

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
July 17, 2012

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, July 17, 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	Paul Champagne
Michael DelSanto, Chair	

Alternates: Susan Locks

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

Absent: James Sinclair, Commissioner
James Macchio, Commissioner
Jen Clock, Alternate
Randall Gage, Alternate
Ryan Rogers, Alternate

The Chair seated Susan Locks for James Sinclair for this evening's meeting. 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:

4. Approval of Minutes

A. Regular meeting of June 19, 2012

Mr. Kalkowski so moved the motion for approval of the Minutes as presented. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

B. Special meeting of June 29, 2012

Mr. Kalkowski so moved the motion for approval of the Minutes as presented. Mr. Champagne seconded. Motion passed unanimously on a voice vote.

5. Public Hearings

The Town Planner read the legal notices into the record.

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

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant. This property is located in an R-20/25 zone and served by public water and sewer. Neighbors were notified within the 250' radius. The plot plan with the application submitted shows the required stipulations. This property is a rear lot and the lot area is $\frac{3}{4}$ of an acre which is three times the requirement. The proposed apartment is located in the rear of the structure. It's the rear portion of the house. There is one entrance and the square footage of the unit is less than what is allowed.

Hearing no one speaking in favor or against the application, the Chair closed this public hearing.

B. Rajen Mehta, special permit use application for expansion of nonconforming accessory retail sales to convenience store, 11 Marion Avenue SPU #513.

James Ziogas, Attorney, 271 Farmington Avenue in Bristol represented the applicant. Russell Cyr is our civil engineer and he's here to answer any questions on the site plan.

This is a gas station with service garages. This has been a gas station for a number of years with three bays. It's a little behind the curve in its retrofitting as a convenience store. It's been used as a convenience store by this owner for a period of time who purchased the property last year from Exxon/Mobile. He was the lessee at that time and did that for a period of ten years. The current store has been in existence for almost that long.

We're looking to add a small interior addition within the confines of the existing building. About 960-some odd square feet of space that is really what comprises the three bay garage. The intent is to remove the doors from the garage to retrofit the inside and put on a new fascia to the building and improvements to the outside of the building will be made also.

It appears that use is not going to change. It is going to be a convenience store with a gas station and the difference is the store is going to be slightly larger. We are going to dress up the area a

little bit. Explained the enhancements to the site are going to be to the betterment of the town and my client.

We think this application is something that the town would look favorably upon.

Historically, there has been a couple of issues with enforcement regarding a sign and possibly another use with respect to a LED board. I've talked with my client and explained the regulations and the first thing you do is go to the town and get a permit. He understands that. I did send a letter on his behalf to the town issuing an apology on his behalf. The sign has been removed and he is compliant at the present time and his intention is to remain compliant. He wants to make the store more appealing to the eye and increase the overall nature of his business.

Discussion.

Mr. Cyr will address any comments you might have regarding the site.

Mr. Chaplinsky asked about the area adjacent to the watercourse having a lot of litter. It's probably difficult to control without a daily pick up every day. Attorney Ziogas said he is going to be adding a recyclable dumpster to be able to separate the trash. He'll daily patrol the property to monitor the trash pickup.

Discussion.

There are no issues with encroachment on the river or floodway issues. All environmental matters have been addressed to staff's satisfaction.

Mr. Chaplinsky noted for the record there is an existing retail activity, convenience store, and that is what you want to expand. Attorney Ziogas said that is correct. The total area of the building is 1906 sf. The proposed vacant area is 926 sf.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

Robert Fischman and I own the property across the street. It used to be Rentown. It's now being rented by Mat Florian. I'm not against as much as a point of information. I'm trying to understand what the definition of convenience store is and can it be expanded.

Discussion.

Does convenience store mean that I can turn it into a SubWay? Is there a definition of what or how this can be expanded? I would think a convenience store is packaged goods and no food preparation and no

fresh food being made and served on the premises and that is not what is agreed to by the board.

(Rebuttal)

Attorney Ziogas stated he wasn't sure if he had the answer but certainly there are no plans for a SubWay or Dunkin' Donuts. Is there food preparation? We are making coffee on the site and we do sell packaged food items. Soft drinks, candy. Things of a general nature. I would think the definition of convenience store would come more from the definitions in your regulations than from my mind. I don't see a definition cited in your regulations. I can only tell you our intentions are not to run a fast food outlet in terms of Dunkin' Donuts or SubWay. It is convenience type of items; milk, bread.

