

PLANNING AND ZONING COMMISSION

TOWN OF SOUTHLINGTON  
February 16, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, February 2, 2016 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Chairman Michael DelSanto called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

Paul Chaplinsky	James Sinclair
Jennifer Clock	James Morelli
Susan Locks	Michael DelSanto, Chair

Alternates: Ted Cabata

Ex-Officio: James Grappone, Assistant Town Engineer  
Robert A. Phillips, Director of Planning &  
Community Development  
Mark J. Sciota, Deputy Town Mgr./Town Attorney

Absent: James Macchio, Commissioner  
Joe Coviello & Kevin Clements, Alternates

The Chair seated Ted Cabata for James Macchio. A quorum was determined.

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

4. Appointment of Alternate

Passed

5. Approval of Minutes

A. Regular Meeting of February 2, 2016

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

6. Public Hearings

Mr. Phillips read the legal notice into the record.

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A. Sandy Fields, LLC, Special Permit Application for Open Space Subdivision, 233 Dunham Street, in an R-20/25 zone. SPU #561

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant.

He went over the location on the screen for the commissioners.

- Map with key map
- 500' radius map which shows all parcels in the neighborhood
- West: Mobile home park
- South: I-84
- East: Single family residence
- View from the west including the pine trees. You can see Dunham Street, the highway, the mobile park and the single family home.
- View from the top down showing the character of the property as being heavily wooded with some openings.
- Conventional subdivision which could be done on this property with 387 (+/-) feet of roadway.
- Proposal for a 4-lot open space subdivision in accordance with 3-07.3 A & B of the regulations. There's two existing homes on the site so there'll be two existing driveways. Explained.

The property is an R-20/25 zone. Served by public water and sewer. Land is level and wooded with two existing homes. The land area is 2.6 acres.

We complied with the special permit requirements which is to have the neighbors notified via direct mail, registered mail. Provide the town with the area map and the A-2 survey.

Under Section 3-07.3B1, a statement of purpose was submitted. And, the applicant is providing 21,200 sf of open space which is to the south of the property (indicating) along 84. The location of the open space is such that it will allow for a substantial buffer between the development to the east and west and I-84.

Under Section 6-01. C.1 of the subdivision regulations, it is encouraged to provide buffers along interstates. The open space layout allows for the preservation of a mature stand of white pines,

large oak trees. And, this also provides for the preservation of a natural corridor along the highway. It provides for the most appropriate use of the land considering all site conditions. Provides a more efficient layout with no roadway network proposed resulting in no maintenance for the town and also a smaller impact and a smaller carbon footprint for environmental purposes.

Also, the houses all have southern exposure for maximum solar exposure as recommended in the regulation.

Again, we designed this project to preserve the open space, preserve the character of the property by avoiding as much as possible the removal of all the large trees for the road construction thereby avoiding future maintenance costs for the town and have a less environmental impact.

We have used low impact development ideas in this proposal; i.e.: grass swales, infiltrations of clear roof water from the homes into the ground via underground storage. Less pavement. The open space provided will be controlled by a homeowner's association per Section 3-07.4. The plan also is to preserve the existing trees along the perimeter, to maintain the existing buffer with the neighbors. A large stand of white pines is all around the edges.

The distance between the existing home to the east and the proposed house is about 90 - 100 feet. In a typical half acre lot subdivision, you probably would have a distance of 40 -50 feet between homes. In this case we have 90 - 100 feet.

We received staff comments. We have revised the maps and submitted them responding to those comments. I believe the town engineer is satisfied with the responses and also we've been working with Rob on the planning comments. If you have questions, I'd be glad to answer them.

(Those speaking in favor of this application)

Arthur Cyr, Berlin Avenue. I can't remember the last time I supported a residential development. I've reviewed all of this and this is the lesser of two evils. The biggest thing I like about it as a taxpayer who does not live in the neighborhood is the fact that we will not have a new cul de sac for our town crews to maintain in the summer or winter. I hate cul de sacs and I don't want to see any more of them.

It maintains all kinds of borders. It leaves a lot of mature trees. We would've been horrified if we saw what they could have

proposed. This is actually the better of any possible proposal. It's only four units. Anybody who disagrees, come back next meeting when there is a 72 lot proposal.

Thank you.

(Those speaking against the application)

(1) Carol Balestrani. 271 Dunham Street. I am opposed to this subdivision. The property on Dunham Street has been in my family for over 100 years. Explained.

The whole area is residential. The trailer park has been there for 80+ years.

