

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
May 1, 2012

The Planning & Zoning Commission held a regular meeting on Tuesday, May 1, 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
James Sinclair 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 Ryan Rogers 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

A. Regular Meeting of April 17, 2012

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

The Town Planner read the legal notices into the record.

PUBLIC HEARINGS

A. Donald and Lisa Segal, special permit application for parent/grandparent apartment, 267 Marion Avenue SPU #507.

Don Segal: And, my wife, Lisa. 267 Marion Avenue, Plantsville. We are applying for a grandparent/parent apartment for my parents who are in need of care. The past year has had a lot of issues and we need them close. Hopefully, space on our property where we can help take care of them.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

The Town Planner stated the file is in order and I draw your attention to the plans. We've started a new way of doing the notes. We print them out and ask the applicant to initial them. The plans are in order, as well.

The Chair closed the public hearing.

B. The S. Carpenter Construction Co., special permit application for proposed earth material processing facility 65 Triano Drive SPU #502. Public hearing continued from April 17, 2012.

Anthony Denorfia, 133 Main Street, Southington, representing the applicant presented. With me tonight is Stephen Giudice of the Harry Cole & Son and George Carpenter of Carpenter Construction.

This application is an earth material processing application. It's a 37 acre site at the end of Triano Drive. We're only proposing to use 2.5 acres of the site on the northeast corner of the property. It's I-2 zone, heavy industrial and it's at the end of a 550' private driveway to get into the property.

The use would be to screen topsoil and sand. And, crush and recycle rocks and concrete and things like that.

There will be no reclaiming of asphalt or anything like that.

A few questions I'd like to address:

- As to the fuel. Mr. Carpenter fuels his equipment by way of fueling truck and no fueling facility will be onsite.

- The truck route would be to Route 10.

- In addition to what is listed on the plan for dust control, he has his own water truck and he intends to put some crushed stone down on the property where he can. And, if a topsoil pile will be there for an extended period of time, he has agreed he would hydro seed it and stabilize it.

- Hours of operation (doing the actual work) he could live with 8:00 to 4:30 Monday thru Friday and 8:00 to 12:00 noon on Saturday.

The Chair advised the public that everything mentioned last time is part of the record and there is no reason to come up and give the same information you gave last week. If you have additional new information to add, you can do so.

(Those speaking in favor of this application)

Ilio Fusciello, 82 Autran Avenue. He spoke in favor saying that it will beautify the area when it is done as has happened in other areas of Southington and surrounding towns.

Discussion.

(Those speaking against the application)

John Haverly, 227 Lazy Lane. Brought up a couple of things:

- He showed a view out of his front window. Explained a site that is not especially pretty. (In the record) He went over the criteria for special permit use -8-02.1, 8-02.2 & 8-02.3 were referenced and discussed as it relates to the effect on public health, public safety and property values. He discussed the buildings being in harmony and in character with the surrounding properties. They are not piles of dirt, rock crushers, etc cetra.

- He showed a photo of Lot 7. Lots 5 & 6 are not desolate as was mentioned. They are not barren or setback from my property. I can see them, feel them and smell them. And, with screening and rock crushing, I will taste them.

He showed picture of dirt screener in progress.

He spoke about the dust being omitted. Lots of it. That is dirt. Concrete, I can assure you will be much more dusty.

Kind, size, nature and height, nature extent of landscaping shall be appropriate for the use and will not hinder or discourage appropriate use of adjoining property or diminish the value thereof. This is affecting my property in the R-20 residential zone and the

other businesses in the area. This has nothing to do with what is going on on South Farms.

Wetlands do not need any of this. There are numerous violations. Discussed.

I do not feel this man should be rewarded with a special permit. Not in my neighborhood.

Lastly, as far as truck traffic, the day after our last meeting, Carpenter trucks through the residential zone on Lazy Lane, up and down, up and down and up and down. Hidden in the trees, they're working on the property. No CO. After I called the Town, no action on the site.

We are not okay with the truck traffic. We don't want you driving up and down the road.

Thank you.

Mona McKim, 227 Lazy Lane. I had sent my concerns in writing and since then I read the Minutes from the Minutes.

I want to make a point that it was Knight's Crossing had the same equipment and no complaints received. I researched it. By looking at the PZC Minutes from 2004, there was actually Minutes from a meeting citing complaints. I want to be told honestly what we're in store for and I don't think we're getting the truth.

Discussion.

We were notified by mail because we are within the 500' buffer zone. You asked us to come.

Discussed discrepancy on the location of the crusher.

Talked about the special permit conditions. Health, property values. She discussed at length the detriment to property values.

