

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
September 21, 2010

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday September 21, 2010. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

James Sinclair	Steve Kalkowski
Francis Kenefick	Kelly Kennedy DelDebbio
Paul Chaplinsky	Zaya Oshana, Jr.
Michael DelSanto, Chair	

Alternates: Lisa Conroy

Ex-officio members present were as follows, viz:

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

Absent: Ed Costello, Alternate Commissioner
Patrick Saucier, Alternate Commissioner

A quorum was determined.

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

The Minutes are being prepared summary style and the video and audio tapes are available for further detail.

MICHAEL DELSANTO, Chairman, presiding:

Approval of Minutes- Regular Meeting of September 7, 2010

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

The Chair asked Mr. Kalkowski to take the floor. Mr. Kalkowski introduced Frank Vinci, Zoning Enforcement Officer for the past 23 years. He has effectively enforced our zoning regulations and has partnered with the ZBA in hearing literally thousands of appeal

requests and providing his recommendation to that Board which have always been in the best interest of Southington.

On a personal note, when I first appointed to the ZBA several years ago I looked to this gentleman often to help me learn about the zoning regulations and the ZBA process.

I consider him a friend and a mentor.

I'll now turn it over to the Chair for the formal presentation to Mr. Frank Vinci our Zoning Enforcement Officer.

The Chair added he got to know Frank very well over the past eight or nine years serving on the Board and I have the utmost respect for him because he's got a very difficult job. He is a good guy and he has a lot of integrity and he's a hard working man.

We got together and we want to present this plaque to you.

(Read the plaque language.)

(Applause, applause)

Mr. Vinci thanked everyone. I can't believe 23 years comes to a conclusion so quickly. I won't miss zoning enforcement, but I will miss a lot of the people that I've worked with. All the Town Planners and staff that I've worked with over the years. Commissioners like yourselves and the builders and developers and engineers. I'll miss the people.

Thank you all so very much.

(Applause)

Congratulations!

PUBLIC HEARINGS

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

A. Lawrence H. and Elizabeth M. Matthews and Steven D. and Julia C. Matthews, special permit use application for parent/grandparent apartment, 112 Kingswood Drive SPU #489.

Ms. Conroy recused herself from this application.

Attorney Tom Riley, 86 Buckingham Street, Waterbury, CT, represented the applicants. They're asking for a spu of the property for an in-law apartment. There was an existing spu, #223, which was granted on July 6, 1995. This is the reapplication as that use has terminated.

The Matthews are all the proposed purchasers of this property. They intend to live there and use it as their principle residence with Lawrence and Elizabeth occupying the in-law apartment.

We ask you to grant this application based upon the provided information.

Mr. Sinclair asked if there has been any changes to the layout of the in-law apartment. Attorney Riley said not that he was aware of.

(Those speaking in favor of the application.)

No response.

(Those speaking against the application.)

No response.

(Staff comments)

The Town Planner added she had the affidavit and the notes are on the plan.

The Chair closed the public hearing.

B. S. Carpenter Construction, subdivision application, 201 Lazy Lane and 115, 18 and 59 Triano Drive S #1211.3.

Attorney Andrew Denorfia, 133 Main Street, Southington, CT represented the applicant. Steve Giudice is here with me from Harry Cole & Son.

We're here for a resubdivision of the property located off Lazy Lane and Triano Drive. It's located in an I-2 zone. And, it is approximately 65 acres.

The commission originally approved the subdivision in June of 2005. Explained.

This resubdivision application is for 9 smaller lots under the revised I-2 regulations. The lots will be serviced by public water and sewer. The lot sizes range from a little less than an acre to actually one that is about 37 acres - a lot of that has wetlands on it.

The IW Commission gave unanimous approval to this at their September 2, 2010 meeting.

I'll turn this over to Mr. Giudice to talk about the technical aspects of the subdivision.

Steve Giudice stated the resubdivision has modifications mostly as to the lot count and lot size. We've also relocated Triano Drive, slightly. Explained.

We are proposing the existing house out front to be converted to industrial use and then we have three industrial smaller lots located along the easterly side of the road. We have a larger lot here (indicating) and then two lots in the back. We have two lots which front on Lazy Lane.

Public sewer and water. Explained the sewer access to the lots.

The stormwater management plan was explained.

Open space land was discussed. It was noted it would be a good addition to the Rails to Trails.

The lots all have conceptual buildings on them for planning purposes. We anticipate coming back before this commission with individual site plans as the lots are sold.

