

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON  
JUNE 21, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, June 21, 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:

James Sinclair	
James Morelli*	James Macchio
Susan Locks	Michael DelSanto, Chair

Alternates: Ted Cabata, Ross Hart\* & Robert Hammersley\*

Ex-Officio: Robert Phillips, Director of Planning & Community  
Development  
Keith Hayden, Director of Public Works  
Mark J. Sciota, Deputy Town Mgr./Town Attorney

Absent: Jennifer Clock & Paul Chaplinsky, Commissioners  
Joe Coviello, Alternate

(\* Arrived with meeting in progress.)

The Chair seated Mr. Cabata for Mr. Chaplinsky. A quorum was determined.

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

4. Approval of Minutes

A. Regular meeting of June 7, 2016

Mr. Sinclair made a motion to approve which was seconded by Ms. Locks. Motion passed on a majority voice vote.

Mr. Hammersley arrived and the Chair seated Mr. Hammersley for Ms. Clock.

PUBLIC HEARING ITEMS:

Mr. Phillips read the legal notice into the record.

A. Petition of Kratzert, Jones and Associates to enact a Zoning Regulation Amendment of Text to amend Section 12-02.04 of the Town of Southington Zoning Regulations (ZA#588).

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

My clients and I find this section 12-02.04 of the zoning regulations which requires the construction of an island every ten parking spaces somewhat excessive and in most cases not necessary. These assertions are based on my personal experience with site plans of all sizes and by simple observation of parking lots all over town and other areas.

Because of snowplowing necessary during the winter months, the additional islands get damaged and remain so for a while creating an eyesore.

The snow plow needs more room to operate, therefore, I proposed a minor text change to Section 12-02.04 going forward which reads:

"There shall be not more than ten parking spaces for less than twenty-five total spaces and fifteen for greater than twenty-five in a row without being broken with curbing and landscaped area."

For small parking areas the regulation stays the same. For large ones, the number of spaces allowed would be increased from ten to fifteen.

Any questions, I'd be glad to answer them.

Mr. Sinclair noted when this was enacted, a similar argument was made by Mr. Bovino. My question is, do those five spaces give you enough room for the plow to get in there? Mr. Bovino anything more than ten helps. Explained the truck needs to pick up speed to push the snow and needs more room. Otherwise, it doesn't work and they hit the islands and they are damaged on a regular basis. We see it all the time.

The Chair asked Mr. Phillips to provide a little bit of background or clarification as to what the applicant is asking for.

Mr. Phillips explained what they are asking for is the ability when you have a lot with a relatively large amount of parking, the ability to get a larger machine to clear the parking lot. Examples given.

Sometimes they have to get creative as to where they place the islands and it may not make a lot of sense or be aesthetic.

They want to have a leeway on the parking. I did look at regulations in other towns and ten parking spaces before being broken up by an island is common and so is fifteen.

Some concerns are you lose some landscaping. Should we somehow incorporate that landscaping on the periphery of the parking lot?  
Discussion.

The other concern is with storm water. Less islands mean greater impervious area. But we do require ZIRO. Rain gardens were discussed.

I think it is a relatively minor change given all of that.

Mr. Sinclair questioned Mr. Hayden about runoff. Is there an issue? Mr. Hayden said in his experience, a lot of times these islands become hard packed and it is not really the ideal situation for storm water recharge or storm water treatment. Rob alluded to the fact that if you keep the same number of spots, you might have greater opportunity for landscaped areas outside of the parking lot. I think that properly designed, they would probably be of a better benefit.

The islands are curbed so except for whatever rain lands on it, you are not really getting too much infiltration. They're sloped generally so they shed water.

From a storm water management point, if we could keep the parking lot smaller with the elimination of some of the islands, increase the landscaped areas but in reality people build to the area they have available and I don't know if that is practically going to happen.

I think what is there with the islands is not providing a big benefit. They will provide shade to keep the temperature down but again if we could do landscaping outside, that would be helpful.

Mr. Bovino reminded the commissioner they are required to provide ZIRO. We're not losing any retention because of the islands. We can do additional periphery landscaping for infiltration.

(Those speaking in favor of the application)

Arthur Cyr, 103-105 Berlin Avenue. After looking around town at some of the proposals, I have to agree with Kratzert & Jones and Mr. Bovino. He referenced the back parking lot of the municipal center.