My mom is totally upset because now we are going to have another subdivision less than 500' from her property. That whole area back there is a wetland area. It's wet and sandy. Not buildable.

I don't have a problem with two new houses with road frontage. But a dirt driveway back for two houses? That's absurd.

If you're going to put a development in, do it the proper way. I think the regs would approve it for a 3-lot subdivision without a special use. Why do you have to put 4 lots in there? Just cloud it up even more. The whole area is becoming over saturated.

Traffic is atrocious down there and someone needs to study the traffic. There are two houses already with road frontage, why put flag lots in the rear?

That's all. We are totally opposed to it.

Also, we never received certified notification in the mail. Only a mailing.

(2) Eugene Kwiot. 291 Dunham Street. I'm near the 500 zone area from the site. I totally with the previous lady.

The traffic situation is very bad. Not safe walkways to get to and from Thalberg School. This would add more traffic in addition to the construction areas that'll take at least another year or so.

I totally agree with what she said and that'd be why I would recommend that this particular claim be reduced or dismissed.

(3) Pete Griffin, 255 Dunham Street. The single family house right next door.

I talked to Mr. Sakonchick and he said it wasn't being developed to its full potential. I don't know what that means except for the fact they want to put more houses in over there and make more profit.

There's no reason they couldn't put a cul de sac road with sidewalks for people to walk down the street to get to the school.

There's no reason they have to do it this way with a shared driveway.

The mature pines along the border are about 130 feet tall. One limb has fallen and broken off and gone through my garage a few years ago. Pines are notoriously weak to begin with.

To develop that area like that is not correct.

You couldn't put solar because all the trees would block it. They're 130 feet tall. No solar exposure.

Another cul de sac at least would have sidewalks for the kids to walk down to get there. Only a couple hundred feet away from the school.

Three houses, they could've just done it. It's not worth it just to put a shared driveway in so they can maximize their profit and not have to put a road in with sidewalks that are accessible for children to walk down. Explained.

A homeowner's association is supposed to be in charge of something everyone's going to fight over - a driveway. I wouldn't want to live in an area like that and I had to worry about that.

This shouldn't be allowed. Make them do it the correct way. There's no reason they couldn't put a regular road in there and build three houses. No problem. They want to maximize their profit.

I don't feel it is the correct way to do it.

(4) Arthur Cyr, Berlin Avenue. Clarification. Not only do I hate cul de sacs, but I always ask for sidewalks. Correct me if I am wrong, there are no sidewalks on that street going to Thalberg School and you can't force this developer to any property owner from that location down to the school to put in sidewalks.

A conventional subdivision would have to have sidewalks going to Dunham but there are no sidewalks on Dunham going to the school.

So, sidewalks is a dead issue.

Thank you.

(Rebuttal)

Mr. Bovino said there are no wetlands. We have looked at it and it is all sandy terrain like the lady said.

In regard to the driveways, these are existing driveways. (Indicating) The new driveways are these (indicating). There is no shared driveway.

The homeowner's association will be set up to handle the open space maintenance and use of the open space.

In terms of traffic, homes generate very little traffic. We are talking about two additional homes.

We sent the mailing as required. If someone didn't get it, that's always possible. We have the list attached to our submission and we mailed it.

Mr. Phillips interjected if someone appears at the hearing, then they got their notice.

Attorney Sciota said we do a mass mailing and each one is not sent out certified.

Ms. Clock asked about the open space access by the town. Mr. Bovino said it is for the homeowners. It will be accessed by an easement leading to the back. The homeowners will access the open space via the easement.

The open space is not deeded to the town. This is preservation of land privately owned by the homeowner's association confirmed Mr. Chaplinsky. Mr. Bovino said options were discussed with the planner and this one seemed appropriate.

Mr. Chaplinsky asked Mr. Bovino to explain the advantages of open space here. Mr. Bovino said otherwise you would have to do a road. We can do the conventional but you would have to construct the road for four homes. This gentleman (indicating) would now have three homes along his property line. With this subdivision there is less pavement and less disturbance to the site. A better carbon footprint. Buffer along 84. And, there can be rooftop solar panels installed. Direct sunlight between 10:00 am and 2:00 pm.

Explained.

Property values were not considered by Mr. Bovino.

(Resident Questions)

Michael Fallon, 217 Dunham Street. My questions were concerning the buffer of trees and the open space. What covenant do you have in place with the homeowner's association to protect the trees and the open space? The trees serve as a noise barrier for the neighborhood. If you remove them for solar energy, that'd make our neighborhood noisy.

The other thing is there is a fresh water well to the west of that property line. What impact would this subdivision have on that?

