

PLANNING & ZONING COMMISSION
 Regular Meeting
 April 17, 2012

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday, April 17, 2012. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Stephen Kalkowski	James Macchio
Paul Champagne	Paul Chaplinsky
Kevin Conroy	Michael DelSanto, Chair

Alternates: Jennifer Clock
 Randall Gage
 Susan Locks
 Ryan Rogers

Ex-officio members present were as follows, viz:

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

Absent: James Sinclair, Commissioner

The Chair seated Susan Locks for James Sinclair. 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 April 3, 2012

Mr. Kalkowski made a motion to approve. Mr. Champagne seconded. Motion passed unanimously on a voice vote.

Mr. Conroy stated he did review the Minutes and watch the video.

The Town Planner read the legal notices into the record for this evening's meeting.

5. Public Hearings

A. The S. Carpenter Construction Co., special permit application for proposed earth material processing facility 65 Triano Drive (SPU #502)

Attorney Anthony Denorfia, 133 Main Street, Southington presented represented the applicant along with Stephen Giudice from Harry E. Cole & Son.

He passed around copies of the two presentation boards to the Commissioners.

We represent the applicant. The nature of the application is for an earth material processing facility. The parcel is Lot 6 at 65 Triano Drive. It's a 37-acre parcel and it's bounded east by open space, to the south by other land of the subdivision and also some land which is currently vacant, by the northwest at I-84. It's kind of a pie shaped facility. It sounds like a lot of land but it's substantially all wetlands are and the usable portion of the land is approximately 2.5 to 2.75 acres of land.

The usable parcel is at the end of a 550' driveway. It's at the end of approximately 650' cul de sac called Triano Drive before we get out to Lazy Lane. Thus, it's about 1200' away from Lazy Lane. The actual operation.

The parcel is naturally buffered from all other users. To the east we have the open space and the northwest we have I-84 and to the southeast and to the southwest we have approximately 30 acres of wetlands. We have this one remaining lot, #5, which is presently is vacant and will be most likely vacant for as long as we have this facility out there.

I can't think of a more isolated piece of land in the Town of Southington to be used in a situation as this.

The proposed use, per the application, is an earth material processing facility. Mr. Carpenter has a rather large construction company and he does things like construct roads, builds buildings, commercial buildings, et cetera. What he wants to do is use this site for his own company's convenience. Explained it would be for storage of excess fill, topsoil, etc cetera that was brought to the site, reclaimed for reuse.

The processing will consist of screening material (screener on site) for sand and topsoil. And, crushing (crusher on site) of rocks, asphalt, et cetera, to prepare it to recycle and reuse it.

Discussion.

Equipment on site will be a screener and a crusher and also an excavator, pay loader and a couple of site trucks to move the material around.

The traffic will be relative minor as he using it primarily for his own company's use. On the top end we might have 32 loads of material leaving the site a day --- during a ten hour day is pretty innocuous.

This use is subject to the special permit use provision because the regulation gives the board a chance to look at noise, glare, air pollution, fire and safety hazards.

As far as noise, the parcel is pretty well isolated and it's a substantial distance from all neighbors, especially the houses.

It is adjacent to I-84 and I'm sure that I-84 would drown out any potential noise that would come out of the site. Explained a similar site at Knight's Crossing with the same equipment and no complaints were received during the six years of operation.

As far as the glare, there's no glare when you are looking at piles of material.

As far as fire or safety hazard, again, we are not proposing and structures. This is not a blasting operation or anything like that. We are just talking about reclaiming materials.

The general requirement of Section 8; i.e. harmony. In our opinion, this is consistent with I-2 zoned uses in the area. Explained the other uses approved in this subdivision to-date.

The closest home is the one which is in an I-2 zone and is at the beginning of Triano Drive. If you scale it to where the operations would be, it would be approximately 1200' away. Explained the distances between this property and residential dwellings is extensive.

This is intended to be a temporary use of the land. Someday lots 5 & 6 would be developed with a large single user in mind. Explained.

Steve Giudice can now come up to go over more of the site details.

Stephen Giudice, Harry Cole & Son. We're here tonight on behalf of Carpenter Construction Co. I have the site plan. We have a facility that is currently cleared. We kept our activities outside of the limits of the exiting clearing. We do have some wetland areas around the property (indicating).

This is the area where we did floodplain compensation for the subdivision - Triano Drive --- where we achieved our ZIRO for the entire subdivision. (Indicating)

We have numerous stockpiles throughout the site and a location for the crusher/screened in the middle. We are proposing sheet runoff throughout the site and we have swales that run around the perimeter, the sides and the low end of the site that discharge into storm water quality basins that would then discharge over into the flood storage area downstream to the east.

We've proposed berms on the outside of the swales as a physical barrier so the operation will not encroach further off the intended location.

A small detail of the proposed berm was passed around and discussed. With the swale, berm and landscaping at the top of the berm we feel that this will give us easy access to maintain the swale and give a clear physical barrier for any machinery or equipment of stockpile to migrate off the site.

The storm drainage is proposed as grass swales and a storm water quality basin. Explained. There is a maintenance schedule on the plan, as well.

