

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
June 19, 2012

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, June 19, 2012. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

| | |
|-------------------------|----------------|
| Paul Chaplinsky | Kevin Conroy |
| Stephen Kalkowski | James Maccio |
| Paul Champagne | James Sinclair |
| Michael DelSanto, Chair | |

Alternates: Randall Gage
 Susan Locks
 Ryan Rogers
 Jen Clock

Ex-officio members present were as follows, viz:

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

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 is available for review.

MICHAEL DELSANTO, Chairman, presiding:

Approval of Minutes

Regular Meeting of June 5, 2012 - Mr.Chaplinsky made a motion to approve the Minutes as submitted. Mr. Kalkowski seconded. Motion passed on a majority voice vote with Mr. Sinclair abstating.

Mr. Sinclair indicated he watched the video and read the Minutes. Mr. Gage indicated he read the Minutes.

Public Hearings

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

A. Lovley Development, Inc., 13 lot resubdivision application, 593 Flanders Road and Smith Street S #1287.1.

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant. He oriented the commissioners with the map on the board.

This a total of 17.3 (+/-) acres. This required a public hearing because it is a resubdivision. Explained.

It is locted in R-40 zone and served by public water and sewer. The SPU was granted approval on May 1, 2012. Iw was approved on June 7, 2012.

All lots meet or exceed the zoning requirement. The open space provided is 5.9 acres which is equal to 34.2% of the land area. And, 1.17 acres of Smith Street was abandoned and this will total 7.07 acres of open space which will be an uninterrupted corridor of open space north to south.

Open space has access on Flanders Road and on Smith Street. Proposed Lot 5 on the subdivision map is a rear lot. It's 3.65 acres of land dedicted to that lot. You need to make a determination it is the best use of the land based on the zoning regulations. It is our opinion it is the best use because of the topography. There's a gas easement bisecting the property. And, unusual shape of the property.

The access strip to the rear lot is 205 feet. And, 400 feet is allowed under the regulation.

The applicant is asking for a waiver of Section 3-07.4A1 for the number of lots on the cul de sac. Because of the wetlands location on this property we could not provide a loop road. Explained more than 25% of the lots are on the cul de sac.

Under Section 4-06.2 of the regulations, sidewalks are not required in an R-40 and R-870 zone on a permanent cul de sac which this is. Along Flanders Road there are no walks and in my opinion that would be considered offsite improvements. If I am incorrect, the applicant would request a waiver based on topography and wetlands.

Drainage was looked at in detail during the wetlands review process. ZIRO is achieved.

Discussion.

We have received comments from staff. They are all technical in nature and we don't see a problem addressing them.

As far as the name of the road, our vision is to change the name of Smith Street at this location (indicating) to avoid confusion during emergency situations. We will call this: Eagle Glen Drive, the entire length.

We have listened to all comments and made modifications to help the situation and overall plan.

Mr. Bovino submitted a list of items that they have addressed to be sure the neighbor's concerns were addressed. This is just a small list of the many things that were done to improve the situation at this location. (Submittal)

If you have any questions, I'll be glad to answer them.

Mr. Conroy asked about the hammerhead and what was the thinking behind that. That is usually where the snow ends up. He didn't see a need for a hammerhead there. I'm concerned that is going to be a dumping point for junk. Mr. Bovino said the change could be made in the geometry. And, we can place some boulders and trees on either side of it.

Discussion.

Mr. Sciota requested Steve Wlodkowski be consulted and he likes a hammerhead there for the snow before the final decision is made.

Mr. Conroy questioned the long driveway to the rear lot. It's 600 feet. It appears kind of diverting the flow to a pipe crossing. Will that change the flow of water across the site? Mr. Bovino explained the flow of water is not going to change.

Discussion.

Mr. Grappone indicated the revised drainage report was just submitted today and it is under review.

Discussion.

Those speaking in favor of the application.

(None)

Those speaking against the application.

(None)

The Chair closed this public hearing item.

B. Bagno, LLC, Earth Excavation, Filling and Grading
application to fill 118,315 cubic yards, West Street (Map 143, Parcel 016) EE #137.

Stephen Giudice, Harry Cole & Son presented on behalf of the applicant.

The property is on West Street. Oriented the commissioners to the map on the board.

This is a 31.16 acre parcel with frontage on West Street and a small 50' strip that goes out to a new subdivision road called Brookfield Court (part of the Pine Hollow Estates Subdivision).

The proposal is to fill the property. It has been historically mined for sand and gravel way back. The applicant is proposing to fill the property.

The property is mostly wooded around the perimeter of the site. We have a wetland and open field areas. Outlined the fill area.

Showed an aerial photo and explained the area for the operation.

The property is mostly flat in through the field area with slopes. He then explained the topography. The watercourse running through the property was indicated. It's mostly just hay field now that is hayed yearly.

