

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
November 18, 2014

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, November 18, 2014. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Jennifer Clock	James Macchio
Steve Kalkowski *	Paul Chaplinsky
Susan Locks	

Michael DelSanto, Chair

Alternates: Anthony D'Angelo
James Morelli, Jr.
Joe Coviello

Ex-officio members present were as follows, viz:

Robert Phillips, Director of Planning & Community Development
Keith Hayden, Town Engineer
Mark Sciota, Deputy Town Manager/ Town Attorney

(*Arrived where noted.)

Absent: Kevin Conroy Commissioner

The Chair seated Mr. D'Angelo for Mr. Conroy and Mr. Coviello for Mr. Kalkowski. A quorum was determined.

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

(*Mr. Kalkowski entered the meeting.)

MICHAEL DELSANTO, Chair, presiding:

The Chair seated Mr. Kalkowski for this evening's meeting.

Approval of Minutes

Regular meeting of November 5, 2014

Mr. Macchio made a motion to approve. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

5. Appointment of PZC Alternate

Passed this evening.

6. Public Hearings

Mr. Phillips read the legal notice into the record.

A. Estate of Merwin S. Vile, (Severino Bovino, Agent) request to change zoning district boundary, 217, 233, 235 and 271 Dunham Street (Assessor's Map 194, Parcels 40, 41, 42 and 43) from R-20/25 to R-12 (ZC #548)

Item withdrawn by the applicant. There is a written request for withdrawal in the file.

B. Rebecca Downie, Special Permit use application for the construction of a 24 x 26 two-car garage with attached 16 x 20 pool building, which will bring the total number of garages spaces to more than three, 532 Winding Ridge (SPU #542).

Rebecca Downie, 532 Winding Ridge, Southington, homeowner, presented. We are proposing a two car garage. We'd like to get all of our vehicles in the garage and store all of our tools. And, we do have a three car garage but we can from a very large yard with a three car garage and a ton of storage space and we're not finding it to be enough room for eveythine, ie: vehicles and tractor and tools.

The pool building is attached to the building. It has a fireplace and we don't have a wood burning fireplace and my husband will die if he can't burn wood. We took this to an architect already as we were under the wrong impression that we were zoned for five garage spaces when we bought the house.

When I went to get the building permit, I discovered we had to go through the special zoning process.

It's a one story, two car garage. It's an attractive building and we just want to add to the value of our home and have the extra

space. It is in keeping with the look of the house and the neighborhood. There are quite a few other homes that have five or six car garages right now in the neighborhood.

There is no living space planned in this garage. There is no heat except for the fireplace.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed this public hearing item.

C. Erik Layton, Agent for Burma, LLC, Special Permit application for day care facility for less than 25 children, with 600 sf outdoor play area, 447 North Main Street, SPU #543.

Erik could not be here tonight, so I am filling in. My name is Denise Rivera and I'm actually the property owner. We have a wonderful daycare facility going in to 447 North Main Street. We have a 600 sf outdoor play area for the kids. I've also done a site plan, as well. I got a variance for the 40 sf that I needed about a month ago.

We want acceptance for the special use for the daycare in the neighborhood. The tenants don't seem to have a problem with it.

The ages of the children would be from infant up to 10 years old and it is for 24 or under children.

The traffic flow was discussed. The parking is very vacant added the applicant. Explained very few customers go to Harvest Medical. His hours are Monday thru Friday, 9:00 am to 5:00 and Saturday 9:00 to Noon.

My personal dance studio is also in the building and we start classes around 5:30 pm and we're done at about 9:00 pm.

That will not interfere with the day care hours at all.

Very minimal traffic.

Mr. Kalkowski asked about the drainage ditch in the back where the fence was broken. Has that been repaired? Ms. Rivera said it is being repaired next week by Eagle Fencing in Plainville. She explained the fence had either eroded or it was hit and I didn't know about it. Because there are drain pipes underneath, they didn't know how to put the bollards in because the drain pipes were underneath. That delayed it and it will be fixed next week. We can't put bollards in but after the fence is in we will put in some kind of jersey barriers. Discussed.