Material management notes are on the plan as for the stabilization of different types of materials and how long they will be located on the site.

We're proposing hours of operation to be 7:00 am to 5:00 pm, Monday thru Friday. And, 7:00 am to 12:00 pm on Saturday.

There will be no contaminated material permitted on-site. There is a note on the plan. It is a stipulation as part of the Wetlands Commission's approval.

We're not proposing any sewer extensions or water extensions because we have no buildings proposed on site.

We have a paved apron. We have a wheel wipe and a gravel site. Indicated.

Things will move around on site as the operation progresses, but its things will adjust as the operation moves on. Explained the limits of the facility.

Questions were asked by the Commissioners and answered by Mr. Giudice.

Mr. Champagne asked about petroleum products, asphalt being reclaimed there. Will you isolate the area from contamination? Mr. Giudice said he didn't have an answer tonight but would get one.

But we are talking more about concrete or cement more than asphalt, he added.

Secondly, is that 51% or 99% primarily used by the applicant? Mr. Giudice estimated 80 to 90%. He will be operating the facility and any users coming in would be dropping off or picking up for him.

Mr. Champagne noted a truck every 10 minutes coming in or going out. It seems a very busy site. Mr. Giudice explained that would be the worst case scenario. I think this is the type of site that may stay dormant for periods of time and then may be active for periods of time.

Discussion.

Attorney Denorfia noted the applicant only owns four trucks. Depending where he's operating. As far as asphalt, we discussed this, and it is a good reclamation because when you do rip it up, it's all old and dried up.

Discussion.

Mr. Conroy asked questions as well regarding the Conservation Commission's stipulation. Mr. Giudice said they wanted that any non-natural material brought into the site to be inspected by a LEP. (Refer to the actual approval letter on file.)

Discussion.

Discussion about the length of time this would be a disturbed site in response to a question by Mr. Conroy. Leveling of the site was discussed.

Runoff was discussed.

Dust control and erosion were mentioned by Mr. Conroy and discussion followed.

Anticipated duration of the project is two years.

Traffic routes were discussed. Attorney Denorfia said the routing is out to Queen Street.

Attorney Denorfia pointed out as of right this could be used as a construction site to house construction material and things like that. There are other uses along those lines. As far as a stipulation that the permit would be good for three years and then we could come back that is something that has been done in the past. I'm sure the applicant would consider that.

Above ground storage tanks for fuel were brought up by Mr. Gage. Attorney Denorfia said he would have to speak to the applicant. All this equipment he has and operates off site. He has a water truck, too. Any on site will be done by an offsite truck or in one of the DOT contained facilities. He will double check.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Robert DeLeon, 242 Lazy Lane. He pointed out he felt the attorney had made some very erroneous and misleading statements to this commission; i.e.: this site is anything but isolated. It is surrounded by houses.

Discussion.

They haven't been accessing from Queen Street as represented. They're coming from the West Street side.

Hours of operation were a concern for him and the quality of life in the neighborhood. Property values will decline. Quiet enjoyment of life will be lost.

He questioned if the DEP has done an environmental impact study as to the long term effects on this area.

What about fumes from the processing? Emissions?

Why are we having the hearing now long after construction has started? Shouldn't this hearing have been held first? Is approval a foregone conclusion?

The operation has been going on for two months. Trucks up and down. Machinery. 32 trips a day?

Discussion.

Is the DEP going to monitor them?

Burning of asphalt was discussed regarding emissions and fumes.

John Haverly, 227 Lazy Lane. The isolation factor is not the truth. I can see the operation from my window.

Discussion.

I know for fact there is stuff already buried down there. There is concrete and asphalt buried under the ground.

Discussion.

Stan Slipski, 80 Melcon Drive. I sent a letter to the Town Planner.

Discussion of this being for the applicant's use, only, now. What if later on they have companies come in and dump stuff? Could they sell this to another company and make money? I don't see the safeguards there.

Is there blasting?

Discussion about the condition of Lazy Lane --- a total mess now.

He then referred to his letter, which is on file in the Town Planner's Office.

Dust pollution and quality of life were discussed. Noise was questioned. Hours of operation were discussed. Everything constant.

Trucks? Today he has four, how about tomorrow? The more he has the more trucks going up and down the street. You're making decisions on today's facts but tell me about the facts down the road.

Discussion.

Besides my health and the health of those in the area, those are the problems I have.

If you approve this, you're killing us. It's quality of life.

Joan Bradley, 225 Lazy Lane. Talked about this property not being isolated. I can see the dirt right from my front window. It's not isolated or innocuous. (Passed around a map)

What's to stop them from having other trucks? Discussion.

Discussion about her having to call the police for them going down the street jake-braking all the way down the street. Most of Lazy Lane is residential.

You have consistently destroyed Lazy Lane. Discussion.

Dust was noted.

Noise was discussed.

This site is not isolated.

I'd like more stipulation as to who is going to be monitoring what is going in/out of there if this is to get approved.

Jean Yorski, 44 Burrirtt Street. I do have lots of friends and family that still live there. I just don't want this happening there.

Spoke about Solvent's Recovery Site and I don't want my friends and family to die because of the dust and burning that we had in Solvents Recovery.

