

PLANNING & ZONING COMMISSION
Public Hearing and Regular Meeting
May 6, 2014

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, May 6, 2014. Chairman Michael DeSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Paul Chaplinsky	Jennifer Clock
James Macchio	Steve Kalkowski
Kevin Conroy	Susan Locks
Michael DeSanto, Chair	

Alternates: Anthony Cervoni
 Joe Coviello
 James Morelli, Jr.
 Ryan Rogers

Ex-officio members present were as follows, viz:

Robert Phillips, Director of Planning & Community Development
James Grappone, Assistant Town Engineer
Mark Sciota, Deputy Town Manager/ Town Attorney

Absent: Keith Hayden, Town Engineer

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

MICHAEL DELSANTO, Chair, presiding:

Approval of Minutes

A. Regular Meeting of April 15, 2014

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

Public Hearings

Mr. Phillips read the legal notice of public hearings into the record at this time.

A. Proposed zoning district boundary change from R-12 to B, 33 Buckland Street (ZC #545).

Stephen Giudice, Harry Cole & Son, 876 South Main Street Plantsville, CT represented the applicant. This is a proposed zone change from R-12 to B zone. at 33 Buckland Street.

As I mentioned in the previous public hearing, we're proposing to change a residential parcel, 33 Buckland Street to Business. This is a quarter acre parcel in size. Our intent is to extend the business zone. We feel it is a logical extension of the business zone. It will make the zone square off at the corner here. It will give the applicant a larger parcel.

We had some concerns at the last public hearing about what's happening with the property. I said I would have the applicant at this meeting so he can talk about his plans for the property and future plans.

The abutting property that has been newly developed over the last 1.5 year, originally started as a very dilapidated garage with truck, lawnmowers, overgrowth and an unsightly property. The applicant purchased the property and made a substantial investment in the property and he has constructed a very nice building and is still in the construction process. He has five years from the date of the site plan approval to complete his project and he's been moving slowly. An undertaking like that has some serious constraints. I think he's improved the property a hundred times over what it was in the past.

His intention is to acquire this property and expand his operation into this property. Our intention is to add another building to this site of approximately 2,000 sf, similar to what is there now. Without this parcel in the B zone, he'll not be able to make the expansion.

Neighbors concerns had to do with people coming down the driveway from their condo complex and having to look at the building or a site they didn't like. I didn't think that was an extremely valid reason to deny this type of zone change. Your site plan regulations do have protection for buffer along the residential neighborhood at this side (indicated) and the other properties are across the street.

I'd like to now open it up to the public for those for and those against or if you have any questions we'd be happy to answer them after we hear the comments from the public.

Mr. Chaplinsky asked for the current access points for each parcels, including the current HQ site and the proposed. Mr. Giudice indicated the curb cuts --- one south of the existing building on South Main Street, a curb cut north of the building on South Main Street and a curb cut on the site (indicating) which is not subject to the zone change. And, then there is a driveway curb cut for the existing house and garage located on the parcel in question.

Mr. Chaplinsky asked about the zone change parcel in question, is the intent to locate a building specifically on that parcel in the future for this business zone? Mr. Giudice said this parcel will become part of the other parcel and the access would be through the other parcel. Mr. Chaplinsky asked if we would be talking about multiple buildings on a single lot at that point and Mr. Giudice confirmed.

Attorney Sciota explained the two step process. First is a zone change. You cannot put conditions on a zone change. Assuming that happens, we could come back here prior to site plan with an SPU for multiple buildings on a lot.

Discussion.

Mr. Chaplinsky clarified this is step one and what we are considering is: is this specific parcel appropriate for a zone change forgetting the site plan and the second step which could be another public hearing to talk about combining more than one principle building on the same lot. Attorney Sciota concurred.

In response to a query by Mr. Conroy, Attorney Sciota explained the process by which these two parcels would be combined into a single parcel.

The Chair asked the town planner to talk a little bit about what tonight's application is all about. I want to make sure that everyone in the audience knows the direction this will go. This is not about site plan or buffers or what type of business. Our decision tonight is based on facts whether or not to change 33 Buckland Street from residential to business. Mr. Phillips explained that was correct. You are essentially looking at the plan of conservation and development and looking for consistency or inconsistency with that plan. There is a section called: future land use plan. That lays out the general theme of future development over the next 10 years. In this case this property lines within an area in the future land use plan called general commercial (neighborhood) and it is defined as a smaller scale retail area that provides goods and services to meet the everyday needs of town residents. That leaves a lot of leeway.