We have received planning staff comments. We've address the comments, however the plans were submitted late on Friday and Mary may not have had a chance to review them. We won't be looking for any action tonight other than the closing of the public hearing.

The residential use was discussed and buffering and screening was pointed out.

The Town Planner asked if the Phase I, roadway deeds or legal descriptions had been received. Mr. Giudice responded there are deeds on file for the previous roadway but not for the new roadway. As far as Phase I, I don't think I've provided that at this time. The Town Planner said she would need that prior to filing the mylar. And, there may be some other action required now that Triano Drive is moved.

Discussion.

Discussion of the Army Corp of Engineers matter on this property. The applicant worked with Army Corp and with staff and the matter has been resolved and the restoration plan was implemented, added Ms. Savage Dunham. She noted the applicant did send a copy of this new application to Army Corp so they are aware of this project, as well.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

The Chair closed this public hearing item.

C. DBF, LLC and Bango, LLC, 28 lot resubdivision application, West Street, West Pines Drive and Sandy Pine Drive, Assessor's Maps 143 and 154, Parcels 16 and 2 S #1280.

Mr. Oshana recused himself from this application. He noted for the record he is not personally involved in this application, but he is doing some personal business with one of the attorney's that is involved in this application. The Chair seated Ms. Conroy in his stead.

Stephen Giudice, with Harry Cole & Son, represented the application. I spoke at length during the earth excavation application for this site. He refreshed the commission's recollection as to the parcels.

We are proposing to connect West Pines Drive in a looping scenario and the new roadway Brookfield Court with a cul de sac here (indicating) and we have future connection possibilities out to West Street and Pine Hollow Drive.

The DBF parcel is the northerly property consisting of 32.9 acres. It is a wooded site, moderate slopes. We have wetland corridor that runs through the property along the easterly boundary. We have another finger of wetland that comes in from the west.

The Bango property is the southerly property which is 44.7 acres. We are proposing development of 12 acres of that parcel. This property has frontage on West Street and it abuts the DBF parcel to the north. The Bango property is wooded along the perimeter. There is a watercourse that continues through the property. We have pond and a vernal pool. We have some open field areas and the majority of it is open and overgrown field. This parcel is mostly flat with some moderate slopes. There is some steeper topography over along the easterly boundary. It is also encumbered by a CL&P easement that runs through the property here, westerly. Right now we have access to this site through a paved driveway coming in off of West Street.

Mr. Giudice gave a little brief history about the site.

Now we are proposing is 28 lot subdivision. R-40 zone. Served by public water and onsite subsurface sewage disposal systems. Explained the roadway system and the future connections.

We're leaving a 50' ROW at this location (indicating). We have a very small wetland crossing and we have an existing crossing that is going to be modified and bring Pine Hollow Drive out to West Street. Discussion.

Our proposal also incorporates stormwater management. Explained.

Sidewalks are proposed throughout the subdivision.

Lots range in size from 40,000 sf to 140,000 sf. All lots meet your 125 minimum buildable square requirement per the regulations.

And, they meet the natural resource area protection requirements, as well. Explained.

We're proposing street trees along the roadways for each building lot and we are also have additional plantings (indicated).

The connection of Sandy Pine Lane connection was discussed which is one of the major changes with this application.

I'll answer any questions. We have worked hard to make sure the application meets or exceeds the regulations of zoning and subdivision. We are in the process of addressing staff comments and hope to have those submitted tomorrow.

I'll answer questions.

Mr. Chaplinsky asked Mr. Giudice to talk about the watercourse way that crosses the two roads. There are two of them. Is there a plan to build a bridge? Mr. Giudice explained the major crossing previously proposed. He explained the smaller impact now proposed with the crossing at the Bagno property. The IW Commission was much in favor of eliminating the first crossing and that's why we have the proposal to eliminate that crossing.

Discussion.

Timeframes for Phase I and II were discussed as being probably two years.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

The Chair closed this public hearing item.

Mr. Oshana re-entered the meeting was reseated by the Chair.

D. Zoning Regulations amendment, new text on electronic signs, Section 13-10-4C ZA #554

Ms. Savage Dunham explained the impetus was to change our prohibited signs as right now electronic signs are not permitted

except for time and temperature. No electronic signs are permitted, internally illuminated, in a CB zone.

