

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHLINGTON
JULY 19, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, July 19, 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	Paul Chaplinsky
James Morelli	James Macchio
Susan Locks	Jennifer Clock
Michael DelSanto, Chair	

Alternates: Ted Cabata & Ross Hart

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

Absent: Joe Coviello & Robert Hammersley, Alternates

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 21, 2016

Mr. Sinclair made a motion to approve as presented. Ms. Locks seconded. Motion passed on a majority voice vote with Mr. Chaplinsky abstaining.

5. PUBLIC HEARINGS

Mr. Phillips read the legal notice into the record.

A. 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 and 36 (ZC #554), public hearing continued from June 21.

Jeffrey Fitzgerald, BL Companies, Meriden, CT, licensed professional engineer presented.

Last time we were here, we presented a plan which showed the rezoning of Numbers 6, 4 and 2 Upson Drive to commercial.

We have since revised the application to rezone a smaller area (indicating). Which reflects a proposed zoning boundary, moving the existing business zone into the R-12 zone (indicating). We're proposing to rezone on the area indicated and leave the houses and 20' clear behind them. That line was drawn from the existing houses at Number 6, 4 and 2 Upson.

The purpose is to be able to put in this driveway (indicating) for a proposed multi building, retail development, on the land west and north of those properties. The idea is that the existing driveway at the 7-Eleven will be expanded at the signal to serve this development and in order to be able to do that in a reasonable way we're taking this swath of land from the back of those three lots.

One other thing we want to point out is that of those three lots, Number 6, Number 4 and Number 2, we're proposing the middle house (Number 4) and split that lot in half, remove the house, and give the land so that Lot 6 can remain conforming. It is presently a 19,000 sf lot. By taking this off and taking a portion of Number 4, it can remain conforming at 12,366 sf and Number 2 is presently nonconforming with an 8,750 sf lot. We'll add to it the balance of Number 4 and that'll make it a 10,807 sf lot --- still not conforming, but closer.

The intent is to rehabilitate the two remaining houses, landscape and they'll be in common ownership by the owner and used as rental properties.

The back line will be landscaped along the driveway and have an opaque fence that runs the length of it. Explained.

The 7-Eleven will remain as is. But this will be a new commercial driveway providing access to the 7-Eleven around the back side and access for the rest of the project. I want to be very clear that no access for this commercial development is proposed off of Upson Drive or any other drive.

There is going to be a cross connection to the commercial development to the north, right turn in and right out access on to Queen Street. And, then the signalized access at this point for the driveway (indicating).

We've submitted an application for a special permit and site plan which tonight we hope to schedule for a public hearing at your August meeting.

Going back to the zone change application, or the zoning boundary change I should say, we would answer any questions you have on that.

There's no access or changes proposed to Upson or Chaffee. It's just modifying the rear lot line of these three properties. This one will be split in two.

Mr. Sinclair asked if they were talking about splitting the commercial rezoned parcel away from the residential properties. Mr. Fitzgerald said in the application for site plan and special permit we are essentially making a lot line adjustment between this existing lot line at the back of Number 6, Number 4 and Number 2 to this new lot line. Just expanding the lots that are in common ownership that have frontage along here (indicating).

Mr. Sinclair asked the Town Attorney, we have one lot not in conformity does that have to go to ZBA or can we handle that here? The Town Attorney said what he is planning on doing is actually making one lot which is already larger than 12,000 sf which is conforming with the zone, making the other lot more conforming. Going from eight to ten. That's actually something we strive for. He's abandoning the center lot which gives him the ability to do that.

Discussion about the site plan modifying the property line and the properties will be taxed differently.

If the zone change is approved, it will go to the commercial lot, owned by the same owner.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

Arthur Cyr, 103-105 Berlin Avenue. He noted he was somewhat pleased with the changes seen tonight. Many times presented to this commission and this town are not in the best interest of the town which is why some of us stand up and object after researching the issue. It is not in our best interest to let a developer take the easy way out. This revised plan cost him a rental house.

Discussion on the Apple Gate development years ago.

The responsibility to this town is not to make Queen Street any worse and that's all we asked for last meeting. Sometimes we have to say no, we're not going to give you the cheap way out.

