #128. September 15.

Staff indicated it is ready for scheduling. The Chair scheduled it for the September 15th meeting.

8. Administrative Reports

The Planner reported on BioDiesel. They're being logged in now. I'll wait until Mr. Tranquillo comes back and we'll sit down and review and we should be able to report out at the next meeting.

We're moving forward with that process.

9. Receipt of New Applications

Ms. Savage-Dunham reported the only new one is the BioDiesel application. SPR 1559.

Mr. Kenefick brought up the fill being taken out of the library. That was supposed to be done when school was closed. Attorney Sciota said the issue was where the stuff was going to go.

Discussion.

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

Mr. Sinclair made a motion to go into executive session excluding the press and public and including the Town Attorney, Town Manager, Town Planner and the representatives from Carmody & Torrance. Mr. DelSanto. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned to executive session at 10:10 o'clock, p.m.)