



5. Public Hearings:

A. Peter McDevitt and Michele Vancour, Special Permit Use application for a parent/grandparent apartment, 95 Rustic Oak Drive (SPU #532)

Peter McDevitt, 95 Rustic Oak Drive, applicant presented. They are seeking an in law apartment at our home at 95 Rustic Oak Drive. The reason for the in law use is to bring the family closer together. They're getting older, so it is a matter of convenience for all of us.

We've taken a lot of consideration into the planning of it to make sure it meets the zoning regulations and because we live on a corner lot make sure that we don't exceed any setbacks.

We're planning on adding to the back of the structure and in no way going towards the street or our neighbor's house. Just straight off the back. It is a one story structure.

Discussion.

The area on the right-hand side of the document, SPU 532, dated March 3<sup>rd</sup>, 2014 the open area that looks like a kitchen; this is a living area, right? The applicant responded we have an existing sunroom which is getting shifted to the right and then a small kitchen with an island tucked in the corner. That's living space off to the right-hand side off the back.

Points of access are through the main house. There is a potential exit to the rear for emergency purposes. It is intended for family use with a size restriction and in this case it's the ratio that applies.

The four stipulations need to be on the map advised the Chair.

(Those speaking in favor of the application.)

No response.

(Those speaking against the application.)

Greg Williamson, and his wife, Chris, live at 83 Rustic Oak Drive, the next door neighbor on the south side of the property.

He objected to this application citing reasons of inconsistency with the harmony and character of the surrounding properties, a breach in the rhythm of the site characteristics and style of the existing structures, an adverse affect on adjacent and overall property values.

William Marcarelli, my wife and I live at 127 Rustic Oak Drive. He spoke in opposition to this application asking his neighbor to achieve multi-generational living through the structure of the single family residence. I have to object to any kind of construction that essentially establishes two residences on a single residential property.

We live in a community of single family residences. I would have no objection to multiple generations living in that home within the confines of a single family residence. I do object to any form of a second residence being placed on the property.

(Rebuttal)

The size of the addition is 1240 sf. That is 39.1% of the original unit which was around 2,000 sf.

The applicant advised the existing 14' x 20' sunroom that's heated and we are extending off the right-hand side of it.

The original home square footage is around 2,300 or 2,400 sf.

The driveway is on Pin Oak Drive.

There is an in ground pool in the back with a fenced in area.

Straight off the back of the garage, staying within the fenced area, moving towards the pool 20' an addition 24' wide butting up against the existing sunroom and adding to the side of the sunroom.

Discussion.

Total size of the lot is .62 acres.

In house review found no exceptions to the regulations.

Four stipulations to be added to the map:

1. Either the accessory apartment or the main unit shall be owner occupied.
2. Parent/grandparent apartment permits are non transferable. They terminate upon the sale of the property or the death of the parents or grandparents for whom the apartment was permitted.
3. A parent/grandparent apartment shall never be offered for rent.

4. The commission shall have the power to revoke any special permit granted under this section if it determines that any condition is not being complied with.

The Chair closed the public hearing at this time.

6. Business Meeting

A. Peter McDevitt and Michele Vancour, Special Permit Use application for a parent/grandparent apartment, 95 Rustic Oak Drive (SPU #532)

Mr. Phillips advised this item is ready for action. Mr. Conroy made a motion to approve the application with stipulations noted with the notes on the map. Mr. Chaplinsky seconded.

Four stipulations to be added to the map:

1. Either the accessory apartment or the main unit shall be owner occupied.

2. Parent/grandparent apartment permits are non transferable. They terminate upon the sale of the property or the death of the parents or grandparents for whom the apartment was permitted.

3. A parent/grandparent apartment shall never be offered for rent.

4. The commission shall have the power to revoke any special permit granted under this section if it determines that any condition is not being complied with.

Mr. Conroy further added it looks to be in order and within the confines of the regulations. The size looks to be within the basic length and width of the footprint. It does extend 6' beyond the original structure which is not that big a deal compared to what we've seen on these. Looking at the aerial photo, there are a few houses here that are actually larger than this one. I don't see how it is any different from what is out there now. Seems like a fairly standard application.

Mr. Chaplinsky confirmed the stipulations are found in Section 11-22, points 10,11,12 & 13.