This plan is better. It may cost the developer more but that should not be your concern. I just look out for the people in the neighborhood.

I guess this is the best we can do. We've got protection. They came in with good landscaping and a good fence so we didn't have to beg for that.

What is presented is not always in the best interest of the Town of Southington and you have to be aware of that.

Mark Adams, 1085 West Center and I own property at 7 Stoughton Road. This is a change in the plan we hadn't seen and it would be nice to have some time to go through it before the board voted on the zone change.

I'm still not convinced - it calls for a 21' buffer. There is only 51' between the corner of 7-Eleven and the property lines of the new zone change. Take into account the road, where do you come up with the 20' buffer for the fence and trees. That's a sharp corner. Explained when you come around the back of 7-Eleven people're going to be working there. That's a safety issue.

The other question is, they instituted a right turn only lane and access point for tractor trailers on the north side of the lot, but what is to stop the tractor trailer from trying to enter from the south side? It is a tight spot. Explained.

I have a question about the covenant on the property. Last time we were told that the covenant is not to be discussed here. The Chair responded that it is not that it is not to be discussed but this board doesn't have any say so with regards to it. That's between the landowners and the property owners. Attorney Sciota interjected these are private covenants. You would have to get your own lawyer to fight it.

Mr. Adams continued the covenant was registered in 1951 in the state and the town hall. Attorney Sciota added all private covenants are on the land records.

Mr. Adams concluded the onus comes back to the landowners to try to fight the development. Does that sound like a fair way?

Mr. Adams added he sees this as exacerbating the problem of getting out of this neighborhood.

Discussion about the concern of a southbound truck turning into the property.

(Inaudible) Ramirez, 6 Stoughton Road. I had not seen this plan. My major concern is still for traffic, noise, pollution, garbage and general nuisance.

We're going to be pretty much landlocked -- to try to get out of there on any weekend it'll be impossible to make a left turn. We're going to have to wait and wait and wait to get out of Chaffee.

And, along with the traffic my concern is the possibility of somebody getting hurt.

Arthur Stolyho - 14 Chaffee Lane. I am against this application. I believe the existing lots should remain the same. With the new changes we are losing a house and the house at Number 6 is basically going to be house, 20' and then fence. No backyard at all.

The existing footprint for the old Beijing Restaurant and the old businesses that used to be there (gas station and all that) have been around for years and they worked fine.

I don't feel there is a need to cut a portion of the existing lots that've been there since the neighborhood was developed.

Victor Baldwin, 6 Upson, 5 Upson Drive. Right across the street. I'm not pro or against it. I am just sort of unaware of how this is going to look. With the 7-Eleven, within a year the trees died, the fence started deteriorating a little bit. Now it doesn't look too good.

Who is going to take care of all these trees and landscaping after a year?

It is going to be awfully close to my house. I'd like to have time to think about how it is going to look and how it is going to affect my house and my privacy. Seeing as I live about 80' from the 7-Eleven now.

Thank you.

Elizabeth LaPointe, 4 Stoughton Road, on the other side of where the application is being proposed. Explained she has the noise from Taco Bell, the noise from the trucks going up to Home Depot and the trash coming. Weekly cleanup for me.

My only concern is with the fence, shrubs and landscaping, I think that's great you're proposing it but I don't think it is going to keep the area where the people who live there aren't going to have garbage. It'll be like the other side where I currently reside.

I'm against the application.

(Rebuttal)

Mr. Fitzgerald said with respect to the screening of the entire neighborhood, there is an opportunity to do a little bit more intense landscaping on the lot that is where Number 4 Upson is now. Explained.

The same goes for the rental property on Number 6.

Maintenance on a project like this is important in keeping it clean.

With regard to the traffic questions, at the site plan hearing we will present a traffic study with our traffic expert here. We intended to use the existing signal in front of 7-Eleven and trucks turning in and coming off 84 would use this right in and the drive is designed to accommodate that. It is designed as well for trucks to take a left out and to take a left in at the light. We'll present that at the hearing scheduled for next month.

We are not adding any new curb cuts on Queen Street which would be problematic for an end user at this development.

