

Planning & Zoning Commission

March 17, 2015

PLANNING & ZONING COMMISSION  
Regular Meeting  
March 17, 2015

The Planning & Zoning Commission held a regular meeting on Tuesday, March 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
James Macchio	Susan Locks
Paul Chaplinsky	Michael DelSanto, Chair

Alternates: James Morelli, Jr.

Ex-officio members present were as follows, viz:

Robert Phillips, Director of Planning & Community Development  
James Grappone, Assistant Town Engineer

The Chair seated Mr. Morelli for Mr. Kalkowski for this evening's meeting and a quorum was determined.

Absent: Steven Kalkowski, Commissioner  
Anthony D'Angelo, Alternate  
Joe Coviello, Alternate  
Steve Leggett, Alternate  
Mark J. Sciota, Deputy Town Manager/Town Attorney

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

**MICHAEL DELSANTO, Chair, presiding:**

**4. APPROVAL OF MINUTES**

**A. Regular meeting of February 17, 2015**

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

Mr. Phillips read the legal notice for the public hearings into the record.

**5. PUBLIC HEARINGS**

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A. Proposed zoning regulations changes to Sections 11-04, 5-02 and 11-18 (ZA #584)

Mr. Phillips explained the proposals are for three separate sections of the regulations.

The first section Section 11-04 is the sale of alcoholic beverages, we have basically a regulation that is separation distances for facilities that sell alcoholic beverages and our regulations are 400' in a direct line from any church, public school, duly organized school other than a public school, charitable institution, library or the premises upon which any of the aforementioned classes or buildings are situated. This is kind of like the old blue laws from years ago. Some towns have abolished these separation distances entirely.

This proposal to remove the language: duly organized school other than a public school and leave everything else the same. There are a number of uses that might be considered a not public school and we don't know where all the private schools might be. It could be a karate studio or classes for anything, really.

The thought was to keep the separation distances from public schools. We did look at parochial schools in town and we don't believe there are any that are located within 400' of a use that would be selling alcoholic beverages.

The second one is 5-02 which is a regulation that staff has had problems with in the past. We could also increase the sizes. In special permit use, all development in industrial zones with an area of four acres in size or larger and/or requiring in excess of 60 parking spaces requires a special permit approval. It's kind of a small site, four acres. Industrial uses don't usually generate a lot of parking.

We would propose removing that because as it stands right now most industrial uses have an outdoor storage component which is already subject to the special permit use process. You could increase the sizes but what it means now is a lot of uses have to come back for a special permit.

The third section, 11-18, the Siting Council has absolute jurisdiction over the siting of telecommunication towers. The language in the regulations right now is really obsolete. I would propose removing it and replacing it with a set of priorities, a wish list, of where we would like to tell the siting council to locate cell towers in the future. That list could be given to them when we get the mandatory referral to the town. If you are not interested in that, I would suggest taking out the whole section because we have no power, anyway.

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Further discussion on the last one and the role of the Connecticut Siting Council in response to a query by Mr. Chaplinsky.

Mr. Conroy asked if any of the regulation guidelines we have right now are taken into consideration by the siting council. Mr. Phillips said they are not used. He explained the procedure when they submit a location for a cell tower to the town. Mr. Conroy said he has seen sites in the past relocated or defeated when the local community has opposed them. My concern here is that if we remove these regulations, then do we have any basis for a proposed site we may have a problem with. Discussion of the public hearing process held by the town when a site is proposed and there may still be opportunities and it might be good to have these for those times added Mr. Phillips. Mr. Conroy felt it would be good to have regulations for cell towers or whatever. This is the opinion of the community and the siting council would have to respect that and take it into consideration. It helps our case if it is written down. It should be codified in some manner.

Discussion of the proposed guidelines and how they were arrived at. Mr. Phillips said this proposed section came from another town he had worked for. I think it lays it out appropriately. It's not unusual for us to look at other towns and draw from those.

There is no rush on this. It can be tabled if you want.