We have had a lot of demand for gasoline price signs to be electronic. And, as a result of the direction from this commission, staff prepared this proposal. It is to simply modify the prohibited signs. Read the regulation . . . except for time and temperature signs and signs advertising the numerical price of gasoline provided said sign does not revolve, rotate or flash and does not change more than once in a 24 hour time period.

With that, I'll open it to discussion.

Mr. Chaplinsky asked the Town Attorney if we were allowed to differentiate for retail allowing electronic signs for the price of a retail item for one type of business versus another. My fear is allow is we have gas stations to have electronic signs for the price of gasoline and ---

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

-- is that an issue? Are we discriminating against other retail? The Town Attorney said he did not see it as an issue. If you wish to incorporate those other things, you may do so. This is a request for gasoline and diesel prices. They wish to change their prices electronically and do you wish to move in that direction?

Discussion.

Mr. Chaplinsky said he was not in favor of proliferating electronic signage within the Town of Southington. Do you see the potential for businesses coming before us asking for the same type of request for their own products and if we said no do you think there'd be liability issues?

Attorney Sciota said this board definitely has jurisdiction over signage. The statutes specifically state that you have the ability to regulate signage.

Discussion.

Discussion about the demand for electronic signage.

(Those speaking in favor of the application)

Andrew Denorfia, Attorney, I think this strikes a good balance between the new technology and the concern of the commission. It seems to me a safer and a better thing for the town. Explained.

Steve Giudice stated he was here for the last public hearing. From my perspective I think some of the commissioners are looking at this the wrong way. There is nothing in your regulations that prevents BJs from making their sign a full LED sign. They just can't

change any of it. We just want them to be able to change the number electronically. I think the gas signs are cleaner, neater, easier to see and they're safer. You can limit the size. It has a cleaner, neater look. I support the regulation.

Discussion.

Arthur Cyr, 103 Berlin Avenue. Spoke in favor of the regulation. Explained different signs similar to this he had viewed in neighboring towns and how easy they are to read.

These are signs are safer. LEDs are the way people are going to go with their signs. It's more economical. It's the wave of the future. I support this change.

(Those speaking against the application)

No response.

The Chair closed this public hearing item.

E. Zoning Regulation amendment, new I-3 industrial regulations, section 5-03 ZA #555.

The Town Planner reviewed the new I-3 industrial regulation as outlined in the packet sent to the commissioners. The new regulation was developed by staff to provide a mechanism for the creation of small heavy industrial lots which may or may not have a principle structure or sanitary sewer connection on selected sites within town.

Staff worked together to draft this regulation to meet a need in the town. The demand in town is for heavy industrial properties for intensive use and outside storage with very little or no screening, utilities or structures.

There are very few places in town where uses like these would not be disruptive or have some serious impacts on the abutting property owners, either use or values.

You need to strongly consider these proposed regulations and if adopted, choose one which will allow the commission the discretion in balancing the demand for outside storage and the heavy industrial uses with the suitability of the location being proposed for that use and the needs of existing neighbors or property owners.

I would recommend two modifications to what you have in front of you. On the first page, section 5-03.2, first sentence, after the word "vote" staff would recommend adding: of the entire commission.

On the last page, the last sentence, we talk about SPUs, staff would recommend adding the word: industrial, after proposed.

The Town Planner very briefly reviewed the regulation citing examples of those who might use this I-3 zone. She briefly reviewed the uses that might be allowed under SPU in this zone.

Extensive discussion followed regarding the proposed regulation change amongst the commission and staff.

(Those speaking in favor of the application.)

Lou Perillo, Southington's Economic Development Coordinator spoke in favor. He thanked staff for drafting these regulations. You'll find them protective enough of our community yet free enough for effective use and the purpose is cost effective.

Discussion.

Mr. Perillo clarified this is not intended for intense use. This is more for someone who has to stockpile material and there isn't anywhere in town to do that.

Discussion.

It's more along the lines of storage. The reason for the half acre is that many of these companies don't need a large parcel.

Discussion.

As part of our economic development for attraction and retention, we need to have regulations that are effective. We are in support of this regulation.

Discussion.

Mr. Perillo gave examples of revenue lost because a parcel could not be found in Southington for a growing business.

Steve Giudice, Harry Cole & Son, spoke in favor of the application. Over the last year you have made some modifications to the industrial regulations and allowed some flexibility and I think you've seen us come in with application after application. All these changes you've made have had a very positive impact. I think this will be another positive impact for the town. I support it.

Andy Meade, 362 East Street. Over the years, we have always had a need for smaller businesses that are starting out. Gave a history of his own business.