The Chair advised we see this fairly common, fairly often. The good thing about them is that they're regulated. If you think

something is amiss in the neighborhood, if you think there is something going on that shouldn't be going on, just let staff know and we'll investigate it.

We've seen tons of these. Without much opposition. We did take into consideration what you presented but folks have the right to do what they want with their property. They're following the guidelines and our regulations. Unless there is something glaring, which I don't see in this application, I just don't know how we could deny it.

Motion passed 7 to 0 on a roll call vote.

B. Wonk Road Partnership, 19 lot subdivision (R-12) Wonx Spring Road (map 062, Parcel 142) A #1303.

Stephen Giudice with Harry Cole & Son represented the applicant. The plans before you are for a 19 lot residential subdivision. It's a cul de sac in an R-12 zone with public water and public sewers.

We have been before the wetlands commission and did receive approval at the last meeting.

We've been working diligently to address comments from staff. I think we're in pretty good shape. I did get an email from Jim Grappone late this afternoon with a few minor items he had asked us to look at or be stipulated by this commission if you are willing to do so.

We feel the application is ready for action. Any questions for me?

Mr. Conroy asked about a resolution to the remaining land. Mr. Giudice said there isn't at this point. The land trust decided they didn't want to take it. We still have some interested parties but we don't have a plan right now. It will remain as other land and we'd have to come back before you to do anything in the future. The LLC still owns it.

Mr. Phillips said they are still working out some issues with the water department. I expect they would have a stipulation that any revisions the water department requires will be on the plans for review.

They're working with the state on the natural diversity data base determination report. I'd like to have that in hand before approval,

it can be stipulated as well that they follow any recommendation of the state and a copy of the report is submitted to the planning department for the file.

And, the town attorney has advised that the commission restate the stipulations of the agreement.

1. The plans will support Wonk in its applications for zone change and residential subdivision. Obviously, we've decided on the zone change.

2. Land identified as Parcel 062142 on the Southington assessment parcel map.

3. If and when applications are approved, Plaintiff Frank Punzo is authorized to find a nonprofit organization such as a land trust to accept the 19.74 acre portion of said parcel that has been identified as an ELUR environmental land use restriction along with approximately a 5 acre portion of said parcel south of the ELUR parcel area. These will remain unimproved.

If he is unable to locate a nonprofit to accept the 5 acre portion south of the land use restricted area, that the Wonk Road Partnership would be able to seek the immediate approval from the Town of Southington for any use consistent with the terms and conditions of this stipulation including but not limited to a 55 and older community on that 5 acre area that is not encumbered by the land use restriction.

Attorney Klimaszewski added the stipulation has been filed and approved with the New Britain Superior Court to resolve four pending legal issues on this property. I do have copies.

Mr. Phillips added one last recommended stipulation if this commission so desires, there are four items from the engineering memo dated February 28<sup>th</sup>, 2014 that are outstanding as of today.

1. Concerning Item 5 of the original memo, the proposed sight lines extend on the property not controlled by the applicant for area L.

2. Concerning Item 15, the elevations indicate two low points in the cul de sac.

3. Concerning Item 30, this will be a condition of approval, subject to review and approval by the town attorney.

4. In order to meet the ZIRO requirements for drainage area 2 it is recommended that the roof drainage for lots 1 & 2 be connected to yard drain #4 and proposed driveways for lots 2 & 19 be situated on the detention pond side of the high point for the street.

The stipulation would be that the applicant adheres or meets those requested modification from the engineering department.

Mr. Giudice stated he had no issue addressing the comments. Item 30 is a conditional approval subject to the town attorney, I don't have that checklist. I am assuming if the town attorney is okay with it, we're okay with it. That's the Phase I environmental report. Mr. Giudice said they did submit one to Dave Lavallee from DES.

Regarding the natural diversity data base, when we first started this process, this property was not included in the natural diversity data base mapping by DEP. During the process, paperwork was filed identifying possible turtles on the property. The mapping was updated to include this property and this came up recently. We did file the appropriate paperwork with the DEP and send a copy to Dave Lavallee, as well, of the application. That process is ongoing.

When they give us the recommendations for the next step, past experience tells us the requirements for the box turtle and how to handle this species. There are certain steps for before construction, during construction and after construction that we will take appropriately.