The landscaping would be maintained by the land owner and the developer and the same people who maintain other properties owned by the developer.

Mr. Hart asked if this proposed isn't voted for, what is Plan B? What is the alternative? Mr. Fitzgerald said he didn't know if he knew the answer to that right now. There are many different alternatives.

Mr. Sinclair said in light of the fact that some of the neighbors are just seeing this tonight, he suggested keeping it open for another meeting.

Mr. Phillips said an extension request would be needed from the applicant.

Mr. Fitzgerald orally requested a 35-day extension to the meeting of August 16th.

Mr. Sinclair made a motion to grant the 35-day extension. Ms. Locks seconded. Motion passed unanimously on a voice vote.

The Chair left the public hearing open.

B. Petition of Severino Bovino, Kratzert, Jones and Associates to Change a Zoning District Boundary from R-40 and R-80 to R-40, property located at 2278 Mount Vernon Road Assessor's Map 165, Parcel 14), owned by Briarwood Real Estate Limited Partnership (ZC #555)

Sev Bovino, Planner with Kratzert, Jones & Associates presented the application on behalf of the applicant.

The property in question is located at 2278 Mt. Vernon Road at the intersection of Welch Road on the west side of the road.

Served by public water and septic systems.

The area proposed to be rezoned was indicated on the map. (Indicating) this area is currently R-40 and part of our property along Mt. Vernon Road.

It's bounded on the north by Lake Compounce (indicating).

On the east side by Lincoln College (indicating). The college is zoned R-40 and the that zone extends all the way to West Street which includes the golf course.

On the northeast side, the land is zoned industrial (indicating) all the way to West Street.

To the south and southwest, it is zoned R-40 (indicating).

To the southwest, there are two properties owned by people living on Panthorn Trail.

The contour of the land is a gentle slope, east to west and north to south. It leads to a watercourse on the south side of the property and on the west side of the property the watercourse is overflow from Lake Compounce heading south.

The two homes on Panthorn Trail are about 500' away from any potential development in this area. Those homes are also separated from this development by wetlands and a wooded area (indicating). And, part of the 9.4 acres (indicating) is not developable because we cannot cross that wetland. The area of development if this gets approved is relegated to this area here (indicating) contiguous to the R-40 zone.

The parcel area is 9.4 acres. About 3 acres of R-40 zoned land along Mt. Vernon Road.

The reasons for the request are:

1. The property is bisected by the zone land and for planning purposes it is good idea to normally have the zone line cover the entire property and not just have a line across the property. Good planning would recommend that be one zone.

2. The soils in this area are very sandy and very suitable for septic systems which insures that the R-40 zoned parcels, 40,000 sf, are easily developed and easily achieved. You have a house with public water and a septic system which is done all over town.

3. There is a change in condition. Years ago there was no public water here. You have at least one utility and the potential in the future for public sewers. Explained.

For those reasons, we feel that the request is a logical extension of the current zone, R-40. It will provide the highest and best use of the property if approved.

This partnership has owned the property for a long time. Since 2002. Now they're at a point in their life where they want to do something with this property to utilize it for the best use scenario.

If approved, this would allow for a short cul de sac with a few R-40 lots with land devoted to open space (indicating) versus multiple curb cuts on Mt. Vernon Road.

The house that is here (indicating) will stay. It is part of the nine acres. With the subdivision, it would be one lot for the house and then a short cul de sac with a few lots.

I'll answer your questions.

Mr. Sinclair said of the area, what percentage is wetlands. Mr. Bovino said probably an acre and a half or two acres. Explained the wetlands commission has a buffer attached to that.

Buildable land: 6.5 acres, approximately, total.

Mr. Hart asked about the overflow from Lake Compounce which eventually flows into the Eight Mile River, which is already plagued with a lot of non-point source pollution. Developing this lot just screams to me an increase in the nonpoint source pollution. How would you mitigate that? Mr. Bovino explained the regulation requires we have stated approved erosion controls. This is approved by the state and enforced by the wetland commission and the staff. We have to have a detention area to deal with ZIRO. Appropriate erosion controls and the discharge from this property will go into a water quality/detention basin. A treatment train will have riprap, grass swale and then into the outfall with additional riprap and additional swales. Appropriate measures to prevent that were described.