There is a CL&P easement (indicating) that traverses the property in an east/west direction.

The access drive was pointed out. Paved and processed stone.

Explained this had been before you previously with the Pine Hollow Subdivision.

Discussion.

We don't have any development plans for the property. It is an R-40 zone. Residential. We've done some preliminary layouts but at this time we have no plans for development.

Discussion.

The proposed earth excavation area is 8.76 acres. It's primarily in the center of the property. We are requesting a waiver of the 100' buffer in this location (indicating) so we can get the grading to work with future connections.

Discussion.

Our proposal is to increase the grades in the site that has historically been overly mined. The elevation of soil has been brought down almost the groundwater table. We are proposing approximately 1 to 6 feet of fill to allow the footings of houses to maintain a connection with natural soils but have fill around each house.

Discussion.

We have an application before the Conservation Commission at this time as we have activity within the upland review area and not the wetlands.

Our volume of material to be placed is 118,314 cy which is based on existing topography and proposed graded suitable for residential construction.

We incorporate all the requirements of the earth excavation regulations. We did incorporate the procedures into the site plan.
Discussion.

Not much clearing is proposed.

We are proposing a staging area (indicated).

We are proposing hours of operation from 8:00 am to 5:00 pm Monday thru Friday. No activity on legal holidays.

We are proposing two acre sites to be filled at a time as per your regulations.
Discussion.

All construction traffic would enter/exit through the connection on West Street. No vehicles going through the subdivision existing.

Finished grades would not exceed to 3:1 slope.

We are not proposing to stockpile more than 5,000 cy of material on the site at one time.

He explained the machinery on site proposed. (Bulldozer, one roller, six dumptrucks, two excavators and one water truck)

We are estimating 7 to 8 trips per truck per day. Four to six trucks entering/exiting the site on an hourly basis. Permit is for a two year permit. No long term stockpiling of material on site is proposed.

The plans include detailed erosion and sedimentation control notations and details. All requirements are included.

We propose a flagman as we do now.

The access drive is constructed and is gated and locked on a daily basis.

All work would be performed per the regulations monitored by the staff and my office.

We have received staff comments and we submitted revised plans today.

If you have any questions, I'll answer them.

Discussion of how much was excavated out of the other operation and the type of material removed took place in response to questions by Mr. Chaplinsky.

Monitoring procedures of the quality of the material coming in was discussed.

Discussion of the type of material being brought in.

Discussion about moving the staging up towards West Street and away from the river.

Truck traffic routes were discussed.

(Those speaking in favor of the application)

Bryan Meccariello, 142 North Main Street, representing the applicant. Just to address Commissioner Chaplinsky's point, the excavation that occurred to the north was a separate owner, separate material. It wasn't my client's material to move from that northerly section to fill this section.

(Those speaking against the application)

(None)

Ms. Savage Dunham read into the record an email she received from 1348 West Street, LLC (on file in the Town Planner's Office.)

The Chair closed the public hearing item at this time.

C. Chris Fields (King 33 LLC), special permit use application for defense training and consulting, 75 Aircraft Road SPU #510.

Chris Fields, 5 Edgewood Circle. I am applying for a special permit for 75 Aircraft Road for defense training/consulting for private citizens for home defense and protection of family members as well as government agencies and private companies.

This company is new to Connecticut and it's new to Southington as of August last year. The reason it came about is due to my research of training in the area. In August last year simunition came available to the public for personal defense, home defense, training for those who have firearms. The training aspect of it is with consideration to non-legal training and firearm safety training.

Explained the simunition product which is used with government and law enforcement agencies.

Discussion.

This is a new concept in the defense industry as far as what is available to us. It's a new effort and that's why I am applying for this permit to use this facility.

In response to a question by Mr. Chaplinsky, Mr. Fields described the training proposed. It is primarily for awareness and safety training with an end result being a safer community by more engaged citizens in our community from a safety aspect. The training will be lecture, open discussion, theory on defense and safety for our dwellings and place of work based off of Connecticut law and statutes. You will be walked through what it actually means to implement the law to what you are allowed to do.

Discussion.

The simunition system was discussed and explained as being a modified firearm which does not fire live ammunition, ie: paint ball.

Hours of operation will be mostly early morning, afternoon into the evening. I don't anticipate classes past 10:00. I am anticipating running classes as early as 6:00 am to 7:00 am.

Some outside activity is anticipated. No hand to hand contact.
Discussion.

Clarification questions were asked by many of the commissioners which Mr. Fields responded to.

The area is fenced in and bordered by natural vegetation which has grown up around the fence. It will be a controlled class outdoors. Very limited use of the outdoor area as far as firearms are concerned. Actually, most of the training will be without firearms.

Discussion.

