

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
April 7, 2015

The Planning & Zoning Commission held a regular meeting on Tuesday, April 7, 2015. 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	Susan Locks
Kevin Conroy	Michael DelSanto, Chair

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

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

Absent: Paul Chaplinsky, Commissioner
Joe Coviello, Alternate Commissioner

The Chair seated Mr. Morelli for Mr. Chaplinsky for this evening's meeting. A quorum was determined.

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 March 27, 2015

Mr. Macchio so moved a motion for approval of the Minutes as submitted. Ms. Clock seconded. Motion passed 6 to 0 to 1 with Mr. Kalkowski abstaining.

Before heading into the public hearing, the Chair called on students in the audience and asked them to approach the podium and state their names and let us know why you're here.

(1) Lydia is here for the civics project. I'm at SHS. Mrs. Kennedy is my teacher.

(2) Alex is here for the civics project. Same class. The assignment is to take in a meeting and report back to the class. Write articles and stuff, too.

Good luck to you!

Thanks for coming.

5. PUBLIC HEARINGS

Mr. Phillips read the legal notice into the paper.

A. Annamaria Testa-Wojewoda, special permit application to allow more than 3 garage spaces, 257 Loper Street (SPU #547)

Annamaria Testa-Wojewoda, 257 Loper Street, applicant, presented the application.

I am looking to reinstall a garage that was taken out approximately six years ago because my late husband now, wanted to build a garage in the back for his retirement project. Our dreams were to stay there for 20, 30 years, but that didn't happen.

Now I need to sell the house and in order to make it marketable, I need to have my garage put back that is attached to my house --- to make that one car a two car garage.

I have a detached garage we call the man cave.

Mr. Phillips added this is a situation where they put a wall in the existing garage to meet the regulations. Now it is just a matter of removing the all. No physical difference except for the garage doors.

(Those speaking in favor of the application)

No response.

But Mr. Phillips did note for the record there is a letter in the file in favor of the application which the commission received.

(Those speaking against the application)

(No response.)

The Chair closed the public hearing at this time.

6. BUSINESS MEETING

A. Annamaria Testa-Wojewoda, special permit application to allow more than 3 garage spaces, 257 Loper Street (SPU #547)

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

The Chair called for the third student to approach the podium. We heard from your colleagues earlier. Are you here for the same civics class?

(3) Sammy Zing. Ms. Patton's class. SHS 9th grade.

Good luck and study hard. Thanks for coming.

B. Proposed zoning regulation changes to Section 5-02 and 11-18 ZA #584

Mr. Phillips refreshed the commission. This is a continuation of two of the three sections we discussed at the last meeting. The two to be decided upon are:

Section 5-02 which is the industrial regulations. SPU required for sites four acres or larger or 68 spaces or more.

And, Section 11-18 which is the telecommunications sections which has been rendered obsolete and ineffective due to the Siting Council jurisdiction over the years.

I would suggest that with Section 5-02, we just not consider that and remove it from consideration only because the section we were really looking at was in the business section. I think at this point in time it is better to look at that again and come back with something else at a future date.

Attorney Sciota added Mr. Perillo and my office work really hard in the industrial and business areas, especially. I'm not in favor -- - this regulation has been there for a long time and we have not used this regulation. I don't think it is important for this particular board to put another hurdle in front of a four acre industrial development. The last thing we want to do to the applicant is say, okay here's what the regulations say, but oh, there is also an SPU. So if neighbors come out and complain about an industrial use in an industrial zone which is allowed under our regulations, there may be some things that we can't tell you what that is.

When they do come back for industrial and business, I would like to see and I'll speak for Lou on this as we talked today, I would like to see that part taken out. If they are a business use or an industrial use, whether they be four acres or one acre, as long as they meet the site plan regulations, they should be able to be approved.

We do have residential uses near industrial zones and it puts you in a very difficult spot to have a 4.5 acre industrial use have it be near a residential zone and because of that you have the SPU aspect of it as well, we don't want any industrial use next to us.

I don't think that is beneficial for the economic development of the Town of Southington. My opinion.

My suggestion is to put them both back on and take them both off.

Mr. Phillips added the regulation has been problematic because it hasn't consistently applied over the years. That's a problem. We can address that at a future date.

Attorney Sciota added that people want to know when they come into town, if they're a business or industrial use, that if they obey the site plan regulations they will be approved. That's how we market the land. Food for thought.

Mr. Phillips added from a developer's standpoint they want assurance that it is going to be a smooth, transparent, predictable process. Most important when you try to get business in town.

Attorney Sciota advised to act on the industrial one, take it out and then ask you staff to bring back the business one and take that out, too. That's my opinion legally and developmentally.

Section 5-02:

Mr. Kalkowski made a motion to withdraw it. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

With guidance to staff to come back with industrial and business, together.

Section 11-18:

The Chair asked Mr. Conroy to bring his concerns up now. Mr. Conroy understands how the Siting Council works. I understand what little input they give the underlying municipality. I have an experience where that is not 100% consistent. They have listened to the town and they have listened to residents that might oppose a particular installation.

Rather than just delete the regulation, maybe there is a better way to do this and come up with a set of guidelines as to where we would prefer to have the towers and this is where we would not want to have these things.