I see with this application, you could go in either direction and it would be consistent with the plan of conservation and development.

Mr. Chaplinsky clarified we are just talking about whether the use is appropriate for a change to a business zone. If it goes on, then site plan would be a follow up meeting. At that point we talk specifically about the type of business and there could be stipulations on the site plan that require certain things (traffic flow, curb cuts, et cetera).

Attorney Sciota said once it is zoned business, it could be any business use as long as it fits under your site plan regulations.

Mr. Kalkowski explained the scrutiny this application will undergo by this commission in the process to be sure it is in the best interest of the applicant and the citizens.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Anthony Angelillo, 30 Buckland Street. I'm against what he wants to do with the building across the street mainly because of the amount of traffic on that road. The safety of the children. There's no sidewalks on Buckland Street. Adding more in that area, I'm against it.

Theresa Zolnick, 30 Buckland Street. I'm opposed to the zoning change.

Joan Fitzgerald, 34 Buckland Street. I oppose it because I am worried about the value of my home. I'm very concerned what it will do to my home.

Paul Vivian, 54 Buckland Street. I am against the zone change. This is a nice residential area. My concern is that the residential area is beginning to change and what is to stop the next property from coming in and the next and the next. It was clearly business going down South Main into this residential street. I worry that'll change and I worry about the traffic. I worry about trucks coming out with the children going by to Kennedy, specifically.

Ruth Aubin, 36 Buckland Street, Unit 18. The reason I moved to Highland Hill is because I was amazed at the amount of tranquility that existed in the area. We're going to lose that. When you come out the driveway, you'll look at a building. I go out of the driveway and see dumpsters, big tall piles of whatever, and other equipment.

I'm confused that you are not considering the use of this area before you grant the change. I just don't see how that can be. How can you make a decision when you don't know for sure what is going to be done on this property. I disagree with that approach.

Richard Fortunato, 36 Buckland Street. Unit 34. There are about 18 residents I recognized from Highland Hill here tonight. (Showing of hands)

Some 68 signed the petition that was circulated by a committee of ours. We're all taxpayers, residents and good citizens that vote.

I would urge you who are not familiar with the site to visit and walk around the Buckland Street side, the corner and the other side. North of the lot that HQ owns already there are several more sites that are all zoned business. I realize there is an economic advantage to buying 33 Buckland as it has not been rentable or saleable because of the terrible condition that existed before.

Discussion.

He read the letter which he already submitted for the record. (On file in the Town Planner's Office for review.)

Don Ingriselli, 36 Buckland Street, Unit 6. A couple of observations. I am personally in opposition to the zone change. I learned we really can't find out what the intended use is for the property until the property change is made. A little odd. I think it would be in the correct spirit to know what the future owner of the property has in mind for the property. There is a plan for a second building I heard tonight which is not really what we were expecting. We were expecting expansion of a retail/gardening activity.

Discussion.

The other concern is that if you look at that piece of property, starting at the intersection of Buckland and Old Turnpike, going south, that line is to the west side is your commercial zone and to the right is the residential zone. With the addition of that property, it becomes dominoes. That's a concern.

Madalyn Brunalli, 36 Buckland Street, Plantsville. Unit 16. She reviewed the petition which was submitted in opposition noting concerns: lowering property values, increase in truck traffic at a vulnerable corner with South Main, eliminating our visual and noise buffer to South Main, unresolved environmental issues on the existing location, setting a precedent to further degrade our neighborhood with commercial activities and there are options available to the applicant other than this property. This petition represents 90% of our residential neighborhood.

Discussion.

We do not want the corner squared off.

We all know that we really don't know how this property will be used and that is unacceptable to us.

As to the curb cut on Buckland Street, there is disagreement as to the wisdom of this mood. Spoke of pedestrian traffic in the area. You did allow the curb cut and it is functioning as an entrance/exit although it is marked as an entrance.

You took the needs of a business as a priority in your last vote. We strongly ask that this time you have to protect us, to protect a long established neighborhood rather than encroach on our homes.