Mr. Conroy said he would like to see something defining where we don't want to see these cell towers.

Discussion.

Mr. Phillips questioned the weight they would carry.

Discussion.

Regarding Section 11-04:

(Those speaking in favor of any of these changes)

None.

(Those speaking against any of these changes)

None.

Regarding Section 5-02:

(Those speaking in favor of any of these changes)

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None.

(Those speaking against any of these changes)

None.

Regarding Section 11-18:

(Those speaking in favor of any of these changes)

None.

(Those speaking against any of these changes)

None.

The Chair closed this public hearing item and moved to Item B.

B. Alan R. Borghesi, applicant, Special Permit Application for multiple buildings on one lot, property owned by Napoli Associates, LLC, 12 and 30 Knotter Drive SPU #545.

Alan Borghesi, Chairman of Borghesi Building & Engineering, a registered engineer. There are three applications involved here.

This is the special permit application. I am proposing a 11,600 sf two building improvement on Knotter Drive. I've made some small copies here for you. (Passed around)

Your regulation requires a special permit to put two buildings on a single lot. What I've proposed here is two smaller buildings, one 7400 sf and the other being 4100 sf approximately. By the layout, you can see it is effective use of the parcel that is a long thin piece being two buildings rather than one long continuous building. It would be good for traffic and higher utilization. And, it helps the town in its value and the site is much more useful.

We've gone through all the planning and zoning requirements. I do have elevations. We have met all of your requirements. We have one entry on Knotter Drive several hundred feet away from the intersection with Route 322. And, then there is a ROW to the adjacent Clarion property and we utilized that for a secondary means of access to the site.

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The sightlines are excellent. We've provided a traffic and landscaping. We've approval from the IW Commission for this site and they're pleased with the layout.

Ms. Clock questioned the future patio and if it was for outdoor dining. Mr. Borghessi explained they have to assume there might be a small restaurant use here. The parking is for 1300 sf of restaurant use here. If we had that, being on a corner site, everybody likes a little bit of outdoor coffee area. We have no tenants in mind, but we thought it would be very attractive.

There are no plans for a drive thru operation on this site.

The parking space count was reviewed. There are 94 parking spaces proposed.

Based upon what is proposed for retail and restaurant, they would need 93. So they have one extra space noted Mr. Phillips.

(Those speaking in favor of this application)

None.

(Those speaking against the application)

Marvin Gibbs. 1843 Meriden Waterbury Turnpike (business address). I'm not a Southington resident, but I am a business owner in Southington. The Dunkin Donuts across the street.

I may not be against this at all. I'm just curious about what the restaurant will be. There are restrictive covenants on the property and are they meeting them? If they are, we're fine with it.

The Chair said the restrictive covenants are private but they must meet the town regulations to open.

The Chair closed the public hearing and moved to the next public hearing.

C. Lori K. Holm, Special Permit Application to establish private school for the arts, 223 Meriden Waterbury Turnpike SPU #546

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Lori K. Holm, 223 Meriden Waterbury Turnpike. I wish to be granted a special use application to establish a private school for the arts at my property located at 223 Meriden Waterbury Turnpike. I bring the same vision tonight as I did on Tuesday, February 17<sup>th</sup>, 2015. It is a vision for an improved use of my property to enrich our community. I hope to establish a place for learning in the arts. (Please refer to the video for February 17, 2015 and tonight for her detailed explanation of the application.)

I'm asking for the opportunity to open a school of arts on my property so I can share my resources, my talents, my skills and my training in a creative and professional manner for the benefit of all.

Tonight I provided you with a chart describing all of the activities I'm planning at my facilities. Explained the chart which is on file in the Planning Office.

A conceptual map showing the existing parking was provided. Nine paved regular spaces, one handicap space to code, there are fourteen gravel spaces as well as an overflow parking area which will accommodate approximately another twenty vehicles. Explained.

A map of existing exterior lighting was also provided.