Anything they want to do beyond this approval would have to go through the town boards, again. She's asking for 24. There is a state issue she'd have to deal with if she wanted to go higher.

Access is through North Main Street and Darling Street. There is another opening on the other side of the building which is North Main Street, the back of the building. A smaller entryway.

The fence for outdoor portion of the daycare is a 4' cedar wood privacy fence. We'll put some extra protection in front the fence as well along with the one by the river. Discussion.

Access to the play area was discussed.

Parking requirements were discussed. The staff looked at this and determined there was an excess of number of spaces that could easily accommodate the parking for this operation even though they are losing a few for the outdoor play area.

No concerns about internal circulation in the parking after staff's review.

Protection of the outdoor play area, crash protection, is an issue. The applicant advised they will put the jersey barriers in on the opposite side of the fence. Every 6 feet they would put the bollards in the ground for extra support. That's not a problem. Discussion.

We can do the bollards every 6 feet around the fence on the perimeter and then with my fence I was going to do some kind of mafia block, explained by the applicant.

Attorney Sciota advised staff in the past has incorporated bollards in the fencing. They're the safest way. But that is Keith and Rob's territory.

(Those speaking in favor of the application)

Arthur Cyr, 103 Berlin Avenue. I feel compelled to come up and speak in favor of this. We just heard two presentations from two citizens that put to shame some of the professionals who come up here and to this. They had answers to your questions and they are prepared with all their information.

On that basis I would definitely say you should approve both of these applications.

(Those speaking against the application)

None.

The Chair closed this public hearing.

7. Business Meeting

Mr. Chaplinsky made a motion to add Item K, DC Development and Construction Development, LLC request for release of \$9,100 E & S bond, Meadowwood Estates, 827 Meriden Avenue, S #1286.

Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

A. Estate of Merwin S. Vile, (Severino Bovino, Agent) request to change zoning district boundary, 217, 233, 235 and 271 Dunham Street (Assessor's Map 194, Parcels 40, 41, 42 and 43) from R-20/25 to R-12 (ZC #548)

Withdrawn.

B. Rebecca Downie, Special Permit use application for the construction of a 24 x 26 two-car garage with attached 16 x 20 pool building, which will bring the total number of garage spaces to more than three, 532 Winding Ridge (SPU #542).

Mr. D'Angelo made a motion to approve the application as submitted. Mr. Chaplinsky seconded.

Mr. Kalkowski reminded the Chair the Town Planner had recommended a stipulation that there is no business to be conducted out of this garage.

Mr. D'Angelo added that to his motion and Mr. Chaplinsky reseconded.

Stipulation: No business will be conducted out of this garage.

Motion passed 7 to 0 on a roll call vote.

C. Erik Layton, Agent for Burma, LLC, Special Permit application for day care facility for less than 25 children, with 600 sf outdoor play area, 447 North Main Street, SPU #543.

This is ready for action. The Town Planner referred to his memo with two potential conditions to be considered:

- Crash protection be installed to the engineering department's approval to be sure it's safe.
- A sign on the building should not be part of the approval. We'll take care of it at the zoning permit level as we believe it is not quite in compliance.

Mr. Hayden recommended the bollards be required. Mr. Kalkowski wanted it clear it is not a recommendation it is a requirement.

Mr. Chaplinsky made a motion to approve with the Planner's recommendation for bollards for protection on the outdoor fenced in area and the signage come back for a separate approval. Mr. Kalkowski seconded.

Discussion about the sign and whether it is complaint. If not, it will have to be corrected. It may have to be taken down. We have reason to believe it is not complaint concluded Mr. Phillips.

Motion passed 7 to 0 on a roll call vote.

D. Eric Layton, Agent for Burma, LLC, site plan application for day care facility with 600 sf outdoor play area, 447 North Main Street (SPR #1685).

Mr. Phillips advised he didn't have any comments. We addressed our concerns during the special permit portion. This is ready for action.

