

PLANNING & ZONING COMMISSION
Regular Meeting
February 17, 2015

The Planning & Zoning Commission held a regular meeting on Tuesday, February 17, 2015. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

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

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

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

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 January 20, 2015

Mr. Kalkowski so moved the motion for approval. Mr. Macchio seconded. Motion passed on a majority voice vote with Mr. Chaplinsky abstaining.

Mr. Phillips read the legal notice for the public hearing item into the record.

PUBLIC HEARINGS:

A. Lori K. Holm, Petition to Change a Zoning District Boundary from R-80 to B, property located at 223 Meriden Waterbury Turnpike Assessor's Map 015, Parcel 053) ZC #549.

Lori K. Holm, 223 Meriden Waterbury Turnpike, applicant. She submitted her written statement as well as supporting documents to the commissioners.

She outlined her proposal for a zone change on her property. She said she would like to use her skills, training and talents along with this property to enrich our community. I believe this new use of my property will compliment the wonderful things that are happening with the arts in town.

By rezoning my property to establish a place for learning and the arts, I hope to partner with the Gura Building and the Southington Arts Council by providing not only opportunities for the arts but to provide the one thing the Gura Building cannot offer: beautiful outdoor space with extensive lawns, gardens, woods and coy ponds where individuals can be inspired to create a learn.

She went over questions and concerns that neighbors might have regarding a zone change which she had Googled.

She explained how the proposed site was aesthetically pleasing. She noted signage that she would like to propose if this is approved. (See handout)

She noted her property is next door to what is already zoned business. (See handout)

It would create one new job and a couple of extra hours for the high school boy who helps with the gardens.

Vehicle traffic increase, landscaping and parking were discussed. (See handout)

Explained the surrounding business uses. (See handout)

The present paved onsite parking area was discussed including the additional parking created last year. (See handout)

I expect my taxes would increase and it would be worth it to me to do what I love and add to my community in the process.

She discussed the signage noting a temporary vinyl banner she puts at the street when inviting artists over. She referred to the handout for specifics about a proposed sign. (See handout)

I believe the zoning change will have no negative effect on surrounding properties.

I understand that a current trend in business development is moving away from large strip malls with neon signs and towards village centers and mixed use development, pleasing and aesthetic. Explained.

My intent is to harmonize with the existing properties and remain integrated with my neighborhood while also adding a valuable cultural asset to the community.

Only the occasional sounds of music such as violins or pianos would be added to the surrounding area. No planned activities would violate locate noise ordinances. No smoke or noxious odors --- just the smell of the flowers in the gardens.

This property is not in a wetland area and I have no intention of giving up the back wooded acre which totals well over half the property.

In closing I'd like to state that I not only believe that this zone change would maintain the community image and property values but enhance them as well. I've been an artist all my life and I'm an educator of nearly 30 years. I have multiple degrees. I give back to my community by volunteering on local boards and church activities.

I've seen a decline in the support for arts in community settings --- in many ways detrimental. I am presently the coordinator for the academically gifted program in Cheshire. Explained the arts, painting, impressionism and theater, et cetera being cut. Leaving nothing for those who are not only intellectually gifted but artistically gifted, as well. I am being called to establish a business that can offer some of what has been lost.

Spoke of her beautiful yard and gardens. It is a sanctuary, a beautiful place. (Refer to handout)

I would like to have the opportunity to share my talents and skills with individuals in our community by opening this business as described this evening. This will support the arts and best be accomplished if I am allowed to rezone.

Should this request be granted, the grounds of my property will not change. The beauty will be kept as created. She referred to her draft brochure (handout) indicating ways the property will be used.

It might be a violin or piano recital, acoustic event or a couple painting night and then finish off the evening with a nice cup of coffee at Dunkin Donuts before returning home. A win/win situation for all.

Thank you for your time.

Mr. Chaplinsky asked about the number of people visiting the site. The applicant explained six to twelve is a typical number for a class in the arts. A recital would be more people.

She explained about a wedding she hosted on her property for a friend of hers. Accommodated about 120 people and the parking was managed fine on the property. (See handout)

I've been at this location since July 1, 1998.

The three buildings on the property were discussed. Her home, a small workshop which used to be the garage and then a little, tiny garden shed.

(Those speaking in favor of the application)

Rick Tanguay, 1597 Meriden Waterbury Avenue. My property abuts this property on the north and east side. Is there a school going to be built? Septic system of well water? I don't know if a septic system could handle it.