Last time, individuals in opposition cited concerns regarding water, septic and noise. I have gathered facts and information regarding these topics as they relate to my property and the surrounding properties.

After contacting the regional health district for specific for my septic system installed in 2001, I was told I was golden for what I want to do at my property. My system exceeds the capacity recommended. The soil investigation tests were excellent. The present system is more than equipped to handle what I am planning on my property.

I consulted the Connecticut Public Health Code on Site Sewage Regulations. I am perfectly within keeping with those required design flows and limits and my system exceeds the requirements for accommodating water use.

The contacted the Southington Sanitary Services who maintains my system since installation and I have records to prove I've been very attentive to the system and have it pumped every 18 months on average just to be safe. Far more often than is necessary for a system of its size.

I contacted the company responsible for maintaining my well and the wells in the vicinity of my property. They know the water table here and they had zero concerns regarding anyone's water in our section of town. I can provide geological proof, if needed.

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As to noise, there is no event planned that would extend beyond the parameters of the town's noise ordinances. No activities, classes or events will be more noisy than the present sound of Jake brakes on semi trucks on the hill, or the motorcycles. Nor would these activities be any louder than bagpipes of neighbors playing at night or those neighbors utilizing their compressors to sand off paint to restore vintage autos. All things go on around me on a given night.

In closing, the February 13<sup>th</sup> issue of The Citizen had a cover story. Taxable property grew over the previous year, driven in part by new businesses. The town experienced a robust increase in business and that real estate value increased as a result. A lot of people want to do business here.

In the March 13<sup>th</sup> issue of The Citizen, they had an article about costs related to new housing. (Read pertinent excerpts from the Town Manager and the Town Council Chair.)

I'd like to say we are following perfectly in step with my vision but the vision of this town by offering opportunity for recreational art experiences and classes where folks can and will come from neighboring communities as well as our hometown to take advantage of the offerings my business would provide.

Mr. Conroy referred to the list of proposed activities. He had several questions on the outdoor activities. Discussion of poetry readings, outdoor art classes, nature. Theater academy or summer camp or day camp was discussed with a culmination of the participants' parents being able to come and watch the show. Mr. Conroy said it was a different thing if 50 people are performing in an event as opposed to 50 people attending an event.

Listed times from 9:00 am to 10:00 pm were discussed.

Mr. Conroy stated if there is going to be a lot of activity outdoors, is that occurring mostly in the evenings or during the day or weekends or during the evenings on weekends. The applicant explained that would vary depending on the activity.

Discussion.

Mr. Conroy said this application is much better than the previous one. It fits better with the regulations and what you are trying to do. I have concerns over outdoor activities. He spoke of Lake Compounce years ago having outdoor concerts. We do deal with outdoor noise. If we are having an amplified production (music, theater) outdoors in a residential area at night that is something we should be discussing. I'll leave the parking to engineering for review.

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I have had coffeehouse recitals now at my property in my garage, added the applicant. She has had an outdoor music event in the afternoon. It is important for the young people to have a venue to share their talent.

Discussion.

Ms. Holm did explain her primary focus was on the visual artist. But she is a lover of all arts and would expose her students to all. If a theater production is over by 10:00 pm . . .

In approving everything you have here, Mr. Conroy explained his concern was that the next application coming in would reference this and say you are allowed concerts in a residential zone and why is my business not allowed to have concerns in a residential zone. That's the context in which I am asking these questions.

The applicant explained where her property is it is literally all business. She is abutting all business zoning where that would be okay. A concert in the park would be okay. I want it on record it is not like my property is in the middle blocks and blocks of homes. Mr. Conroy replied just realize we have regulations we have to deal with.

Mr. Chaplinsky asked about the participants in the activities, what percentage is adults versus children. The applicant couldn't answer that at this time. However, she is a trained elementary school teacher. And, she noted she has a lot of adult friends who enjoy the arts and the way she teaches.

Discussion.

Ms. Clock asked if alcohol was served at any of the events. The applicant said she has nothing to do with alcohol.