Attorney Sciota said on the convenience store aspect, we do not anticipate the SubWays and Dunkin' Donuts going in. When they come in originally for a site plan in a B zone, they'll tell you at that time they are putting in a sub-franchise. In this case they are not asking for that. If they do want something like that, they'd have to come back to this board.

Discussion.

Ms. Savage Dunham pointed out for the record this property is zoned I-2 and it's not zoned business. In order to have a restaurant based upon your regulations, you'd have to have a zone change and then you'd have a site plan application for a restaurant. This is expanding the retail sales and it is an expansion of a nonconforming use in an I-2 zone. It's not a business zone.

Discussion.

Attorney Sciota noted this is an accessory use to an existing gas station which they've already used it for retail purposes. They're not using it for a fast food restaurant nor could they under your regulations. The clarification is the primary use is still the gas station and this is an accessory use. There can be prepackaged food.

Discussion.

The Town Planner explained if this were to be approved, the applicant would have to post their bonding, pull a zoning permit and a building permit. During that there are administrative permit reviews: health department, fire, building, engineering, planning, zoning. That's where we pick up the grease trap or any other health requirements.

Mr. Fischman explained he had tenants who wanted to come in and they wouldn't bend the rules. Attorney Sciota extensively explained we are not bending the rules. This is an ancillary use to gas stations. That is allowed. It is pre-existing nonconforming use. They want to expand the nonconforming use.

Discussion.

Mr. Fischman wanted a definition for a convenience store and say it is for selling packaged goods with no food preparation on site. Attorney Sciota said that may not be the definition.

Discussion.

Extensive discussion on the definition for a convenience store clarification.

The Town Planner again explained the reason for the public hearing.

Hearing no further comment, the Chair closed this portion of the public hearings.

C. Alkesha V and Alpa R. Patel, request to import 870 cy, 555 Winding Ridge EE #138.

Attorney Bryan Meccariello presented the application on behalf of the applicant. Garry Cooper who is the project manager is here and Chris Hoff who is with Lattitude Design as well as Dr. Alkesha Patel, property owner. Stephen Giudice is not able to be here tonight but he has prepared the existing conditions survey map.

He explained this application is to import 870 cy of which only 200 cy remaining to be brought on to the site. There is existing silt fence to the northwest of the area and around the stockpile of material which is 360 cy right now.

Staff had comments and Cole's office addressed those comments.

My only points are the silt fence is already out there. And, there is a portion of curbing that was damaged. Mr. Cooper will confirm that Waller Development is going to repair that in finishing the road Clearwood Place. Hopefully there'll be no bonding for these items. We have a finish timeframe of September, 2012.

Discussion.

Mr. Chaplinsky asked if anything other than the piles out there was brought in? Was the contour of the landscape changed at all from what is provided here? I ask because the property to the east has a much lower elevation. Are any of these changes going to impose any additional runoff on to that property that was not planned?

Gary Cooper, representing Ali's Nursery. We're doing the landscape work on the property. Other material brought on to the site are small landscaped berms planted with trees and shrubs and mulched.

The stockpile of material on site now is going to be spread. An in ground pool was put in and we're raising the grade around it. We're trying to soften the grades around the pool. I suspect all

grading work is done with fill and topsoil; it will improve the drainage that was left on site prior to work beginning. The swale funneled a lot of water in one direction, to the west of the septic system, and the additional grading should channel flow the water off the property. It should improve it, actually.

As for the curbing, I spoke with Waller's field representative today who assured me --- there is about a 40' section of curbing that's damaged. And, other knicks and scrapes on other curbing in the development, Tilcon has been contracted to repair the curbing prior to the finished pavement. They will back charge Dr. Patel who will pay for his portion of the repaired curbing.

Discussion.

Mr. Champagne questioned the 200 cys left to be brought on. Is that included in the 870 stockpile? Attorney Meccariello clarified it is part of the 870 cy.

Explained.

Mr. Kalkowski asked about 870 cy that was brought on to the site. We did the work and then we realized we need a permit? Why is that?

