

PLANNING & ZONING COMMISSION
Town of Southington
March 1, 2016

The Planning & Zoning Commission held a public hearing and a regular meeting on Tuesday, March 1, 2016 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Chairman Michael DelSanto called the meeting to order at 7:00 p.m.

The following Commissioners were in attendance:

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

Alternates: Theodore Cabata, Kevin Clements,
Joe Coviello

Ex-officio members present were as follows:
Robert Phillips, Director of Planning & Community
Development, James Grappone, Assistant Town Engineer,
Jeremy Taylor, Assistant Town Attorney

Absent: Mark J. Sciota, Ex-officio

Quorum was determined.

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

MICHAEL DELSANTO, Chair, presiding:

4. APPOINTMENT OF ALTERNATE

This item will be taken care of at the next meeting since Atty. Sciota was not here to swear in the new person. Chairman introduced Mr. Robert Hammersley since he was in attendance. He will be appointed at the next meeting.

5. APPROVAL OF MINUTES

A. Regular meeting of February 16, 2016

Mr. Sinclair moved to accept the minutes as presented. Ms. Locks seconded. Motion passed 7 - 0. Mr. Macchio pointed out

that while he was not at the last meeting he did read the minutes.

6. PUBLIC HEARINGS

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)

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)

Mr. Phillips read the legal notices into the record. Mr. Denorfia asked if both hearings could be held together. This was acceptable.

Anthony Denorfia said he has not yet received comments from the Engineering Department and asked if we could leave the public hearing open and not vote tonight. This was agreeable.

The proposal is for 72 lots in an R-20/25 zone on the north side of Loper Street. It is the last remaining parcel of the Graham farm. He explained the past and present use of the rest of the farm.

Mr. Denorfia gave a summary of his experience in the development business for the last 35 years. They use cutting edge design and building practices. The company has received many awards over the years. He is currently president of the Connecticut Home Builders Association and was recently appointed to a second term by the Department of Health in redrafting some state regulations.

The Open Space Subdivision is an example of innovative practices. In the 80s it was known as cluster zoning. The homes are testing out at 50% better than the requirements of the State Building Code and probably use 50% less energy. These particular lots are roughly 1/3 acre. The proposal gives 14.41 acres or roughly 33% to open space versus about 2.88 acres if developed as a Conventional Subdivision. They are not proposing any permitted use in the wetlands area. The proposed homes would be in harmony with the neighborhood. An appraisal report was turned in for the file. At this time he turned the presentation over to Steve Giudice for a technical presentation.

Steve Giudice of Harry Cole & Son, presented maps on the screen (see video for complete presentation). The maps showed how the property would look with a conventional subdivision and another showing how it would appear with an open space subdivision. A conventional subdivision would allow for 64 to 67 lots and a 4400 ft. roadway and approximately 2.93 acres of open space. The open space subdivision allows for about 5 more lots but much more open space. The houses are a suitable size and there is adequate access through existing streets or to be constructed with reasonable conservation of land. There is access by Loper Street and Woodberry Hill Drive. Front and rear yards would be the same as with a conventional subdivision.

Three new streets are proposed to be constructed: Aspen Way, Teakwood Drive and Willow Drive in Phase I. Drainage basins would tie into existing drainage systems. The homes would be serviced by sewers and public water is proposed. Mr. Giudice believes it is the best proposal that could come before the commission.

Mr. Sinclair asked how much of the open space is detention drainage. That information will be provided at the next meeting. Mr. Denorfia stated that it is a relatively shallow basin that looks larger on the map than it is. When it is dry you would be able to walk on it; it would not be that noticeable.

Mr. Clements posed several questions based on statements made by Mr. Giudice. He believes the open space is small. Mr. Giudice replied that a conventional subdivision would have much less and no buffering for abutting properties.

Open space was noted as "desirable" but Mr. Clements asked how much is usable. The response was 75%. It can be used for passive recreation. Mr. Denorfia spoke about open space and recreational areas. Some tend to get into disarray (like Jaycee Park can); he thought this proposal which is like a belt around the development would be better as well as a buffer. Trees and wetlands are an important part of open space.