We have so many businesses in town that need places to set up and have outside storage with a small office.

Discussion.

We want to encourage small businesses to feel comfortable in Southington and get started and build their businesses. I think a regulation like this is terrific. I'm in favor of it.

I recommend and hope this would go through.
(Those speaking against the application)

Paul Samulenas from 145 Howard Avenue, Southington. I'm speaking against this proposal because of some of the language in some sections regarding small lots. Half acre properties not having buildings on those properties to hide this equipment. I see some vagueness in the proposal as far heavy industrial use with very little screening et cetera.

Discussion of a tree service being allowed to store as much as wood as they could store on a half acre piece of property.

I'm concerned with an I-2 that these zones could be decided on and abutting residential properties much easier than I-3 zone would under current regulations.

Discussion.

We have a small industrial shop and I am concerned with how easily this could be brought in in the future to change their status. It abuts three different residential properties. My biggest concern is the half acre parcel with this kind of equipment stored there when families are living there.

Noise is another concern.

Aesthetics is another concern.

I hope you carefully consider this impact on the quality of life in Southington.

The Town Planner responded he is talking somebody who has an existing industrially zoned property coming in and saying, I am I-1 now or I-2 and I should be I-3. I-1 and I-2 require more stringent -- larger lot sizes, more buffering and that type of thing to be protective.

With a zone change, the burden is on the applicant to come before this commission and say we should rezone this property to the I-3 zone and here is why I am going to demonstrate to you that this site is appropriate. That is going to be the challenge for the commission. You're going to need to balance it.

Discussion.

We hope the requirements laid out in this regulations and we can add more to it, gives the commission the teeth to go on the record and say this is appropriate or this is not.

Attorney Sciota added this is for people who live in residential areas with factories in them. Those are not industrial zones. Those are industrial uses and it's a big, big difference.

Discussion.

Mr. Perillo came up and referred to 5-03.31 and explained the intent of the regulation. That gives the commission the power to deny. The light screening intent was to put it in areas that have a natural buffer. The regulations are designed so they just can't go anywhere.

Discussion.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Mr. Perillo continued. If you look at number 6. Explained the intent of that regulation.

The intent is to take care of a high demand of certain small businesses.

Discussion.

(Staff Comments)

The Town Planner noted she had a letter to read into the record which is in favor of the application. It is dated September 21, 2010 and it is from Carl Verderame, III. (On file in the Town Planner's Office.)

Regarding Items D & E, Ms. Savage Dunham reported the reg change was referred out to the regional planning agencies and it's been longer than 35 days. I have not heard their comments back, yet. I have met the statutory requirement.

The Chair closed this public hearing item.

(The public hearing portion of the meeting was closed.)

BUSINESS MEETING

A. Lawrence H. and Elizabeth M. Matthews and Steven D. and Julia C. Matthews, special permit use application for parent/grandparent apartment, 112 Kingswood Drive (SPU #489)

(Ms. Conroy recused herself)

The Town Planner advised this application is ready for action. The affidavit is in the file and the plans have the required notes on them and staff is satisfied.

Mr. Sinclair made a motion to approve which Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

(Ms. Conroy re-entered the meeting room.)

B. S. Carpenter Construction, floodplain application and resubdivision application, 201 Lazy Lane and 115, 18 and 59 Triano Drive (FF #222/ S#1211.3).

The Town Planner recommended a table. Mr. Chaplinski made a motion to table which was seconded by Mr. Sinclair. Motion passed unanimously on a voice vote.

C. DBF, LLC and Bango, LLC, 28 Lot resubdivision application, West Street, West Pines Drive and Sandy Pine Drive, Assessor's Maps 143 and 154, Parcels 16 and 2 S #1280.

The Town Planner advised we are still waiting for responses to comments so we would recommend a table. Mr. Sinclair made a motion to table which Mr. Chaplinsky seconded. Motion passed on a majority voice vote with Mr. Oshana abstaining.

D. Town of Southington, floodplain application for the installation of sanitary sewer line interceptor on rear property of Hightower Road, between Mill Street and Hightower Road, property of the Primus Family Trust, FF #223.

Mr. Tranquillo indicated this project has been around for about 30 years. WE finally getting to get it completed. We now have IW approval and floodplain approval. We recommend the project by approved.

Mr. Kenefick made a motion to approve which Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

E. Jensen, Inc., site plan application for proposed maintenance building, Lot 3R, Townline Road (SPR #1577)

Mr. Giudice presented the application. We have addressed all of the staff comments and submitted revised plans. I believe everything is in order.