Chris Hoff, Lattitude Design, 24 Stantack Road, Middletown. Originally what happened is the landscaper was going to put in berms. After the pool was built, the owner wanted to bring some fill in. The person just brought a lot more than was expected and he wasn't aware he needed a permit for a certain amount. Just an accident.

When he received a Cease & Desist, he called me. We got the information together to get this approved so he can finish what he started.

There is some common fill brought in to raise the grade and some topsoil, too. The intent was to have somebody with a bulldozer push it around. It was hoping Waller would spread it around and they will do it for you.

Dr. Alkesha Patel. Discussed the location of the pool. That created a very steep grade and with my two young children and grandmother on the property, this was dangerous from a medical standpoint. Not realizing the laws and rules and regulations, we intended to soften the pitch. My neighbor is doing construction on Lazy Lane and brought in some fill for me. There was no intention to hide or cover anything.

Discussion.

Mr. Kalkowski said he had no concern with the design but he did have a concern with somebody bringing in material on site and probably with the knowledge they should have pulled a permit, not yourself.

Discussion.

Mr. Kalkowski said at the end of the day this was handled poorly. So many things went wrong with it. We keep allowing this and letting it go. I am not going to vote to approve this.

Mr. Chaplinsky asked if staff had reviewed the easterly property with the new grading and are there any concerns? Staff indicated there were no concerns after their review.

The applicant did cooperate with the Cease & Desist added the Town Planner.

The Chair closed the public hearing on this item.

D. Lovley Development, Inc., two lot resubdivision application, 147 Pavano Drive, aka Shuttle Meadow Road S #1288.

Sev Bovino introduced the application on behalf of the applicant. This property is located in Southington with a portion in Plainville - about 60' of the northerly boundary. The house itself is in Plainville.

Its 1.63 acres of property located in R-210/25 zone served by water and sewer. Our proposal is to divide into two lots. One would be the existing house and the other would be a new lot.

There are two existing driveways on this property serving the house, one to the east and one to the west. Explained which would be used for the new building lot. We are not increasing the number of curb cuts.

A public hearing will be held August 14th in Plainville.

We received staff comments and responded in writing.

The lot lines are pretty much going in the middle dividing the two lots. Explained.

Hearing no one speaking in favor or against the application, the Chair closed this public hearing item.

E. Kristen and Dwayne Masse, special permit use application for parent/grandparent apartment, 41 Strawberry Lane, property of Lynn Lopa SPU #514.

Kristen Masse, 1600 Main Street, Newington. My husband and I purchasing the property at 41 Strawberry Lane. We're looking to obtain a special permit for the parent/grandparent apartment on the property. That property is being used as that. My father will be moving in and occupying that residence. We have no intention of renting it out. We have met all the guidelines for the property and

we want to continue the use. We've notified all owners within 250' radius of the property of our intentions.

Hearing no one speaking in favor or in opposition to this public hearing, the Chair closed this portion of the public hearings.

(Closed public hearing portion of the meeting at 7:43 o'clock, p.m.)

6. Business Meeting

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

The Town Planner reported all conditions are satisfied and this is ready for action. Mr. Kalkowski made a motion to approve. Mr. Chaplinsky seconded.

Motion passed 6 to 0 on a roll call vote.

B. Rajen Mehta, special permit use application for expansion of nonconforming accessory retail sales to convenience store, 11 Marion Avenue SPU #513.

The Town Planner advised this is ready for action. It does require a majority vote and you need to make a finding in accordance with Section 11-10.7 determining whether or not you feel this proposal would be detrimental to the existing zone, which is I-2, by reasons of dust, noise, odor, smoke or increased traffic hazard. Similar to you special permit finding of appropriateness.

Mr. Champagne made a motion to approve. Mr. Kalkowski seconded.

Attorney Sciota added he is basing it upon the Planner's comments. Mr. Champagne clarified it is based on the discussion we heard from the Planner.

Mr. Chaplinsky confirmed with Mr. Champagne that he did feel it is consistent with Section 8 and it is not detrimental to the zone. Mr. Champagne confirmed.

Mr. Chaplinsky for coming forward and working with the town when he realized he made an error. We appreciate that.