Health, the dust and noise were discussed. Traffic of truckloads was discussed.

The stipulation from the wetlands commission was discussed. I'm concerned about what is coming in/out of those sites.

Harmony and character of the development of South Farms Subdivision was discussed. I've read a lot of the Minutes. Similar designs, frontage of building, some way glass bay doors. Outside storage/inside storage. We're giving these companies a hard time about that. For some reason it's being ignored when we say you can stack 18' tall soil and rock and put your crusher right out in the

bare open. You're basically wronging the ongoing development. Why don't we use this land as something that fits into the subdivision.

This is just for someone to make a profit and all you're getting is going to be the tax dollars on a vacant lot.

Many of the neighbors around our area have sent letters to the police department saying we want to have signs put on our road --- the residential section to be blocked off and hopefully we'll be successful.

Children and school buses were discussed.

Attractive and suited to the immediate area, I quote your Economic Development Coordinator as he was trying to defend one of the other businesses going to be coming into the South Farms Subdivision:

"I'd like to remind the commission" --- talking to the ZBA - January 10, 2012 - trying support Nelcon, in fact.

"I'd like to remind the commission as well as the neighbors there are significant other uses in I-2 that would probably be more disturbing to this site or to a neighbors site: excavation companies. You could have piles of dirt and whatnot that are supposed to be maintained in an area where they're not going to cause dust."

We don't need this. Develop it for the South Farms Subdivision.

Scott Pride, 255 Lazy Lane. Spoke about the piles that would equal 24,000 cy of dirt with rock crusher, screener, two dump trucks, an excavator and bucket loader. At what point is this going to push out past 2.5 acres utilizing the other 35 acres we're not using right now.

The hours of operation are okay for time, I guess. I work overnight. I work 8:00 pm to 1:00 am. I don't want to hear that during the day as that's when I'm trying to get rest.

We don't need it. We've got kids. If it was your neighborhood, would you want it in your neighborhood?

If you were asking us to stop it, would you do it for us or would we do it for you? As neighbors and other town people we're asking you. We don't need it. The other buildings are beautiful. This is not necessary in that neighborhood.

Asked if the property across from Wal-Mart owned by this applicant could be used for this purpose.

Joan Bradley, 225 Lazy Lane. Her concerns are many: public health, safety and property values and the general welfare of the

residents of the neighborhood. They're your regulations and you should want them adhered to.

Discussion.

Traffic generation would be horrendous.
Explained.

Spoke of school bus traffic on Lazy Lane. It's a hazard with the truck traffic and that curvy, hilly road.

The dust would be intolerable.

The cement could be from old factory floors that absorb everything. Explained.

Monitored by himself? Like the fox guarding the hen house.
Discussion.

No Thru Truck signs at the bottom and top of our street have been removed.

Discussion.

Wetlands were discussed. Runoff water is an issue.
Discussion.

The applicant has been cited for violations in the past. He's going to monitor himself? I don't think so.

Discussion on the fact that it is not a secluded area as Attorney Denorfia stated.

The Town has destroyed our way of life for seven pieces of silver.

Stan Slipski, 80 Melcon Drive. I did research on line and found some more information about rock crushers - submitted a copy for everybody.

Discussion.

Air pollution was discussed as to the dust being generated from a rock crusher and on the trucks. A lot of dust and dust flies as compared to health issues.

Discussion.

Ground contamination was discussed.

This is not short term. We have to live with the results. Dust. Noise.

Discussion.

We're trying to plan a community, a good neighborhood, plan for businesses that will not disrupt the neighborhood. This will disrupt the neighborhood. Can't we do better? Can't you do better? You are our last line of defense against people like this. He'll ruin our way of life from Monday thru Friday and Saturday mornings. Is that okay? Not with me.

Discussion.

Michelle Allaire, 228 Lazy Lane.

- Is anything going to be added to the material before it leaves as sand.

Discussion.

- Excessive stockpiling after time creates high amounts of lime and raises the ph level which adversely affects the aquatic life in streams and smothers them in the dust. This is close to the Quinnipiac River. All this dust goes into the area, lands on the streams and rivers and smothers them. I was surprised this got passed by IW with that type of concern.

- For OSHA safety, no restrooms proposed. Eyewash stations? Submitted an example of what the concrete processing facility, earth processing facility looks like.

Discussion.

- This is not a 250' private driveway. There are other establishments coming in there. That's a misconception.

Explained.

- State and federal money was given to develop this site. Where does that come into play? I am sure it was not for him to build an earth excavating site.