The rounds are OSHA rated and you do not require ear protection. No noise and light pollution from the training in this area. You won't hear it beyond the 200 feet of the projectile.

Discussion of indoor and outdoor training requirements.

Mr. Conroy asked about canvass or something that not only screens the activities from leaving the area and to prevent people from seeing the classes. The Town Planner asked if he was recommending a screen on a portion of it. Mr. Fields explained the physical constraints he has worked with and considered to define the outside training area and to mask it from anybody who might be viewing it.

Discussion.

Mr. Kalkowski asked for profiles of the clients. The profile is a law abiding citizen. Explained.

Mr. Fields explained how he would insure that a live round is not mistakenly brought to the class. He detailed how he would modify the firearm for simulation.

(Those speaking in favor of the application)

(None)

(Those speaking against the application)

Elizabeth (Inaudible) and I live in Plainville, 45 Spring Street. I do have an apartment building at 28 Aircraft Road.

I am concerned about the traffic. Explained high traffic in the area now.

Mario Saraceno, 6 Amber Lane. I'm not necessarily for or against it. Just noise pollution I'm concerned about. What can we liken the sound to?

(Rebuttal)

Mr. Fields answered the questions.

As to traffic, the classes are broken down into four hour blocks of time. On average of 2, maybe 3 classes a day. The class is 6 students to one instructor. The max parking slots on the facility are 22. Traffic mostly will be coming from Queen Street. Explained the route.

I don't anticipate more than 20 to 24 cars a day coming in and out of there. The routine traffic would not be constant throughout the day. It would be for a specific reason at a specific time.

Discussion.

As to the noise, the firing of the weapons will be modified and the sound will be the same for all. Likening it to a paint gun or a b-b gun is a good comparison. Quieter than a firecracker. You'll hear the traffic over the sound of the firearm.

Discussion.

Discussion about the adaptation to the firearm.

Instructor licensing and insurance was discussed. Mr. Fields explained his personal skill set.

(Staff comments)

Ms. Savage had one letter to read into the record. It is an email dated June 19 2012 from Keith Jensen having no objections.

The Chair closed this public hearing item.

D. ZA#564 - New text on chickens - Section 3-01.31B 3 & 4

The Town Planner stated for the record that the proposed modifications are towards the special exception criteria to allow the keeping of a family flock of chickens. Commissioner Kalkowski give you a history.

We enclosed in your packet the regional referral letters from CCRPA and SCCRPA. (Read into the record and are on file the Town Planner's Office.)

Steve Kalkowski give the background on this change. We want to make sure we totally disallow roosters. The spirit of this is we want to move toward a minimum lot size to allow poultry and livestock. We want to make that a two acre minimum for a residential area.

Overall, we do want to create a specific number of livestock or poultry that we will allow and then as the lot sizes increase we would allow more and more livestock and poultry. We'll be back with that.

This one is really to set the direction of where we're going with the minimum lot size and to eliminate the ability to have roosters.

The Town Planner stressed the amount of time we spend with poultry. It is a use that bothers you or doesn't bother you. We have a lot of livestock on small, small parcels in town and it's becoming problematic. We have complaints. There are some variances between the ZBA. There is impetus to why this is under consideration.

Mr. Sinclair asked why the two acre minimum. Mr. Kalkowski said extensive research was done with other towns and the spirit was that we feel that even one acre is sufficient to house livestock or poultry. We are going to have specific separation distances and smaller lot sizes will not get us to where we want to be. We feel two acres it the bare minimum we want to start with.

Discussion.

Mr. Conroy asked about the rear yard setback. Mr. Kalkowski sid that would be brought back for the next one and take that under advisement.

Mr. Champagne asked if this was for all zones or just residential. Ms. Savage Dunham explained the special exception is in the residential zone. If there were a bona fide farm that exceeds three acres and is utilized primarily for farming, that could be in a residential zone but wouldn't necessary apply to this. These are for residential properties.

(Those speaking in favor of the application)

(None)

(Those speaking against the application)

John Strillacci, 103 Fox Run. I disagree with the two acre restriction. I currently own chickens and I live on a half acre. My main problem with this is it is economically unfair. You would be closing out to a large threshold of people the ability to have chickens.

Discussion.

Explained his kids are in 4-H and this is a project for them.
Discussion.

In my experience, chickens are clean, quiet and useful. Pets with benefits --- eggs. As a dog owner, the amount of waste my chickens produce per day is less than what my dog produced.

Discussion.

The special exception process cost was discussed as being very costly.

Discussion.

The actual special exception process was explained as he went through it as being beneficial.

I have six chickens. I keep them contained. It's a nice animal to raise.

Discussion.

Ken Moravek, 57 Ladyslipper Lane. You have the regulations now and you need to enforce them. If people are not taking care of their chickens, you have to enforce the regulations now.

I agree with 2 acres shuts down the normal public who have an acre or half acre parcel.