Spoke of the residential/business split in the area. Buckland Street is all residential and we object to including a business in our exclusively residential zone. You have difficult decisions to make. Please make the right decision and vote to deny.

Arthur Cyr, 103 Berlin Avenue. In addition to everything I said at your last meeting, a couple of new items. As to this being a logical extension of a business, zone, if this was on South Main Street they could get away with saying that but on Buckland Street? South Main has business on it all the way down to Kennedy and beyond. Buckland Street has the old established homes from 150 years ago.

To expand the business zone on Buckland into a residential zone in my opinion would be very wrong.

I thought the public hearing continued to hear what the applicant was planning for this property. We know nothing more tonight than we knew two weeks ago. That's not fair to the neighborhood.

I can't think of the last time there was 90% participation in opposing a zone change and zero people speaking in favor. I'm a big proponent of economic development in this town. Usually when there is a good piece of economic development, Lou Perillo stands here and says this is a good thing for the town. He wasn't here two weeks ago and he's not here tonight.

This is not good economic development. Expanding a business zone into a residential street. I ask you not continue it past tonight, but close it and vote on it to deny the application.

Richard Garano, 36 Buckland Street, Unit 9. I want to remind you that our driveway is not the entrance to a single family home. It's the only entrance 36 residences have that includes service trucks, visitors, ambulances, et cetera. That should be considered.

Scott (Inaudible) 44 Buckland Street. I oppose the application to change this to a business zone and all of my concerns have been stated so far. We moved on this street as it was a residential neighborhood. If it had been across the street from a business, we may have reconsidered our choice to purchase that home. We are afraid that'll be the sentiment of future buyers in our area which will affect our value. Big concern.

Laurie Ingriselli, 36 Buckland Street, Unit 6. She told about her past experience living across from an industrial / commercial zoned property before moving here.

I'm afraid once they get in, everything will escalate.

There is dumpsters and mounds of topsoil on the property. The sign has been removed and traffic comes out of there.

Why is there a grill in front of that property? There are occasions when people barbeque out there. I don't understand.

With mixed zoning, once you get that foot in, it just grows. I moved to Southington to get away from what I had in Cheshire.

I'm afraid of more traffic. The hours of operation are a huge concern. I can only agree with everything that has been said 150%.

Let's complete one building before starting another.

(Rebuttal)

Steve Giudice talked the traffic concern. You may remember when Highland Hills was proposed and a number of residents were here speaking against it. I have trouble with the location of the Highland Hills homes in relation to the site. Their homes are all far removed from this proposed zone change. Their driveway, visually coming out – the value of that house has decreased because of Highland Hills. All the headlights.

I have trouble with the argument this will have a negative impact on Highland Hills. The abutting residents have a better concern with the zone change than the other speakers.

You cannot take into consideration what the future plans may be for the site. We can say this is what we want to do, but with a zone change, you have to look at the area and the property and say will a business use fit in this area. Our proposal is to combine the small piece with the other piece to meet requirements for a business use. It can't stand alone. It is a fact of what we are proposing to do.

State statute determines the process in how this handled and not you. We're just following that process.

In the last two years, the applicant has increased property values in the neighborhood with what he has done there. Explained.

HQ is not having economic problems. Mr. Holyst is proceeding with this and doing a nice job and spending a ton of money. He has five years to do it and is taking the time to do it and do it properly.

We believe this is a logical extension of the zone. We don't believe having this become part of the HQ parcel will have a negative impact to the others or the traffic on Buckland. If there is an issue with the entrance/exit on Buckland from the current property, Mr. Holyst will address it.

Discussion.

Mr. Perillo is not here tonight because we didn't ask him to come. I'm sure if we have a site plan, we'll ask him to come and speak in favor and he will do so.

Mr. Holyst does have employees who occasionally will have a fire in the display fire pit. I didn't think that was a zoning violation to cook a hot dog out there after hours. Not a big deal. We don't see how that has to do with the adding this to our property and adding another building. We can't add the other building without incorporating this site to meet the zoning requirements.

Kurt Holyst, 1 Saw Mill Lane, Plantsville. We can get the zone change first and then proceed with a site plan but if you want me to address some things brought up, I will do that. It's up to you.

A few things stated, minor or small, I think I've done a great thing for the site we are currently on. There was a talk about curb cuts. On the Buckland Street property, there were 3 and we only needed 2 of them and we made one, one-way. It's mostly people cutting thru that do go out the wrong way and we're trying to figure a way to address that.