Mr. Clements said Mr. Giudice said it would provide a reasonable service to the town. How would Southington residents benefit who don't live there? Mr. Giudice replied that anyone can use the open space. He also commented that the wetlands commission wants wetlands on open space. They are trying to

balance what this commission would be happy with as well as the wetlands commission.

Mr. Chaplinsky asked if they did an analysis of home values in the neighborhood. A statement was provided for the record. Mr. Denorfia added that he built most of the homes to the east and is very comfortable knowing the values. Mr. Chaplinsky said he would appreciate seeing an analysis at the next meeting.

Mr. Chaplinsky asked if a traffic impact study was done. Mr. Denorfia said there is none on file. Case law is conclusive on the presumption that a permitted use can handle the traffic from that use. Mr. Chaplinsky is interested in having it on record. Mr. Clements would urge the commission to have the applicant submit a traffic impact study. Mr. Denorfia said it is not required but he would provide it.

Mr. Phillips explained that the reason for the Special Permit Use application is that it is zoned R-20/25 which is half acre zoning. In a conventional subdivision if you have sensitive areas such as wetlands it would be taken out of the equation. Under subdivision regulations it would be administrative and would not require a public hearing. This application is technically a re-subdivision. In this case a public hearing is required because of the re-subdivision. Zoning regulations provide for cluster housing which allows for about 5 more lots. The open space could be maintained through a homeowners association or a fee simple to the town.

Mr. Chaplinsky asked why the application is proposing town-owned open space. The applicant didn't feel strongly either way. Mr. Phillips said it is at the commission's discretion.

Mr. Chaplinsky asked about access to the north of the development. Mr. Giudice said there is about 50 ft. width to Woodberry Hill but there are wetlands in the area. He did not explore putting a town road there.

At this time the Chairman called for anyone in favor of the application to come forward.

1. Art Cyr, 103 Berlin Avenue. He believes it is a great benefit to the rest of the residents as it would increase the Grand List. He also doesn't see a great increase in traffic from a 70-lot subdivision. We will get more traffic on Queen Street when they build the new plaza next to Outback than from this subdivision. He does have problems with this proposal

because there are no sidewalks and cul-de-sacs are proposed. Cul-de-sacs pose public safety problems if police and fire can't get in, and highway has issues plowing these areas. He also does not like deeded open space to the town. It also means when a detention basin is deeded to the town the Parks and Highway departments have to maintain all these areas all over town. He would rather have the town departments take care of five more miles of linear trail which benefits everyone. Mr. Cyr felt this was a better proposal than a conventional subdivision and is in support of it.

Mr. Clements made a point of clarification. Expanding the tax base and the grand list is not a factor that this commission is supposed to weigh in approving an application or not.

2. Steven Jasulavik, 107 Woodberry Hill Drive. He thought it was agricultural vs. conventional. He is in favor of open space but is not sure if moving the traffic up will help or hinder.

3. Allan Tomasco, 59 Woodberry Hill Drive.

4. John and Laura Rogalski, 108 Woodberry Hill Drive. Do not like having access through wetlands to have a right of way to Woodberry Hill Drive.

5. Sarin Kevorkian, 125 Woodberry Hill Drive.

6. Margaret Cameron, 1122 Pleasant Street. Concerned about the access to Loper Street in bad weather; could create a hazard.

7. Joanna Brennan, 174 Loper Street. Asked the applicant to work on the access.

8. Bill Knoegel, 96 Woodberry Hill Drive. He is concerned with the loss of farmland. He asked if in the last 20 years if farmland was rezoned to residential. He felt the way the agenda was presented was disingenuous. The Chairman clarified by reading the agenda items. Mr. Knoegel said he is in agreement with the open space proposal.

9. Kevin Capobianco, 257 Woodberry Hill Drive. Get rid of the cul-de-sacs and have larger size lots.

10. Susan Snow, 292 Laning Street. Asked who owns the property and how the developer can come in with this application. Chairman responded.

11. (Neither for nor against): Emily Adams & Jessica Adams, 922 West Center Street. Miss Emily Adams, a 5th grade student, read the email she sent to the commission. It concerned animals losing their homes and the subdivision causing more cars and air pollution.

At this time the Chairman called for those speaking against the application to come forward. Most of the complaints had to do with the access points, especially the Loper Street hill, traffic and safety.