- Also, 2.5 acres of land, in my opinion, is not big enough for this facility. Where is the parking?

Discussion.

She explained a complaint she lodged with Mr. Carpenter's company because his trucks were coming down the road with jake brakes on and slamming the tailgates of the trucks. They have already proved to us they're not good neighbors.

Discussion.

Noise on the site was discussed. Loud.

- The dust storm is a concern. It's close to 84 but you could have a danger of the wind prevailing on to 84 and have a traffic accident if the dust storms are really severe. How can you control that?

Discussion.

- A big concern is I think you'll be seeing them back here if it gets approved for them to have a building. I really don't see where you can have a facility like this with no facility for employee restrooms, safety. No turnaround. The fire trucks can't get in there.

Other businesses are operating there and these trucks going in and out is a safety concern.

Discussion.

Waste disposal, what's going to happen when they recycle the concrete and the soil. Waste of metal, plastics, rubber, rebar. Where are they going to stockpile that? How often will they remove it from the site? Where are they going to bring it to?

We are not supposed to be the police on our street to take care of these things. I think it is a very poor use for the land and especially if a grant was given for development for an industrial park.

She pointed out the only thing the resident of Lazy Lane have opposed before is a power plant. Now, we have this.

Carmella Sniglio, 356 Lazy Lane. I wasn't even aware of what was going on on my own road. For future purposes, it'd be nice if we had some information about what's going on before we get to this point where we're opposing and maybe we can work together better.

Safety is a big concern. School buses, children walking to catch the buses.

Concern for safety with the police department. All trucks and police are trying to pull out for emergency purposes.

Charles LaPorta, 71 Melcon Drive. If you let something like this go, it's going to be like an ongoing construction project. A lot of dirt and dust.

Noise can't be helped with all the trucks coming in.
Discussion.

I don't know if it is the appropriate area for something like this. Maybe somewhere else where there is more land.

(Rebuttal)

Attorney Sciota explained about the grant. The EDC and the Town Council and I applied for a STEAP Grant and they awarded us the STEAP Grant and that put the road in partially. Additional monies were necessary, too.

Attorney Denorfia says he has a portable crusher.

George Carpenter Construction confirmed it is a portable crusher that is not going to be there all the time. Only there intermittently maybe once a month.

As far as the dust, we'll keep it down.

As far as the loam, that came out of the detention pond we had to build to put the subdivision in. We're trying to protect the environment and will keep the dust down.

We'll put portable toilets in.

Absolutely no additives to the soil.

Waste disposal will be in roll offs on the site and we'll truck it away.

We have portable safety things in our pickup trucks so if there is an injury, we meet the OSHA requirement.

I have no other suitable site for this operation.

No other materials would be crushed. Concrete, rock and that's it. And, the screening of the sand and gravel and the loam.

Attorney Denorfia talked about the screener picture that was passed around. We have a picture of Mr. Carpenter's screener and is smaller than that one. We are not talking about a lot of trucks, tonnage or crushing. It's a matter of convenience.

We did get wetlands approval.

Landscaping was described as we went over last time. The purpose of the berm was discussed. The existing tree line was noted.

The 500' notice requirements were explained.

This 2.4 acres and intended to be a small operation just for his construction company. Approximately 90% will be for his own use as verified by Mr. Carpenter. Matter of convenience for his company.

The majority of screened material is used as fill.

Mr. Carpenter's trucks are gray.
Discussion.

Steve Giudice addressed a couple of issues. He reiterated what was said at the last hearing.

This is 36 acre site with 80% of it being wetlands. There are upland soils disbursed throughout the property. Explained the 2.5 acres are well removed from Lazy Lane.

Discussion.

Our proposal is at the end of Triano Drive and then there is a 250' private driveway that goes to Lots % & 6 to access our property. It is well removed from Lazy Lane and the residential property in the area.

Discussion.

Triano Drive construction was part of a grant. Explained the private driveway is from the end of Triano Drive to our site.

Reiterated it is for one construction company.

Landscaping around the operation was discussed, berms and evergreen trees.

Prevailing wind direction was explained.

Three pictures are the SRS site. Explained.

All of the other business owners mentioned tonight, SRS, Nelcon, the tree service, Strollo Brothers have been notified of this public hearing but they are not here tonight speaking in opposition to this.

Discussion.

Mr. Carpenter has created tax base for the Town. Explained taxes coming in due to his proposed development. This is an ongoing development.

Discussion.

Eventually the site will calm down and you'll have green grass and trees. We think this location for this operation is a good one.

Discussion.

He spoke about safety. I believe him when he says he's going to come to Route 10. Tailgates is the nature of the operation.