Pete Griffin. I just want to say the existing houses that are on there right now, they're not houses. They're little tiny cottages. Explained.

To do this the correct way, the open space they're leaving in the back, there is a sound barrier there along 84. It's not open space for anybody. Just a little bit of land they're leaving to try to make everybody feel good. There is state fence there with a little drainage swale that is there for runoff.

The trailer park has a chain link fence. On my side there is a driveway that goes alongside the pine trees. Really wouldn't make a difference.

Make them do it the right way. If they can get four lots, make them do it correctly. You're going to have to run the sewer another 200' up the road. Then make everybody else tie into the sewer. We're affected because they're building for a year and a half over there. At least make them do it the correct way.

This is not correct.

Pete Griffin, 255 Dunham Street.

(Rebuttal)

Mr. Bovino said they are small houses and are going to be removed and replaced with new homes constructed to today's standards. Two additional homes to be built.

The well on the property will be abandoned according to the Connecticut Health Code.

Public water is in front of the property.

The lots will be served by public sewers.

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The homeowner's association has language to manage the open space according to regulations.

There is a garden area back there that they can continue that use. It's up to them what they want to do.

The pine trees will not be touched. We can put something along the boundary line to say those will be preserved in the best possible way. If something needs to be taken down because branches are falling down and it's dangerous, they'll be removed.

The Chair closed the public hearing at this time.

B. Subdivision Regulation amendment, Section 6 - Open Space (SA #25), continued from February 2

Mr. Phillips explained he has provided the commission with a memo along with two spreadsheets. One shows an informal poll of 32 communities and what they do as far as their open space regulations and what they require and an analysis of current conventional regulations and the effect of open space as you move through the zones. He then read the memo. (Documents on file in the Town Planner's office for review.)

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

The following spoke in opposition to the application. Some submitted written documentation which is on file in the town planner's office. (Please refer to the video tape of the meeting to hear the 45-minute presentation.)

Mostly all comments centered around the fact this would hurt the landowners and not the developers. Development rights were desirable by some. Some spoke of this being a taking or a stealing in some cases of the land. Many spoke about property values being devalued. All stated they were in favor of open space and land preservation; however, the 20% requirement is too much. Some spoke about the FILO requirement. Some felt this was not about open space but more about reducing the housing units in town. Figures were presented regarding the percentage of open space we already have in town. (33 percent)

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Active and passive recreation facilities and areas were noted for the record as open spaces that serve the community and the environment.

Section 8-25 of the CGS talked about the five lots and the family members was discussed.

1. John Rogers, Rogers Orchards. (Document on file in the planner's office.)
2. Attorney Joseph Crispino representing the Helen Crispino Trust. (Documents placed on file in the town planner's office.)
3. Mark Lovley, 710 Main Street, Plantsville.
4. Jay Dougherty, Mount Southington Ski Area, Mount Vernon Road properties.
5. Richard Parks, 292 Frost Street
6. Arthur Cyr, 103 Berlin Avenue
7. Monica Cusano, Welch Road
8. Frank Bombera, Marion Avenue
9. Yvette Pepin, 658 Jude Lane
10. Steve Giudice, 876 South Main Street, Plantsville
11. Sev Bovino, Kratzert, Jones & Associates

Hearing no further speakers, the Chair closed the public hearing.

7. Business Meeting

A. Sandy Fields, LLC, Special Permit Application for Open Space Subdivision, 233 Dunham Street, in an R-20/25 zone (SPU #561)

Mr. Phillips advised this is ready for action. Mr. Sinclair noted there was some talk about the open space parcel and what exactly is back there. We heard there might be a drainage basin back there. I'm going to ask the commission for a table so I can go out and do a site walk. I will make a motion to table.

Ms. Locks seconded. Motion passed unanimously on a voice vote

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B. Sandy Fields, LLC 4-lot subdivision application, 233 Dunham Street in an R-20-25 zone (S #1311)

Mr. Sinclair made a motion to table. Mr. Cabata seconded. Motion passed unanimously on a voice vote.

C. Subdivision Regulation Amendment, Section 6 - Open Space (SA#25), tabled from February 2

The Chair commented we heard lots of information tonight. The public hearing is closed.

Attorney Sciota advised you can talk about it. You can schedule your own workshop on it. It's your application. Time frames are not applicable. On your next agenda, at the end of it, you can speak specifically just on this topic as opposed to squeeze it in while you're having your meeting.