Motion passed 6 to 0 on a roll call vote.

C. Rajen Mehta, site plan application for expansion of existing retail sales (conv. Store) to vacant portion of building, 11 Marion Avenue SPR #1618.

The Town Planner said this application is ready for action. We have responses to all of our comments and we're satisfied.

Mr. Kalkowski made a motion to approve. Mr. Chaplinsky seconded. Motion passed 6 to 0 on a roll call vote.

D. Alkesha V and Alpa R. Patel, request to import 870 cy, 555 Winding Ridge EE #138.

The Town Planner reported this application is ready for action. There are only 200 yds of material left to come in. It's ready for your consideration.

Mr. Chaplinsky made a motion to approve with the stipulation that Ali's Nursery is responsible for the repair of the curbing on Clearwood Place. Ms. Locks seconded.

Mr. Kalkowski stated he'll be denying this. I do appreciate the folks coming forward. I do acknowledge the homeowner had no recollection of our regulations and earth excavation requirements. However, we had two developers and two folks involved and do this for a living. Especially the person bringing the fill in was already working on an earth excavation they knew had to be permitted. I don't fault the homeowner. He's doing the right thing by making his property safe around the pools area. I know Ali's Nursery will do a quality job there.

I just can't continue to support these asking for forgiveness type items. Otherwise, we're never going to fix this.

Mr. Conroy said he'd be voting for this. It is a small amount of fill - just regrading around a pool that was put in. It will help prevent soil runoff. Flatter slope with no gulley.

If the commissioner wants to hold people accountable, I'm all for that but I don't think this is the right application for that. I'll be happy to point them out as they come along if anyone is interested. I don't see a problem with this one.

The Chair reminded everyone the regulations are put in place to protect the homeowner. In this instance, I don't think the homeowner thought he was doing anything wrong. The homeowner responded to our Cease & Desist so going forward I will vote for this.

Motion passed 5 to 1 with Mr. Kalkowski opposed on a roll call vote.

E. Lovley Development, Inc., two lot resubdivision application, 147 Pavano Drive, aka Shuttle Meadow Road S #1288.

This application is ready for action. Mr. Kalkowski made a motion to approve which Mr. Chaplinsky seconded.

Motion passed 6 to 0 on a roll call vote.

F. Kristen and Dwayne Masse, special permit use application for parent/grandparent apartment, 41 Strawberry Lane, property of Lynn Lopa SPU #514.

This application is ready for action. Mr. Chaplinsky made a motion to approve and Mr. Kalkowski seconded.

Motion passed 6 to 0 on a roll call vote.

G. Bey Sell Construction Co., site plan application to construct a 12 bay carport over existing parking space in parking lot, 34 Hobart Street (The Orchards) SPR #1619.

Rich Krampitz, Bey Sell Construction from Wallingford. We've been contracted by The Orchards to install a 12 bay carport on the existing parking lot which is located on the east side of the property. The carport will be used for the residents.

Mr. Champagne asked how they would handle the water flow from the roofs. Mr. Krampitz said they'll disburse the water on to the existing parking lot. There's two catch basins located on the property and the existing layout of the parking lot will be able to handle that.

Staff received responses to comments and they've been reviewed against the plans. Staff is satisfied and the application is ready for action.

Mr. Kalkowski made a motion to approve. Mr. Champagne seconded. Motion passed 6 to 0 on a roll call vote.

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

This application is ready for action. It received IW approval and all staff comments have been addressed.

Mr. Conroy made a motion to approve which Ms. Locks seconded.

The Town Planner reminded the commission the applicant is looking for permission to do grading within 100' of the property line so you would first make a motion on a waiver of that a requirement and then you would make a motion on the entire project.

Mr. Conroy said he so amended his motion for the waiver and Ms. Locks amended her second. Motion passed 6 to 0 on a roll call vote.

Mr. Conroy made a motion to approve the application, EE #137. Ms. Locks seconded. Motion passed 6 to 0 on a roll call.

I. 865 West Queen Street - Discussion of Notice of Violation

Bryan Meccariello, 142 North Main Street, Southington here on behalf of the applicant FRAL, LLC, 865 West Queen Street. It is a manufacturing facility in an I-1 zone. The building is approximately 63000 sf with a value, according to the tax records, of \$3.4 million. They employ 50 people. They pay in personal property taxes a total of \$60,000.