Discussion.

Clarifying questions from the Commission were answered by either Attorney Denorfia or Steve Giudice.

The Town Planner clarified any activity or violations noted on the site.

Extensive discussion between Mr. Conroy and the applicant's representatives on the stipulation placed by the Conservation Commission.

Attorney Denorfia said if you would like to put a time stipulation on this, we had mentioned three years last time or two years, where it would be subject to termination unless we came back for renewal, we'd be willing to entertain a stipulation along those lines.

(Staff comments)

Ms. Savage Dunham read the stipulation from the IW Commission

"An LEP shall certify the material imported from disturbed site shall not contain hazardous constituents."

She also had an email she did provide to the applicant. She got it today from the State of Connecticut. They're calling out that maybe some state permits may be needed. I'll enter this on the record as part of the special permit. I responded that typically --- with the subdivision there was already a storm water permit filed as it was more than 5 acre in size. Typically we look for proof applicants have applied for the appropriate state permits when we get to the zoning permit phase. This is provided as an advisory and I'll enter it into the record as such.

The Chair closed the public hearing at this time.

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

Sev Bovino, Planner, Kratzert & Jones presented on behalf of the applicant.

The property is in an R-40 zone served by public water and sewer. The total area is 17.3 acres, plus or minus.

Explained the area map.

This parcel includes four parcels as definite on Assessor's Map #148, parcels 26, 28, 29 & 30. Passed around the exhibit indicting those parcels.

The application is in accordance with Section 3-7.3AB and compliance with the special permit requirement.

The 500' radius map was provided with names and addresses of property owners within the radius. Notification sent mailed as required.

Also, we have provided a conventional subdivision layout (in your set) together with the open space layout. A written statement

describing the purposes to be accomplished by an open space subdivision was also submitted.

Ten copies of the open space layout was passed around.

The statement of purpose is it is in the applicant's opinion an open space subdivision accomplishes the intent of the regulations and more particularly Section 3-7.4 as follows:

(1) A substantial amount of land will be dedicated as open space. The land will not only include wetlands but also upland.

The total area of open space to be deeded will be 5.7 acres out of the 17 acres which equals about 33.3% of the property.

(2) The location of the open space is such that it will allow for substantial buffers between the development to the south and west. It abuts the open space to the east.

(3) The open space preservation layout allows for a minimum infringement on wetlands and buffer area as compared to the conventional layout. This limited intrusion allows an obstructive link of the wetlands areas which will conserve the area for a wildlife corridor. And, preservation of natural resources of the area.

Also, the design provides for the most appropriate use of the land considering all site issues. Also, a more efficient and shorter roadway network is provided.

An exhibit showing the proposed layout with the drainage pattern from the property as the water moves under existing conditions. It shows we are going to maintain the existing drainage pattern for this property. (Submitted)

Bounded on the north and east by Grace Farm which is property that the state was given the development rights to. So, it is open space.

Bounded on the south side by Smith Street and Windemere Ridge Development.

And, on the west side by Flanders Road.

Conventional subdivision would require 0.5 acres of open space to be granted to the town based on the regulation. Explained 1 acre for each 25 lots.

Open space layout provides 5.7 acres.

The portion of Smith Street immediately south of the proposal, we have requested to be abandoned which will provide another 1.07 of open

space. It will be the end of the roadway, easterly about 900 feet. (Indicated) That will provide a connection between two open spaces.

The open space is contiguous to the north, south and east.

The proposed subdivision activity will be in the area already occupied by structures on Flanders Road. It has a house, barn and multiple structures. Most of the wooded areas will be preserved.
Discussion.

Existing drainage patterns will be maintained and the drainage system is designed to achieve ZIRO as required.

Should you determine it is appropriate in this location; the next step will be the submittal of a resubdivision application with more detailed plans that will require a public hearing.

We believe that we met at least three or more of the purposes set forth in Section 3-07.2: maintain a substantial amount of open space land; the open space location is such that it allows substantial buffers and the layout allows for minimum infringement in the wetlands and an unobstructed link of the wetlands providing a corridor for wildlife.

Access to open space will be on Flanders Road and on the end of Smith Street. Explained.

Reduction in lot area allowed under the open space preservation subdivisions allows for the preservation of land. It is an important goal of the open space regulation. It will reduce the footprint of the development and reduces long term impacts to the environment. It saves energy, less maintenance and less of a carbon footprint. It also reduces road maintenance long term.

The proposed road is 750' approximately. In the conventional layout it would be 1400' in length.

Distance from Smith Street to the cul de sac is about 350'.