The building is owned by HQ Realty and not HQ Dumpsters.

The building is taking longer than normal because when we bought the property we found tanks that we had to take out and get permits to take the waste out. It delayed my ability to do a lot of the work. You can come and see that detail is important in the building.

We're working six months on a new site which is under deposit – 50 acres that we'll be moving all of our trash organization to.

The site we propose to merge with our current site is not going to house trash trucks, dumpsters, mulch, block or any of that. The goal is to put another 2,000 sf twin building next to it. No curb cuts on Buckland Street except for the one that currently exists. Entrance to the new parcel is Route 10. Explained.

The twin building will look better than the house next door. It'll fit into the neighborhood totally.

The current owner has a problem renting the house because of the headlights coming into the front picture window.

Discussion.

There is no expansion of trash trucks, dumpsters, any of that. Not even thought of to go on to that property. Another building that mirrors what we have.

Discussion about the entrance only sign. A kid took it and a new one has been ordered explained Mr. Holyst.

School children walking on Buckland, the Chair noted they closed off the rear entrance to JFK. Does that mean they have to walk to Route 10 to walk up or are they bussed? Can we find out with the BOE and find out? Mr. Phillips will get information for the commission.

Mr. Giudice concluded by saying I know you take each project individually and you'll do the same with this one.

The Chair closed the public hearing at this time.

The Chair chose to go into the Business Meeting at this time for this item.

Business Meeting

A. Proposed zoning district boundary change from R-12 to B, 33 Buckland Street (ZC #545).

Mr. Kalkowski made a motion to table which Mr. Chaplinsky seconded. Motion passed 6 to 1 on a vote with Mr. Conroy opposed.

The Chair asked to go back to the public hearing items.

(Pause to clear the assembly room.)

Public Hearing

B. Michael LeClair, modification of previous parent/grandparent apartment approval to allow for an additional 140 sf of living space, 30 Curtiss Farm Court (SPU #525.1)

Michael LeClair, 30 Curtis Farm Court, current owner. I was granted when I built the house a grandparent/in-law permit for 471 sf. We're looking to add a 3-season porch which would be an additional 120 sf. It's 12 x 10. That will not exceed 40% allowed of the total square footage which was 1527. It brings the total square footage of the in-law to 591 square feet.

Mr. Phillips felt in this case because this was a special permit originally and the increase in square footage was substantial enough to basically give us the feeling we should follow due process and have the abutting properties be made aware of the change as they relied upon the previous approval.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

The Chair at this time closed this public hearing item.

C. Stephen Ciaffaglione, special permit use application to allow more than 3 garage spaces, 477 Hobart Street (SPU #533).

Stephen Ciaffaglione, 477 Hobart Street. This is an existing garage I built 14 years ago. It was approved and built and I've owned it all this time. Six years ago we built my retirement home on 477. Number 475 and 477 are family property. I would like to ultimately change the boundary line so the garage is on 477 instead of 475. There is no basement on 477 and I have no place for a workshop. The garage is my workshop. When originally built, it was intended to be a two car garage with a workshop. I would like to have it as part of my retirement home.

I did want to add that the 475 property, as much as I intend to keep it forever, there are uncertainties. My mother currently lives there. I want to make sure my garage and hobbies are on my property at 477.

Mr. Chaplinsky asked if this was for a business use. Mr. Ciaffaglione said absolutely not. I have a 12' wide driveway. It wouldn't even be possible.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

David Zianca at 84 Mountainview Road which is adjacent property. The reason I'm speaking against it is I've lived there 10 years. It is a family property but there are three houses combined on that property with a shared driveway that has no proper access from Hobart Street. I'm also a paramedic in town and do emergency responses. When he had a fire in the original garage, the fire department had no access to it.

He noted the first property on the shared driveway looks like an auto junkyard. Explained.

The Chair noted it is not 475 or 477. The Speaker said it is 473 on the same shared driveway. No fire department access or emergency response access. It's a small gravel driveway between two houses.

Since the house has been built, I have to listen to a garbage truck backing down the whole length of the driveway – 600' or 700' – early in the morning.

It's a workshop garage, but there is a chassis of a motor vehicle covered with a tarp. I'm nervous.