The family owns the building also owns the building across the street in the I-1 zone, 888 West Queen Street. It's a similar size building. It has 25 employees and it's worth \$2.5 million and it pays taxes in excess of \$30,000.

I'm here to address the factual chronology of this if you would like. My understanding is that staff has not had an opportunity to review the landscape plan submitted by Harry Cole & Son. I can address the historical perspective of this tonight or I can wait until the next meeting.

The Town Planner stated staff has not done any kind of checklist on the landscape buffer. I do believe that the applicant is willing to work with the town however; this may not be the final or highest and best outcome for either the applicant or the town.

Staff is not prepared to make a recommendation for action tonight.

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

J. West Street Subcommittee: Discussion

Mr. Chaplinsky stated that the subcommittee is looking for a general consensus from the planning & zoning commission about the general overall proposal, were there areas of changes you wanted to address or put emphasis on. I'd also like to see if there is some agreement on some of the zone change recommendations and the designs

we asked staff to kind of begin to pull together and see what resources are available.

I think the West Street Business Zone probably needs to be done first followed by the Interchange Commercial and the Mixed Use Transition Zones. Those are all new regulations that need to be written. If these are supposed, I'd like to begin work on that. Further down the road we'll have more opportunities to add or change some of the regulations as drafted.

Discussion.

Mr. Champagne questioned the berm going down the center of the road and on the side. Since we don't own the land there, how would we do that? And, the maintenance aspect of maintain that. It is a state road.

Discussion.

Mr. Chaplinsky stated if we think in the future the widening of the road may be necessary or we think landscaped berms or larger setback are one that would add to the look and feel of the corridor, then we would want to plan for that by creating the appropriate size setbacks. And, when applications come, we would encourage applicants to look at the design guidelines we've set forth for this corridor. A design guide might be good for the Town of Southington.

Attorney Sciota asked what the logical starting point is. Mr. Conroy asked: what do we want at the end of this? It seems to me we are not looking to just modify our zoning boundaries. It seems we're trying to affect a certain aesthetic, form, if you will. A feel along the corridor. That leads me down the road that we're really talking about something like a form based code type of exercise. That is kind of a complex and all inclusive type of thing.

Discussion.

Mr. Conroy said he felt we were looking for uses complimentary to the existing area that do not compete with Queen Street. We kind of want a lot of access management. Not a lot of driveways. We want much bigger parcels grouped together.

Discussion.

Mr. Chaplinsky stated that what he summarized as to the look and feel is exactly right. We may need outside intervention to get into the specifics.

Discussion.

What is the first step? Mr. Chaplinsky said it would be to have staff look at who the outside resources would be. Have a meeting and talk about the vision. Dig into the specifics with them and have them put some stuff in front of us.

Mr. Conroy suggested trying to develop a scope of work. We want all the components of a form based code addressed. We need to get DOT involved. Maybe we need a corridor study done.

Discussion.

There are companies that do this kind of work. Ms. Savage Dunham added there are firms in Connecticut who have done this quite successfully.

The Chair said to throw this on staff would be unfair and unrealistic. I think we have Mr. Brumback's assistance with this.

The report can be part of the scope pointed out Attorney Sciota. We'll start drafting a scope by your meeting in September we'll give you a scope to sign off on and then go to RFPs and RFQs and get them to as many companies as possible. The process was explained by Attorney Sciota.

K. Leone Realty & Development, request for release of \$7,200 bond in lieu of site plan compliance, 360 Captain Lewis Drive SPR #1426.

It is ready for action. Mr. Kalkowski made a motion to approve which was seconded by Mr. Champagne. Motion passed unanimously on a voice vote.

L. Leone Realty & Development, request for release of \$4,500 erosion and sedimentation bond, 360 Captain Lewis Drive SPR #1426.

Ready for action. Mr. Kalkowski made a motion to approve. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

M. Keegan, request for reduction of erosion and sedimentation bond from \$7,000 to a new amount of \$4,000 SPR #1444.

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

N. Brodach Rivercrest, LLC, request for release of \$38,000 sidewalk bond, 1450 Meriden-Waterbury Road SPR #1365.1.

Staff supports this and a memo is being circulated on the matter. Mr. Kalkowski made a motion to approve. Mr. Chaplinsky seconded.