Tim Maguire, 1456 West Street. Asked about the grandfathering aspect.

Attorney Sciota explained if you have ZBA variance with permission to have it this will not touch that at all.

The Chair closed this public hearing item.

Business Meeting

A. Lovley Development, Inc., 13 lot resubdivision application, 593 Flanders Road and Smith Street S #1287.1.

The Town Planner stated there is an outstanding punch list. We got the revised drainage report today. Although we anticipate the issues have been addressed, we would ask for time to review the drainage report as now is the opportunity for staff to be sure the drainage issues are handled. We've heard a lot about drainage. If you wanted to stipulate our punch list of today, 25 items, that's within your jurisdiction. Otherwise, we would recommend a table.

Mr. Chalinsky questioned whether or not there were significant drainage items on the punch list and whether or not the applicant has been spoken to. Are there major issues?

The Town Planner just noted some discrepancies on the punch list. There are open matters.

Attorney Sciota noted drainage is a big problem in his office. I want to make sure the staff has a chance to review everything. Stipulating stuff that important in an area this sensitive to drainage I think would be a mistake. I hope you give them the opportunity to look at it.

Mr. Sinclair made a motion to table. Mr. Kalkowski seconded.

Mr. Chaplinsky had comments. Mr. Sinclair and Mr. Kalkowski removed their motion and second.

Mr. Chaplinsky wanted to know why there were so many items on the punch list. The Town Planner explained this punch list was not before you last time. This is for a resubivision plan now before you for the first time in this design.

Discussion.

Mr.Chaplinsky wanted to go over the items on the punch list specifically related to drainage. Which are significant? Which are not significant?

Mr.Conroy said in his opinion this plan is not ready. The drainage issues that are being talked about are global and not necessarily one or two things that may be fixed. Is the drainage plan in place sufficient to handle the increase in runoff? This is a very sensitive area. I recommend we give staff the time they need to look at it.

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

B. Bagno, LLC, Earth Excavation, Filling and Grding application to fill 118,314 cubic yards, Wet Street (Map 143, Parcel 016) EE #137

The Town Planner recommended a table as this is still before IW Commission. Mr. Sinclair made a motion to table. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

C. Chris Fields (King 33 LLC), special permit use application for defense training and consulting, 75 Aircraft Road SPU #510.

The Town Planner advised this application is ready for action.

Mr. Conroy wanted staff to have the opportunity to develop some conditions if we were to approve this particularly with regard to the operation of the facility, the separation of lobby area, the screening for the outside activities and just some general site plan stuff we would want to have ahead of time.

Mr. Chaplinsky agreed with Mr. Conroy. He did state he was supportive of the concept. Safety is a significant concern for me.
Discussion.

I have a concern about taking firearams apart the putting them back together. Screening is needed. Hours of operation are a concern. Spelling out specifics on the site plan are a concern before approval.

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

D. ZA#564 - New text on chickens - Section 3-01.31B 3 & 4

This application is ready for action advised the Town Planner.

Mr. Chaplinsky agreed with a number of the comments. Smaller lot sizes and maybe lessen the number of chickens. Chickens are used for educational purposes. I like no roosters. I would like to have more time put into this. We need to be sure the regulations have enough teeth for enforcement.

Mr. Sinclair agreed. I have property right issues.

Mr. Rogers added he is in favor of no roosters. I think we should go back and reconsider the lot sizes.

Attorney Sciota suggested when you look at it again, instead of looking at the actual acreage, look at the actual setbacks and that'll be self-limiting.

The Chair said a concern is the number of chickens allowed for lot sizes.

After further discussion, Mr. Sinclair made a motion to approve ZA #564 with the elimination of Section 3-01.31.B.4. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

The Chair called for a short break at this time.

(Whereupon, the meeting was recessed at 8:45 o'clock, p.m.)

(Whereupon, the meeting was resumed at 8:50 o'clock, p.m.)

MICHAEL DELSANTO, resuming the Chair:

E. West Street Subcommittee report

Mr. Chaplinsky gave a 45 minute slide presentation, the hard copy of which is on file in the Town Planner's Office.

F. Public Input session on West Street Subcommittee report

(Committee member comments)

Dr. Stephanie Urillo addressed the commission. 360 North Main Street, Southington, CT. She gave a history of the subcommittee's work and then spoke in support of the presentation.

She noted as a result of this committee's work, the planning & zoning commission already rezoned to industrial from residential, the land north of Welch Road to the Bristol border on the west side of West Street while carving out some specific properties. This is contingent upon future sale of these properties.

Further zoning changes to the West Street Corridor continued to be discussed by the committee.

Discussion.

Public input has been taken by the committee into consideration as it continued its consideration of future zoning proposals. Public input will continue to be obtained as the proposed zoning changes come up for public hearing.