Drainage patterns were discussed. We are not going to change the drainage pattern. Explained.

Public water and sewer for the subdivision.

General questions and answers followed between Mr. Bovino and the Commissioners.

Discussion about the abandonment.

(Staff comments)

None at this time.

(Those speaking in favor of the application)

Margaret Lewis, 391 Belleview Avenue. I currently own the property to the north of Smith Street. She explained how her family has gone out of their way to work with the state and the town to preserve between 150 and 200 acres of land.

I saved this one last piece for my retirement. I truly wish I could give it to the town, I need the funds.

Discussion.

I was only interested in a sale of the land that would encompass an open space subdivision. I would like to preserve that acreage. I believe this plan does honor my wishes.

Discussion.

I'm hoping this will be approved as I ready this land for sale and for my retirement and also to preserve as much open space as we can.

Thank you.

Arthur Cyr, 103 Berlin Avenue. Spoke in favor of this residential development. We don't get too many open space subdivisions in front of this commission. The only objection I have to this is I would ask the commission to look at the length of the driveway on the rear lot (Section 3.07.4d5b).

It is a great subdivision and a great spirit of giving and I wholeheartedly approve of it.

(Those speaking against the application)

Joe Piscutti, 105 Windermere Ridge Drive. The neighborhood just adjacent to this property. Those of us that bought lots adjacent to this side of Windermere Ridge paid very significant lot premiums with the proviso that this property was going to be farmland.

Discussion.

Also, the wetland issue. There are significant wetlands. Wildlife in the area was discussed.

I would caution the board to make sure appropriate environmental impact statement studies have been evaluated. It's very significant wetlands. During heavy rain we get some floods.

There could be historic walls that were placed by the original farm to redirect some water. Potentially historic dams.

Lot sizes was discussed.

The Town Planner explained this project is in front of wetlands. It is going to be on their Agenda, May 3rd, 2012. There is a map amendment and IW application. You have another venue with this IW Commission who is still reviewing and considering the application. I encourage you to take advantage of that.

Open space ownership and location was again clarified by the Town Attorney.

I'd like to offer this one letter from the group who couldn't remain tonight for this meeting.

Judy Dastych and I live with my husband at 630 Flanders Road. I'm not necessarily against this. I have questions.

She spoke about the water issue as regards her driveway which is directly across the street from the entrance to Smith Street. Spoke about water issues in her cellar.

Water in the culvert was discussed.

Smith Street has significant wetlands and on the south side it has a stream that flows 9 months of the year on a normal year. Explained.

I'm afraid of what may happen once this all goes in. I'm hoping that the wetlands commission can help us in our neighborhood with these issues.

I want to address the sewer issue. We do not have sewers on our section of Flanders Road. Are sewers going to be coming up Flanders Road now to service this neighborhood? Are we as homeowners in this area going to be obliged to hook up to the sewers?

At the end of Smith Street there is a significant island of ground that is built up and acts as a buffer to any traffic coming down Smith Street. Traffic must go either to the north or south. Will that also be the case if Smith Street is developed or am I going to have Smith Street dump right on to Flanders Road right in front of my driveway?

Discussion.

Can the position of Smith Street be moved to the south so it's not directly in front of my driveway? It would mean a lot might have to be abandoned. I think that is really a safety issue, a city road coming in facing somebody's driveway.

The surveying lines take off a significant amount of property from my neighbor across the street. They will lose trees going up that portion of their property. And, their front door - it looks like is about 14' from where Smith Street is going to be now. Are there any regulations regarding how close a street can be to an existing house.

Are they putting a stop sign at the end of this road? Have any traffic studies been done to see what the traffic impact will be?

Discussion about the abandonment of Smith Street relative to a conventional subdivision or an open space subdivision.

There are 13 lots in this open space subdivision. And, 12 with the conventional.

Another concern is how long the project will take, working hours?

Those were my concerns.

The Chair reminded everyone that the purpose of this meeting is whether or not an open space subdivision is appropriate for this area.

Eric Max and I live at 629 Flanders Road. I know the area really well. Spoke about his concern for the water in the area. A lot of water moves through here. It is critical as this development comes together that be taken into consideration and not disrupted in any way. If that water comes our way, we have a real problem. We have a septic tank we don't want flooded.

Discussion.

Safety issues I'm concerned about is the distance between our house and the property line is 24'. I'm very interested in where Smith Street goes.

Discussion.

Discussion of the topography of Smith Street.

I'm all for the abandonment of Smith Street.
Discussion.

The trees on the south side of our property is what shades our house. If we lose those trees, then we are in full sunlight.