This is New England and its problem when you have a landscaped border of so many square feet. It needs to be done not only for the large businesses but also for the small businesses.

United Bank at the corner of Mill Street was discussed.

Dean's Stove in Plantsville was discussed.

He noted ZIRO is required. As our director of public works noted a lot of times these landscaped areas become so packed they do nothing to help the water runoff and actually make it worse.

Porous concrete was explained.

If we are going to eliminate some landscaping borders at a place like Target or Walmart, maybe we can require them to have bigger borders on the sides, the back and front. Explained.

I am in complete agreement with this proposed amendment --- large and small guys, too. If it saves them grief and aggravation, it's well worth it and that is really what "open for business" means.

(Those speaking against this application)

None.

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

B. Petition of John Senese (Calco Construction & Development, Inc.) to Change a Zoning District Boundary from R-12 (residential) to B (Business), properties located at 2, 4 and 6 Upson Drive, Assessor's Map 181, Parcels 34, 35 & 36 (ZC #554).

Jeff Fitzgerald, licensed professional engineer with BL Companies, Research Parkway, Meriden, CT., representing the applicant.

The petition is to change the zoning boundary on the west side of three lots: 2, 4 & 6 Upson Drive from R-12 to B zone. The three lots comprise a total of .4 acres of land to be rezoned. That residential zone right now is really a residential island in the middle of all business zoned property.

The purpose of this petition to rezone is to provide a safe access drive to the proposed redevelopment of the lots west and north of 2, 4 and 6 Upson Drive. Right now it is in disuse and it is proposed to use a portion of the western edge of those lots for the access drive. The houses on those lots are proposed to stay and remain. We need a piece of that land in order to provide an access drive to those lots.

I'll answer any questions you may have.

Mr. Sinclair asked if the intent was to keep those as a residential use and have access in the rear portion of the lot for the commercial use? That's where the 7-Eleven is. Mr. Fitzgerald concurred.

Mr. Sinclair asked why rezone it? Mr. Fitzgerald explained the proposed access configuration to have a commercial drive over a residentially zoned area creates a little difficulty. The idea would be to rezone the three lots and be able to ultimately shift the lot line slightly to allow that drive and have it all in the same zone.

Mr. Cabata commented if you are just looking for an access drive, why rezone all three lots? Mr. Fitzgerald said it has a bit to do with the required buffers between residential zoned lots and commercially zoned lots and having to provide larger separations from uses.

Mr. Sinclair pointed out in effect we are creating a nonconforming use with a residential use on a business zone.

Mr. Fitzgerald said residential is allowed in that zone.

The Town Attorney confirmed that residential is not allowed in a business zone.

Mr. Sinclair said this is asking us to create a zoning issue here for the ZBA.

The Chair asked Mr. Phillips: It the access at the rear of the property is used for commercial use, does that now in effect cause these houses to be nonconforming? Mr. Phillips responded if you change the zone over the entirety of those three properties with the existing residential homes, you are essentially making those residential uses nonconforming in nature to the business zone.

The proposal is to try to accommodate an access road to the signalized intersection near 7-Eleven to some redevelopment of the old Chinese Restaurant on the northern side. I did talk with the applicant about possibly proposing to extend the business zone slightly but leave the homes themselves out of the business zones. They would stay in R-12 and it could be feasible in their plans to allow for that access road, but in order to do so they would need lot line revisions which would then render three lots, at least two of them, nonconforming from a bulk requirement standpoint. Right now they're substandard to even the R-12 zone. In order to facilitate all of that and not create nonconformities and go to ZBA for variances, which would be an issue because it would be self-imposed, you could possibly do it by removing one of the lots. Taking out one of the homes, doing lot line revisions, and going from three to two lots and then it is possible not to reduce the lot area more so than it already is. And, still allow that connection. I thought was possible and maybe a best case scenario.

He referred to his report noting the POCD recently approved has this in the future land use plan shown as R-12, higher density residential. It does have competing policies which is not unusual for you to consider. It's to preserve existing residential neighborhoods but also to revitalize businesses along Queen Street. You have a balance there or a choice. I laid that out for you in my report.