The vision is for the long term as the goal is to create orderly development for this very important corridor in Southington.

Discussion.

The time to implement the proposed changes now. Better to be proactive than reactive. I urge you to review this document and implement the changes as necessary for the long term orderly development of this corridor in an as efficient and timely manner as possible.

It has been a real pleasure to serve as a member of this subcommittee.

Joe Palfinia, 95 West Pines Drive. Spoke about his experience on the subcommittee.

My comments to share are that the study by Milone & MacBroom is an extremely valuable tool. It gave us a basis to work from and a chart of each recommendation.

Secondly, the members of the committee who are elected members of this board or the Town Council, the hours spent were significant. I was impressed and proud.

Discussion.

Finally, the residents. It was certainly helpful to have everybody come out and express their opinions for and against. Those comments have a lot to do with final recommendations. Your participation will be helpful as well when moving forward.

I believe the recommendations set forth tonight are exciting and appropriate for the area. Change is a concern but we have to plan for the future. Things don't stay the same. I would encourage this commission to act favorably and decisively on these recommendations and ask staff to review the two booklet presented from New Bedford and Sharon.

It was a privilege and a pleasure to participate. Thank you.

Randy Gage mirrored the points that we need to move forward and make recommendations for change. The more we can pressure the DOT to help us out, the better.

Thank you to staff and especially Mary who spent time and that's appreciated.

Paul kept us on point the whole way. Public input added a lot to the meetings. Appreciate Jerry's input especially with his business. And, Joe was extremely qualified to work on the committee. Thank you for your help. It was a pleasure to serve with Susan. Thanks.

(Public comment)

Ken Moravek, 57 Ladyslipper Lane. I was very pleased to find out this committee did listen to the residents' comments and suggestions and acted on them. I am totally 100% behind the subcommittee suggestions to the commission.

(Inaudible) 27 Princess Pine Path. At a meeting we were talking about engaging ESPN as far as their ideas and input as to what they wanted to see for West Street. Did that go any further?

Mr. Chaplinsky responded he did reach out to ESPN but I did not receive any feedback from them. But I will continue to do that going forward. The Economic Development Coordinator meets with these businesses on a frequent basis so this is one I'm committed to follow up on.

Jerry Buckland, 74 Churchill Street. The committee listened to the residents and incorporated much of the feedback into the recommendations.

One correction: the posted speed limit on West Street is 40 mph and not 45 mph. Most people do 50 and upwards. I underscore the importance for cutting back on the number of curb cuts so we can cut down on potential accidents.

The one recommendation I want to strongly support is #5. I strongly agree that the mixed use transition is not appropriate between the areas bounded by West Pines and Churchill Street. The business overlay in the front, I think the natural transition is already there and that could qualify as open space. It has habitat to number of wild deer, turkeys, hawks, bear and bobcat. I strongly supported the mixed use is not appropriate in that area.

The key to all of this, I think is enforcement.
Discussion.

Mario Saraceno, 6 Amber Lane. I agree with the previous comments.

I'm glad you put forth the recommendations you did because I didn't think I'd be able to get behind any recommendation in the Milone & MacBroom report. I can support your recommendations.

My concern is that I am not too keen on the multi use transition on the east side of West Street prior to Spring Street. (Between Curtis and Spring Streets)

Discussion.

High density housing will have an impact on the schools and really should be considered.

Ingress by businesses off of West Street were discussed and determined to be individual site plan issues. Traffic calming measures were discussed.

Marcel Lessard, 75 West Pines Drive. Praised the work of the committee. I can support all of the recommendations as presented.

Particular recommendations 4 & 5 about the mixed use transitions between Churchill and West Pines.

All are thoughtful and appropriate. I encourage you to take this seriously and act on the recommendations as soon as possible.

(Mr. Sinclair left the meeting at this time.)

(The Chair seated Mr. Rogers for Mr. Sinclair.)

Craig Hall from 72 West Pines Drive. I echo everyone's comments regarding the subcommittee's engagement with the community.

As a resident on West Pines Drive, its good and I'm comfortable with it.

Thank you.

Larry Buckland, 74 Churchill Street. Thanked the subcommittee for their work and taking in the residents' considerations.

One item I did bring up at one meeting I want to reiterate to the planning & zoning commission here is that each resident on Churchill Street --- nearly every resident --- has a private well. In regards to the business overlay on the west side of West Street, I echo the recommendation on limiting the amount of blacktop. The greener open areas should be left for the recharge.

Discussion.

Sev Bovino, 285 Hightower Road. Congratuled the subcommittee on the great job they did. Great presentation. I support the entire effort.

A couple of point on the interchange zone. Explained its existence in the past. It makes sense near the entrance ramps. That zone should have higher buildings 4 story, maximum height of 55' so different kinds of structures can be built in those area.