The Chair explained to the Speaker that all he wants to do is move the lot line to include the garage. He's not building any more garages.

The Speaker said he thought was building another garage and that was his concern. If it's just a lot line revision, I am not opposed.

Hearing no further speakers against the application, the Chair closed the public hearing item and closed the public hearing portion of the meeting.

BUSINESS MEETING

A. Proposed zoning district boundary change from R-12 to B, 33 Buckland Street (ZC #545).

Tabled earlier in the meeting.

The Chair at this time recognized two students in the 9th grade civics class: Sydney Kroll, 9th grade and we're here for a civics project. Southington High School. Mrs. Kennedy is the teacher. Morgan Raymond, in the same civics class.

B. Michael LeClair, modification of previous parent/grandparent apartment approval to allow for an additional 140 sf of living space, 30 Curtiss Farm Court (SPU #525.1)

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

C. Stephen Ciaffaglione, special permit use application to allow more than 3 garage spaces, 477 Hobart Street (SPU #533).

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

D. High Ridge Industries, LLC, flood plain application seeking to fill 1400 (+/-) cubic yards of floodplain for the expansion of a parking lot, 125 West Queen Street, FF #243.

Steve Giudice represented the applicant. We'd like to request a table at this time. We did submit the site plan application and you'll see it at the next meeting.

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

E. B & R Corp., construction of volume reduction facility, 49 DePaul Drive (SPR #1667).

George Andrews, Lourierio Engineering, Plainville, CT, presented the application. He give a high level summary of where we are at this point providing an isometric diagram of the anaerobic digestion site that's proposed at 49 DePaolo Drive. He summarized the structures proposed associated with anaerobic digestion. (Anaerobic digestion tank, equalization tank,

combined heat and power unit, operations building, liquids and solids receiving facility, pulping into packaging building and the waste water treatment building.)

He specifically talked about and reviewed the anaerobic digestion component. Last time we focused on odor control associated with the facility. He cited the location on the diagram. Charlie Alex from StanTeck was with us. He's an expert in biosolids odor control and he gave testimony at the last hearing. Subsequently, he has prepared a more detailed memorandum and submitted that to staff for review. (He summarized the memo as it is extensive. The memo is on file in the town planner's office for review.)

Carbon filtration was discussed as the technology adopted and committed to.

He then reviewed the permits that are needed to be acquired. We have in hand a general permit for a brush and clean fill recycling facility which we are currently operating under. We have a permit to construct and operate a solid waste disposal facility which has been submitted to the DEEP. We submitted a revised application in December of 2013. That application reflects the modifications included in the site plan you are reviewing right now. The permit will cover four different components of the operation: anaerobic digestion, clean wood processing, the repackaging facility and the composting facility.

We have two storm water permits. One for industrial activity which we will get when the structures are completed. And, the other for storm water associated with construction activity. We do have that in place to facilitate the activities that are underway.

With regard to air emissions, I pulled together the four units that will be under review with the DEEP with their new source review and that includes the CHP unit (generator) the flare, the odor control facility and the emergency pressure relief valves associated with the digester and the equalization tank.

There is a miscellaneous discharge of sewer compatible wastewaters (MISC permit) that will be required to tie into your sanitary system and to discharge the waste water.

He briefly identified some of the qualifications the team is bringing to the table from an operation perspective.

He showed a last slide which breaks down the lower portion of the site. He opened it up to questions.

Mr. Chaplinsky noted a document that Mr. Grappone passed along describing the filtration of the air, the discharge, if you could just give us your opinion? Mr. Grappone explained his experience is from the point of waste water treatment. This is a little different

process but pretty similar as far as the odor components.

Discussion.

He further explained a document he document he had researched on line. (On file in the town engineer's office). This document discussed odor management for handling materials capable of decaying.

He concluded by saying biofiltration is a recognized way of treating odorous air for these operations. He personally had a concern with biofilters as a result of his experience in Farmington with a compost facility dealing in waste water treatment and sewage compost.

Discussion.

Bio carbon filters seem to be the technology for waste water treatment. He explained research he had regarding towns with a large upgrade at their plant. Very similar to this application.

Mr. Grappone stated he reviewed the document submitted by Charles Alex. It identified the potential odor components based on the operation. Same odor potential sources are documented in the DEE P handout. It is recommended at this point in time due to the area they have chosen to go with carbon as a way of treatment for their odorous air. I agree with that.