Also, I am concerned about the police department. Don't you care about their welfare, too? Their health?

Raymond Yorksi, 156 Lazy Lane. Also, representing my mother at 159 Lazy Lane. We're against it. Too many unknowns. It sounds like we have another bulky waste coming in.

I see no advantage to the Town bringing in building materials from West Hartford to Southington. This is a very environmentally sensitive area. Quinnipiac River is just to the east of that. One of the biggest aquifers in the State that runs under this site.

I'm unclear on the type of materials, how long they'll be there. Too many unanswered questions.

Development at 172 Lazy Lane was briefly discussed.

We're against it at 159 and 156 Lazy Lane.

Ms. Bradley discussed the truck situation going up and down the street plus Progressive and SRS. This is a residential neighborhood. Why can't they go down on to Queen? They say they're going to, but they don't.

The whole street is going to get a petition so they don't go up the street any more. It's not right. Those are our homes and we should be able to enjoy them.

Robert DeLeon, 242 Lazy Lane. One more comment, I don't know of any businesses further down Lazy Lane going towards Queen Street that make the noise that's going on on this site and second of all, that have the potential to affect the environment so drastically as this proposed development.

Dust was discussed.

(Town Planner Comments)

Ms. Savage Dunham distributed two letters to the Commission:

- Mr. Slipski

- From 227 Lazy Lane, Mona McKim Haverly.

Both on file in the Town Planner's office for review.

(Rebuttal)

Attorney Denorfia addressed the DEP study. He said he was sure there was an environmental report that was done when the property was turned over to the Town to show the property was clear. (Phase I for the road and open space.)

Will there be DEP monitoring when this project starts? Attorney Denorfia said there wouldn't be for such a minor operation like this.

There is no blasting to be done on site clarified Attorney Denorfia. He discussed when Blastech got approved on Curtis Street.

This is planned on being just topsoil, sand and some crushed material that would be reclaimed and used on his projects reiterated Attorney Denorfia.

Are they up there operating now without a permit asked the Chair. Attorney Denorfia said right now the road was constructed with a grant from the State to the Town and the Town put the road in over the last several months. They are doing some construction on the SRS building and that's about it as far as he knew. That is not Carpenter Construction activity.

George was doing the detention basin and things like that and those have been done for a while. That material is stockpiled on site.

Discussion.

No burning of material will be done on site clarified Attorney Denorfia.

Discussion.

This is an extremely valuable piece of property and why would the applicant turn around and contaminate it for a couple of truckloads of lousy material. It's not going to happen. It's not common sense.

Dust control measures to be implemented on the site was explained.

Current traffic routes were discussed. It is not Carpenter Construction. All of Carpenter Construction trucks are going to go to Queen Street the same as they do now per the applicant.

Discussion of activity in the area to-date.

Staff was asked to get a report from the police department of any records or complaints made about trucks in this area for the past year.

The current state of the site is bare.
Discussion.

Mr. Giudice pointed out there have been ongoing construction activities on Lazy Lane and we're getting to the point where you are going to see the end of the construction activity. Seven of the nine lots have approved site plans. This is 8th site plan.

Explained.

A lot of the work that's been done out there has been permitted by this Board.

Lot stabilization was discussed.

Mr. Conroy explained he could see this being an open site for a very long time and he was concerned about some of the nuisance aspects that we've heard tonight particular with regard to traffic. I'll ask for more information on the dust and all that. This being unstable for such a long period of time is a concern. Can you add anything that would mitigate that?

Mr. Giudice noted watering, trucks turning left out of Triano Drive and using Queen Street only for access. We have stabilization for stockpiles over a certain amount of time.

Discussion.

Mr. Conroy asked for staff to provide a status of the site and what does the dust look like, evidence of material migrating off site. The Town Planner said she would take pictures when she's there on Thursday. There are E & S controls in place on site. They're on top of that and staff has been monitoring that.

The Chair asked Attorney Denorfia if his client was married to Saturdays. Attorney Denorfia said those are standard construction hours of operation.

Attorney Denorfia noted the distances to neighboring houses: Mr. Slipski's house is 2440' away from the operation; Mr. Haverly's house is 1840' away from the operation.

This public hearing item will be left open to May 1st.

B. Superior Products Distributors, Inc., special permit application for more than one principal building on a site, 1403 & 1405 Meriden Waterbury Road and 212 Norton Street SPU #503.

Sev Bovino, Kratzert, Jones & Associates, representing the applicant. He passed around an area map which shows the current zoning and the site being surrounded by the B zone.

He passed around a reduced copy of the map of the site plan colored so you can see better what we are doing here.

The property is 1403 Meriden Waterbury Road at the corner of Norton Street. It is 9.29 (+/-) acres. It is located in the B zone and served by public water and sewers. The hours of operation are 7:00 am to 5:00 pm. They line up in the morning around 6:30 am for deliveries. There are about 80 employees.

It is bounded on the south, west & north by a business zone. On the other side of the road, the east side of Norton Street, this is a residential zone with residential use. Notifications were sent to property owners within 500' as required via mail.

The property is occupied by 4 principal buildings. Explained on the map. They total 24,000 sf.