The Chair asked if there would be a problem with a stipulation of no alcohol and the applicant replied not at all.

(Those speaking in favor of the application)

(1) Richard Tanguay, 1597 Meriden Avenue, Southington. Our properties adjoin on the north and east side. Spoke in favor of the application as you are not planning on changing this property to business.

The noise ordinance was questioned as to the time limit. If you could look into that.

I applaud what she's doing with the arts with adults and children.

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(2) Lori Zimmerman, 96 Holly Hill Drive, Southington. Spoke in favor of the application. This would allow her to start a wonderful business that promotes teaching and arts. The home and property are a perfect location. A beautiful art studio in her home and her garage and beautiful gardens.

Ample parking and house is on a well traveled road.

Spoke of the events she attended at this property and didn't believe this would increase traffic or noise. Parking was discussed.

Spoke of volunteer work the applicant had done with students in the arts.

She spoke of the applicants plans to coordinate with the Southington Community Cultural Arts and the Center at the Gura Building.

Discussion.

I think it is important we support a business such as hers.

(3) Peter Picone, 157 Meriden Waterbury Road. Spoke in favor of the application. A special use like this is necessary. This fits in well with the community. This special use permit doesn't harm our society at all and it enhances the community.

Spoke of environment in the neighborhood as far as traffic, et cetera.

This is an appropriate area for this and we support it. I hope you vote in favor of it as it is a positive.

(4) Renee Andreczyk, 150 Burritt Street. I have never painted in my life. Not creative. Lori showed me I could be. Explained.

This is a wonderful opportunity not just for children, but adults, also.

I hope you do approve this.

(5) Colleen Clark, 612 South End Road, Plantsville. Spoke in favor of the application. She spoke of the qualifications of a teacher from a dictionary. This applicant's desire to show her love of the arts is not just limited to the children during the school day. She wants to share her knowledge with all be it in music, acting, poetry in an appropriate setting.

I hope you support her in her effort.

The arts make our lives that much fuller and she should be encouraged to share her gift in the arts with all the residents of Southington.

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(6) Carolyn Rusik, 50 Canterbury Lane in Southington CT. She spoke in favor of the application. I am a student, friend and mentee of Lori for about seven years now since I was very little and remember going to her house and learning for her first hand.

She offers a healthy environment to express yourself through art and music which is extremely important for the youth of this community to exposed to outside of school.

I encourage you to approve the application as it would help the community extremely.

(7) Brian Bradshaw, Riverside Court with Alison Bradshaw, 49 Riverside Court. I would like it in the record that if Lori came to me and said, I'm going to buy the property next to your house and I am going to this, I would say to her: please, buy the property and go with your plan.

I think this is a very worthwhile endeavor. As a parent and Southington resident and someone who would trust Lori to move in next to me and do this plan, I encourage you to approve the special use permit in the form presented.

(Those speaking against the application)

(1) Christopher Ward and his wife Christine, 209 Meriden Waterbury Turnpike, the address most affected by this change. We are just hardworking people. He showed on the screen from Facebook what is at the address right now --- a business. It's a business being run out of a residence.

Discussion.

What is the difference with this application and what is going on now asked Ms. Ward.

There is band practice that extends to 10:00 pm on any given summer night. Sometimes it goes past. This was explained by Mr. Ward.

Traffic was discussed. Are traffic studies going to be done?

Art Out Loud is a band. More noise. It's not what it was portrayed to be. A concert at least once a night in the summer that goes late.

Our property values will be affected. I would be for this if I didn't live right next door.

We have the Gura Building with the arts, Crescent Lake, beautiful parks.

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I don't have a problem with the school or the kids, but it is a business being run out of a residence. Bands at night. Big Events. It is a hundred percent of what she said but there is a big percentage of what she didn't say.

Bands with rock, classic, Beatles, amplified not acoustic explained Mr. Ward.

First and foremost it is a business being run out of a house now. It's registered with the Secretary of State and a Tax ID Number. Fees are listed.