I'm concerned about noise levels. At ten o'clock with windows open in the summer, what're the hours of operation?

The other thing would be - every business ends eventually. Maybe someone might want to open a bar there if she leaves. That could cause havoc in the future.

(Those speaking against the application)

Chris Ward, neighbor parallel to the Holme property. I'm here to speak against it. I am at 209 Meriden Waterbury Road. It's great to aspire to the arts, music and theater, but if the day after she gets the approval she decides she doesn't want to do that anymore and they decide to put a truck stop in there. Is there anything prohibiting that?

It starts out in one direction and people end up parking on property that doesn't belong to them. It has a negative impact where I live with regard to boundaries and breaking those boundaries.

I'm on well and septic, as well. I'm sure this would put strain on my well.

As to not negatively impacting my property, I disagree. If I have a business zone adjacent to my property it's going to be a problem for me.

That's all.

John Pristy, 216 Meriden Waterbury Turnpike. This is my wife, Maribeth.

I do have similar concerns as my other neighbors. I am on a septic and well. Spoke about hydrology and any strain on the water table could impact the surrounding areas. That's a concern to me.

As far as the intention, right now they seem benign and pleasant. Who is to say this is not going to develop into a successful theatrical business and they'll have concerts and it could turn into another Oakdale. I'm very concerned about that. I don't want that.

Currently the property is zoned residential. To be honest, there are times, not often, but maybe once or twice a year there is music playing across the street. It is not offensive but it is happening right now as a residence. If this turns into a business I think that noise level will increase expedientially. No guarantee that is not going to happen late into the evenings. I'm concerned about that. That could have a negative impact on my property values. Plus, my standard of living.

Thank you.

Pete Cammuso, 230 Meriden Waterbury Road. I have the same concerns as my neighbors. If she stops that business, what is going to happen in the future? How will it impact my property value?

Thanks.

(Rebuttal)

The Chair asked the Town Attorney, if this is approved and the applicant decides to move back to Napa Valley, what does that mean for this piece of property is now zoned business. The Town Attorney explained the only application you have in front of you is for business. There is nothing tied to it --- she is talking about what she plans on doing there. Assuming it is approved, it is a B zone. Under your regulations you have a lot of uses in a B zone and if someone wanted to put one in, the only restriction is site plan approval. A restaurant is allowed in a B zone as someone mentioned.

Ms. Holm discussed her septic and well situation on the property.

Keith Hayden answered the questions regarding septic and well as it relates to having a larger event on the property. He didn't see where it would put a drain on other wells and septic systems in the area. Explained.

Ms. Holm explained her system uses very little water for the gardens she has which are extensive.

Discussion was had about the well and septic requirement in a B zone versus residential based on use.

Parking requirements in a B zone versus residential were discussed.

A site plan would have to be made for this use in a residential zone.

Attorney Sciota said step 1 would be, if you gave the zone change, then the next step would be site plan.

Ms. Holm explained it is her home, she is not planning to move and will maintain her residence there in addition to proposed use. I am not planning to build a school in answer to a comment by my neighbor. Explained that would defeat her purpose in this proposal which was to provide outdoor space for painting, et cetera.

Attorney Sciota interrupted saying logistically that's a problem. We don't allow a residence to remain in the B zone. I think the Planner has a better way for you to go so you can keep this in a residential zone. If you change to a B zone and retain it as your principle place of residence, that's a problem with the regulations.

The applicant cited various residential/business uses in the area.

Discussion of the uses of the applicant's property which is the primary use is a home with an ancillary use of a school.

Mr. Conroy asked if an application for a home based business would be more appropriate. Mr. Phillips suggested the regulation which allows private schools and colleges in an R 80 zone.
Discussion.

The SPU process was explained to the applicant.

The applicant further discussed the surrounding homes/businesses in the neighborhood.

Attorney Sciota explained this is a zone change application and what that means. He then explained the SPU process as a second step.

Ms. Holm said the fact she has footage that abuts B zone is at least a valid argument and point. I am next door to a business and there is one across the street. I have never felt it was a drag to live next door to them. It hasn't impacted my quality of life.

The applicant was asked to meet with the Town Attorney and the Town Planner to discuss how to proceed further with this application in relation to the current regulations.

After discussion, the Chair continued the public hearing, leaving it open until March 3, 2015.