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

E. Queen Street Medical Associates, proposed medical office building, 462 Queen Street SPR #1683.

Attorney Chris Smith, a land use attorney and partner with Shipman & Goodwin out of our Hartford office, appeared on behalf of the applicant contract purchaser, Queen Street Medical Associates, LLC site plan approval for a professional medical office use at real property known as 462 Queen Street.

I have two components of the application I wanted to highlight for you this evening and for the public. The first is that this application involves a site plan application and the reason for that is that the property is located in your business zoned district and a professional medical office use is permitted in that business zoned district subject only to site plan review and approval.

And, for the record, site plan review and approval essentially provides if the proposal complies with the zoning requirements for the site plan approval, then the application should be approved. This is different from special permit review and approval that provides you with greater discretion and considers factors such as whether the proposed use is compatible with the neighborhood, et cetera.

This involves a site plan approval.

Secondly, this proposal does not include an emergency room or an emergency department.

The applicant is willing to stipulate to such on the record. And, I do have a letter I would like to read into the record. (Submitted a copy to each commissioner and one for the town planner's file.)

"It's regarding SPR 1683. Dear Chairperson DeSanto and commission members: the undersigned firm represents the applicant concerning the above referenced matter. The applicant respectfully consents to the following as a condition of approval. If the commission determines to approve the subject site plan application, the condition would read as follows:

The site plan approval is for a medical office building. Such approval does not permit an emergency room or an emergency department which would constitute a different use and require a new application and approval from the commission.

Thank you for your cooperation concerning this matter. As always, best regards."

Hopefully this would address some of the concerns we've heard from citizen here in the town.

We did receive wetland approval on November 6, 2014 for this proposal.

I'll introduce the members of the team you'll be hearing from shortly.

(1) Land Planner, Phil Doyle. Landscape architect and urban planner with LADA, PC with offices out of Simsbury.

(2) Our civil engineer from Clark Engineering is Kevin Clark.

(3) Architect, John Manners, with the Castle J. W. M. Architectural Group within Castle Corp. which is actually the parent company of the LLC that is contract purchaser that has submitted this application this evening.

(4) Representing Castle is Jay Morris, the contract purchaser, applicant.

(5) Traffic Engineer, Mike Galante, of Frederick P. Clark Associates.

Phil Doyle started the presentation. You all should have copies of the complete application we submitted.

The site is a 3.2 acre piece of property which currently has three buildings on it. When approved in the 70's, it was to house somewhere between 130 and 150 rooms as a hotel or motel called Knights Inn. It has frontage of a few hundred feet on Queen Street. It has some frontage also on John Weichsel Crossing. Explained.

There is an unnamed brook behind us. It runs beside Rite Aid and to the intersection of the Exit for 84. Because of that and some wetland soil, we went to inland wetlands and received our approval for work in an upland review area.

The proposal is to remove all three existing buildings. The site has about 78% impervious surface with a drainage system that discharges to the brook in two areas. No storm water mitigation. Old system built to the standards at the time it was approved.

About 66,000 to 70,000 sf of building mass out there today that would be removed.

We would look to build a new three story medical office building. Our frontage would be on Queen Street and John Weichsel Crossing. Explained the possible entrance to this property from John Weichsel directly opposite the driveway that exits from or enters into the Price Chopper Shopping Center immediately to our south. The World Liquors is to our north. We will have an access point at that location. That is the place staff has suggested we enter that location.

As to access to the street, we are going to use basically the same driveway location that currently exists. (Indicated). It serves both inbound and outbound traffic. There is also a left hand turning lane existing in Route 10 we would leave unchanged. There is an opposing left hand turning lane that allows people to get to the east side of Route 10 at that point in Queen Street.

We will build a separate inbound lane and create an island to act as a traffic calming measure and let traffic slow down as they enter the site. They'll come into a stop bar and then traffic can be disbursed through the site.

Inside our driveway (indicating) we will have a one way entry into a major parking lot where people can come in and park anywhere they'd like.

There are sidewalks along Queen Street and we will be removing part of those sidewalks and rebuilding them as we work in this area.