Those speaking against:

1. David Jermakian, 95 Woodberry Hill Drive. Sent a letter. Everyone had a different concept of what this hearing was about. Suggested that the Town Council could remove it from the PZC docket. Felt the town should buy the property and keep it as open space. Chairman commented that there is no mechanism for the Council to remove anything from the PZC docket.

2. Brian Barrett, 92 Loper Street. Believes the proposed open space is useless. Have to look at traffic. There is no control over the phases of construction.

3. Sandra Micalizzi, 259 Loper Street. Loper Street has become a major artery. Concerned for safety.

4. David & Maureen Brennan, 118 Loper Street. Custom homes mean ongoing construction. Noise. Need trees as a buffer. May need sidewalks for people to walk from the development down to Nardelli's, etc. Mr. Phillips said they cannot require the developer to put in sidewalks.

5. Jay Smigelski, 224 Woodberry Hill Drive. How would the excess water be controlled. The current retaining pond fills up easily.

6. Rhonda Lane, 78 Loper Street. Sent written comments. Concerned with water flow coming down the hill.

7. Don Stafstrom, 13 Petula Court (off Loper). Should not be a road onto Loper.

8. Michael Boucher, 162 and 184 Loper Street. Questioned the residential zone; thought it was farmland. Chairman stated that it is zoned Residential.

9. Patryk Bieniek, 194 Loper Street. Traffic concern. Can't take a left turn on Loper.

Mr. Giudice responded to some of the issues that were brought up by the residents. The property has been zoned residential probably since zoning came into effect in 1957. However, a farm is a permitted use in a residential zone. The property is owned by Ann Griffin Egan. It is under contract with the developer. The value of open space keeps coming up. Mr. Giudice has been subdividing property in town for 25 years and believes there is value to this open space.

Detention basins are important as they are an effort to reduce flooding and to control and reduce amounts of run-off. The town owns and maintains detention basins so that they are maintained properly. He will look at the lower intersection that people spoke about. As far as the wetlands area, the commission may not allow the developer to fill it for a road. Mr. Giudice will come back to the next meeting to answer other questions.

Mr. Chaplinsky asked him to come back with what it would look like if the curb cut was not there. Check with the Police Department about previous accidents in that area.

Mr. Denorfia said one of the design criteria he looks at is location of roads and open space. He doesn't like to make houses back to back. He likes to make it aesthetically pleasing so people are not looking into someone's back yard.

Chairman said some suggested that the value of their home would be diminished. Mr. Denorfia said the article in the paper was misrepresented. The homes will be 2300 to 2700 sq. ft. with a starting price just over \$435,000 to about \$500,000. He spoke about the age difference in home buyers back in the 90s when Woodberry Hill was built. People are buying homes at a later age, who have been in careers, perhaps delayed having children, and want more amenities in a home.

Mr. Denorfia said he would address what he can at the next meeting. He thanked all the neighbors for their comments. Chairman said the public hearing would be kept open until the next meeting.

At this time the Chairman called for a five-minute recess (9:30 p.m.)

Meeting resumed at 9:35 p.m.

7. BUSINESS MEETING

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)

Motion by Mr. Chaplinsky to table, seconded by Mr. Sinclair. Motion carried 7 - 0.

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)

Motion by Mr. Chaplinsky to table, seconded by Mr. Sinclair. Motion carried 7 - 0.

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

Mr. Phillips has no concerns. It is ready for action. Mr. Sinclair said he did go for a walk in this area. It was wet and muddy and is not the type of open space we are looking for. He would like to see something a little more pristine for open space.

Mr. Chaplinsky asked what the difference would be for a conventional subdivision. Mr. Phillips said it would be 3 lots without an interior road or can put in an interior road and get 4 lots. It's not great to have an interior lot. He believes this is a better option as long as it is through a homeowners association for the 4 lots. He believes it is the highest and best, most appropriate use of the property. They are not demolishing all existing structures. The existing garage will remain.

Mr. Morelli believes it is a win for everybody and made a motion to approve SPU #561. Seconded by Ms. Clock. Discussion. Mr. Chaplinsky asked if there was a mechanism for staff to review the trees. At the last meeting they said they would leave the pine trees. Can it be added as a stipulation? Mr. Morelli amended his motion to add no cutting in the open space area and that staff is to be notified once everything is marked out before clearing is done. Ms. Clock seconded the

stipulation. Motion passed on a roll call vote 6 - 1 (Sinclair against).