Mr. Chaplinsky had a couple of take aways he wanted to put in the minds of the commission to consider. A lot of good feedback. I'm hypersensitive to the comments about taking away land and giving it to the town. That's something we should be careful of. That's something we want to avoid. Preservation is a big word and that is something we should be focusing on --- preservation and not necessarily land being deeded to the town as open space. That's something in my opinion we should be considering.

The 20%, I'm appreciative the town planner put together the comparison for us on open space with the neighboring towns. There's good information. I think the commission should look at the 20% proposal and do a check as to whether 20% is the right number. A speaker talked about the 10% in fee in lieu of and saying anything over 10% is, in his opinion, may be over burdensome. We need to take a look at that.

It was mentioned a couple of times about incentivizing in fee of lieu of in purchasing more open space. Put language in here that makes folks more compelled to opt for FILO versus open space and the town then can take that and purchase more active open space for the community to use.

If there's changes to the conventional subdivision regulation --- if we're talking about open space and preservation, not deeding to the town, how do we need to incentivize more people to choose an open space subdivision versus a conventional subdivision. If we're looking for more preservation of land, one way to do that is to

incentivize people more towards the open space regulations which does allow for a little more clustering and allows them to recoup some or all of those lots so the same or similar number of lots in an entire parcel can still be had but still achieving land preservation on that land.

Scaling, is there some sort of scaling mechanism based on the size of the lot? I'd like to look at that and understand the impact on the smaller lots and the bigger lots.

I want to thank Attorney Crispino for providing some feedback this time. We had another recommendation last week that had specific changes to the regulation.

I don't think this is in my opinion worth moving forward on today. What do we do from here? A workshop?

Attorney Sciota said the choices are to punt and start again. You've got your public input. You know what your guidelines are. You can't go greater than what is in yours, but you can go less. You have time to digest what you heard tonight and digest the memo which is very important to look at. You are not reinventing the wheel. This is something that other towns have. Towns like Southington don't go into the 20% area. They go below. That's something you need to look at.

Ms. Clock, as chairwoman of the POCD, I feel it's important that we not only do a workshop but we also work in conjunction with the POCD. We represent the people of Southington and people need to know we hear you when you come to the meetings and give your opinions. We need to go back and revise based on everyone's opinion. We have to find a common ground. We represent people who feel we need more open space, the land owners, we have to take all of that and somehow find a common ground.

Mr. Sinclair agreed with the comments. We have heard a lot and some good points were brought up. I'd like to have a workshop to find the middle ground and tweak what we need to.

Ms. Locks felt the same way. However, she said she was confused as to why we're not waiting for the POCD and then move forward on this. I think that's the steps I would like to see.

Mr. Morelli agreed with the comments of the previous commissioners. All comments are valid. I would like to see this withdrawn, have a subcommittee or workshop, and come back with a different and better plan.

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The Chair commented our intention is not to take any one's land. Tonight, three or four said we are stealing land! I'm a staunch supporter of landowners in town and the last thing on my mind is to take or steal anyone's land.

We'll process the information. Thank you. Between now and our next meeting we'll get some of our questions answered.

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

D. Request for \$74,500 Bond in Lieu of Site Plan Compliance, Crystal Bees, 240 Spring Street (SPR #1653)

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

E. Request for reduction of subdivision bond from \$283,000 to a new amount of \$70,000, Old Orchard Estates, 229 Wonx Spring Road (S#1296)

Ready for action. So moved by Mr. Sinclair. Mr. Cabata seconded. Motion passed unanimously on a voice vote.

8. PLAN OF CONSERVATION AND DEVELOPMENT

Glen Chalder presented. As a follow up to our las meeting, I am here to assist the commission in terms of reviewing the POCD and how you'd like to proceed.

The Chair said we were to look through the draft and bring any questions or comments to this meeting. I think we were pretty confident at the end of the last meeting.

Ms. Chalder said he is excited for Southington. I've done my research and I think this plan hits the issues the community faces today and is expected to face over the next 10 years. I think it provides strong guidance for the commission and for the community.

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It was put together with the capable assistance of a committee and it is now before you. Any tweaks or changes, I'll help you make those and more towards its adoption.

The next step would be, if you are comfortable with the plan, to refer it to public hearing and to the council for their 65-day statutory review.

Attorney Sciota said available to us, after speaking with Chairman Riccio, is March 28<sup>th</sup> or April 11<sup>th</sup>. Mr. Chalder said he would prefer March 28<sup>th</sup>. Attorney Sciota will suggest that to the council.

The planning & zoning commission can do their public hearing at either May meeting. Mr. Chalder urged the commission to consider May 17<sup>th</sup>.