Ms. Savage Dunham said staff did review the revised plans and responses to comments. We have one question from the engineer on the stormwater which he is going to handle during the zoning permit phase.

We have another comment which we would recommend as a stipulation. At the moment there is a gravel parking lot area and that wasn't calculated into the drainage. So we would just stipulate that if the gravel area is converted to permanent pavement, the drainage report shall be revised.

Other than, I would just bring to the commission's attention the landscaped buffer. The trees proposed are 20' between trees. This adjacent to the Jensens Community. It's for you to determine if the 35' landscaped buffer requirement has been satisfied.

And, we would also say that there is a 5' utility easement that we're going to need to have filed; but we can work with the applicant on that. That is still outstanding at this time.

Stipulations:

- Utility Easement
- Modify the drainage report down the road if they pave the gravel lot

Mr. Giudice pointed out for the commission where the buffer is. Discussion.

Mr. Chaplinsky made a motion to approve with the two stipulations from the Town Planner. Mr. Kenefick seconded.

Stipulations:

- Utility Easement
- Modify the drainage report down the road if they pave the gravel lot

Motion passed 7 to 0 on a roll call vote.

F. Lovley Development, Inc. application for 12 lot open space subdivision, Pacer Lane, (Assessor's Map 050, Parcel 96) S #1279.

The Town Planner indicated she did include for the commission the letter from the applicant. This was a public hearing. I did meet with the applicant after the last meeting and the commission had some concerns at the last meeting with regard to timing of the construction of the bridge and the Phase I & Phase II with the houses.

This is a 12 lot resubdivision. The proposal for Phase I is 4 houses. And, then a bridge crossing. And, then the remainder of the houses. Staff understands the bridge hasn't been ordered, yet. The IW Commission stipulated that the bridge be installed during the summer during the low flow period. The applicant is now before you for an approval.

I did meet with the applicant after the last meeting. I did include their response in your packet. That's where we stand.

Mr. Oshana spoke extensively about the timing of the bridge noting it has been an issue ongoing since 1998. Other commitments have been made and things happen and the bridge doesn't get built. We have an opportunity now to say connect it now and make it part of the development before it goes forward. My concern is: what if the what ifs continue to happen as they have since 1998 and it never happens? My opinion is I'd like to see it done before the houses start and the development gets going.

Discussion.

Mr. Chaplinsky brought up the bonding of the bridge. And, there would be a written and financial commitment to do the bridge. And, whether the developer did it not the town would have the funds to complete that. I feel it is more advantageous to have the bond in hand.

Extensive discussion.

Mr. Kenefick praised the developer and reiterated he does things the way he's told to. He was told he is not going to put the bridge in until next year in the dry season. The worst thing that can happen is you're going to get 4 more houses on Pacer Lane, but you are going to get a bridge and you are going to get it finished.

Mr. Kenefick made a motion to approve the subdivision. Mr. Chaplinsky seconded. Motion passed 6 to 1 with Mr. Oshana opposed.

G. Zoning regulation amendment, new text on electronic signs, Section 13-10-4C ZA #554.

Mr. Oshana offered that at the last meeting he talked about the fact that he thinks these are the kind of signs we'll be more of as this is the way things are going. I think we need to look at some things.

- The size of the signs. Explained.
- Do we want to limit the zones that they are in? Explained.

Mr. Chaplinsky added we should also consider:

- intensity of the sign. LEDs are very bright. Explained.

Mr. Chaplinsky stated in general, we need to consider signs. Mobile billboards and how they are defined. How do we define portable trailers? How do we define advertising on the side of a vehicle versus a mobile billboard and what is that definition? I think we should take the opportunity to clean this up and do a little more in-depth dive into the sign regulation. Take everything into consideration and not just the electronic sign issue.

Mr. Chaplinsky made a motion to table so we can consider this a little bit more. I would be less opposed if there were some better restrictions and we had examples of what the light was and the size was and also tackle the other issues like mobile billboards and trailer signs.

(No second)

Mr. Kenefick said this amendment is just for gasoline price signs.

The Chair said we could go back at a later time to talk about the sign regulations and traveling billboards, et cetera.

The Town Planner reiterated Mr. Kenefick is correct. The only section of the regulations referred out is that section cited on the Agenda: 13-10-4C which is just the subparagraph about the electronic signs.