Then, the council, when we do petition for something that we may not particularly like that we at least have some understanding that we have had this regulation in place for however long and this is something that town has been developing around our regulations.

I think that gives us a little more standing if we have to go before the Siting Council.

Attorney Sciota pointed out the regulations themselves wouldn't give standing one way or the other. Explained after notification how a public hearing could be had and you would give a resolution of the board that this is not a proper location and attach the Minutes to it. You have the right to send a representative to the Siting Council to plead the case. The neighbors are also notified.

Discussion.

You could put in as part of the regulation that every time an application comes in there will be a public hearing. That's a guidance tool for the Siting Council. My suggestion is you give the ability for the board to have a public hearing every time the staff notifies them that an application comes in from the Siting Council.

Discussion.

Mr. Conroy would be in favor of whatever supports the best argument we would have to the Siting Council.

Attorney Sciota said the argument is going to be what your Minutes say and the resolution of the commission with the reasons. It is not a bad idea to have an elected official of the town at the Siting Council. That carries some weight. And, you bring the neighbors with you.

Discussion.

Mr. Conroy liked the idea of being able to call a public hearing for the application. Is it beneficial to outline what the general sense of the community is with regards to placement?

Discussion.

Co-location by the Siting Council was discussed. Dead zone areas in town were discussed.

Attorney Sciota said he would work with Rob to put together some language on a triggering mechanism where you have a public hearing on the application.

Mr. Conroy again brought up having reasons for argument when you go before the Siting Council.

Attorney Sciota said you have to have the need first and then you have to have several locations you looked at, i.e. wetlands applications. This has to be proved to the Siting Council.

Mr. Kalkowski made a motion to table Section 11-18. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

C. 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

Mr. Phillips advised there is a member of the water department here for questions. But I will say we still have yet to receive comments to engineering. Probably we'll get it in the next couple of days. It's too long of a list of items to stipulate.

Bill Casarella, Assistant Superintendent Southington Water stated that he thought the comments were all responded to today.

Discussion.

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

D. Referral under Section 8-24 for the bond ordinance regarding the ordinance authorizing the issue of bonds and notes not to exceed \$960,000 to finance the costs related to the preliminary design of the upgrade and renovation of the Southington Water Pollution Control Facility and authorizing the issue of bonds, notes and obligations not to exceed \$960,000 to finance the appropriation (MR#496).

This is ready for action. The public works director will give a brief synopsis of what we're doing here. Mr. Hayden explained in order to qualify for 50 percent grant for the first phase of this project; we have to be under construction by July of 2018. To make that happen, we have to get the funds approved in a referendum in the fall of 2016. For that happen, we have to be a 30 percent design by that point which means we need to start preliminary design now.

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

E. Referral under Section 8-24 for the abandonment of a paper street between 256 and 272 Harness Drive (MR#497).

Attorney Sciota explained the original plan was to go through and you can see from the map that is never going to happen. It's important for the town to reduce its maintenance and agree with the property owner we return this back to the property owner. This one is different in that it will go to only one of the property owners. The other one does not want it.

As part of your motion, there may or may not be a water easement under it. We'll return it and retain any easements to the town.

Mr. Kalkowski made a motion to return a favorable 8-24 with the town retaining all easements. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

F. Cortland Estates, LLC, release of \$2,000 E & S bond, 235 Flanders Road (Applegate) S #1234.

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

7. PLAN OF CONSERVATION AND DEVELOPMENT

Ms. Clock advised the March meeting was held. We were discussing development strategies. We talked a lot about the development of the downtown area and what we picture for the future. Really interesting discussion.

The whole commission is fantastic. Great questions. Open mindedness. Everyone is engaged. Interesting.

We're putting all ideas together and trying to move forward with a cohesive plan.

Next meeting is April 16th, 2015. Right here in the side room at 7:00 pm. Public is invited.

The public hearing is anticipated sometime around the fall, possibly September. We're well ahead of the deadline for Southington which would have been the summer of 2016.

8. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

1. West Corp, LLC, Special Permit Use application to construct a multi-family age restricted community of 86 units, property of The Forgione corp. and MMCSA, LLC, located at Eden Avenue and Main Street, Assessor Map 100, Parcels 16,17,18,19 20 & 21 (SPU #548) April 21

2. James Voisine, Special Permit Use application seeking permission to operate a consignment/antique store, outside storage, 1126 Queen Street (SPU #549) April 21

Both can be scheduled for the 21st advised the Chair.

Mr. Phillips added there are two Town of Southington applications for parking lot improvements that'll be on the next agenda, as well.

9. ADMINISTRATIVE REPORTS

Mr. Phillips led a discussion about rear lot determinations by the commission. I bring this up as I am not sure you want to have the ability to review these things. My question is: Do you want to

continue to see these things or could they administratively approved?

Discussion.

Attorney Sciota added the history of when this came into effect back in the 1980's. There was a triggering mechanism at that time to ask if that rear lot was the best use of the land or should it be part of the other lots?

Discussion.

Free cut and rear lot determination were discussed.

After discussion it was decided the rear lot determination could be done administratively.

10. RECEIPT OF NEW APPLICATIONS

None noted.

11. ADJOURNMENT

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

(Whereupon, the meeting was adjourned t 7:40 o'clock, p.m.)