- house right on the Meriden Waterbury Turnpike, 1405, used for office and record retention.

It's been in business since 1967 and they primarily service the building and construction industry and it has outside storage. There are multiple structures to house the various products that need to be protected from the elements.

This is a request to allow multiple structures on this site under Section 1-09 of the zoning regulations subject to Section 8.

The proposal is to remove 9 structures. (Indicated on the map) We will replace those structures with a 3,200 sf structure (indicated on the map). It is a slab on grade one story structure. The allowed height is 40' and our structure will probably reach 18'.

The applicant is in the process of preparing an engineering report which will show how the existing structures on site meet the building code and all permits will be applied for as requested by the town.

A lot of the plans were dropped off at the building department today.

Some of the structures have already been inspected and approved in terms of engineering stability; ie: wind stability and snow loads. They are declared to be safe.

The front part of the operation is accessible to the public and the rear part is employees only and if someone needs to go back there they are escorted.

So there is no confusion when permits are applied for, the structures on the map are numbered and lettered.

We received staff comments and responded in writing.

The applicant decided to stay and continue their business at this location but because of the economy, things are slow, so these are future plans. The plan is to build the large structure on the site to take all the structures on site now and the material would be then put inside this larger structure.

The streets surround this property, in our opinion, are adequate in width and capacity to support the existing buildings. There is adequate emergency access to the property, in / out. The nature of the buildings and their location will not have a detrimental effect upon the public health, safety and welfare. Therefore, they are in harmony with the surrounding buildings.

We respectfully request your approval.

We are installing four snouts on existing catch basins around the site to help alleviate any concerns you might have in terms of discharge of contaminants into the storm drainage system. Explained it is a good system to protect the environment downstream.

There are notes on the plan that on a bi-monthly basis the catch basins need to be inspected and if any silt accumulates, it has to be removed and disposed of appropriately.

There are notes on the site plan indicating what we are going to do in terms of the permitting process which staff agreed to.

I'll answer any questions.

About 9,000 sf of structures are being taken down.

The type of material to be stored inside the structure are: pipes, concrete blocks, brick pavers, steel mesh for sidewalks.

(Those speaking in favor of the application)

Ilio Fusciello, 82 Autran Avenue, spoke in favor of the application to beautify the area.

(Those speaking against the application)

Steve Minton, 39 Linwood Drive. Spoke in opposition if they are going to be any larger in size than is currently there. He cited a letter dated April 10, 2012 from Mr. Crispino stating untrue facts. I can see and hear from the business from my own backyard.

Explained.

He also spoke of the dust from the unpaved roads on this property with the outgrown current use.

The changes requested indicate further growth meaning more tractor trailer deliveries to this area. More growth also means more pollution, noise and traffic. We need less of that in this area. Not more.

Perhaps this operation should move to a more industrial area and return the property to its previous use: an old dairy farm.

He spoke of the detriment to his quality of life if the changes are approved: pollution, noise and traffic.

Please do not allow these changes.

Paul Fortin, 9 Whitlock Avenue. I have no issues except he says the operation is 7:00 am to 5:00 pm. There are mornings when they're out there at 3:30 to 4:00 am. I don't know what they're doing but you can hear bobcats running back and forth. It's maybe once a week.

He would appreciate them keeping the natural barrier. That's pretty nice and it's hidden from my end.

(Town Planner Comments)

None.

(Rebuttal)

Mr. Bovino stated the plan is always grow your business, but the current operation, based on this proposal is we don't expect an increase in business overnight. It'll be over time.

This is a unique business with a retail component that needs the business exposure. It can't be tucked away in an industrial zone.

Storage was granted year ago.

For the dust, we have processed stone on the rest of the property but in dry times they have a water truck on site and they use water or calcium chloride on the property.

The building will not be larger than the existing structures.

The hours of operation, I'm told 6:30 is the time to go to the gate to be able to get service. Some get there early and they sit at the entrance and maybe that's what he's hearing. The employees are not there that early.

The natural barrier, there are additional trees planted along Norton Street and they take time to grow.

Discussion.

And, noise travels quickly and some of the noise may be heard on Linwood Drive.

Hearing no further comment, the Chair closed this public hearing item.

C. Superior Products Distributors Inc., special permit application for outside storage, 1449 & 1467 Meriden Waterbury Road SPU #504.

Sev Bovino, Kratzert, Jones & Associates, represented the applicant. Passed around an area map indicating the zoning in the area.

A reduction of the site plan was passed around, as well, colored.

It's located at 1457 Meriden Waterbury Road in Milldale. It's located in a B zone and surrounded by B zone.

We have provided in your set which clearly shows the B zone, the residential zone and the 500' radius.

Explained.

The property is 2.9 acres served by public water and sewer. The front building is used for retail. (Fireplace shop & spas)

The rear building is used for retail and storage. (Indicated)

In the back there's a barn in the northeast corner and a house and an old structure (indicating).

Total square footage of the buildings is 16,435 sf.

The house is used for record retention/storage. Business employs about 20 people from the community.

Submitted a map for the record indicating that in 1975 a map was created indicating that the back building was a warehouse.