What Mr. Chaplinsky wants to do, we can do. I'd have to refer it out. Or rerefer this and fold that into it.

Discussion.

The Town Planner outlined the commission's options:

- Withdraw this for now and broaden the scope of the proposal and have it referred out.
- Table this particular gasoline station price sign portion and on a separate track we could do the other sign regulations.
- Or move forward and approve it tonight as presented.

Mr. Sinclair said we need to handle this item now and do the other at another point in the very near future.

Mr. Chaplinsky went over the issues Mr. Oshana brought up.
Discussion.

Ms. DelDebbio also brought up the different zones we need to look at where we want them.

Mr. Chaplinsky made a motion to deny. Attorney Sciota said usually you don't deny your own application. If the Chair wants to take a consensus and you don't want to go forward with this, just withdraw it. Don't deny your own proposal.

Discussion.

If you decide to table, you need to guide your staff as to what areas she is supposed to look at: size, illumination, zone.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

After discussion, it is only to be allowed in the B zone, everyone agreed.

As to size, after extensive discussion, it was decided that the current regulations already take care of that. The commission will review that and be sure they are happy with that. Attorney Sciota added you are regulating what is going to be on the sign. I think there is not an issue here to say that the numbers are going to be regulated.

Another general consensus, our current regulations, our signs could be a direct correlation of the size of the building, asked the Chair. The Town Planner read the exact wordage as to detached signs. Section 13-07.B.

Mr. Kenefick made a motion to approve the amendment to the regulation the way it is written. Mr. Sinclair seconded.

Clarification of the motion by Mr. Kenefick that it was to approve as written. Mr. Sinclair withdrew his second.

The Town Planner stated that should the commission choose to, you could add after the word gasoline, you could say and diesel. And, that would be appropriate.

Mr. Chaplinsky made a motion to table to revisit the zone, B only, the size of the numbers and how we define size. I'd like to add color and intensity in there to see if there is anything relevant there. Mr. Oshana seconded. Motion passed 5 to 2 with Mr. Kenefick and Chairman DelSanto opposed.

H. Zoning Regulation amendment, new I-3 industrial regulations, Section 5-03 (ZA #555)

We've heard a lot of information tonight. What is the commission's pleasure, queried the Chair.

Mr. Oshana commented we have heard it many, many times. We've lost businesses in town that started here because they couldn't stay here because there is no place for them in our town. We've lost businesses that wanted to start in our town that couldn't come into town. It's time to make a zone where people can conduct business and grow their business in town while at the same time being sure that we protect the neighbors.

Spoke about the design about where these zones can come. It has to be a supermajority vote of the entire commission, they have to lay out what they're going to do and how it would fit into that particular

area and there are variety of things laid out in this regulation that would prevent somebody from coming next to residential zone. They have to come here and convince this commission by supermajority vote that it makes sense to make an I-3, heavy industrial zone next to where people are residing. Explained how it would be an uphill battle to get a supermajority vote to do that.

Do we want to make the whole thing SPU? As opposed to the second part which is the SPU and examples. Do we make the whole thing SPU? I throw that out tonight.

Discussion.

The commission consensus was to have it SPU for everything.

The motion was made to approve the regulation with the changes as we stated to make the entire activity a special permit use that requires a site plan, by Mr. Oshana. Also, adding in to the two additions as noted during the public hearing by staff. Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

I. Brunetto, release of \$8,500 erosion and sedimentation bond, 169 Capital Lewis Drive SPUR #1534.1.

Staff supports this. Mr. Sinclair so moved the motion which Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

J. Kizl's release of \$6,100 erosion and sedimentation bond, 2014 West Street SPR #1521.

Staff supports this pending submittal of a revised as built. Mr. Sinclair so moved as stipulated by the Town Planner. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

K. Kizl's, release of \$14,500 public improvement bond, 2014 West Street (SPR #1521).

Staff supports this pending submittal of a revised as built. Mr. Sinclair so moved as stipulated by the Town Planner. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

L. Fox Hollow II, request for release of \$9,200 public improvement bond, Rahlene Drive (S #986.3)

Staff supports this. Mr. Sinclair so moved the motion. Ms. DelDebbio seconded. Motion passed unanimously on a voice vote.

M. Renaissance Commons, request for release of \$5,100 erosion and sedimentation bond, Columbus Avenue and Liberty Street (SPRY #1441)

Staff supports this. Mr. Sinclair so moved the motion. Ms. DelDebbio seconded. Motion passed on a majority voice vote with Mr. Oshana abstaining.