The biggest problem I have is when you change from residential to business; my property value goes down the toilet.

The Chair closed this public hearing item.

(Rebuttal)

What does the town say about her operating a business without a permit the Chair asked Mr. Phillips. From a zoning enforcement aspect, explained Mr. Phillips, we are a complaint driven operation. When we have a complaint, we respond to it. We have no complaint records on this property for this type of use. Obviously, thru what was said tonight there is an issue and that is why the applicant is here tonight --- to get approval to validate that.

As to the noise ordinance, Mr. Phillips, explained there are two difference zones affected, business or residential. The levels are the same. Daytime is 55 decibels and nighttime is 45 decibels. Daytime is 7:00 am to 7:00 pm Monday thru Friday and 9:00 am and 9:00 pm on Saturday and Sunday.

Discussion of the decibel levels are not being very high.

As for a traffic study, the regulations call for 75 trips per peak hour, morning and night. There is no way I could say this application would call for a full blown traffic study. If you want a traffic analysis done, it is up to you.

Ms. Holm spoke to the band practices. Personally, she performs with three different groups that do practice at my home in my garage. That has nothing to do with why I am here tonight.

Discussion.

She felt the people who spoke in opposition were not really "taken" with her. Explained some situations.

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Monthly coffeehouse recitals were discussed.

She addressed the Facebook page that was discussed and how it came about.

The amplified sounds are your personal activities and not part of this application clarified Mr. Chaplinsky.

Discussion.

The chart of activities was discussed again as to time constraints and noise.

Mr. Conroy pointed out she wants to run a business and also use it for residential and that creates problems for the commission. I don't personally have an issue with anything you propose with the exception of the theater productions. It is a bit of a big ask in a residential zone.

Discussion.

Times of performances with clarified as well as proposed noise amplifications. Possible other venues for these performances were suggested. Mr. Conroy asked the applicant to consider revising this part of the proposal as it seems to be the biggest stumbling block.

Discussion.

The Chair closed this public hearing item.

D. Lori K. Holm, Petition to Change Zoning District Boundary, from R-80 to B, property located at 223 Meriden Waterbury Turnpike (Assessor's Map 015, Parcel 053, ZC #549, continued from February 17, 2015.

This is a continuation of the public hearing on February 17<sup>th</sup>. All of that information is on the record and there is no reason to reiterate that. Just if you have anything to add to the presentation you made on the 17<sup>th</sup>.

Lori Holm, 223 Meriden Waterbury Road. I appreciate this opportunity for a number of supports to come here and express support. Tonight will allow you to get a better appreciation for the extend of public support for my application. Changing the zone will allow me enough flexibility to meet the artistic needs of the community in a more broad approach than can be achieved with a special use permit. It would also secure that I'd remain on this property and use it to its full potential for many years to come.

If I am unable to use it as an arts facility and must look for another location to house these goals, the chances are higher that my current

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property could be owned by the kinds of businesses that my neighbors expressed fear about earlier.

Everything is cyclical. In another 30 years when I am ready to sell, most likely my neighbors wouldn't be at their property either. There's been change and growth already, i.e.: Dunkin Donuts, Henny Penny.

Discussion.

When I came on February 17<sup>th</sup>, I didn't believe I would have an issue and that's why I came alone. Why not zone me business? I don't know. I don't understand the reasons not to but I appreciate the time you gave me for both. If it makes me possible for me to pursue the dreams I mentioned by doing a special use permit, I thank you for that.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

Christopher Ward, 209 Meriden Waterbury Turnpike with my wife, Christine. Right now it is being operated as a business. Why ask permission for what you are already doing. I don't know. I'm against it because it is going to drive my property value down.

I bought a house in a residential neighborhood. Residents to the left and to the right. If that changes, my property value is in the toilet.

The Chair closed this public hearing item and closed the public hearing items for this evening.

### **6. BUSINESS MEETING**

The Chair asked for Item E to be moved to the first item in this section.