John LeConche, 773 Prospect Street, Wethersfield, CT. One of the property owners. I wanted to say I was in favor of this project. It's been a long time we've been sitting on this property and we'd like to do something nice with it instead of having it sit vacant.

Thank you.

(Those speaking in favor of the application)

(None)

(Those speaking against the application)

Joseph Sureme, 124 Panthorn Trail. My property is adjacent this parcel. I vote against because I'd like to keep the R-80 has a bit of buffer to my property and not to influence the property value.

Spoke about the wetland the animals coming through. It is all part of the wooded area I'd like to keep as is.

I am not against houses if it is R-80. I don't want it small lots like R-40.

Mr. Phillips added the following had submitted letters against:

- Maura Malone, 2242 Mount Vernon Road.
- Alvin & Debra Treichel, 110 Panthorn Trail.
- Jim & Ronda Merriman, 10 Panthorn Trail.

All have been distributed to the commissioners and is part of the record.

(Rebuttal)

Mr. Bovino pointed out 110, 124 Panthorn Trail. Number 110 does not abut our property. Number 124 does abut the property but we have the wetlands and those will be preserved and there will be an area here (indicating) non wetlands which will be preserved. There'll be enough upland review area to deal with.

If we develop this area here (indicating) it will be 400 or 500 feet in distance from a potential structure at this location (indicating). I think we have plenty of separation distance in place.

We can do a nice subdivision that provides open space dedicated instead of cutting it into large lots with other areas.

The Chair asked how many houses would be built in R-40. Mr. Bovino explained there is a formula for the open space subdivision. It is probably a total of seven lots.

The Chair asked how many lots for R -80. Mr. Bovino estimated four lots for a straight subdivision.

Attorney Sciota asked if you did an open space subdivision for R-80, how many lots? Mr. Bovino had no answer for that. Attorney Sciota explained that is important information. If it is negligible, why do a zone change?

Mr. Bovino discussed the problem with the zone line bisecting the property.

Attorney Sciota said the calculations would be important.

Discussion of the formula.

The Chair asked the rationale behind this application to increase density. Mr. Bovino noted the reasons he gave. The Chair said if the numbers are negligible, you have to do some calculations here.

Discussion.

The Chair left this public hearing to the next meeting.

6. BUSINESS MEETING

A. 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 and 36 (ZC #554), tabled from June 31st.

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

B. Petition of Severino Bovino, Kratzert, Jones and Associates to Change a Zoning District Boundary from R-40 and rr-80 to R-40, property located at 2278 Mount Vernon Road (Assessor's Map 165, Parcel 14) owned by Briarwood Real Estate Limited Partnership (ZC#555)

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

C. F & F Concrete Corporation, site plan application to construct a 20,000 sf mixed use building with associated parking, Parcel 74, Atwater Street, Assessor's Map 63, Parcel 74, property of Forgione Management Group, LLC in an I-2 zone (SPR #1715)

Mr. Phillips advised because the application involves land greater than four acres and parking in excess of sixty spaces, we informed the applicant they need an SPU in accordance with the regulations.

They've submitted that. This should be tabled.

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

7. ADMINISTRATIVE ITEMS

Mr. Phillips explained Greenway Commons has submitted a site plan modification to make some minor edits to their approved site plan. They've also as of today submitted a Special Use Permit modification to modify previously conditioned approval to remove language that was approved ten years ago. Just getting that on the record that has been submitted.

Sheet 4-A was discussed. In the southwest corner, there was a building in the original approval denoted as MR-1. That is proposed to be removed and a parking lot is proposed in its place. Actually it will have more parking spaces than what was originally approved for the site.

Across the street, there was proposed Lot B over there. They were unable to secure that for parking. That's out of the equation at this point in time, too.

Here is Lot B(indicating) sliding down is this L-shaped building on the corner of High Street. This was under structure parking on both wings. The proposal is to remove the under structure parking and establish 8,400 sf of retail space (indicating) which would allow some retail along this vestibule/archway (indicating) that was proposed. Retail on the inside of that, as well.