In terms of reducing the pavement, I encourage you as you go through the process to reduce the parking requirements in the regulation thus allowing the reduction of the pavement that would allow increased buffers.

Arthur Cyr, 103 Berlin Avenue. I ask the commission when you start looking at the recommendations made by the subcommittee that you not follow the recommendation #5 that you saw on the screen tonight. That calls for a business overlay 400' from Churchill to West Pines Drive. That would literally chop off the front part of what is known in the report as parcel 1 and 2. And, force any future residential development to flow through Churchill or West Pines Drive.

Discussion.

I do believe that trying to put a grass median on West Street in any way shape or form would cause the street to hve to be widened by

at least 10' and would adversely affect all the property owners on the east and west side of West Street all the way to the Bristol line.

Discussion.

I am opposed to any kind of median on West Street all the way down.

In 1989 and 1995 other people on the PZC said the time to deal with West Street is now. Twenty years we've been talking about it. I do believe that the rezoning of the parcel north of Welch Road to the Bristol line has been talked about long before the Milone & MacBroom study came out in 2011.

Mario Saraceno, again. 6 Amber Lane. I wanted to thank Mr. Conroy for taking the time after the second public session as it was very valuable to me the amount of information you were able to provide.

Quick question: With all this development, is there an opportunity to fix the hard water issue on that side of the town?

Attorney Sciota responded if you are talking about municipal water that would be brought up with the Board of Water Commissioners.

Hearing no further comments, the Chair commented he was overwhelmed with the response. This is democracy at work. I want to congratulate the committee. I can't say enough. I'm overwhelmed with the support and work you guys did.

Discussion.

Keep up the good work. This is a good start. Let's move forward.

(Applause)

Mr. Chaplinsky would like to continue to take steps forward - even baby steps. We have four weeks to the next meeting and I'd like to ask the commission if they would be pleased to ask staff to look at which regulations might be able to be tackled to write drafts up on. And, maybe enlisting the help of outside resources.

Discussion.

The West Street business zone is one that folks have rallied around. Maybe we can start to put things in place for that.

The Town Planner advised she can't write any regulations by the next meeting. We are though happy to work with you and be supportive.

Discussion.

Attorney Sciota suggested the commission members individually between now and the next meeting review the report and start sending

ideas through the Chair and the Chair will deal directly with the Planner and my office.

Discussion.

Mr. Chaplinsky wanted to begin the process of looking at who the outside people might be that will help us through the process. If we can identify sources and talk about whether we are going to have outside support, or not, and kind of formalize that by the next meeting.

Discussion.

The Planner advised the first step is for the commission to determine your endorsement and then provide direction through the Chair to staff.

Discussion.

The Chair advised the commissioners to take their information, process it and get back to him with your comments. I want to get the thing rolling. No meeting on July 2nd.

Discussion.

Mr. Conroy cautioned against rushing this and drafting specific regulations for the zones. Just looking at it from a professional standpoint, it is very ambitious. You are trying to direct the style of development and currently we don't have that mechanism. I think we will be looking for outside help when it comes to drafting the regulations so they fit well within our framework and work together.

Discussion.

As to the next steps, I would recommend we start thinking in terms of a scope of work. What are we trying to achieve on a more detailed level. What kind of regulations are we looking to provide?

Discussion.

The idea of form over function seems to be the direction we are trying to push towards.

We do need to get a handle on a traffic / transportation plan.
Discussion.

G. Discussion calling of bonds, Central Connecticut Industrial Park, Industrial Dive S #1262

The Town Planner advised this is an I-1 subdivision that is predominantly sold out. We put this on for discussion of call the bond because most of the properties are developed and the road has not been completed. It is binder coarse. Significant deterioration to it. It is somewhat hazardous in some areas. The town is interested in working with the developer to see the road to final pavement and acceptance, sooner rather than later.

We do get complaints about snowplowing not being done in a timely fashion or not being done. There are businesses operating there with safety concerns. We have to be the middleman.

We did contact the developer. We did hear from his attorney and they weren't able to attend tonight. They understand the town's interest in having a face to face conversation as to our concerns for the safety and the businesses up there and trying to map out an expedient path forward where we can work together.

The attorney has agreed to meet with Attorney Sciota, myself and Mr. Grappone in the next week and a half and we anticipate being able to report at the next meeting as to our course of action.

We hope we don't need to call the bonds. However, if we have to, this is the time to start the process so there's time for the roadway to be completed this season.

Discussion of bonds being held and the procedure for calling same.

Attorney Sciota authorized accelerating the process as there is a safety concern.

Discussion.

H. CT Land & Homes, LLC, request for reduction of subdivision bond from \$48,300 to a new amount of \$37,500, Fieldstone Subdivision, 790 Meriden Avenue S#1281.