Attorney Sciota stated it has to be said about people working with the town, it's important the engineer say something on the record.

Mr. Grappone gave a history of the application. It was a very cooperative effort with Jay from the start. We had cooperation from

the association, Mr. Brodach and staff. It worked out very well. Thank you for the assistance.

Mr. Champagne commented the fact there is nobody here tonight to comment speaks volumes. Good job on the builder's side and the town side.

Mr. Chaplinsky commented as well it was a good collaborative effort. He walked the site this week and the work is nicely done. One woman did mention to me the applicant was going to be working with her on fixing a low spot in her driveway with some drainage problems. The applicant is even continuing to do work outside of the sidewalk issue.

Motion passed unanimously on a voice vote.

7. Items to Schedule for Public hearing

A. Thomas C. Downie and Rebecca Romajas, 3 lot resubdivision application, 590 West Street S #1289. August 7

The Town Planner had more to add for public hearing:

- Zone Change #539, 49 DePaolo Drive.
- SPU #515, 49 DePaolo Drive for outside storage and processing of mulch.
- SPU for location approval for an automobile use, 60 Curtis Street, SPU 516.
- ZA #566 zoning text amendment.

8. Administrative Reports

The Town Planner reported on the following:

(1) Update on 491 Darling Street. The demolition permit materials have been coming no. The big delay is CL&P. As of today, the engineering, water and sewer permit shut offs are in the process. We do have a Yankee Gas utility shut off and the full set of demolition plans will be brought to Jim Butler in the morning.

Notices to abutters were mailed out to 192 abutters by certified mail June 28th. The ten day mandatory notice to the state was done June 28th or 29th.

Until CL&P responds, Jim Butler cannot sign off. It's been three weeks now. The applicant is going to call CL&P and find out the delay. When we get the final sign off the building will be coming down.

The contractor is LaRosa Earth & Building Group out of Meriden.

As soon as I know the permit is signed with a date the building is coming down, I will email all of you.

(2) As to the Rails to Trails Burritt Street, Mastrianni Place complaint, we sent a violation notice about a truck parked in the town ROW. The truck has been removed. I talked to Officer Petro about signage and painting and he did say there is one sign on the trail traveling northbound to warn the trail users of the impending crossing that had come down. The town will replace that. He has agreed to work with the town engineer to review if any additional reflective painting might be appropriate.

I can commit to you that Jim will talk to the police officer and any recommendation would go to Chief Daly, the traffic authority, and if he is supportive, things would move forward.

(3) About the investigation on West Street, there were two intersections out there. One was the fact that people queue up and block West Pines Drive. Could we add more signage. Officer Petro reviewed the situation --- I will email to you his written responses. He did discuss it with the state and their position is there is a sign out there and they feel it's matter of common courtesy. It's posted. No inclination from the state to do anything more.

Spring and West and making that a No Turn on Red and Officer Petro's position upon review and after talking with the state was that to restrict it to No Turn on Red would result in unacceptable queuing of people turning right. The sight lines were reviewed and there is no question people speed but because the sight lines are adequate and the excessive queuing that would result he didn't support that recommendation. No greater hazard to public safety taking a right turn on red at the intersection than many other intersections in town.

(4) With regard to dumping on West Street near Churchill. I believe you got a letter on this. This was in front of the ZBA. We sent an Order. The property owners' attorney appealed the Order to the ZBA. They heard the matter and upheld staff's order.

A recent inspection was done and all but one pile had been cleaned up. The entire matter isn't resolved, but it is much better. The deadline for the past pile is to be out by early fall.

They have done a lot of work out there. We feel it's a positive situation.

(5) Discussion about calling the bonds for Industrial Drive. This is a subdivision with industrial properties and businesses paying taxes on an unaccepted street. The term of subdivision is not up but the town has the ability to call the bonds sooner if we feel it's a potential hazardous situation which we have determined to be the case.