Discussion.

Mr. Conroy asked if the applicant planned to use these carbon filters at each of the locations along the way or just at the digester. Mr. Grappone said it would be used at all the potential areas: receiving, dewatering and shipping area.

Mr. Andrews talked about the areas services and identified them on the slide for the commission: the tipping floor, repackaging facility, the anaerobic digester, the equalization tank, the liquid solids receiving facility and the waste water treatment facility. Explained all will be treated for the gases captured.

Discussion of how the systems will operate in response to a query by Mr. Conroy regarding capacities and volume.

Discussion on the change-out process and how it works.

Mr. Phillips advised this is ready for action with the suggested following stipulations:

1. Provide details of the wastewater treatment to the satisfaction of both the Town of Southington WPCA and the State of Connecticut DEEP.
2. Provide detail for spillway on the plan as it is already noted in the detail plan sheet 16.
3. Subject to the acknowledgements to Engineering, comments outlined in the letter by George Andrews of LEA dated and received on April 15, 2014.
4. Final Approval of the septic system for the Maintenance Facility is subject to Health Department approval.

Mr. Chaplinsky made a motion to approve with the town planner's stipulations as aforementioned. Mr. Kalkowski seconded. Motion passed 6 to 1 with Mr. Conroy opposed.

F. Bread for Life, proposed building for food services, associated parking, utilities and storm water management infrastructure, 23 and 31 Vermont Avenue SPR #1669.

Steve Giudice represented the applicant. We are proposing a new home for Bread for Life very similar to the previous application but in a different location. The property is owned by ST. Paul's Church. There are two parcels on Vermont Avenue, 23 and 31. Our proposal is to have this facility located on 31 Vermont Avenue a .34 acre parcel. It's zoned CB in the front and a small portion of residential in the back. It's currently vacant but it is serviced by public water and sewers. The topography slopes from the east to the south.

There aren't any wetlands on site. There were previously two homes on this property that have been removed.

We're proposing to make a modification to the property line to allow for a common curb cut so if anything were to be developed by ST. Paul in the future, we would utilize one curb cut for both parcels.

The building is identical to that which we proposed previously. The only difference is our walk out now is to the back of the building. We are proposing 15 parking spaces, with one being handicapped. We are required to have 13 spaces.

Storm water is controlled through the use of detention basins and large diameter pipe tying into a proposed catch basin on Vermont Avenue. Explained.

The water department has approved our service request for this application. We have received staff comments and we've addressed them all adequately.

We are here to answer any of your questions.

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

G. Discussion – Downtown and Plantsville Parking Studies

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

H. 8-24 Referral for purchase of 427 Pleasant Street MR #484.

Attorney Sciota explained this is for an 8-24 for the purchase of 427 Pleasant Street. The next 8-24 is the financial aspect. We are purchasing for \$935,000. It's just shy of 7 acres. We value the property based upon how the assessor looks at it and how many lots can go on the property. The current open space value by the town is approximately \$85,000 per predeveloped lot.

Eventual uses of the property is up to the jurisdiction of the town council. The BOE and the town council will work together on this. The location is right next to DePaolo. It can certainly be used or programming. We have no intention of razing all the buildings. Hopefully the use will help the educational process.

This is to allow me to move forward with the contract. Happy to answer any questions.

Mr. Kalkowski made a motion to return a positive 8-24. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

I. 8-24 Referral for bond ordinance in the amount of \$935,000 for the purchase of 427 Pleasant Street MR #485.

Attorney Sciota explained this is to give him the ability to borrow the money to purchase the property. We'll have a public hearing at the BOF level and eventually at the town council level. We need this 8-24 first.

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

J. Modification of judgment for Hillcrest Orchards site plan, 508 & 544 Meriden Waterbury Road SPR #1485.

Attorney Sciota advised we have been in discussions with the property owner for many years with the applicant after the recommendation by the courts. The attorney who represents the applicant and I have signed a document which would modify this judgment which was put forward several years ago at this point. We wish to go to court with the modification proposed and we're looking for a favorable recommendation and vote for it.