We have submitted a waiver for building sidewalks along our frontage on John Weichsel Crossing. We'd like you to approve that request for waiver.

We're in a B zone. He went over the gross site plan issues. We have a three story proposed medical office building, 47,000 sf. The parking calculations would require 179 parking spaces and we're proposing 185 parking spaces. The existing use had about 160 parking spaces.

When we are finished with the proposal, we believe that we would be complying with all of the bulk zoning standards referenced in the bulk tables or other sections of the zoning regulations. Planting standards and green space requirements are noted within the parking section.

B zone allows 25% building coverage. Existing there is about 23% and our building would be about 12% building coverage. We exceed all of the building setback requirements, parking setback requirements. We've got planted buffers and small berms around all of our parking lot. The green space requirement is exceeded by 100%. We have a sidewalk proposed from Queen Street in along through the parking lots to the front door. We've got cross islands in the parking lot that would pick people up and allow them to get to the main walk and come in. We have sidewalks along the side of the building where people might come into the arcade.

We believe this building by the time it's done will be about 75% efficient and that is because we have a number of stairways, elevators, and a large arcade along the front of the building that will allow people when they come into the site to get immediately under cover.

Handicapped accessible parking spaces are located to the north side. They will be able to go across the crosswalk and be immediately under a covered arcade.

On the south side of the building, when someone comes in to the parking lot, there is a large drop off area. Explained the need for an area for people who need assistance.

The town staff asked us to consider putting in a bike rack. Explained the location where the bike rack will be placed on a concrete pad.

The screened dumpster location was indicated and described.

We believe we meet at this point all of the bulk requirements, standards for the B zone. We also believe when you look at the site plan section, we comply with all of the various sections of the site plan sections.

Showed the existing buildings and explained their occupancy.

As to the request for the sidewalk waiver along John Weichsel, this is the condition of the wetland that exists behind our property. (Indicated). This is off our property (indicated). The plans the

town has approved for the reconstruction of John Weichsel will create a 24' wide road and the town owned right of way comes to about this point here (indicated) in that murky water. The town plans would push out the road base through this area of poison ivy and take a 1:1 slope down to that point in the wetlands. This is behind our property. There is no room to actually place a sidewalk once you get past our site. We have suggested that a waiver would be appropriate as once you get to this point along our frontage on John Weichsel (indicated) you start to reach into that area that extends off this map and it becomes untenable to build a sidewalk.

The town when they approved the plans for the rebuilding of John Weichsel and when the Price Chopper Shopping Center was built, there was an approval to build sidewalks on the other side of the street. About 230' of sidewalk were built immediately on the other side of the street extending in from Queen Street almost to the driveway entrance to Price Chopper. There is a note on the plans showing that sidewalk is to be extended to the entrance of Price Chopper. That whole area is flat.

That had to be done with an easement. You obtained an easement from the Price Chopper Center owners to build that sidewalk. The sidewalk is on the other side of the street. The engineering department has asked us to provide a slope easement in case of the reconstruction of John Weichsel you need to enter our property to do some work; we would give you the right to do that. That's fine. We'll show it on our final survey that we're granting the town the slope ROW to be able to rebuild as necessary John Weichsel Crossing.

We've set all of our grading so that it could be accommodated for John Weichsel Crossing in a current state or in the future built state. We're in pretty good shape in that regard.

The initial plan we submitted showed us extending an 8" water line in to service fire protection in the building. The engineering staff has asked us to not show the 8" line at that location but to install the 8" line in John Weichsel to a point which matches the approved plans the town has for John Weichsel and we've agreed to do that. Explained.

The storm drainage system will be brought up to standards.

You need to certify as part of the site plan approval a soil and erosion control plan. We've submitted a storm water prevention plan. We show a two-phase process. Explained.

As part of the traffic management for site plan requirements for the town, your regulations are very comprehensive for the people of the town to know. They are very rigorous. They look at traffic; they look at access, parking, and pedestrian circulation. We've diagrammed access to the site for a tractor trailer. Explained.