Mr. Fitzgerald said it was their understanding that condos are residential and business and it was allowable to have rental ---

The Town Attorney interjected new residential is not allowed in a business zone. You said residential is allowed in a business zone and it is not. You are making these nonconforming with your application. Mr. Fitzgerald concurred.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

The following residents all spoke against the application noting respect for this quiet residential neighborhood and keeping it that way, change of character of the neighborhood, noise, traffic, different options for the developer, not making these lots nonconforming, safety for the children on the streets of this neighborhood, demolition in the future if this change takes place, engineering study for the parallel road with the DOT being involved and school access sidewalks on Queen Street. A petition being circulated was discussed regarding the covenant. It was noted speed signs on the street were removed and not replaced. Potential crime is a concern, as well. Garbage and litter.

(Please refer to the video tape for the full discussion.)

- (1) Arthur Cyr, 103-105 Berlin Avenue.
- (2) Roger Swanson, 9 Chaffe Lane.
- (3) Leslie Smart, 1 Stoughton Road.
- (4) Mark Adams, 1085 West Center Street, landowner of 7 Stoughton Road.
- (5) Biagio Ramirez, 6 Stoughton Road.
- (6) Arthur Stollio, 14 Chaffe Lane.
- (7) Leslie Smart, 1 Stoughton Road had more traffic concerns to note.
- (8) Biagio Ramirez, 6 Stoughton Road added he had delivery truck concerns with trucks idling and diesel fumes and all that that would be created. Also, a bus stops at the corner of Chaffe and Queen Street for JAD and SHS is a concern.

(Rebuttal)

Mr. Fitzgerald again apologized for not having the electronic display. As to the new road connecting on Queen Street that was mentioned by a speaker, I want to make it clear we are not proposing any new connection between Queen Street and Upson Drive. We are in fact proposing that the homes on 2, 4 & 6 Upson remain and provide

that buffer between the existing business use at 7-Eleven and just the access road that is being proposed there. We are not presenting the traffic for a proposed development but that would be a signalized light.

Another question was the buffer between the houses. The houses are going to stay and they will provide to the business use. The proposed development that will come along with this application will improve and raise the level of that area and the conditions on Upson.

There's no covenant application for lifting the covenant. The Chair said that is outside the scope of this board's interest. This board and the Town has zero involvement in that. We won't answer any questions with regard to any private covenant or petitions, et cetera.

Mr. Fitzgerald added if you recommend we come back with an electronic display so everyone can see it, we'll be glad to do that.

The Chair asked for him to talk about what was presented earlier about making these three housing lots into nonconforming lots if we vote to change this. Mr. Fitzgerald said they'd be owned by the developer and rented as residentially occupied homes in an improved condition. Buffers to that residential use now in a B zone would be applied as part of our application when we put in the new road. Landscaped screening would be provided.

The Chair continued the public hearing to the next meeting which will be **July 19<sup>th</sup> at 7:00 pm.**

## 6. BUSINESS MEETING

A. Petition of Kratzert, Jones and Associates to enact a Zoning Regulation Amendment of Text to amend Section 12-02.04 of the Town of Southington Zoning Regulations (ZA#588).

Mr. Phillips recommended to either approve it as presented or you could possibly consider a modification of the language:

"There shall be an equivalent area of landscaping established along the periphery of the parking area so as to be the equivalent in area of the island loss in lots greater than 25 spaces. Total lot area shall encompass the smallest geometric rectangle."

The Chair asked if there were any legality issues with this. It's relatively minor in nature. The ZIRO is most important. The Town Attorney said there is no legality issue. For the property owner, you are making it less restrictive to the property owner.

Mr. Sinclair said when this was put in an argument for it was to meet ZIRO and the other aesthetics. Now, we heard tonight it does nothing for ZIRO. I think it still serves the aesthetic purposes

we're looking for. So I'll make a motion to approve with Mr. Phillip's aforementioned stipulation.

Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

Approval is 15 days from publication.

B. Petition of John Senese (Calco Construction & Development, Inc.) to Change a Zoning District Boundary from R-12 (residential) to B (Business), properties located at 2, 4 and 6 Upson Drive, Assessor's Map 181, Parcels 34, 35 & 36 (ZC #554).

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

C. Lovley Development Group and AVA Group, site plan modification for a proposed 19,680 sf hotel, 1095 West Street, in a B zone (SPR #1513.2)

Sev Bovino, represented the applicant. This was introduced to you at the last meeting. Briefly reviewed.