Discussion.

Stakes were discussed.

Elise Allaire, Flanders Road. I echo the comments that there is a lot of water. I am concerned again about the buffer zone to Windermere.

Discussion of a buffer zone.

I do hope the preservation of the trees on the side of my property will be taken into consideration.

Ronald Michaud, 316 Pilgrim Lane. Spoke of the high water table in his neighborhood. We all have septic tanks that're going to flood. Big trouble. We don't want that.

John Welch, 578 Flanders Road. I'm concerned about the drainage because I own 8 acres over there and it is flooded now. The system is not working properly.

Discussion.

Why does the development in the front have to be cluster? Why can't that be conventional over there? That's all high and dry. Eliminate some houses and move the street over a little bit. Help him out a lot. R-20 in that spot right there, I can't see it. Why five houses in that little area?

Discussion.

You are creating more of a wetland by putting all these buildings. You're covering ground.

Michael (Inaudible), 304 Pilgrim Lane. My concern is if this goes through and they put in a sewer system, are we going to be required to hook up on Pilgrim Lane if we don't have a problem with our septic tank?

Attorney Sciota explained no. Mr. Grappone explained the sewer from Smith is going southerly and not in Pilgrim at all.

Discussion.

Mr. Grappone explained Sewer Fund Equity for the sewer line.

(Rebuttal)

Mr. Bovino responded to the questions that were asked by the speakers.

In regard to the deed restriction, it must be referring to the open space granted from Windermere to the town which is north.

We have an application before the wetlands commission and we'll be addressing all their concerns.

We are respecting the buffers as much as possible.

We have one wetland crossing for the rear lot. And, on Flanders Road where the sewer line will cross.

The lot sizes conform to the regulations.

This is a small subdivision and traffic generation is really negligible.

The roadway will be constructed according to engineering specifications. It will be 24' wide with curbs.

Drainage was discussed. Most times when development occurs, drainage improves after the project is complete.

Discussion.

The sewer installation has been explained. Stubs will be provided.

Stop sign at the end of Smith Street as required.

We're not taking anybody's property and are building within the ROW.

Discussion.

We are providing ZIRO to improve the drainage.

Smith Street improvements were discussed.

If the stakes are a problem we can remove them put something flush with the ground.

The people on Pilgrim Lane, the flow to your yard is dictated by the size of the pipe under Flanders Road that exists right now. We are not going to change it or increase the size. Flow will be the same as it is now and may be improved because of ZIRO from this property.

Mr. Conroy discussed 629 Flanders Road and the concern about the trees. Mr. Bovino said the road will be 24' wide within a 50' ROW with paving and curbing. The trees should not be affected on his property. One tree will probably be removed.

Discussion.

The loop road concept was explored explained Mr. Bovino as not being feasible because of a large wetland area.

The Town Planner reminded the commission to take Section 8.02.11 under consideration as this is in a residential zone. And, I call your attention back to Section 3-07 of the regulations which you got in your handout.

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

(Whereupon, the meeting was recessed at 9:40 o'clock, p.m.)
(Whereupon, the meeting was resumed at 9:45 o'clock, p.m.)

MICHAEL DELSANTO, Resuming the Chair.

BUSINESS MEETING

A. Donald and Lisa Sega, special permit application for parent/grandparent apartment, 267 Marion Avenue SPU #507.

The application meets the regulations and it is ready for action. Mr. Kalkowski made a motion to approve. Mr. Champagne seconded. Motion passed 7 to 0 on a roll call vote.

B. The S. Carpenter Construction Co., special permit application for proposed earth material processing facility 65 Triano Drive SPU #502. Public hearing continued from April 17, 2012.

The Town Planner advised this is next to a residential zone and any finding would have to reference Section 8-02.11 of your regulations.

(Pause)

Mr. Conroy explained we have heard a lot tonight about this particular activity being in an I-2 zone as well as being adjacent to a residential zone and this use requiring a special permit. A lot to digest. I referred back to the regulations.

Clearly, when this zone was changed to I-2, next to a residential, there are some things we need to consider such as the intensity of the use and its effect on the adjacent residential uses. Based on the testimony received I have some concerns.

Specifically, there are two that stood out. One is the fact that we're bringing in essentially unregulated material. I know the material is to be cleared, but based on the past history of the applicant of this site; I'm not that comfortable relying solely on that. Also, the fact it's adjacent to a town open space area that we continually try to protect.

The big one is the noise. An operation of this intensity, not necessarily being something that was envisioned when the subdivision was approved originally. This is a rolling operation and I think the noise associated with this is detrimental to the community. I also

believe it's detrimental to the homeowners and to their property values and their quality of life.