This request is based on Section 2-01.AB of the zoning regulations and is subject to Section 8 to allow outside storage to continue on this property provided it conforms to the building setback requirements and be located in the rear yard. The map shows where the storage piles are (pipes, concrete blocks and pavers). He pointed out an area dedicated to antique tanks and odds & ends with steel and different kinds of pipes.

Gave a history of the use of this property for storage since the late 1950's. The barn was built in 1965. The upfront building in 1930 and the center building was in 1950.

The proposal is to remove some of the material in the rear setback line and from the 50' upland review area of the wetlands pocket which is located at the north property line. We hired a soil scientist to locate the wetlands. (Indicated)

We are offering to remove that from the wetlands buffer if staff feels we need to move it.

We propose to enhance the 50' buffer to the wetlands by planting some plant-loving type of shrubbery pending approval from staff.

No impacts are proposed to the wetlands because we are not doing anything within the wetlands buffer or outside the wetlands buffer. Current storage will stay the same. Thing will be removed occasionally and some things will be brought back in. Limits of storage will remain the same.

A small portion of the property drains north and there was a concern from a neighboring property owner. We are not going to change the drainage flow on the property. We'll leave the wooded area that's there and the forested litter under the wooded area will remain. No exposed soil within 50' of the wetlands and outside of the wetlands.

No change proposed to the current business on the property. The property is fenced in. Traffic from this area will go through the property heading easterly into the SPDI operation. No trucks coming in/out Meriden Waterbury Road through here (indicating).

Notification to property owners within 500' was done.

Area map in the package gives you a good sense of the neighborhood.

It is our opinion that allowing this use would not hinder or discourage the development and use of adjacent properties and we request you consider approving this application.

Any questions?

Mr. Gage asked about the items for storage. Mr. Bovino said the material stored there now and in the future is associated partially with the business that's in the front but mostly the SPDI property next door. SPDI is the mother company of both parcels.

Mr. Chaplinsky asked if there were open violations causing this application to come forward. The Town Planner said staff is working with the applicant to come into compliance and address some outstanding concerns.

Attorney Sciota added we have been in court on this to get it up to code, and they've been working very, very hard with us to comply. The Town is very satisfied with what they've brought in front of us.

The western property line was discussed. There is a row of trees along the boundary line. We have a fence. If you want some plantings, we can put them but it is next to a plumbing shop.

Mr. Bovino noted he got copies of the letter and contacted one of them and we are in discussion with them.

(Those speaking in favor of the application)

No response.

(Those speaking against this application)

Dean DelGiudice, 124 Norton Street. He spoke about the wetlands from the back of this property connecting with the wetlands on his property. He is concerned he doesn't want any runoff going into the wetlands and then on my property.

My main concern is are they going to be monitored by the Wetlands Commission? How often are they going to be monitored?

What is being stored in the buildings? Any hazardous materials or chemicals?

There is clearly a plan on the first SPDI property for the wetlands but there is no plan on this application. What is going to be done on this one?

Discussion.

I would like the Wetland Commission to look into it.

(Staff Comments)

The Town Planner read two letters into the record. They've been provided to the applicant. They are on file in the Town Planner's office for review.

1. April 14, 2012 from 124 Norton Street, George A. Jones.
2. April 12, 2012 from Janazzo's Services.

(Rebuttal)

Mr. Bovino responded there is no increase in runoff from this property. We have drainage computations provided to staff showing that.

We have a map provided to staff with flow directions. Explained.

We do not store any chemicals or hazardous materials on this property. The storage material is cement blocks, pavers, different kinds of pipes and steel.

We have been in contact with Mr. Janazzo. We provided an A-2 survey as part of your set. It indicates the property line in our opinion. We've been very conservative.

Explained.

He was invited on site to show him the storage material and he saw it again: steel, pavers, concrete blocks, antique tanks.

Mr. Conroy discussed the A-2 survey with Mr. Bovino.

Mr. Bovino submitted a map for the record indicating he is surrounded by wetland.

Hearing no further comment, the Chair closed this public hearing item.

D. ESPN, Inc. - Earth Excavation application for the removal of 25,000 yards of material from property known as map 202, parcels 7,8,9,20 & 13 for the construction of a parking lot EE #136.

Michael Joyce, professional engineer registered in the State of Connecticut with Milone & MacBroom presented on behalf of ESPN. With me tonight is also Dean Bodet from ESPN to answer any questions specific to the ESPN uses.

We're here for three applications tonight:

First is the earth excavation application. It is not solely an earth excavation application and it is tied to the construction of a new parking lot in Southington on the south side of ESPN Drive. (Indicated on the map)

This is the first step in ESPN's work to develop some of the other ESPN property in Southington. We submitted a 500' radius map along with a list of abutting property owners we notified.

This project proposes the construction of a 263 parking space facility, secured for ESPN use, only. It is separated from the campus solely by the Town ROW for ESPN Drive. It is an expansion of their campus facility.

This parking facility will feed a couple of different uses. Explained.

This application involves the construction of a detention basin. It is designed not only for the current parking lot designed here but also has some master plan development tied to it, as well. Explained this is designed to handle the parking lot, some other consolidations of drainage that are occurring and also in accordance with STC requirements.