We received comments from the engineering office which mostly were related to sewer issues and those comments were addressed.

We received planning department comments and we'll go over them.

- As to outside display related to the retail, there is no proposal for that.

- Signage will require separate building permits.

- The 10 parking spaces with an island, we have revised the plan to have the 10 spaces. We have increased the island here and we are proposing additional green space. We have additional handicapped spaces which addresses another planning department concern.

- We added a handicapped parking space at the northwest corner of the retail which will allow the handicapped person to go on the sidewalk and come to the front door.

- Handicapped spaces here (indicating) will have access through the island, a walkway or a refuge area, and we have striping to get to them to the front of the building.

- A couple of retaining walls on this property were discussed. (In back of the retail and in back of the medical building.) These walls will be designed by a professional engineer and approved by the building department as noted on the plan.

- Additional landscaping along West Street in front of the hotel area will be discussed tonight. I did add some additional landscaping between the properties along the northerly line of the hotel.

We addressed those comments and I'll answer questions.

Brandon Hanfield, Yantic River Consultants, representing the applicant for the Courtyard by Marriott on the southwest corner of the parcel on the plan submitted.

A few items we have addressed or are willing to address related to the planning comments. Engineering comments have been resolved.

He explained the landscaping plan. Incorporating additional street trees and screen trees along with some lower vegetation along West Street was explained. We will submit those plans to the planning department for review.

Most of the conversation last time was related to the building. He had handouts for the commission so they can see the colors.

He noted the updated rendering with the color scheme being more on the beige to light brown side. A much more earthy tone. It is similar to the buildings around the hotel.

All of the previous prototype had a black or dark grey stone accent. Instead of that contrast, we incorporated a cultured stone feel similar to buildings surrounding it. Explained.

On the entrance to the main lobby area, we surrounded the columns with the same cultured stone appearance. There is a planting bed between the columns with the same cultured stone appearance.

These incorporated many of your concerns.

This is something the Marriott is agreeable to. We hope you feel it is the building you are looking.

Roofline treatments were discussed. The Marriott was not receptive to roofline treatments.

A generator will be added to the plans. But we will accept that as a condition of approval.

Mr. Phillips noted it is ready for action tonight with the plans they presented tonight.

Mr. Sinclair made a motion to approve with the stipulation they add a generator that is approved by the building and engineering departments.

Mr. Cabata seconded. Motion passed 7 to 0 on a roll call vote.

D. Execwest, LLC, site plan modification for Building B, 99 Executive Boulevard South, in a B zone (SPR #1686.2)

Kenneth Knowles, Eaglebrook Engineering & Survey, 491 Maple Street, Danvers, MA and I'm here on behalf of the applicant.

He gave a brief overview as to where we stand. We were approved in January 2015 for a site plan modification of a previous site plan from 2007 which was then modified in 2009 and updated in 2015.

The main building, Building A, is under construction currently. About 75% of the foundation is in and you'll see the building go vertical in the next few weeks.

We're here because in every iteration we committed to coming back and presenting elevations and site plan modifications for tenants of all buildings as we sign them up.

Over here, is Building B. It's in the northeast corner of the site. At our approval in 2015, the building was more or less a placeholder at 80 x 50. The proposed amendment for tonight is Building B. It's a slight building modification. Previously it was 80 x 50. We do have CHIPS Family Restaurant going in there. The building is 59 x 76.

There were some parking modifications on the previous site plan. We were allowing the possibility of a drive thru so we had a double lane and a retaining wall wrapping around the building that is no longer being proposed. This will be landscaped between the façade and West Street and Executive Boulevard.

We have a total of 408 spaces on site. The previous approval was 407. We did add one additional handicapped space.

The previous approval had a placeholder of 10,000 sf of restaurant used and we had a 5,000 allotment. Chips Restaurant is 1,965 sf of restaurant. They're maintaining 3,000 plus if tenants are identified for Buildings C & D.

The building elevations were shown and discussed. They have been reviewed by engineering with their only comment being they wanted to see the cut sheet when we submit for building plans.