Christopher Giuliano, professional engineer and licensed land surveyor, Wallingford, CT. presented the application modifications. What we are looking to do is to modify the existing plan which was for 212 townhouse units, including the two existing houses. They'd like to modify that to construct 100 single family homes with two being the existing houses.

We have come up with a conceptual plan of what the 100 lots would look like on this property. It's a reduction in density of approximately 53% (212 down to 100). Everything would be a single family home, fee simple ownership; roads remain in private and taken care of by a homeowner's association. All on site utilities proposed would stay the same. No reduction with respect to that. The affordability component would remain in effect but it would be reduced to 10% from 20%. The offsite sewer improvements on Savage Street are going to be eliminating thus the reduction of 53% of the density. The sewage will run down 322 to the South End Road pump station. The fee would be negotiated between the applicant and the town. In lieu of sidewalks on both sides of the streets, sidewalks would be located on one side. The rain gardens proposed originally would be eliminated. That is a direct cause of the density being reduced. The total impervious footprint is reduced by approximately 20%. Our detention basins are staying the same size. All HOD setbacks will remain in effect: 25' off the roadway, 30' between units, 40' off the existing property bounds. We will continue to have an emergency access out to Rahlene Drive – but no gate.

I'll take any questions if there are any.

Mr. Conroy asked for lot sizes and Mr. Giuliano answered they are minimum 65' wide and the depths range from 90' up to 120'. Roughly about one-quarter access.

Mr. Conroy asked about the emergency access which Mr. Giuliano explained.

Mr. Chaplinsky made the following motion to approve:

Motion to approve modifying the court judgment of the June 2009 site plan as provided on the list entitled judgment modification based on the following reasons:

The compromised plan is consistent with the Superior Court Judgment in the June 2009 site plan approval while making substantial improvements to the density and the coverage. The reduction in affordable units to 10% is necessitated and justified by a substantial reduction in the total number of units from 214 to 100, reducing the density and intensity of the development and the amount of impervious surface therefore making it more palatable to the planning and zoning commission and more compatible with the neighborhood while continuing to advance the goals of the HOD zone.

The proposed modifications are deemed to be minor and reasonable in exchange for the reduction in units resulting in a better development. The compromise plan is consistent with the purpose of Section 3-08 of the Southington Zoning Regulations Housing Opportunity District and with all of the dimensional requirements provided there such as setbacks.

It is as a whole fair and reasonable. The commission notes favorable that the developer has already completed the removal of pesticide contaminated soil from the site in compliance with the Superior Court Judgment in this matter and the Commissions June 2009 site plan approval.

The Commission further recognizes that the modifications remain subject to the Superior Court approval under General Statutes Sections 8-8(n) and the court will hold a hearing thereon.

Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

K. Acceptance of Empress Drive, a total distance of 2,035 feet (.38 mi), subject to the acceptance of a maintenance bond n the amount of \$40,000 S #1277.

Mr. Phillips advised this is ready for approval. Mr. Chaplinsky made a motion to approve. Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

PLAN OF CONSERVATION AND DEVELOPMENT

Mr. Phillips noted nothing to update at this time. We are having a meeting a week from today to have interviews with two of the three submittals.

ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

A. Richard Tomczak, Special Permit Application for more than three garage spaces, 53 Autran Avenue, SPU 534.

B. Jim and Rosemarie Lord, Special Permit Application for parent/grandparent apartment, 267 East Street SPU #535.

C. Strollo Brothers & Sons., Inc., Special Permit Application for outside storage 1520 Meriden Waterbury Turnpike SPU #536.

D. Turning Earth Central Connecticut, LLC, Special Permit Application for the construction of multiple buildings on one lot to facilitate the development and operation of a source separated organics recycling facility, known as a volume reduction plan, using anaerobic digestion and aerobic composting to produce compost, renewable energy and het for use in greenhouses that will grow premium quality vegetables, 111 Spring Street SPU #537.

E. Mark H. Sekorski, application, special permit use application for more than 3 garage spaces (32' x 36' barn), property of Brian W. Whitford, 118 Mountain Pond Road SPU #538.

ADMINISTRATIVE REPORTS

Nothing this evening.

RECEIPT OF NEW APPLICATIONS

Mr. Phillips there are a few other applications submitted which is the handout. We did receive an application yesterday which should be on here: High Ridge Industries, LLC SPR 1510.1.

ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:55 o'clock, p.m.)