Explained.

We are showing a significant reduction in runoff through all storms because of the improvement of management of storm water in this area. Explained.

A significant planting plan has been prepared and detailed design information regarding the detention basin itself as part of the front door statement. It includes natural features to make it not so set in stone, more free form.

To the meat of the earth excavation application, as submitted, we need to make a clarification. The original application called for 25,000 yards of material which is still the intent. In discussions regarding staging, 25,000 would be the minimum and the maximum would be 38,000. We gave that information to the Town Planner.

Discussion.

We submitted a haul route that's been established for this application. Currently ESPN Drive, using the signalized intersection at Rte 229, taking a left turn and heading south on West Street and continuing on West Queen to Route 10 and then state roads to its destination. The contractor has a 60 acre site in Farmington on Route 4 they'll be delivering this material to. Options for other state routes occur throughout the whole corridor. The need to drive through residential neighborhoods is not required.

We are anticipating 4 to 7 truck trips per hour with 25 to 60, max, truck trips per day. ESPN is looking to get the parking lot paved for this fall. Their intention was to move forward with the earth excavation operations this summer with August 31st as the completion date for the excavation phase. November 15th is the paving date they want to target to get it in for the winter.

Discussion.

Different haul routes were discussed.

The first stage will be the construction basin. Explained using the map.

E & S controls were discussed.

Dust control measures were discussed.

No rock removal or blasting proposed.

The two temporary sedimentation basins were explained. A significant treatment train for storm water quality was explained.

Plantings were discussed for the parking lot facility.

(Staff comments)

None.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

Hearing no further comments, the Chair closed this public hearing item.

(Public Hearing portion of the meeting adjourned at 9:17 o'clock, p.m.)

REGULAR MEETING

BUSINESS MEETING:

A. The S. Carpenter Construction Co., special permit application for proposed earth material processing facility 65 Triano Drive (SPU #502)

Mr. Chaplinsky made a motion to table. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

B. S. Carpenter Construction Co., proposed earth material processing facility, 65 Triano Drive SPR #1612.

Mr. Chaplinsky made a motion to table. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

C. Superior Products Distributors, Inc., special permit application for more than one principal building on a site, 1403 & 1405 Meriden Waterbury Road and 212 Norton Street SPU #503.

Mr. Chaplinsky made a motion that this is consistent with Section 8-02 and I make a motion to approve. Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

D. Superior Products Distributors Inc., site plan application to remove nine structures and construct a 3,200 square foot building, 1403, 1405 Meriden Waterbury Road and 212 Norton Street SPR #1613.

Staff would suggest that a table would be appropriate. We haven't gone over the revised plans and there are still a couple of minor questions. We recommend a table.

Mr. Kalkowski made a motion to table which was seconded by Ms. Locks. Motion passed unanimously on a voice vote.

E. Superior Products Distributors Inc., special permit application for outside storage, 1449 & 1467 Meriden Waterbury Road SPU #504.

Ms. Savage Dunham advised this is the commission's discretion. Mr. Macchio made a motion to approve which was seconded by Mr. Champagne.

Mr. Chaplinsky said the applicant's representative said he would remove items from the wetlands boundary. Do we want to stipulate no storage in the wetlands boundary?

Discussion.

The Town Attorney said the stipulation would be as presented and removed under the auspices of the Conservation Commission because they're going to dictate how it will be removed.

Mr. Champagne removed his second. Mr. Macchio modified the motion to include the stipulation as Attorney Sciota stated. Mr. Champagne seconded.

Stipulation: Material to be removed as presented and under auspices of the Conservation Commission and Mr. Lavallee.

Motion passed 7 to 0 on a roll call vote.

F. ESPN, Inc. - Earth Excavation application for the removal of 25,000 yards of material from property known as map 202, parcels 7,8,9,20 & 13 for the construction of a parking lot EE #136.

The Town Planner stated staff has reviewed this application. We have met with the applicant to go over the responses to comments. It is ready for action. The hours of the operation and the haul route have been presented. It is a very aggressive schedule. They want shovel in the dirt by June 1st, paving down by November 15th. This will be a quick project and not ongoing for a drawn out period.

Mr. Chaplinsky made a motion to approve. He would like to pursue alternate haul roads. I would suggest on the quick maps that I did, heading north on 229, catch Pine Street over the new Rte 72 extender seems to be the most direct route and probably the easiest to handle this type of traffic versus coming West Street and Route 10. I'd like to add that stipulation.

Discussion.

The Town Attorney advised the final route to be cleared through the planning staff so they can take a final look at it.

Mr. Macchio seconded.

Discussion about the removal of fill, is the stipulation for 25,000 only or does that include up to the larger amount? Ms. Savage Dunham clarified the approval as presented and the clarification was the fact they expect to excavation 138,000 yards. The 13,000 yards they need for their building is right across ESPN Drive for some other work on the campus. Right now, based upon their master plan for campus expansion, they anticipate having to take 25,000 yards off site. Now should something unforeseen happen and maybe that building is put on hold they want to have the ability to remove all the material through the approved haul route. To answer your question, you would be enabling them to do up to the 38 but they don't anticipate that is what they are going to be doing at this time.