Under those regulations, Section 8.02.11 as well as Section 5-00.4, of the industrial regulations, I make a motion to deny SPU 502. Mr. Rogers seconded.

Mr. Chaplinsky didn't feel that each and every use within an I-2 zone should be held to the same standard. This is before us for an SPU because it is a special use and it does have some impact to the surrounding area. I am supportive of the motion on the table for the reasons that were discussed. I do believe it is not consistent with the purpose of the area and it will have a detrimental effect on the surrounding areas.

It sounds like the activity that was done on the site was to try to secure and stabilize the area. I do have a lot of faith there was no malice there. It is important we recognize the negative effects that could happen to the area.

I do believe the infrastructure in the area, Section 8-02.5 cannot handle the additional truck traffic.

I do believe it would be difficult to put enough water on the activity to knock down the dust and certainly the noise is difficult to control.

I believe that the activities there are difficult to enforce. Explained.

I would support the motion to deny.

Mr. Champagne thanked everyone for the information brought tonight. I think what the applicant failed to present, to me anyway, was the actual, what they're doing and how they're doing it and the equipment they're going to use. It's kind of loose and wasn't nailed down enough. The tonnage, the machine, how many trucks wasn't there. It doesn't sound reasonable to me right now.

Motion to deny passes 7 to 0.

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

Attorney Sciota suggested a motion to deny based on the fact that the special permit use was denied and all the language in that motion is incorporated into this motion for denial.

Mr. Rogers moved what the Attorney just said. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

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

A lot of information was presented tonight. This is a special permit asking you whether you would support an open space subdivision versus a conventional. In your packet you did receive the intent of Sections 3-07 that the applicant did submit. It is their opinion that the open space preservation subdivision best accomplishes the intent of your regulations. It is ready for action. You need to take into consideration Sections 3-07 and 8-02.11 because it is in a residential zone. You need to make a finding it is appropriate as proposed.

Mr. Chaplinsky made a motion to approve and find that the open space subdivision clearly meets Section 8-02 and is consistent with the intent in Section 3-07. Mr. Kalkowski seconded.

Mr. Conroy supported the open space subdivision however he did note there are a number of subdivision issues we'll address as this moves forward.

Motion passed 7 to 0 on a roll call vote.

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

Sev Bovino, planner with Kratzert, Jones represented the application.

At the last meeting we went over the area map and how this fits in the neighborhood. You gave you the various structures that are going to be removed and the proposed structure and other structures that are the principal buildings. Engineering reports were to be provided to the building department for review and approval so building permits could be applied for.

The Town Planner noted the application is ready for action.

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

F. Superior Products Distributors, Inc., site plan application to show existing conditions and compliance with conditions of approval, 1449 & 1467 Meriden Waterbury Road SPR #1616.

Sev Bovino represented the applicant. This is the property that has the boundary line questions. The property owners are talking to each other to come to an agreement.

He explained a map showing two storage trailers to be removed. Plantings in the wetlands buffer and some plantings in the 20' setback from the back of the property.

There are notes on the plan in terms of removing existing storage from the wetlands setback area (indicated) and from the 20' setback buffer.

Mr. Lavallee will be the person who is going to make a judgment call as to whether the materials would be removed or not.

Discussion.

Mr. Chaplinsky made a motion to approve with the stipulation that Mr. Lavallee will determine whether the materials on the property line need to be removed. Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

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

Anthony Denorfia explained he received a revised checklist from the Town verbally yesterday and in writing today. So, we are not ready. We thought we had complied with everything on the original punch list. We did have a meeting with staff. But we did get a revised list so we'll have it resolved by the next meeting.

Mr. Kalkowski asked if these were new items. The Planner said these are not new items. The checklist is right here. We did a review and sent out comments and then we get responses back. Sometimes the responses we get don't answer the questions and sometimes they result in answers to the question and highlight the fact there is an issue. So, no, they are new matters.

Discussion.

Attorney Sciota interrupted stated we are having a meeting on this. There was a difference of opinion on how the engineering department and Attorney Denorfia is interpreting the regulation. The meeting is in my office next week and we'll resolve the issue.

Attorney Denorfia said that is the vehicle he may use to show why he was upset. What I was upset about is we had a checklist. I thought that we agreed a long time ago that doing a checklist and then getting rechecklists and rechecklists, I thought those days were over.

We received the checklist and because of the nature of this application and we're involved in litigation, I insisted we have a staff meeting when both checklists were completed. And, we did. We went over every single item. We answered accordingly. We produced our plan.

