

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHLINGTON
OCTOBER 4, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, October 4, 2016 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Chairman Michael DeSanto called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

Jennifer Clock, Susan Locks and James Macchio

Alternates: Robert Hammersley, Ross Hart & Ted Cabata

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

Absent: Paul Chaplinsky, James Morelli & James Sinclair,
Commissioners
Joe Coviello, Alternate

The Chair seated Mr. Hart for Mr. Sinclair, Mr. Cabata for Mr. Morelli and Mr. Hammersley 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 September 20, 2016

Ms. Locks made a motion to approve. Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

5. PUBLIC HEARINGS

Mr. Phillips read the legal notice into the record.

A. Amendments to Sections 4-01, 4.10 and 10.01(f) of the
Subdivision Regulations (SA #26)

The proposal before us are recommendations by the engineering department some technical changes to the subdivision regulations. These are things they have been trying to do now for a period of time

and it is better to have this backed up in the regulations from an authoritative standpoint.

Mr. Grappone explained the proposed changes.

Section 4-01.13(c) requests a change in class I to class IV bituminous concrete. Mr. Grappone explained the reason for this is on the binder course of pavement. The finished is going to remain the same. We're seeing our 20 year roads are not lasting 20 years. We are actually doing improvements at years 10 to 15.

We'd like to propose strengthening the binder course of pavement and instead of doing a class I binder, 2.5" thick, we're proposing to go with a 3" class IV binder. Thicker of pavement which would allow for heavy truck traffic. We're seeing the binder course of pavement actually cracking and the developers need to make substantial repairs that we impose on them before the finished course of pavement is applied.

The final course is 2" of 1.5. That's going to remain the same.

Section 4-01.14 is a proposal for the curbing to get placed on the binder course where they would apply a 7.5" height of curb and then the final course of pavement which is the 1.5" which would lock the curb into place. Mostly we see developers doing it the way we are proposing.

Section 4-01.16 is concerning driveway aprons. We see a lot of towns requiring, including the state, on the first 10' of the driveway being paved prior to a CO. On all new subdivisions we are making that recommendation that the driveway be paved prior to a CO.

Section 4-02.7 is we are allowing class IV RCP pipe or HDP pipe as long as it is bedded right. We see no issues with that. We've used it at the highway department for projects and we've been requested by consultants and contractors to utilize that piping.

Section 4-02.7(b) is where we added the use of SDR 35 sewer pipe may be used upon written approval by the director of public works.

Section 4-10 street lights is the developer shall provide/install dark sky compliant LED fixtures for all street lights to be located in the street ROW as part of the public infrastructure to be formally accepted by the town. This is consistent with town wide policy of having LED street lights. We are putting it in the subdivision regulations so it is very clear.

The last small change is in Section 10. It is requesting to change "a set" of as built plan to be submitted to two sets.

(Those speaking in favor of this application)

None.

(Those speaking against this application)

None.

The Chair closed this public hearing.

B. Ann Marie Nagy, Special Permit Application to construct 32 x 34 garage which will bring the total garage spaces to more than three, 498 Mount Vernon Road, in an R-80 zone (SPU #567).

Mr. Phillips advised it is ready for action once the public hearing is closed. The applicant is requesting additional space that goes over the 1,092 sf.

One file there is an affidavit from the applicant there will not be a business conducted out of the space which is something we're concerned about.

There is a document on file in support from an abutter.

Andrew Nagy, 498 Mt. Vernon Road. My wife is the property owner of record. I have some vehicles that I'd like to store. There are classic vehicles and a couple of classic motorcycles. I'd like to store them on that property.

No problem with having no living space and can't finish the second floor of the garage.

(Those speaking in favor of the application)

Arthur Cyr, 105 Berlin Avenue. I speak in favor of these kind of applications. We are no longer a one car community. I go to a lot of ZBA meetings where people have to come and beg the town and show and prove a hardship --- which in this day and age is something I believe we as a town have to get away from.