Overall, the proposal, just for your information, they would be developing the western side before crossing over to the eastern side. It's a phased development in that sense but the intention is to build the same foot print building down in here (indicating). The proposal for the SPU is going to be look at different condo versus rental units. That's part of the SPU process.

Right now, all you are looking at is the change of MR-1 to parking, change of MR-2 to retail with no parking underneath. But it remains on this end of this wing here (indicating). That's the only changes to this site plan.

It's getting less intensive so the thought was that this could be an administrative review by staff. As always, I leave it up to you as to whether you agree with that. I can answer your questions. The applicant is here if there are general questions on the site.

Questions by Mr. Chaplinsky were entertained by Mr. Phillips on the proposal. (Refer to video for exact discussion.)

Discussion about parking lot locations in response to a comment by Mr. Chaplinsky.

Attorney Sciota advised from staff's comments, that area was to be used as a town common area and there was not sufficient parking for an event. The thought pattern was to put almost a municipal type

parking lot there. Because it was farther away, toward the river, as you are heading up toward Water Street, it was away from the area Mr. Chaplinsky was talking about. Some give and take, back and forth from the applicant on that. One concern was that if you are going to use this grassy area as a festival area, you want to have some parking there. Fifty-four spaces proposed in the B lot. Twenty-three spaces with MR-2.

Discussion.

Mr. Chaplinsky commented he would like to see alternatives to the plan which is here. He would like to see it as a site plan rather than an administrative approval.

Howard Schlesinger, 280 Madison Avenue, New York, New York, applicant, presented. Just to this point, the idea that this evolved from was that in taking out that building, it was the ideal of bringing some retail over to the river and extending Center Street so that you would have the whole town extend all the way to the river.

And, to draw people to that point, the only reason they'd go there and get there and stay there was to then have a parking area for them.

It did two things. One is the retail that we are now extending to the west side on that south portion now has parking adjacent to it so that makes that much more accessible and much more practical to use that retail area.

The other thing that it did is that by putting that parking over there, it also made the park area along the river which becomes community space which was always the intent, now there is a lot more parking for the public to be able to go down there and utilize that space for town events.

It makes the river a much more usable and usable friendly area.

One thing we were thinking of just to make that more palatable in terms of the gateway coming from the hill and coming down Center Street is to further landscape that as part of the development. We can put that into the notes now that we would landscape and tree line along Center Street so the parking wouldn't be what you see but rather a tree-lined street.

We can make that much more aesthetically pleasing. That would be our intent, anyway. That's the kind of quality that's being presented here as part of the whole development.

That parking lot then becomes something which is attractive but also services using that downtown area all the way to the river.

Mr. Chaplinsky brought up parking again and a discussion followed. He stated he thought it was a little bit more complex than an administrative approval, personally.

Secondly, as to parking in the future, he would prefer to see non blacktop surface there. Flexible, more environmentally friendly parking.

Mr. Sinclair stated he felt this was more of a site plan modification at this point. And, the applicant is coming up here and arguing his case in front of us now. This should be done through the process, my opinion.

Mr. Schlesinger responded the idea of putting he retail on the southwest corner of that building, that wing, came out of discussions with staff in terms of adding retail to that side. And, it was very likely to be restaurants as that is down by the river, a most aesthetically pleasing area.

Discussion.

A lot of this is to keep consistency with what was originally approved.

After a polling of the commission, administrative approval is okay.

- Mr. Phillips brought up wanting some feedback on the parking proposal for revisions. They are very minor. After discussion, Mr. Phillips was advised to go ahead with the changes proposed.

8. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

- Calco Construction, special permit application to construct multiple commercial primary buildings on a single lot, 775, 785, 801 and 811 Queen Street, and 2,4 and 6 Upson Drive (SPU #564). August 16 Schedule.

Also on that night are items A & B from tonight's Agenda.

Greenway Commons

F & F Concrete

9. RECEIPT OF NEW APPLICATIONS

Three of the five SPUS for public hearings.

Calco for the SPR portion of it.

Greenway Commons

10. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:17 o'clock, p.m.)