\*\*\* E. Proposed zoning regulations changes to Sections 11-04, 5-02 and 11-18 ZA #584.

Section 11-04: Mr. Phillips had nothing further to add. If there are remaining questions about the applicability, I would say if you want to think about it, its fine.

This is a restriction for sale of alcohol within 400' of a number of different actives, i.e.: churches, public schools, charitable institutions,

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hospitals, libraries. The one line that is being requested to be stricken is: duly organized schools other than a public school.

Mr. Phillips added in consultation with the town attorney we found it makes sense to remove that section as it is such an open, blanket of uses down the road. The chief concern was really directed toward public schools.

Non public schools could be any number of potential uses: karate studio, for instance. That shouldn't have a direct negative impact on future development in a nearby business zone. This would be restricted to private schools in an R-80 zone which is allowable. As you know, in the R-80 zone there are allowed uses and the down zones are built upon the same uses. It all references back right down to the R-12 zone.

Discussion.

This would alleviate some ambiguity. We all know what a public school is but with a private school it is kind of wide open.

Mr. Conroy agreed with that line of thinking. Does it make sense to remove the charitable institutions, as well? The others are pretty straight forward.

Discussion.

Mr. Conroy made a motion to accept the changes of Section 11-04.1 modified with removal of the charitable institution term, as well. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

Section 5-02: Special permit use in industrial zone, I-2 development, involving an area of four acres or larger in size or requiring in excess of sixty parking spaces.

Mr. Phillips said it is a question of what are you most comfortable with. Are you more comfortable with having a majority of industrial proposals be subject to special use permit or would you like to change. This was brought forward because of town staff's feeling that that was something that a needed a look at.

Mr. Chaplinsky asked if applicants were discouraged and did not come forward because it requires a special permit and do you see an overwhelming influx of special permits for industrial applications for these sizes? Mr. Phillips said he would have to circle back and get some statistics on that.

Discussion.

Mr. Conroy said he like the regulation the way it is. I like the idea of things coming for special permits that are of a certain size. Four acres seems to be a pretty decent size and with the sixty parking spaces.

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The Chair asked Mr. Phillips to go back and do a cursory check.

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

Section 11-18: Wireless telecommunication facilities.

Mr. Phillips had nothing more to add than what was said earlier. The Chair wondered if this is something the continuous improvement subcommittee may want to look at. Maybe beef it up. Mr. Conroy said we would want a clear understanding of what it is we're trying to get out of it. I want to make sure that we have a list of things we can go to the siting council with and say this is what we do here in Southington. We'd like you to respect that. Even if they don't.

The Chair suggested this be tabled to get more information. The question also is: does it matter? The siting council is strong. Mr. Phillips responded it doesn't matter and it was just his feeling of cleaning this up and putting something in there that we can point to and say this is our priority list for citing cell towers. I don't like regulations that are unenforceable or are in conflict with others. Mr. Chaplinsky said he felt it does give us to come back with a strong message when we do have a serious objection. It would give us an opportunity to fight it.

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

A. Alan R. Borghesi, application, Special Permit Application for multiple buildings on one lot, property owned by Napoli Associates, LLC, 12 and 30 Knotter Drive SPU #545.

This was subject of a public hearing earlier. Mr. Phillips noted they did submit a trip generation report and added the sidewalk to the plan extending from the hotel property to the south all the way around the corner to the gas station on the Meriden Waterbury Turnpike.

Mr. Grappone suggested that in the state road portion the town standard would have to be exceeded to the state standard of 5' rather than 4'. The applicant had no problem with that as they have to make application to the state DOT and we'll go with the mandate.

Mr. Grappone said the other issue would be whether or not a pedestrian phase would have to be added to the light where it is currently at that crossing for the other side of the turnpike. That'll be a state issue.

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Mr. Borghesi read a letter he got from Econolodge in support of this application. (Submitted to staff for the record.)