We've looked at the details and the size of fire vehicles that might service the site and we've demonstrated they can access the site through the front entrance and off the John Weichsel entrance.

As to architecture, John and I have worked on many medical office buildings. We have renderings to show you. We will be creating a 47,800 sf building. All of the canopy areas outside and covered are included in the building coverage calculation. Showed a front view and explained the features of the building.

We are not making a sign application as part of this application. It may come later.

B zone regulations limit building height to 3 stories or 40'. Explained how this will be accomplished.

Under Section 11 of the regulations, ornamental towers are permitted. Our building height complies with the regulations because you have made that provision. The building will be brick. There will be windows throughout all three floors and there will be metal panels. Explained.

Showed the rear of the building and the service entrance.

Discussion of the roof top utilities and their visibility and how they would be screened to not be visible.

I'd like to have Kevin say a couple of words about the utilities and then have our traffic engineer talk about the traffic report he prepared which are all part of our application.

Lighting was discussed as being well within the Dark Sky suggested standard for lighting.

Mr. Doyle referred to Section 9, section by section, indicating how this application meets or exceeds the individual requirements. It is an appropriately designed site suitable for a medical office building.

Kevin Clark, Clark Engineering, a licensed professional engineer and my office is in Granby, CT.

There is existing sewer and water at the site. He explained the sewer line coming in from Queen Street. We plan to reuse that line after inspection. We would be installing a manhole to allow us to clean that line out and make a connection to the new building.

The water comes in to the site on a parallel line to the sewer. Explained a fire hydrant installed when the site was originally constructed. Domestic water service and sprinkler service are off that line. We will keep that existing 6" line and install a new fire hydrant and that's the only thing that line will serve at staff request through the water commission.

Staff requested we install an 8" public water main in John Weichsel Crossing and our water service for domestic and fire service come in off that new line.

Discussion.

He explained the storm water management system proposed.

Mike Galante, Frederick Clark Associates. He noted a full traffic study dated August 2014 wherein he evaluated the entire study area. The report was submitted and is on file in the Town Planner's Office. He went over the report briefly. This impact can be accommodated on the road system.

Further discussion on the traffic distribution by the commissioners and Mr. Galante and entrance and egress to the site.

Discussion was had on the left hand turn lane and interconnections from Route 10 and the site.

Discussion was had regarding the parking requirements and the spaces provided. Snow storage was explained.

Mr. Chaplinsky advised being sensitive to blacktop and if there are flexible parking options that allow for additional greenery and drainage that would be nice to incorporate into the proposal. Mr. Doyle said they would be willing to work with staff on this.

Mr. Doyle stated that because the existing site has the left hand turn lane, we've all used it; we think on a practical basis we need that. If you are making an approval, we would like you not to restrict the use of our proposed left hand turn lane. That would hurt us at this point.

Discussion.

Mr. Chaplinsky said this board has to consider the impact on the travel on Queen Street and I think that that is something we should talk about some more and consider our options.

Discussion.

Mr. Doyle responded from their point of view, it could significantly damage the ability for us to move forward if we found that restriction was imposed.

Mike Galante reviewed the vehicle traffic numbers for those traveling on Queen Street entering and leaving the site during peak times.

Attorney Chris Smith concluded by thanking the commission and staff for their time and assistance. He would respectfully suggest that the proposed professional medical office use which at the moment does not include with this application an emergency room or emergency department and if either one of those components were to be added to this use, it would involve a new application with the commission to consider.

I would respectfully state the proposal does meet your zoning regulations and in particular your site plan requirements under Section 9 of your regulations and I would respectfully request the commission consider waiving the sidewalk requirement as we do satisfy the conditions for the waiver. In particular there are topographical constraints, having the sidewalk on the northerly side of the public way, John Weichsel Crossing, and there is a sidewalk leading up most of the way to the Price Chopper entrance and there is provision for an easement for sidewalk on the southerly side.

In conclusion, we respectfully request you approve this site plan application before you this evening.

Thank you.

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

1. Any approval subject to staff review of the final revised plans including the engineering comments dated 11-18-14.
2. Preconstruction meeting would be required.