We had a discussion with the developer and his attorney. She read into the record the documentation of a meeting on June 27th, 2012. Attorney Case, Mr. Verderame, Attorney Sciota, Mr. Grappone and the Town Planner were there. The work remaining to be done out there to address what is deemed to be a safety hazard is road repairs, top coat and monuments. Attorney Case stated that the litigation which had been tying up this work was approximately at that time three weeks from resolution and once that litigation was resolved they had every intention of moving forward rapidly to make the repairs and have the road completed for acceptance by the town. Target completion date of the roadwork was September 15th --- a very generous deadline.

We feel it's prudent at this time to hold off on calling the bonds. We did advise the applicant and his agent we needed to have the roadwork completed by this upcoming winter. If they do not hold to the timeline, we will be back before you asking the bonds be called so we can step in. We do not want to be the developer.

(6) The process subcommittee had some recommendation which were emailed to all of you. They included some application checklists which with your permission we'd like to start using immediately.

They also required some zoning text amendments to make sure that what the committee said they wanted to have happen could happen. The regulations were not allowing that at the time. These are the draft regulations and with direction from the commission I will refer them out this week and we could have the public hearing the first meeting in September. Staff is prepared to start using the checklists immediately.

The Town Attorney thanked Steve and Kevin and Mary and Jim. They worked hard on the checklist. The biggest question was we wanted to make sure the applicant knew what to expect. Also, the outside engineers helped out.

Commission consensus to use the checklist ASAP.

(7) The new Blight Ordinance has been adopted and it is keeping us very busy.

(8) I have this handout for Commissioner Kalkowsky on medical marijuana. That's the buffer map for production facilities with a 750' buffer. We felt it would pass legal challenge.

Discussion.

(9) Location approvals for automotive are flipped back to the PZC from the ZBA. Every couple of years the state switches who handles it. Under ZBA it is a set fee and a 250' boundary map. It's a special exception.

Under PZC, it would be a special permit. I proposed to staff we'll have the same price and the same 250' buffer so whichever board you go to, it's the same process.

9. Receipt of New Applications

- (1) Bey Sell Construction, SPR 1619 you did approve tonight.
- (2) 147 Pavano Drive you approved tonight, S #1288.
- (3) Three lot resubdivision application, 590 West Street, S 1289. Scheduled for public hearing on August 7th.
- (4) Kristen & Dwayne Masse, SPU 514 you acted on tonight.
- (5) B & R Corp, SPU for outdoor storage and processing of mulch, 49 DePaolo Drive, SPU 515. Public hearing on August 7th.
- (6) Don Stevens Tire Company SPU 516 - location approval with public hearing scheduled for August 7th.
- (7) Zone change for the boundary, 49 DePaolo Drive from I-1 and R-40 to I-2, ZC #539.
- (8) ZA #566. Text Amendment Section 9-01 Section 12-10.1, 12-10.2 and 12-10.3 and Section 14-02.1.

Discussion of the Don Steven's application.

10. PZC Subcommittees

Mr. Kalkowski reported they are continuing to work on the medical marijuana. We would like to see that up at the next meeting or the meeting after in October. I did request any feedback by the end of this week. I'll make sure we discuss it in the subcommittee meeting.

We're continuing to look at poultry and livestock and we hope to have that wrapped up Monday.

And, we are looking at the temporary sign regulations.

11. Executive Session to discuss real estate matters

Motion to come out of the regular meeting and go into executive session barring the press and public but including the Planner and the Town Engineer and the Town Attorney was made by Mr. Kalkowski seconded by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

(Whereupon, the regular session was adjourned to executive session at 8:40 o'clock, p.m.)

EXECUTIVE SESSION

The Southington Planning & Zoning Commission entered executive session immediately following their regular meeting with the following in attendance in order to discuss real estate.

The following were present, viz:

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

Alternates: Susan Locks

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

No motions were made or votes taken during executive session.

Mr. Kalkowski made a motion to adjourn from executive session. Mr. Chaplinsky seconded. Motion passed unanimously.

(Executive session was adjourned at 8:55 o'clock, p.m.)

REGULAR SESSION

Mr. Chaplinsky made a motion to adjourn the Planning & Zoning Commission meeting which was seconded by Mr. Kalkowski. Motion passed unanimously.

(Meeting was adjourned at 8:56 o'clock, p.m.)

Mark J. Sciota
 Acting Secretary