Attorney Meccariello has a few comments he'd like to make at this point.

Attorney Bryan Meccariello, 142 North Main Street, Southington, CT. I represent the applicant. I'm hoping you'll vote to approve this with the stipulations tonight. I wanted to take this time to thank the staff of the Town of Southington. They're great and worked out the stipulations that were filed and approved in court.

I also wanted to thank the counsel for the neighbors, Attorney Morrocco. He was instrumental in that.

But also Senator Joe Markely. He stepped up to the plate. He was contacted by both sides and he brought the parties together. As a result of his hard work, here were are with the stipulations.

I wanted to acknowledge that. Thanks.

Mr. Chaplinsky made a motion to approve with the aforementioned stipulations. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

C. Rave SL Tenant, LLC, 3 lot subdivision application, 1821 Meriden Waterbury Road S #1306.

Chris Gagnon, Civil engineer with BL Companies, 355 Research Parkway, Meriden, CT, represented the application.

What we have today is the cinema property in town. The cinema property, what we are finding throughout the state and country is that they were sited pieces of property that are far larger than required. Now, we're relooking at allocating the land for these properties and this is one of a number of cinemas which will either be subdivided or will have new retail parcels sited on the properties.

This cinema fits this description. It's a very large piece of land with the ability to hopefully site two other retail parcels on the property.

The proposed subdivision of the cinema property is there will be three lots when all done. The large lot will have the cinema on it. Two proposed lots in front of the cinema, the grassy areas in front of the cinema right across from Home Depot will be the two new proposed lots. One is 1.2 acres and the other is almost 1.5 acres. They are of significant size for doing retail development.

We've met with the town staff, engineering and economic development as well as planning. We had a few preapplication meetings during which we discussed the means of developing the lot should this be approved. We discussed how we would handle runoff, how the utilities would be. These lots would be intimately tied together and storm water management will need to flow through the existing storm water basin to achieve the ZIRO regulations. There are exiting utilities for all the properties.

Right now in front of you is just the subdivision. But we are taking into account all the details for when the future lots come in front of you for their site plan approval.

We have comments from the engineering department yesterday and I have prepared a formal response to the comments and submitted it to

the town planner when we got here today. There is one important point I would like to discuss with respect to how this lot itself was formed to create this lot. The town planner asked us to investigate how this lot was formed to create the cinema lot itself. In doing record research, the lot was created by combining three lots. A lot consolidation which created this mega lot, if you will. We were asked to certify that.

Further back than 1993 when this was created as the cinema lot, one of the three lots that was used to create it was subject to being subdivided back in the 1980's to create the Dunkin Donuts and Econolodge parcel. That was done prior to the cinema purchasing the three lots and consolidating them.

It is my professional opinion that the lot itself was not subject to a subdivision to create the lot. The lot was created by combining three lots to form this one mega lot. What we are asking is we essentially go back to having three lots there.

In talking with surveyors, lot consolidations in Connecticut, the lot lines commonly referred to as being "z-ed" out, are most of the time not actually erased.

Discussion.

We are requesting this mega parcel be converted into the three commercial lots. One will be the cinema with two commercial lots in the front and our research indicates the lot itself was developed by consolidating three lots and we are now requesting to have three lots there.

Mr. Conroy addressed the comments regarding access to the three parcels. The project engineer indicated they would not propose any more curb cuts on the state road. We propose to access to the new lots will be through an existing curb cut. We believe that we will need to either restripe the driveway or possibly widen the driveway to facilitate the safe turning movements into and out of the new lots. The two proposed lots will retain rights over the exiting driveway and will retain rights to improve that existing driveway should it be necessary to properly allow turning movements.

Discussion.

Mr. Conroy asked if they would object to a stipulation that says access to these two new parcels would be barred from Meriden Waterbury Turnpike and would be through a common driveway or easement granted right of access from the existing parcel. Mr. Gagnon said they would be 100% comfortable with that.

The piece heading west off the larger parcel on to Ruggles was discussed. Mr. Gagnon explained that will not be an access. That is a historical finger that goes to Ruggles and nobody really knows why it exists.

The lot frontages are all off of the Meriden Waterbury Turnpike and we would not require access off of Ruggles for any lot. There is no intent to access.

Discussion.

Discussion regarding other combined parcels that may come before the commission for subdivision and whether this would be a precedent for approval.