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

Sev Bovino of Kratzert & Jones, representing the applicant, said public sewers and water are planned for the 4-lot open space subdivision. Mr. Phillips said it is ready for action.

Ms. Clock made a motion to approve Subdivision application #1311; seconded by Mr. Macchio. Discussion. Motion carried 7 - 0.

E. Subdivision Regulation amendment, Section 6 - Open Space (SA #25)

Mr. Phillips said there are three important aspects:

1. Changing the way open space and conventional subdivision is determined moving to a percentage overall of the property. What every other town in the state is doing is 20% or less.
2. There has to be a similar ratio of detention basins for buildable land and unbuildable land.
3. Preservation of open space clarification could be Town of Southington, land trust, members of communities dedicated to the preservation of land and removing the 10 or more lots requirement.

The existing language can be kept and make some changes. This is for the conventional subdivisions. We would also have to look at the open space subdivision.

Mr. Phillips provided a memo for discussion purposes and read the potential modifications. It is an important issue for the town and he wants the commission to look at it. Chairman commented that open space needs to be seen as preservation or conservation of land. This is not on a time line. Any questions, contact Rob. Mr. Phillips would like at the least a poll at the next meeting.

Mr. Sinclair made a motion to table this item; seconded by Mr. Chaplinsky and carried 7 - 0.

F. Lovley Development, Inc., site plan application for 64 units of multi-family development, Eden Avenue (Map 100, Parcel 17), in a CB zone (SPR #1711)

Mr. Sev Bovino said the application was the subject of a public hearing. The proposal is for 23 townhouses in three separate buildings. At the next meeting he will be ready with final plans. Mr. Chaplinsky made a motion to table SPR #1711; seconded by Mr. Sinclair and carried 7 - 0.

G. Request for five (5) year extension of subdivision approval, Southington Country Club, South End Road, Savage Street and Meriden Avenue (S#1251)

Mr. Sinclair made a motion to grant a five-year extension; seconded by Mr. Morelli and carried 7 - 0.

8. PLAN OF CONSERVATION AND DEVELOPMENT

The Town Council will hold a public hearing on March 28. The Planning & Zoning Commission will have a public hearing on May 17. Chairman will go to the Council's public hearing and invited other commissioners to also attend.

9. REGIONAL PLANNING COMMISSION UPDATE

Nothing to report. The next meeting is March 17. Chairman asked Mr. Cabata to let him know when there is a meeting so that he can let Karen know to put it on the agenda.

10. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING:

1. Resubdivision; 2 lots for Twin Pond Terrace, near Mt. Southington, for public hearing on March 15.

11. ADMINISTRATIVE REPORTS: None

12. RECEIPT OF NEW APPLICATIONS

1. Twin Pond Terrace
2. CGS requires the zoning authority to approve the location of an auto dealer repair. Mr. Phillips will bring from ZBA to PZC to sign off. That one is pre-existing. It has an aquifer protection registration with it. Location is 1223 Meriden-Waterbury Road (Route 322) Motor Sports.

13. MISCELLANEOUS

Mr. Chaplinsky had some questions:

1. DOT current status of Spring Street and the land swap (widening of Spring Street)

2. Ask them to look at the other end of Spring Street for realignment
3. What can be done to the West Pines Drive access? There is a sign on West Street heading south that says "Don't block intersection". It needs something else there. All intersection property owners may be able to help.
4. EMT regulations. Rob is in discussion with a planner regarding West Street. Talking about the West Street Corridor and specific lot constraints in that area. Mr. Chaplinsky said we made a commitment to the residents and have to get it going. If we need to make modifications we will. He would like to see us move forward with our vision. We talked about mixed use transition zone; first look at Spring Street to Curtiss Street. Chairman asked that it be put on the agenda for the next meeting as a formal application.

14. ADJOURNMENT

There being no further business, Mr. Sinclair made a motion to adjourn the meeting, seconded by Mr. Chaplinsky. Meeting adjourned at 10:21 p.m.