I support the applicant's offering of the suggested stipulation that there be no emergency department or room with this approval.

As to the sidewalk waiver, the Chair reminded everyone they are saying it is impossible topographically in the northern section. Attorney Sciota advised when this was designed for John Weichsel Crossing; it was designed with the sidewalk on the southerly side.

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

Mr. Chaplinsky stated it was difficult for him to hold different standards. I know this is a great plan. We are holding businesses on Queen Street --- especially in the busy areas --- to no left hand turns. (Dunkin Donuts, Panerra Bread) I think we have to be very careful when we hold some businesses to some standards and not others it is setting a precedent that sends the wrong message to businesses. We need to be consistent in our approach. I am interested to hear what everybody thinks on it.

Discussion amongst the commissioners regarding the left hand turn lane.

Ms. Clock and Ms. Locks offered comments in support of Mr. Chaplinsky's comments on the left turn lane.

Mr. Chaplinsky made a motion to approve with the Town Planner's stipulations previously mentioned and right turn only out of the current parking lot. No left hand turn on to Queen Street from the parking area. Ms. Locks seconded.

Mr. Kalkowski commented he would prefer a table at this point and let them come back with an alternative based on the feedback this commission gave them and that's a motion. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote to table.

Application is tabled.

F. 8-24 Referral for the donation of approximately 10 acres of property off Burrirt Street by David Florian (MR #494).

Attorney Sciota advised this is an 8-24 referral for a donation of property 20 acres in size off of Burrirt Street. The open space committee unanimously recommended it and the council is looking for your recommendation.

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

G. 8-24 referral for the purchase of 31.6 acres of land off of Marion Avenue owned by the Stanley Family for \$253,000 (MR #494).

This is unanimously coming to you from both the open space committee and the town council. They would like your recommendation on it. This is 31, plus, acres of land. We originally hoped to partner with Cheshire but that did not go forward. We are now just looking to purchase the land in Southington for \$253,000. The land will be used for recreational purposes, hiking trails that backs up to Roger's Orchards. It is for open space.

Mr. Chaplinsky made a motion to send back a favorable 8-24 for the purchase of this open space. Ms. Clock seconded.

Mr. Kalkowski noted it is important for our citizens to understand we are taking their feedback seriously and we are supporting open space. Mr. Chaplinsky seconded that sentiment.

Motion passed 7 to 0 on a roll call vote.

H. Lovley Development, Inc., reduction of \$40,000 E & S bond to a new amount of \$1,500, Glen Eagle Subdivision (S #1287).

Ready for action. Mr. Kalkowski so moved the motion and Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

I. Landmark Properties, release of \$2,700 E & S bond, 148 Center Street (SPR #1554).

Ready for action. Mr. Kalkowski so moved the motion and Mr. Chaplinsky seconded.

Mr. Sciota thanked the property owner for all his patience here as this is probably one of our nicest municipal parking lots, even though it is small.

Motion passed unanimously on a voice vote.

J. NWP, LLC, release of \$90,000 bond, 148 Center Street (SPR #1554).

Ready for action. Mr. Kalkowski so moved the motion. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

K. DC Development and Construction, LLC request for release of \$9,100 E & S bond, Meadowood Estates, 827 Meriden Avenue, S #1286.

Ready for action. Mr. Kalkowski so moved the motion which Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

8. Plan of Conservation and Development

Ms. Clock advised there is another workshop this Thursday, November 20th at 7:00 pm. Here in this room. Documents can be found on the town website. That meeting is open to the public.

9. Items to be scheduled for Public Hearing

None for the next meeting.

10. Administrative Reports

No administrative approvals this meeting. We'll have one for the next meeting.

We do have photo simulations for the location near 1011 West Center Street that we are looking into town owned property. They should come in soon.

Signs:

The sign conference/regulations was a pretty good and interesting conference despite the sound of it. Mr. Phillips discussed EMCs (electronic messaging centers) which were heavily pushed at this conference. ESPN has a couple at their welcome center.

It is interesting and can solve some problems. We are moving towards that age.