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

I. Request under 8-24 for artificial turf field/track at Southington High School (MR #470)

Mr. Grappone gave a presentation explain the project.

After a few questions/comments by the commissioners, Mr. Kalkowski made a motion to approve a favorable 8-24 referral. Mr. Macchio seconded.

Mr. Rogers supported the project however he objected to the path it took to get to this point; i.e. being separate from the town budget process. And, I disagree with the bonding being at the level of \$960,000 and not being put to referendum. So, I will be voting no.

Discussion.

Mr. Conroy agreed with Mr. Rogers. I do support the project, he added. However, the issue is this is a significant kind of off line expenditure and that money comes from somewhere.

I feel that this should have been put through either the normal budgeting process or the normal capital improvement process when it comes to funding. I think a referendum was warranted regardless of cost just because of the public interest on this. So, I will be voting no, as well.

Comments were offered by commissioners regarding the financing and political opinions.

Motion passed 7 to 2 with Messieurs. Rogers and Conroy opposed.

J. Request under Section 8-24 for Highway Department roof
(MR#471)

Mr. Grappone explained the project noting the roof is approaching 20 years of age. Back during the storm it sustained significant damage resulting in leaking in the roof area. Probes were done and came back good. Now is the time to fully replace the entire roof system up to the metal decking. Explained the roof that will be installed in technical details.

We look for a favorable referral.
Discussion.

Mr. Kalkowski made a motion for a favorable 8-24. Mr. Champagne seconded. Motion passed 7 to 0 on a roll call vote.

K. Request under Section 8-24 for Mt. Vernon Rd/Whitman Road project (MR#472)

Mr. Grappone gave a brief explanation of the project. This is a project that the town provides the design to the DOT and they take the bid documents and bid it out. They administer the contract for the project from there. We do have some minor supervision.

Discussion.

This requires a demand deposit upfront for the nonparticipating cost which is Whitman Road and also some design fees that we'll incur to finish up the design. We look for a favorable recommendation.

Mr. Chaplinsky made a motion to send back a favorable 8-24 recommendation. Mr. Kalkowski seconded. Motion passed 9 to 0 on a roll call vote.

L. Request under Section 8-24 for various road and bridge improvements (MR #473)

Attorney Sciota noted this is on the CIP Plan. It is above \$1 million and will be going to referendum if the Council chooses to move forward with it.

This is the first step of bringing it to referendum in November.

Mr. Macchio made a motion to send back a favorable 8-24 recommendation. Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

Items to schedule for public hearing

A. Lovely Development, Inc. special permit use application for parent/grandparent apartment, 170 Pacer Lane (SPU #512), July 17

The Town Planner noted two more received that hope to have their public hearings July 17th.

- An EE application
- Expansion of nonconforming use at 11 Marion Avenue.

The Chair concurred these could be on July 17th.

Administrative Reports

(1) With regard to Rite Aid, we had to call them several times to try to get a response from them in regard to the ongoing conversation. I have a fax at 3:22 pm which I will read into the record. (On file in the Town Planner's Office.) We will put this in the file and should another human error occur, we will be back before the commission.

(2) Passed around a letter which was read into the record with regard to 491 Darling Street. There is ongoing dialogue between the town and the developers as to when this project, which we are all supportive of, will actually move forward and address what is becoming a blight and safety issue. (Letter on file in the Town Planner's Office.) We will continue to monitor this as it moves forward.

(3) The Town Planner provided information on layout with regard to some temporary sign accommodations other communities have. I also will give you temporary sign regulations from Plainville for your information.

(4) With regard to 1198 West Street, that's the construction company over there, we did just sign off on the CO for the development. I would like to say on the record that I appreciate the developer's working with the town. That development was approved. It's an industrial zone, industrial use and in close proximity to residential development.

Perhaps in hindsight the area should not have been industrial and that use may not have been appropriate so close to the neighbors or in the layout it was approved. It was approved and they have the right to be there.

Landscaped buffering was required. As a result of calls from neighbors, Mr. Grappone and I have been working with them and identifying concerns and asking them find ways to work together to try to lessen some of the impacts. I would like say that I would encourage you to take a look.

I want to thank them on the record. We did our final inspection today. Gave a history of the fence/tree situation. They did work with staff and they have installed 6' high stockade fence off the ground about a foot so it is about a 7' visual screen. They replanted some additional trees which they didn't have to do. The stockade fence they definitely did not have to do.

The use will still be there but with a 7' visual screen along strategic portions of the driveway on both the Churchill Street residence side and the West Street neighbor's side. It will buffer some of the headlights from the big trucks and it will buffer the view.

I can't reiterate enough that they didn't have to put the fence up. I do want to give them some credit.
Discussion.

I feel this is a win/win situation for the neighbors to the best we were able to and above and beyond what we thought we could.