Discussion.

Mr. Chaplinsky amended his motion to allow up to 38,000. Mr. Macchio seconded.

Is the alternate route just a suggestion or is that our motion? Mr. Chaplinsky would like to see that firm. He would not like to see it come south as I don't think our infrastructure can support that.

Discussion.

Mr. Chaplinsky said the stipulation is to go north and not south.

Motion passed 7 to 0 on a roll call.

G. ESPN, site plan application for the construction of a new 263 space parking lot on the southern side of ESPN Drive (Map 1891, Parcels 13 and Map 202, Parcels 7,8,9 and 10) SPR #1435.4.

Michael Joyce, presented on behalf of the applicant. This is for the construction of a new 263 parking space facility and associated drainage improvements on the south side of ESPN Drive.

Reviewed the application noting this is not an expansion of the campus from a traffic generation perspective but more from a practical parking facility and proximity issue.

Parking is shifted around to better serve the employees who work at buildings on the front side of 229 and the new construction that's occurring.

The property is currently zoned B. There are some residential properties adjacent to it. Explained.

It's a pretty straight forward project and will look like the rest of the ESPN campus when it comes to parking. Explained.

The lighting fixtures are being converted to LED fixtures. More energy efficient with a better light profile and easier to control the cut off limits.

From a landscaping perspective there will be a consistent theme around the parking lot that they have now. Explained.

A secured perimeter fence is proposed around the parking lot itself. Explained.

Parking is in accordance with your regulations and we exceed the minimum requirement significantly. Explained.

The detention basin is being designed not only for the parking lot but also for the master plan development ESPN is contemplating. Discussion.

The E & S control measures were discussed. Dust control measures were noted.

The turning radius for emergency vehicles was questioned to the private, fully gated ESPN use only parking lot. Discussion.

The Town Planner noted that staff recommends one stipulation which we have discussed with Mr. Joyce and that would be that the language for the right to flow for the three town drainage structures to be provided to the Town Attorney and finalized to remain in force until such time as ESPN Drive is no longer a town road.

Otherwise, all staff comments have been addressed.

Mr. Chaplinsky made a motion to approve with the Town Planner's stipulation which Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

H. Request for approval under Section 8-24 for ESPN to abandon the existing loop road, ESPN Drive (MR #465).

This has been to the Council and the Council has sent it to you. Staff supports this and ESPN supports it.

Mr. Joyce explained when Birch Street was abandoned as part of ESPN's work in Bristol, as part of that STC portion required, a rejection of the loop road was required to return trucks/vehicles back on to 229. Birch Street was a significant cut through for people.

It has really seen no use whatsoever and has become more of a maintenance cost. Explained.

There is also a turnaround at the eastern end of ESPN Drive (indicating) and that should there be a vehicle that does get lost, there is still a suitable full turn around to return people back.

ESPN doesn't feel this rejection loop is an area they need and they would like to use it as part of their Southington development plants.

Attorney Sciota stated as a Town, we feel that we do have one more resident there and the road itself is not being abandoned and the turnaround could be abandoned.

Mr. Chaplinsky made a motion to approve. Ms. Locks seconded. Motion passed unanimously on a roll call vote.

I. AA Denorfia Building & Development, LLC, site plan application for the construction of a 14 unit multifamily development, 45 Carter Lane & 595 Main Street SPR #1614.

Stephen Giudice, Harry Cole & Son, explained we are still in the process of addressing the plan based on staff comments. Unless you have any questions for us, we would respectfully request a table.

Mr. Chaplinsky asked about the topography on the site.
Discussion.

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

J. DC Development & Construction, LLC, application to fill floodplain and compensate in association with construction of a new house, driveway and septic system, Parcel C, East Street FF #234.

Stephen Giudice, Harry Cole & Son, presented on behalf of the applicant. He explained this is an existing parcel of property previously owned by Dr. D'Angelo.

We have Misery Brook that runs through the property and we are proposing a very minor area of floodplain filling and floodplain compensation.

There is an existing drive cut in this area and we're proposing to flatten it out as it comes into the property and utilize the drive cut. It is a 2.65 acre parcel serviced by public water and onsite septic system.

We are doing our best to keep our activity out of the floodplain. Just this one little area we really couldn't avoid. We are proposing filling 17 cubic yards and to compensate with about a 1.5 or 2 foot cut with 45 cubic yards of compensation.

This is a plot plan submitted in the near future for a zoning permit and building permit. We had gone before the Conservation Commission and they voted favorably for this request. We did receive staff comments and we addressed them. One item is we have to provide some legal documentation to the Town Attorney regarding how the lot came into existence and we're having the title search done.

We believe the application is in order and I'll answer any questions.

Staff would support approval with the stipulation of item #5 from the April 10, 2012 punch list which is the title information that is outstanding.

Mr. Chaplinsky made a motion to approve with the Town Planner's stipulation. Second by Mr. Kalkowski. Motion passed 7 to 0 on a roll call vote.