On your list there are a couple of minor technical items. And, then another issue came up. The issue would cost me \$500 but I'm here before you to say I don't care about the \$500. I care about that the procedure is flawed.

The Town Attorney asked Mr. Grappone to comment. Mr. Grappone said on April 20th, we got additional information concerning the drainage which I was concerned about. This is, in my opinion, new information. And, in my opinion, again it is, this issue about multiple checklists, it's not multiple checklists. Mary and I reviewed the plan and met with the applicant. They revised the plan. We got additional information and we came up with additional comments.

If you feel that's unreasonable, so be it. Two reviews is what it was.

Attorney Denorfia said they submitted their revised stuff on the 17th. Mr. Grappone said it was received on the 20th.

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

H. Ideals Outlet, site plan application for proposed gravel parking lot for overflow parking, 2165 Meriden Waterbury Turnpike SPR #1615.

Stephen Giudice, Harry Cole & Son presented the application. Our proposal is located at 2165 Meriden Waterbury Turnpike. It's a 3.6 acre parcel. And, the building is about 13,000 square feet.

Mr. Cayer purchased this a few years back. Since that time he has kind of been renovating the building, fixing it up. Painting it and running a relatively successful retail operation there.

Mr. Cayer has done some work to the east of the property. He removed some foundations and a tree. He put in some gravel down in that area, about 140 by 70 feet, that is adjacent to the parking lot and has been access to the parking lot on the site.

I thought it was just overflow parking but he has indicated it will include certain events: car show once a year and some flea markets.

We have to go before the ZBA for approval for the flea markets and it is on the next Agenda for the ZBA.

The parking lot is technically not in compliance because it wasn't part of the site plan and we're proposing a site plan to bring that parking area into compliance.

We have staff comments and we'll be addressing them in the next week and get the staff revised plans by next Tuesday and hopefully move forward at the next meeting.

Discussion regarding paved versus unpaved parking and the proposed use for this parking area.

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

I. Request for referral under Section 8-24 for transfer of town owned property at 1577 Mount Vernon Road to an abutting property owner (MR #466).

The Town Attorney explained the 8-24 referral. We only offered this property to contiguous property owners by sealed bid. There has been interest. It's land that the town took over in a tax foreclosure a long time ago. The restriction is it can't be used for a residential dwelling but only for accessory buildings to the primary use.

Mr. Champagne made a motion to approve with the restrictions. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

J. Request for referral under Section 8-24 for the abandonment of Smith Street (MR #467).

This came as a request from Mr. Lovley for his development. The Town and its departments feel that it is something that we're in favor of, also.

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

K. Request for referral under Section 8-24 for Redstone Street water main installation (MR #468)

Fred Rogers from the water department presented. This is a referral for 950' on Redstone off the travel lane on the town ROW. It

is for redundant supply to the area for fire flow and water quality purposes.

Explained.

Mr. Chaplinsky made a motion to send a favorable 8-24 for MR #468. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

L. Request for referral under Section 8-24 for Newell Street water main installation (MR #469).

Fred Rogers explained there is a 12" water main that goes up both sides of the stream that 2/3 of the way up from West Queen in front of Yarde Metals. We'd like to cross that and possibly suspend the pipe on the bridge. We're seeking approval to get the water main off the road. The highway department is currently working there. If we get approval we can get the water main off the road and get it designed and possibly hang it off the bridge.

Mr. Chaplinsky made a motion to send back a favorable 8-24 referral for MR #469. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

M. Randy's Wooster Street Pizza, request for release of \$1,000 Erosion and Sedimentation bond, 131 Center Street (SPR #1597).

Staff supports this. Mr. Chaplinsky made a motion to approve and Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

* ZA #563 - New Text on electronic signs - Section 13-10.4C.
June 5th

The Town Planner noted another public hearing, a parent/grandparent apartment that could go on for the next meeting.

ADMINISTRATIVE REPORTS

The Town Planner noted she did email the Rite Aid correspondence.

RECEIPT OF NEW APPLICATIONS

The Town Planner passed around a list which included the aforementioned parent/grandparent apartment #SPU 508; Ideals Outlet SPR 1615 which you heard tonight; and we have SPR 1616 which was Superior which you heard and acted on tonight.

PZC SUBCOMMITTEES

The Chair asked for this item to be on the next Agenda.

Mr. Chaplinsky just announced there is a West Street Subcommittee meeting here in the Chambers at 7:00 pm.

ADJOURNMENT - Mr. Rogers made a motion to adjourn. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 10:25 o'clock, p.m.)