(5) We have not yet investigated the sight line complaint at Burritt Street and the linear trail. It is on the list.

Mr. Grappone explained the contractor was in today and I brought up the issue. He'll research it. The plans do call for a sign at that location. He thought it was a utility issue, why it wasn't installed. Ms. Savage Dunham noted that wasn't the question. The question was a truck.

(Chuckles)

Discussion of the truck location.

(6) I did layout for you a copy of another project we've been working on for the continuous improvement committee.

Mr. Kalkowski advised regarding the first draft of the proposed zoning regulations for medical marijuana for dispensaries and for producers.

Discussion.

Attorney Sciota discussed the October 1st versus the January 1st timeline.

October 1st is when technically licenses can be given out for producers and distributors. But they can't give them out until the regulations are done. We probably won't see any licensing until after

the regulations are drafted, submitted to the legislature for their review and then back to the Commissioner.

A lot of the control is going to be taken out of hands as far as especially where the distributors go. Between three and ten producers will be allowed in Connecticut. The Commissioner will determine where they go.

Only so many entities can get a license to sell this. They have to be registered pharmacists in the State of Connecticut. That's also limited by a total number that is going to be allowed by the Commissioner.

Mr. Kalkowski added they have added SPU for dispensaries and producers in the proposal. Spend the next week or so and send me your comments. We'll continue to work with staff and our plan is to have this ready to go for approval at our first meeting in September.

Discussion.

Mr. Chaplinsky had several items to bring up:

- Thank you for updating on the Rails to Trails.
- You also hit the Darling Street and the Rite Aid.
- We had the West Street Study committee you committed to looking at.
- We haven't circled back on how is it looking at the West Street parcel for that contamination on that site we were talking about. Have we looked at that? Is there communication.

The Town Planner clarified he was speaking about a parcel we sent a violation on. Their attorney has now appealed the order of the zoning enforcement officer. There is an attorney appeal that is before the zoning board of appeals. It's on the corner of Churchill and West Street. Rob is working closely with Mark on it. I will check on it and email you an update within the next week. A waiting pattern on that one.

Discussion.

- Thank you for contacting the owner of Erika's on the corner of Route 10 and Loper. That's much better now. The sight lines are much safer. It's amazing the difference.

- The commission received a correspondence regarding the golf course, driving range. Is there action on that at this point?

The Town Planner stated there is a factory behind the driving range. When that factory was approved the commission gave a lot of scrutiny to requiring buffer as it is adjacent to not only residentially zoned properties but residentially used properties.

For a number of reasons provided to staff, the owner of the factory asked what do you think if I cut down those trees. The neighbors didn't support it. They came to see me and said, can I cut down a tree and I said, well nobody has asked but the trees are a required buffer on the site plan therefore they shouldn't cut down all of them. Subsequently, that's what happened.

I was contacted. Typically that would be a violation situation and I would send a Cease & Desist Order. There was interaction between the parties and the factory owner approached me so I did not send a formal Order. It is a non-documented violation of a site plan.

They would like to some replanting. It is going to be impossible to replace the screening they had. I did visit the site. They are working with me. If the commission wanted to compel this cone before the commission to determine the adequacy of the remedy, it's within your purview. Normally with a Cease & Desist it come before you. This is a gray area.

They can contact the commission and I would take my direction from the commission added the Town Planner.

Mr. Conroy said he was disturbed about the blatant disregard of direction.

Discussion.

Extensive discussion about why the trees were taken down. A 35' landscape buffer along the length of the factory. Pictures are available.

Remedies were discussed. The Town Planner suggested they have a landscaper come out and submit a proposal for review and we would go from there. Staff is not going to design it.

The Town Planner asked for direction on how to proceed. The Chair wanted them to come to the next meeting. The Town Planner said she would send them a letter and encourage them to come.

Discussion.

Mr. Conroy was more interested in them getting a plan together that staff can review.

Discussion of what they were told by the Town Planner.

The Town Planner will send a letter documenting a violation may have occurred and encouraging them to attend the next meeting to discuss the matter with the planning commission ideally with some kind of planned remedy.

- On the topic of subcommittee report outs, I've been on the Gura building subcommittee. We had our final meeting last Friday. The subcommittee reviewed on the record the proposal and the

presentation. The three options the subcommittee was charged to look at were explained.

- Sell the building
- Demolish the building
- Lease the building to a third party where the town retained ownership of the building.

The proposal accepted was to give the arts community an 18 month window of opportunity to raise the funds required to remediate the building.

Upon a consensus of the planning & zoning commission, the consensus was 10 - 1 with Mr. Macchio opposed to support the Gura building committee's accepted proposal. (Alternates are included in the consensus)

Discussion.

The Town Planner will draft a letter for the Chair to sign that this committee overwhelmingly accepts their recommendation.

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

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

Receipt of New Applications