We have a memo from planning in writing and all of those issues have been resolved. Rob did forward an email from the fire department and they had a question on the 10' separation from the dumpster to any combustible portions of the building. We will get in touch with them to clarify. Our dumpster pad is to the south of the building (indicating). A walk in cooler and receiving areas were noted. I'll get in touch with the fire department to see if the cooler is considered a combustible portion of the building. Its insulation wrapped in metal. We'll iron that issue out.

The landscaping was discussed.

Signage was discussed even though it is not part of this application.

The Town Attorney stated that the idea of the brick wall to essence shelter West Street from in essence what is going to be your lading area --- what a brilliant idea. Nice idea.

The Chair added this is the feel and touch we worked so hard for on West Street.

Mr. Phillips noted this is ready for action with the fire department's stipulation. I don't think you need that as the applicant has stated on the record they'll work with the fire department and at the end of the day it will be fire code that rules.

Mr. Sinclair asked about the grease trap. The Town Attorney said that should be stipulated.

Mr. Sinclair made a motion to approve with the aforementioned stipulation concerning the grease trap. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

E. CT Fund for the Environment, Floodplain Filling Application to remove dam and restore fisheries habitat, 1304 South Main Street, in an R-20/25 zone and B zone (FF #247).

John Champion with Save the Sound out of New Haven, CT which is a program of Connecticut Fund for the Environment. I'm here seeking permission to take out the Clark Brothers dam. Explained several decades ago there was a toxic spill in the landfill in Southington the the aquifer was polluted. This is part of the penalty money for that that is being administered by the US Fish and Wildlife Services who will be paying for this project.

We're hoping to remove Clark Brothers dam on the Quinnipiac River between Apple Valley Bowling Alley and Route 10. We are also looking to take out Carpenters dam in Meriden.

Once we get them out it will open up between 15 and 16 miles of fish passage. Explained species will be able to make their way from Long Island Sound to the headwaters of the Quinnipiac.

It's a small dam only 50 or 60 feet long and 5 or 6 feet high made out of rock and stone with a concrete cap. The only material we're taking off site is the concrete cap. The rest of the material will be used to reinforce the toe of the bank right below Route 10 where there is some evidence of erosion and more stone will be used to

create a riffle designed by Connecticut Fisheries that will be a sign post for fish to make their way up.

Very little sediment behind the dam and it will be moved slowly over time in the normal way a river moves sediment up and downstream.

Attorney Sciota advised the Town supports this.

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

F. Southington Farms, LLC request to reduce the \$15,000 maintenance bond to \$500 to insure against the performance of the sink hole repair, Curtiss Farms Subdivision (S#1290)

This is ready for action.

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

7. REGIONAL PLANNING COMMISSION UPDATE

No meeting until September.

8. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING.

None.

9. RECEIPT OF NEW APPLICATIONS

1. F & F Concrete Corporation site plan application to construct a 20,000 sf mixed use building with associated parking, Parcel 74, Atwater Street. I-2 zone.

ADMINISTRATIVE DISCUSSION

Mr. Phillips referred to Section 12, automobile parking and loading area provisions. In front of you is a general draft I'd like you to review and comment on.

Discussion.

10. EXECUTIVE SESSION - Real Estate

A motion to move into executive session barring the press and public but including the commission, town staff and representatives from Greenway Commons concerning real estate at 217 Center Street, possible acquisition of public use was made by Mr. Sinclair. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting adjourned to executive session at 8:20 o'clock, p.m.)

#### EXECUTIVE SESSION

The Planning & Zoning Commission of the Town of Southington entered into executive session immediately following their regularly scheduled regular meeting on Tuesday, June 21, 2016 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT in order to discuss security.

Present were Commissioners:

James Sinclair	
James Morelli	James Macchio
Susan Locks	Michael DelSanto, Chair

Alternates: Ted Cabata, Ross Hart & Robert Hammersley

Ex-Officio: Robert Phillips, Director of Planning & Community Development  
Keith Hayden, Director of Public Works  
Mark J. Sciota, Deputy Town Mgr./Town Attorney  
Lou Perillo, Economic Development Coordinator

Representatives from Greenway Commons.

No motions or votes were taken.

Ms. Locks made a motion to adjourn executive session which Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

(Whereupon, executive session was adjourned at 8:50 o'clock, p.m.)

REGULAR SESSION

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

(Whereupon, the meeting was adjourned at 8:51 o'clock, p.m.)

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Mark J. Sciota  
Acting Secretary