South Windsor, what they did in order to facilitate signage upgrades in areas where they wanted signage upgrades, they call it an embellishment regulation where they all an increase in area to some level that gave an impetus to some people to upgrade their signs as long as they use the newer technology. You get a little bit larger signage but it is brand new signage. Mr. Phillips said he would like to look further into that and report to the commission.

He indicated he had a flash drive from the conference with all information about the EMCs which you can review. It is worth a look.
Discussion.

Mr. Chaplinsky said we had draft regulations ready to go with all the changes we requested. Why wouldn't we act on what we have now and then ask the continuous improvement subcommittee to keep looking? The Chair said that is the intent. The moratorium has expired and he would like to get something on the books.

The most recent revisions can be put up. Mr. Phillips said his fear is when we go to public hearing and make this official; if we try to change anything to make it more restrictive it's a problem. I want to be sure we are ready to go. I'll put them out to RPAs and have it up in January if we're good. The Chair advised him to do that.

The Chair said he was all for an incentive for a little bigger sign with new technology if it will get rid of some of the older, less attractive signs.

Discussion.

Mr. Chaplinsky advised Mr. Phillips to put in a line about the embellishment that he's comfortable with and we'll go with that.

Everyone agreed.

Recreational Vehicles:

Mr. Phillips said as to some of the comments at the last meeting, he basically took out the whole special exception issue because we decided at this point --- we tried to keep with the existing regulation and allow the RV to be located within the side yard and rear yard, no projection in front of the principle building, but you can be up to five feet from the property lines. It is consistent with what we have except you are being liberal because you are allowing the sides and not just the rear.

The definition of storage of 30 days or more we discussed before. Any kind of regulation with a timeframe on it is a cat and mouse game for us from a zoning enforcement standpoint. I really don't know how else to define storage.

Taking out the special exception process, I think it's pretty clear. If you can't meet the regulations as they are because your lot, topography or geometry isn't sufficient, your recourse is a variance through the ZBA. That fits the definition of a real hardship because it is lot constraint type issue. No problems going that direction and it is cheaper than a special exception.

Mr. Kalkowski advised not to over think the 30 days. If you are an owner of an RV you're going to use it or put it away and winterize it for the winter and you're going to store it. That's the intent of what we're trying to do. If you keep it in the same place that's the definition of storage. That's what we're trying to regulate here.

We are not trying to regulate where they can park it. It is a legitimately registered vehicle and they can park it in the front yard if they use it to go to work. Chances are they're probably not doing that.

But at the end of the day, there's a difference between parking it and using it on a regular basis which we don't want to regulate and where we're going to store it. I want to be very clear on what we're trying to achieve here and that's really why we want a 30 day definition on what storage is. It's really when you are ready to put it away for an extended period of time, more than 30 days.

The purpose of this is also to make it very clear to the owners of RVs what they can and cannot do and what their recourse is which is to go to the ZBA, if necessary.

We've spent a lot of time on this one. This is it. To me, I just don't think we need to spend more time on this. The Chair agreed with Mr. Kalkowski's comment.

This is very black and white as to what they can and cannot do which is the spirit of the regulation.

Mr. Chaplinsky agreed the whole concept of 30 days is difficult. We have to make regulations that are enforceable and I don't know how this is enforceable for town staff.

Discussion.

Mr. Kalkowski commented you are over thinking it. All we are doing is defining a period of time that then creates the definition for now you are storing the RV. Using it on a regular basis is not storing it.

Discussion.

Attorney Sciota advised the alternative would be to call it a registered motor vehicle and they can park it wherever they want on their property.

Discussion of the zoning board of appeals procedure.

Different interpretations of the regulation were offered by several commissioners and the town attorney.

After extensive conversation back and forth amongst the commissioners, it was decided to go forward with the regulation as is offered by the subcommittee and send it out to the regional planning agency and set it for a public hearing for the first meeting in January.

11. Receipt of New Applications

Not covered.

12. Adjournment

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

(Whereupon, the meeting was adjourned at 9:35 o'clock, p.m.)