BUSINESS MEETING

A. Lori K. Holm, Petition to Change a Zoning District boundary, from R-80 to B, property located at 223 Meriden Waterbury Turnpike (Assessor's Map 015, Parcel 053) ZC #549.

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

B. Central Connecticut Resource Recovery, LLC, site plan application to construct a 17,650 square foot building, associated parking area, material storage areas and material processing areas for a proposed recycling center, 65 Triano Drive SPR #1687.

Attorney Matthew O'Keefe, 97 North Main Street, Southington represented the applicant, stated this is a wholly owned subsidiary of H Q Dumpsters & Recycling. Stephen Giudice is here to make a presentation on the details of the proposal. Mr. Holyst, a principal, is here and you can ask him any questions you might have. And a consultant they've retained, David Brown, is here as well.

My client has already submitted a detailed statement of use and I point out my client has already secured Conservation Commission approval for this project.

I'll turn the presentation over to Steve Giudice at this time.

Stephen Giudice, Harry E. Cole & Son, 876 South Main Street. I'm here on behalf of the applicant. We're proposing a site plan for Lot 6, 65 Triano Drive, part of the South Farms industrial subdivision.

It's an I-2 zone. The parcel consists of 36.83 acres and 22.87 acres of that are wetland soils. (Identified on the map)

The site is abutted by a storm water flood area created as part of the subdivision. He noted the eastbound lane of 84 and Lazy Lane.

The parcel is currently vacant. Access is through Lot 5 which the applicant currently controls. Explained.

The proposal for this site is a 17,650 square foot building. Proposed use is a building for processing and sorting of recycling materials. The building is serviced by public water and sewer. We are proposing an extension from the cul de sac across Lot 5 into Lot 6 for those purposes.

An area of pavement around the building is proposed as part of the DEEP requirements for this type of use. A storm water collection system was described.

We have proposed gravel areas for storage areas with concrete bins. Explained.

Two container storage areas were described. He noted through this area there is a driveway that will come out with additional storage materials in that location. (Indicated on plan)

We do go through the Conservation Commission process with two site walks on the property. Quite a bit of revisions were made to the plan based on their recommendations. Explained and indicated on the plan.

We did receive comments from planning and engineering. We have just recently resubmitted revised plans (today) and I don't think they've been reviewed so we will be requesting a table tonight.

Mr. Dave Brown will discuss with you the operations. This is proposed to handle three broad categories of non hazardous materials: ordinary recyclable materials such as recyclable waste coming from a commercial/industrial facility (corrugated cardboard, white paper). The second category is construction demolition debris and the third category would be oversized municipal solid waste (furniture, bulky items). They are not proposing to handle household refuse at this facility. Each of the three categories has a seasonal swing to it. Explained.

He explained inbound vehicles would cross over the scale at the entrance. After being scaled in, they would then proceed to the structure and brought in where the materials would be tipped on to the tipping floor. At that point the operating staff would use a combination of equipment and manual labor to separate the recoverable materials. Recyclables would be screened and reloaded into a larger truck for transport to a more distant processing facility. The oversized materials would be screened for recyclable materials. The nonrecoverable items would be put into a truck and taken off for processing at a distant facility.

These facilities reduce overall traffic on the road. Smaller trucks come and materials get segregated for recovery into a larger truck and delivered to a more distant processing disposal site.

Permitting options with the DEEP were discussed. First we have to secure local approvals before we approach them.

This use would also require a storm water permit and discharge registration to include a storm water prevention plan and monitoring and a comprehensive report.

Mr. Giudice noted that is the gist of the proposal. We hope to be ready for action at the next meeting.

Hours of operation were discussed and it was noted the public could come to the facility during those hours.

Kurt Holyst, 1 Saw Mill Lane, Plantsville, CT. Confirmed the public would be able to come when the facility is open. It is open to the public and not just Southington residents.

Other town's facilities were discussed. (Plainville, Berlin)

Our goal is bring customers to our facility to generate a profit as well as to increase jobs and property taxes to this town. It is a large I-2 zone and it is 36 acres. Business is needed at the site to support the property as an I-2 zone.

Hazardous materials monitoring was discussed. A plan has to be submitted to the DEEP and the regulations followed otherwise we would lose our permit added Mr. Holyst.

Mr. Brown further explained the plan for hazardous waste materials that might be found at this facility. DEEP requires these types of facilities to conduct periodic air monitoring programs looking for asbestos fibers. Explained it is not an issue and if it does occur the materials has to be set aside and have a properly licensed company come in and take care of it.