The proposed uses are intended to be in harmony with the cinema use. It has not been fully vetted. It would be a viable commercial lot.

Mr. Phillips the response to engineering comments that were provided this evening, if you were to approve it, I would stipulate that the applicant agrees to do what they responded here. The important piece is under Item 3 which has to do with the ZIRO statement. We wanted to have something on the plan that specifically recognized that. My intention is to have that on the plan.

As far as the subdivision/resubdivision, the reason why I asked for the chain of title is strictly from a procedural standpoint. Resubdivision requires a public hearing. Just trying to make sure we are following the correct procedures. We rely on the professional certification of others. Ultimately, if there is an error, it is on the applicant.

Mr. Conroy wanted the access restrictions discussed documented on the plan and stipulated as part of the approval. (Note #7 under general notes on the plan.)

Mr. Chaplinsky made a motion to approve with the stipulations cited by the town planner documented on the memorandum provided to us dated March 17<sup>th</sup>, 2014 to James Grappone and specific attention to Comment 3 requiring that the ZIRO requirements be put on the plan and also that there are no new curb cuts on the state road, 322.

Ms. Clock seconded. Motion passed 7 to 0 on a roll call vote.

D. HQ, request for release of \$6,720 PI bond, 897 South Main Street (SPR #1594).

Staff indicated this is ready for action. Mr. Chaplinsky made a motion to approve. Mr. Coviello seconded. Motion passed unanimously on a voice vote.

E. Southington Industrial Properties, LLC, release of \$30,000 maintenance bond, Industrial Drive (S#1262).

Staff indicated this is ready for action. Mr. Chaplinsky made a motion to approve. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

7. Plan of Conservation and Development

Mr. Phillips said was about 95% complete with the draft of the RFQ. The town attorney needs to review it before distribution. Then we'll be good to go. A deadline for submittal somewhere the end of the first week or second week in April. Then we will have interviews.

Mr. Phillips will work with Jen directly on that.

As soon as interviews are over, the subcommittee will come to a consensus of who they want to engage, they'll probably start shortly after that. A stipulation/question is what their current workload is to be sure they can accommodate us on a timely basis.

As far as the subcommittee population, we can refine that, as well. Ms. Clock said the two resident members need to be discussed.

8. Items to be scheduled for public hearing

A. Magnoli Enterprises, 6 lot resubdivision application, Loper Street (Assessor's Map 158, Parcel 51) S #1305, April 1

B. AA Denorfia Building and development, modification of Special Permit Use approval, 54 and 82 Liberty Street (Assessor's Map 100, Parcels 49 & 51) SPU #523.1. April 15.

Both can be scheduled on the dates noted.

9. Administrative Reports

Mr. Phillips reported two applications they are considering administratively. One is 99 Bristol Street, the St. Thomas Church. They're proposing a 1300 square foot addition to their building. We have water department comments still outstanding. And, I want a little more detail on their expansion. There are some engineering comments that need response, as well. If you have concerns over that, let me know.

The other one is Hawks Landing, 300 square foot outdoor kitchen. The health department has heavy influence on that one. There are some engineering and drainage concerns. The general theme is it has been a little incremental over there and I'm concerned with where we are going. What is the overall picture/scheme of development? We're talking that out with them, as well. If you feel you would like to look at this, let me know.

Mr. Conroy thought there was a limit on the size of additions that were allowed for administrative approval and I thought it was 100 square feet or something like that. It was part of the process review committee. We'll check with the Town Attorney as far as what the policy is.

Discussion.

10. Receipt of New Applications

1. AA Denorfia Building and Development, revision of previous Special Permit Use approval from 22 age-restricted units to 25 age restricted multi-family units and 6 non age restricted multifamily units, for a total of 31 units, 54 & 82 Liberty Street (?SPU #523.1)

Discussion about how the package would be distributed in the future. Most agreed to have it sent electronically with a physical copy at the meeting. Mr. Conroy said he preferred to still receive a hard copy via mail. He also requested receiving reduced sized copies of the maps/plans beforehand.

Discussion.

Also, applicants would be encouraged to use the technology available in the assembly room.

Adjournment - Mr. Chaplinsky made a motion to adjourn and Mr. Macchio seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:00 o'clock, p.m.)