Mr. Phillips stated this is ready for action. Ms. Clock made a motion to approve. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

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

This is ready for action. Mr. Chaplinsky made a motion to approve. Ms. Clock seconded.

The Chair asked if there are any indications as to what is coming. Mr. Borghessi said Dunkin Donuts noted a restriction of no coffee and Burger King noted a restriction for no hamburger places. These are private restrictions.

As to the drive thru, the Chair asked if the applicant would have a problem with the stipulation of No Drive Thrus. Mr. Borghessi said he had no objection to that.

Mr. Chaplinsky amended his motion to approve with the stipulation of No Drive Thru lane. Ms. Clock amended her second. Motion passed 7 to 0 on a roll call vote.

C. Lori K. Holm, Special Permit Application to establish private school for the arts, 223 Meriden Waterbury Turnpike SPU #546

The Chair advised this was part of the public hearing earlier tonight and we have a lot of information with regards to this application.

Mr. Phillips questioned that the applicant had discussed at one point in time the interest in having the fees waived. That request had to be made of the commission. Other than that a suggested stipulation if you do approve is that of the health department permit approval and septic system modifications as deemed necessary by the health department. As to hours of activity, the noise ordinance should suffice. Although 45 decibels is like library sound.

Discussion.

The request to waive sidewalks would apply at the site plan level and there is no site plan requirement with this.

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Mr. Conroy made a motion to approve the application with the following stipulations:

- all out of door activities cease at 7:00 pm on weekdays and 9:00 pm on weekends. (Consistent with the noise ordinance.)
- the outdoor activity for theater productions be removed. That would apply to amplified performances for which there is an audience.

Ms. Locks seconded.

Ms. Locks asked: Where is the fine line for what she would like to do with her private life and her art life? Mr. Conroy assumed that would be covered under the normal noise ordinances.

Discussion.

Mr. Phillips asked that his suggested stipulation regarding the health department permits and septic permits be added, as well.

Mr. Conroy amended his motion to include that stipulation.

Motion passed 5 to 2 with Ms. Clock and Mr. Macchio opposed.

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

Mr. Phillips advised of two options for the commission:

1. Approve it, deny it.
2. Approve it with modifications.

After explanation and discussion, Ms. Holm withdrew this application. It was so expensive, \$560.

Mr. Chaplinsky made a motion to waive the fee as the application has been withdrawn. Mr. Conroy seconded.

Mr. Phillips said waiving the fees is the commission's discretion, although we have spent the money for advertising, legal requirements.

The Chair said it has to be taken into consideration that this is a business that has been operating and it's like asking for forgiveness instead of permission.

Motion passed 5 to 2 with Ms. Clock and Mr. Macchio opposed.

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The application has been withdrawn by the applicant.

E. Proposed zoning regulations changes to Sections 11-04, 5-02 and 11-18 ZA #584.

Discussed earlier in the agenda.

F. 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)

Stephen Giudice with Harry Cole & Son presented on behalf of the applicant. This has been presented at two earlier meetings. We did submit a statement of traffic use and flows and we are below the threshold for a traffic study. We did submit revised plans based on staff comments. I have nothing more to add.

Mr. Phillips agreed it is ready for action with one suggested stipulation as noted in his report:

1. The hydrology within the C L& P easement crossing shall be maintained via the placement of a culvert; sizing to be approved by the Southington Engineering Department.

The applicant agreed to the stipulation.

Mr. Conroy asked about the traffic on Lazy Lane restriction.  
Discussion.

Is there an overriding subdivision restriction on the books questioned Mr. Chaplinsky. Mr. Grappone said he thought it was for SRS and not the entire subdivision. Mr. Phillips would have to verify that. If it is on the books, it would carry thru and they'd have to follow it.

Discussion.

Mr. Chaplinsky made a motion to approve with the stipulation noted by the Planner: The hydrology within the C L& P easement crossing shall be maintained via the placement of a culvert; sizing to be approved by the Southington Engineering Department. Mr. Macchio seconded.