N. Renaissance Commons, request for release of \$60,000 and \$20,000 bonds in lieu of site plan compliance, Columbus Avenue and Liberty Street (SPRY #1441.)

Staff supports this pending confirmation that the punch list was completed. There are a couple of very minor items. We want to do the paperwork and expedite the process. Mr. Sinclair so moved the motion with the Town Planner's stipulation. Ms. DelDebbio seconded. Motion passed on a majority voice vote with Mr. Oshana abstaining.

O. Dean's Stove and Spa, request for Bond in Lieu of Site Plan compliance, 120 West Main Street (SPR #1558).

Ms. Savage Dunham advised the applicant is requesting a TCO from staff.

Mr. Oshana recused himself and left the room. The Chair seated Ms. Conroy for Mr. Oshana.

Bryan Meccariello, 142 North Main Street Southington and I am here on behalf of Dean's Stove & Spa and Tahoe Realty, Heartstone Pub. They all comprise that one site down there.

This is for Tahoe Realty which is the owner of 42-44 West Main Street being the Heartstone Pub and we're here for the TCO. There was a \$100,000 bond that was sent by email --- it wasn't broken down -- I'm sure I'll get that. Staff has been extremely cooperative. Explained.

There was already a \$19,000 bond posted for the parking. If we can have that credited toward the \$100,000? I don't have the memo on it. Staff does.

Attorney Sciota said we would request the \$100,000 bond and have staff review the \$19,000 and if appropriate it could be credited.

The Town Planner said the \$19,000 is a public improvement bond for the sidewalk along the roadway right of way which hasn't been completed, yet. Staff did inspect today. We did not write anything up. Staff went through the process of calculating a bond in lieu of amount for the commission. Explained the procedure for a bond in lieu of site plan compliance.

We have calculated the bond after looking at their estimated and inspecting the site on almost a daily basis and there is a significant amount of work that's not yet done. We feel that given the status of the site, based on inspection today, \$100,000 is a very fair bonding amount.

Standard operating procedures for bonding in lieu of site plan compliance, they are separate from any other bonding being held on a project. We don't give credit for other bonding. It is not uncommon to have bonding in two different places for the same work.

Discussion.

The Town Planner went over a very loose list she had. (On file in the Town Planner's office)

Attorney Meccariello stated they will be back on the 5th of October with a request for a reduction.

Explained.

The Town Planner said staff would recommend stipulating pending the submittal of the \$100,000 bond and also the execution of the Hold Harmless.

Mr. Sinclair made a motion to approve with the \$100,000 bond and the Town Planner's stipulation and the Hold Harmless. Mr. Kenefick seconded. Motion passed 7 to 0 on a roll call vote.

P. 341 West Street Associates, LLC, request for release of \$2,700 E & S bond, 341 West Street (SPR #1400.)

Mr. Oshana re- entered the meeting.

Staff supports this. Mr. Sinclair so moved the motion. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

The Chair reseated Mr. Oshana.

Items to Schedule for Public Hearing

None this evening.

Administrative Reports

The Town Planner passed around memos. These are all just to start the preliminary discussions.

The first few are in response to the priorities set by the Continuous Improvement Subcommittee. There are a number of priority zone text revisions set forth. This is for discussion so I can get feedback back from you and guidance from the subcommittee.

- Reduction of the CB zones set back. (Passed around a form showing what is being asked to be revised.)

What you should think about is our central business district and where it is. If you reduce the front yard setback, that will allow the enlargement of the building envelopes, which is a good thing.

What you need to weigh on any formal proposal is would that impact the Renaissance Theme at all? Would it push the street furniture further out into the public right of way? Are there places where it may be appropriate and places where it may not be. Explained.

Another consideration is if you have a zero setback on the front yard, any canopy for projected sign or anything on the building has to go to the Town Council on an 8-24 because it is going to be projecting over the Town right of way.

With side yard setbacks, again, you are enlarging the building envelope.

(End of Tape #2, Side B)

(Beginning of Tape #3, Side A)

Continuing discussion of the side yard setbacks.

With rear yards, there needs to be provision for a dumpster, handicapped parking.

Mr. Chaplinsky stated we should look at this and what the impact is to that zone there. The rear setback seems to be something that may have minimal impact. The front yard setback is only 10' now. If something is going to overhang on the sidewalk --- the Town Council will have to give approval on that. We have to go down there and take a look.