Attorney Sciota asked the POCD in final form be sent electronically to him so he could get it out to the council members for the public hearing on the 28<sup>th</sup>.

There were a couple of minor tweaks in the plan from the last meeting:

- A new cover letter from the Chairman to reflect this is now the proposed plan.

- Some pixilated pictures that Rob has given me some modifications for. We'll tweak some pictures in the plan.

- Page 42, a discussion about design review, and we talked at our last meeting about softening the verbs in that situation.

- Page 46, adding a side bar referencing the work has been going on with CROG and the hazard mitigation plan.

- Some highlighted text on Page 71 which had to do with the redevelopment of the overlay district and it would no longer be highlighted in the final plans.

- Page 40 and 126, a discussion about the PA 490 Program and the word "parcels" is missing. It should read: undeveloped residential parcels from 5 to 25 acres in size.

Those changes are modest and don't change the nature and intent of the plan significantly.

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The business overlay district on West Street was brought up by Mr. Chaplinsky and discussed. Mr. Chaplinsky said it was mentioned in the POCD and it would be appropriate to remove that.

Page 60 was referred to and reviewed. Mr. Chalder felt the text was okay. Mr. Chaplinsky said he was trying to avoid confusion in the future.

Mr. Chaplinsky made a motion to schedule the POCD hearing for the second meeting in May --- May 17<sup>th</sup>, which requires the commission before then to refer this to the town council. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

### 9. REGIONAL PLANNING COMMISSION UPDATE

Mr. Cabata reported at the meeting they talked about the FastTrack being expanded. They haven't told us how, yet. It was clear they knew what they were going to go with. The other thing we talked about was overlay zones which we just talked about the West Street one. At the meeting we talked about Historical Zones and that's the most common zone. You can have more scrutiny.

The rest of the meeting was more administrative just getting everyone used to being on the board. Fairly quick first meeting.

### 10. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

A. AA Denorfia Building & Development, LLC, Special Permit Application for open space subdivision, Parcel 51, Loper Street (Map 158, Parcel 051), property of Ann Griffin Egan, Trustee, in an R 20-25 Zone (SPU #562), March 1

B. AA Denorfia Building & Development, LLC, 72 lot Resubdivision Application, Parcel 51, Loper Street (Map 158, Parcel 051) property of Ann Griffin Egan, Trustee, in an R-20/25 zone S #1312), March 1

The Chair said these items could be scheduled for March 1.

### 11. ADMINISTRATIVE REPORTS

None this evening.

12. RECEIPT OF NEW APPLICLATIONS

Just the two just mentioned for public hearing on March 1 and Lovley Development for 64 units off Eden Avenue. That's the site plan portion of the SPU.

Commissioners Comments

Mr. Chaplinsky updated the commission on West Street. We had a meeting with the state DOT and town staff. Jim and Rob accompanied me to the DOT. It was set up by Senator Markley's Office and Representative Zoni, as well.

We had some really good discussion during the meeting. The objective was to talk about traffic on West Street and to introduce the West Street Corridor Project that we had put together to make sure the DOT was aware of what our vision for West Street is. There were 12 DOT representatives present. They had an opportunity to hear our vision and it's important they know what our vision is. When applications are referred to the DOT as it is a state road and applicants go to the DOT to get their final approvals for curb cuts and traffic management, it is important they understand our vision for West Street.

Really productive meeting. They were thankful that we came and shared that with them. There are a couple of small things that they're working on for us to follow up on. And, a couple of pinch points we asked them to look at along the West Street Corridor outside of the Project.

Hopefully, one of our next steps is we'll be able to look for funding in the future from a grant or from council. We need to have a Corridor Study.

The other thing is I'd like to formally ask the council to help us with funding or with the grant. I'd like that on the front burner. Attorney Sciota advised to find out how much it is going to cost and start with the public works committee of the council.

Mr. Chaplinsky said if we have a real vision for what the corridor should like, it might be nice to have a model made of the corridor, i.e.: what the traffic lanes might look like in the future,

what the road might look like, traversing roadways and walkways, more pedestrian friendly areas. Even renderings of buildings for them to design around.

Discussion.

Project Lead the Way was suggested and will be explored.

Mr. Phillips brought up the council referral for the POCD. Do we need a motion? Mr. Chalder said for clarity of the public record, it would be good. I would urge the commission to make a positive motion to schedule the public hearing and refer to the council and for staff to make the appropriate notices.

13. ADJOURNMENT

Mr. Cabata made a motion to adjourn which was seconded by Ms. Locks. Motion passed unanimously on a voice vote.