Motion passed 6 to 1 with Mr. Conroy opposed.

Planning & Zoning Commission

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G. Southington Water Department site plan application for the construction of a storage tank, pump station, water mains and appurtenances that will serve a new pressure zone, 720 Pleasant Street, 271 Chesterwood Terrace and Smith Street (SPR #1691).

Fred Rogers, Superintendent, Southington Water Department. You are all familiar with the scope of the project and I am here to answer questions.

Mr. Phillips noted the 8-24 approval last year and one within the last month. There are still comments from the planning and engineering departments. The plans came in ten days ago and it is not ready for action.

Size of the tank was discussed. This is on Smith Street.

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

H. Release of \$1,650 E & S bond, Pepin Estates, 658 Jude Lane S #1297.

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

I. Release of \$5,400 E & S Bond, 464 Queen Street SPR #1564.

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

J. Reduction of Phase I Subdivision E & S bond from \$36,000 to a new amount of \$11,000 Blocher Farm Estates S #1270.

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

K. Reduction of Phase I subdivision bond to a new amount of \$59,000 and Phase II subdivision bond to a new amount of \$76,000, Blocher Farms Estates S #1270.

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Ready for action. Mr. Chaplinsky made a motion to approve which Mr. Macchio seconded.

Mr. Conroy asked why there are two separate bonds. Mr. Grappone said the developer set the bond in two phases. He started phase 1 with a letter of credit and phase 2 was a security agreement and that rolled into subdivision phase 2 amount. In combination, it is the full subdivision for both phases.

Motion passed unanimously on a voice vote.

L. Lovley Development, Inc., request to reduce Phase I subdivision bond to a new amount of \$110,000, reduce Phase 2 subdivision bond a new amount of \$35,000, and transfer the completed value of work from Phases 1 and 2 toward bonding for Phase 3, North Ridge Estates S #1302.

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

### **PLAN OF CONSERVATION AND DEVELOPMENT**

Ms. Clock reported there is a meeting Thursday, March 19<sup>th</sup>, 2015 in the small side room off the assembly room. We're discussing development strategies. We are creating our big picture. This is very important. We are discussing what was presented as concerns and the solutions.

### **ITEMS TO BE SCHEDULED FOR PUBLIC HEARING**

None at this time.

### **ADMINISTRATIVE REPORTS**

Mr. Phillips reported the following administrative approvals:

1. SPR 1590.1 - Repair Bay Expansion at 1206 Queen Street - Terry Enterprises
2. SPR 1667.1 - Consolidate several out buildings into one large building at 49 DPaolo Drive - B & R Corp.
3. SPR 1623.1 - Minor revisions to Phase II of campground at Mt. Vernon Road - Lake Compounce

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4. SPR 1690 - 5,400 sf building addition at 327 Captain Lewis Drive  
- Tool 2000, LLC

### **RECEIPT OF NEW APPLICATIONS**

Mr. Phillips submitted the list to the commission. A lot of these were on the agenda tonight.

#### **Miscellaneous items**

Mr. Phillips brought up which is 1011 West Center Street. It is the cell tower that is proposed really on top of a couple of residential properties on Royal Oak Drive. We asked them to look at an alternative location on town owned land which was received in an open space transaction. That was not better. It just moved the potential eyesore to other people. Considering the alternate location is on town property, we have decided that they do anything they can to mitigate the aesthetics from residents on Royal Oak Drive at the original location. We'll see where it goes.

Lastly, if anybody has anything they want to comment on after you review this. It is the West Street Gateway Interchange Design Zone. Please give your comments to me. I am ready to go, I just need comments. The Chair suggested all comments be to Rob by next Tuesday, the 24<sup>th</sup>. He wants to send it out to the regionals and get it going. Mr. Phillips said when it goes out it has to be in its complete form. Detailed.

### **ADJOURNMENT**

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

(Whereupon, the meeting was adjourned at 9:12 o'clock, p.m.)