Mr. Oshana said he was more concerned with just access on the sidewalks. Anybody with difficulty walking and you want to continue the Renaissance Theme down there, if there is outside furniture, you can't walk on that sidewalk. That's not good. It's not safe as it is now and the front yards need to be looked at. The backyards, I think you are right.

Discussion.

In the CB zone, you are looking for maximum build out, noted Attorney Sciota. One of the areas I think you should look at is the 75% lot coverage. Why can't you have 90 or 100 percent?

Discussion.

Mr. Chaplinsky suggested a walk downtown and Plantsville.

- We were asked to look at the size of sheds. Right now the limit is 200 sf. We have been working on the definition of a shed which is: for the storage of items accessory to the principal structure. The definition being added may strengthen the accessory building and provide a little more teeth there.

Discussion.

Is there a sliding scale? Explained when you get up to an R-80 zone, you could have a shed the size of a garage and then somebody starts living in it.

Discussion.

The Chair said the regulations need to be tweaked to go along with the economical times, as well.

Explained.

Several liked the sliding scale with the size of the zone and further defining a shed.

- We were asked to take a look at front yard setbacks in the instance of a corner lot. Currently the regulations say the side of your house that is facing the street is your front yard. In your front yard you can have a 4' fence, and in the side and rear yard you can have a 6' fence.

Extensive discussion.

The Town Planner passed around one possible solution to the concern. You could define a primary front yard being perhaps the side of your house where your street address is or where your front door is.

Discussion.

Staff would suggest you give some thought to having a primary front yard and then having the secondary front yard have a lesser setback than the other one, maybe half of it or maybe 10' less.

Sideyard setbacks are pretty small in some zones. I suggest you consider a middle ground. Mr. Vinci suggested 10' less from the other front yard. The Town Planner suggested maybe half of the other one.

Discussion.

- Staff brought this up. This is the discussion of recreational vehicles and the numbers allowed on a site. I attached some photos of an ongoing matter that we're dealing with. Currently, the regs say recreational vehicles have to be stored in the rear yard.

Another issue we have is how many is too many? Is it your position that as long as you're in the rear yard, we're not going to regulate the number. Just think about it.

Discussion.

- Revision to the ROD regulations. This matter was brought up by Mr. Oshana. In short, the intent of the residential high density being permitted in the ROD zone is to enable a mechanism for a developer to balance the cost of remediating a brownfield site with developing it and putting it back on the tax rolls; i.e. Meridian.

Your current proposal allows a density of multifamily dwellings at 18 units a gross acre. If the net public space is increased by a minimum of 5% over the 10% requirement, the maximum density shall increase to 25 units an acre. That is a lot of units.

I wanted to bring to your attention that staff has a discussion draft suggesting 12 units a gross acre instead of 18. And, then saying if the public space is increased then the maximum density could be increased to 15 units an acre. That is a substantial increase.

Staff is working on it and taking concerns expressed to heart.

- The Town Planner reported that Mountain View Farms/Elizabeth Gardens Project has been sold. Staff did meet with the proposed purchasers before they went under contract as they wanted to find out what is understanding, are there any surprises, what is expected to be done here.

They want to make sure they are going to come out alive. We did meet with them. The Town did call those bonds and we're still moving forward to complete the improvements that were intended to be completed with the bonds. This person would then finish the residential lots in the subdivision. Put the water through as the system needs to be looped. They would also go into the multi family site and develop it as proposed.

Discussion.

We are pleased to have a responsible, cooperative developer in the picture. They may before you as they did ask me about the multifamily. And, they said in their opinion it would be better for the surrounding property values and the neighborhood to have single family there and how would the commission feel about that.

Discussion.

The Chair said speaking for himself; they could come in at the next meeting to have an information discussion about going back to single family dwellings.

Discussion.

Mr. Kenefick asked: I would like to ask or find out who I can ask why a developer comes into a site and has to cross a brook and it's almost demanded to put a bridge in. (Winding Ridge and Pacer Lane) If the Town rebuilds a road and crosses a brook, they put a culvert in. (East Street, Marion Avenue, DeFashion Street, Laning Street & Burrirtt Street) To me a culvert would look a heck of a lot better than a bridge in the middle of a development.

Mr. Tranquillo said you need to ask the Conservation Commission that question. You should draft a letter to the Conservation Commission and ask for an explanation. It is for environmental reasons.

Discussion.

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

(Whereupon, the meeting was adjourned at 9:40 o'clock, p.m.)