K. Puerta Vallarta request for release of \$1,000 E & S bond, 826 Queen Street (SPR #1549).

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

ITEMS TO SCHEDULE FOR PUBLIC HEARING

A. Lovley Development, Inc. special permit application for open space subdivision 593 Flanders Road and Smith Street SPU #506, May 1st.

The chair also noted items carried over from tonight's hearing for the next meeting but we should be able to handle letter A.

The Town Planner advised she has a parent/grandparent apartment and I was hoping to get that on. The Chair agreed.

ADMINISTRATIVE REPORTS

*** Change of use: 400 Main Street - Scuba school to Roll-your-own Smoke Shop**

The Town Planner explained the regulations say a change of use does require site plan approval. However when it is a retail store going out and a new retail store going in, staff doesn't view that as a change of use. That's a zoning permit type of transaction typically.

We do have a proposed change of use at 400 Main Street. It was a scuba school and the proposal is for a Roll Your Own Smoke Shop. It's a place that sells used tobacco and they have a machine in the establishment you put your tobacco in and it rolls your cigarettes for you. I advised the potential applicant it was the commission's discretion whether that would be a zoning permit or a site plan. They are here if you have questions about the use.

Richard Chance and I represent RAO one of the owners of 400 Main Street. Well, basically, we have two other stores in Waterbury right now. And, you go in, pick out your type of tobacco and filter and take the tobacco --- you do it yourself. You take it, dump it into the machine and the machine rolls the cigarettes and you get a carton of cigarettes for half of the price. It takes about 8-10 minutes. In/out of the store. Retail store.

There's about a dozen of them now in Connecticut. That's all it is.

The Town Attorney stated it is retail to retail.

You can smoke inside to test the tobacco, but if the town requests we do not smoke inside, we will comply.

Discussion back and forth between the commissioners and the applicant clarifying the information.

There is adequate parking noted the Town Planner.

All regulations apply as for cigarettes purchased in a retail store; ie: age of 18.

The question is do you want a site plan or have it following the zoning permit process.

Attorney Sciota and the Town Planner explained the location is a strip mall, so a site plan really won't show you anything.
Discussion.

Hours of operation: 10:00 am to 8:00 pm.

Mr. Macchio pointed out for the members that there is something going on in the courts as far as regulation.

Mr. Conroy questioned retail to retail and would like more research done on it.

Consensus: zoning permit process.

The Town Planner advised that your traffic concerns were sent to the police as requested per the memo in your packet.

The Town Planner advised on a couple of orders to appear before the Zoning Board of Appeals:

- Prospect Street property for the approval of goats. Sheep have appeared. A violation.

- Andrews Street property for the approval of chickens. A rooster has appeared. A clear violation.

The continuous improvement regulation committee has been asked to look at the chicken keeping regulation as we are getting a lot of applications for keeping chickens.

Discussion.

- Restaurant - a requirement to keep their doors and windows shut and no amplified music. We are getting complaints with the mild weather.

- Cease & Desist to a property with a commercial vehicle that we're working on.

- Violation on 172 Lazy Lane was sent out. They don't currently have a CO, a TCO. However, they have rented one of the units to an occupant. There are a number of other violations, as well. Sections 5, 8 and 9 of the zoning regulations as well as building code violations. That did go out in the mail and you'll get it in your next packet. The person does have a rock crusher on site and he is using it for retail use.

Discussion.

COMMISSIONER COMMENTS

Mr. Kalkowski passed around the draft text amendment that Mark Mary put together for us regarding the LED signs. The highlights are we are proposing up to 4 price numbers, 8" numbers within the standard sign regulations. You can have up to 4 10" by 25" number signs. We are advocating for both red and green color with black background. We want to keep the same intensity for daylight and evening hours. We would like to recommend you can only change the prices up to 2 times in a 24-hour period. We feel this is the right proposal for us.

One change we will talk about during public hearing. Instead of the word gasoline, we want to make it motor vehicle fuels to accommodate diesel, as well.

The Town Planner advised this has been referred out at the subcommittee's request to start the clock ticking. The public hearing, should you choose to move forward, would be June 5th.

Mr. Kalkowski said we would like to go back and deal with the sign regulations in total and look to revamp them. This one, we felt was a pressing need and we wanted to get this out.

Mr. Chaplinsky noted at the public input session for the West Street subcommittee we had some folks who talked about some complaints they had on a parcel just north of Churchill Road. I think it is 1268. The violations we'd like you to look into are the storage of materials on site, large piles of tires, broken down vehicles, telephone phones.

The Chair felt the need to address this issue. It's directly towards Mr. Cyr. I've taken a lot of his insolence towards this Board and he has made some comments tonight sitting from his seat and I'm tired of it.

Mr. Cyr: You are no notice. If make more snide remarks or insulting remarks to myself or anyone on this commission again, I will have you removed and you will no longer be allowed to come to this meeting.

We're up here doing a job and the snickering and the snide comments from Mr. Cyr, I've had it.

You are now, sir, on notice. When commission members are speaking, saying duh. You know I hear all that and I'm tired of it and I am not going to stand for it any longer. If it happens again, I want you removed from this building during the meeting times.

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

(Whereupon, the meeting was adjourned at 10:11 o'clock, p.m.)