Mr. Giudice clarified the site is not proposing to accept hazardous materials, but if it comes in, there are plans to follow.

Traffic circulation was discussed.

Trip generation is way below the threshold.

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

C. Borghesi Building and Engineering Co., Inc., applicant, site plan application to construct two retail-restaurant buildings totaling 11,600 +/- square foot, property of Napoli Associates, LLC, 12 and 30 Knotter Drive SPR #1688.

Mr. Phillips explained the applicant is not here tonight. It does require an SPU. There are two principle buildings on one piece of property. This needs to be tabled.

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

D. Informal Discussion: 75 Aircraft Road

Jayson Flynn, 186 Main Street, (Inaudible) Connecticut, made an informal presentation to the commission. His plan is to do an indoor flea market. This is exactly what I'm looking for. No further construction is required inside or outside. Explained it is already

sectioned. Open floor plan. I can bring in at least 300 to 700 vendors. It accommodates all the parking we are looking for. It has the light at Aircraft and Route 10. It won't hurt any other business on Main Street. It will generate business. The biggest flea market in the state.

I'm planning to do a lot of advertising: Biggest Flea Market in the State of Connecticut. I want to bring about 5,000 people a day through there.

Open every Friday, Saturday and Sunday. Usually 8:00 am to 4:00 or 5:00 pm.

This is an industrial zone. He's looking for a nonconforming use in an industrial zone. Attorney Sciota clarified he is asking for you to interpret your regulations that this is not something that will be detrimental to the industrial zone. He has had conversations with staff on this already.

Mr. Phillips explained staff could not find a similar use in the regulations. We told the applicant that but he wanted to come to the commission and see if you felt differently than staff.

Staff does not feel it is a similar compatible use to what we have in that zone, explained Mr. Phillips when asked. I just don't see it as a use that would be compatible to that zone.

The Chair commented about the additional 5000 cars on Queen Street.

Attorney Sciota said that he and Mr. Perillo had conversations on this from an economic development standpoint. The future for this property is industrial and every time that other retail places have come in, Mr. Perillo has given his opinion and it hasn't changed. This is an industrial area and for Southington's future he is not in favor of anything kind of business use here.

Mr. Conroy asked how other towns or areas handle the flea market question. It is not a permanent use. Are there regulations for these kinds of things? Mr. Phillips said he was not aware of any other regulations that speak to this specifically.

ZBA is in charge of temporary events, festivals, et cetera in this town. (Farmers Market as an example.)
Discussion.

The applicant gave several reasons for this being a good use at this time in the building.

The Chair asked for feedback from the individual commissioners. The majority did not feel this was an appropriate use for this area. It is not compatible with the industrial use surrounding it. Traffic

was a concern. It is in conflict with the economic development plan. (Refer to audio for specific comments by the commissioners.)

E. Southington Auto Wash, release of \$1,000 E & S bond, 254 Queen Street SPR #1643.

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

F. Acceptance of Birmingham Drive from Brentwood Drive to its terminus, a total distance of 690 feet (.13 miles).

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

G. Acceptance of Brentwood Drive from Mount Vernon Road to its terminus, a total distance of 1,300 feet (.24 mi).

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

Ms. Clock reported there was no February meeting. The next meeting is March 19th at 7:00 pm. We are on target for reviewing all of our materials. We are going to start getting into some more public input sessions.

Everyone is welcome to attend the meetings. Definitely download the material on line as it is very interesting.

Mr. Chaplinsky asked if we are taking a holistic look at our town's zoning as to which areas might have outdated zoning and we might need to discuss that as a commission. Ms. Clock said the last booklet we reviewed overall zoning and the possibilities in zoning. As far as separate sessions, I don't believe there are individual sessions on that.

Mr. Phillips added the next booklet is the plan of development guidelines. That's where we will look at the town and say if this is good for this area or that area. We can spend some extra time on that.

Discussion.

Ms. Clock said suggestions could be submitted by anyone if they had a specific item that they wished discussed and we will do that.

Discussion.

8. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

None.

9. ADMINISTRATIVE REPORTS

Nothing this evening.

10. RECEIPT OF NEW APPLICATIONS

Mr. Phillips advised there were five and the first three were on the agenda tonight. There is also a site plan modification for B & R and another one for an addition at 1206 Queen Street.

11. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:39 o'clock, p.m.)