In this day and age with children living at home, needing more than three garage spaces is becoming more and more common. Add in a couple of recreational vehicles and a boat/classic car it is absolutely practical to need five or six garage spaces.

This is located on a semi-private road. These are R-80 zoned properties. They're five, six, seven and eleven acres. In this case there is a buffer and the adjoining neighbor is the Southington ski area.

I think that anytime there is a property of this size that this commission and any other zoning commission should approve the request as long as it is adequately buffered and there is plenty of land.

(Those speaking against the application.)

None.

Mr. Phillips read the letter from Matt & Michelle Florian in favor of the application. They are at 506 Mt. Vernon Road.

The Chair closed this public hearing.

6. BUSINESS MEETING

A. Amendments to Sections 4-01, 4.10 and 10.01(f) of the Subdivision Regulations (SA #26)

This is ready for action. Mr. Hammersley made a motion for approval. Mr. Cabata seconded. Motion passed 7 to 0 on a roll call vote.

Effective date is fifteen days from publication.

B. Ann Marie Nagy, Special Permit Application to construct 32 x 34 garage which will bring the total garage spaces to more than three, 498 Mount Vernon Road, in an R-80 zone (SPU #567).

This is ready for action. There is a statement on file it won't be for business use. Also note on the record that the proposal is for a vaulted ceiling and anything that would be enclosed up there cannot be over a half story.

Ms. Locks made a motion to approve with the stipulations. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

C. Cranberry Cove, LLC, site plan application to remove existing structures and parking areas and construct multiple retail and restaurant buildings and associated parking, 102 West Center Street, in a B zone (FF #248/SPR #1719), tabled from September 6th.

Stephen Giudice, Harry Cole & Son, 876 South Main Street, Plantsville, CT represented the application.

He requested a table. We have a wetlands meeting on Thursday and we hopefully we will be back at the next meeting.

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

D. Connecticut Consulting Engineers, LLC, site plan application for the proposed construction of new pumps, pumps islands and canopy, improving/upgrading entrances and adding landscaped areas and plantings, and the removal of u.s.t's and installing new u.s.t's, property owned by 1611 Meriden Waterbury Road, LLC, located at 1615 Meriden Waterbury Turnpike, in a B zone (SPR #1720).

John Gable with Connecticut Consulting Engineers presented. The site is a postage stamp in size, a little over 8,000 sf located in a B zone.

My client has to replace the existing tanks there. There are six fueling stations and we'll reduce it to four. We don't have a layout plant yet for the underground tanks as the contractor is currently working on those and we will be submitting to the fire department under separate cover once received.

My client wanted to make substantial improvements for safety and accessibility by placing a new pump island here (indicating) with a canopy.

We are also putting two new entrances here and here (indicating).

We are pushing the two entrances away from the intersection as there is really no curb cuts there right now. It's all paved. This makes it a little safer in that area.

We did require many variances that we got approval for (canopy, pump island, parking and coverage).

An issue came up with the access easements required in this zone. With the proposed parking along Clark Street, we have three proposed spaces there, one being handicapped. If we propose an access easement there we will lose three spaces and we only have seven.

On this side if you propose an access easement there (indicating), there is only room for one car to get by. No two-way access. We are asking for a waiver of the request for access easements for those two areas.

There is no on site drainage structures proposed. Everything will sheet flow to the existing catch basin (indicating) which is the discharge point to the state highway. We'll keep it the same as it is.

Comments were received late today from engineering. One was a sight line, but it is actually in the highway line and the DOT will deal with that. We have to add a note for ZIRO.

Discussion about the drainage on the property. Mr. Grappone commented he is fortunate to have access to two state highways. This application, if approved, will have to go before the DOT. It is

pretty much impervious right now. The canopy is proposed over impervious area. Canopy drainage is proposed to go right on grade. DOT may have a concern with sheet drainage going to the nearest basin, but I'll leave it up to them.

ZIRO is achieved per our regulations.

And, a waiver with respect to the sidewalks is requested. There are no sidewalks within 700' of the site noted the applicant's representative.

The outstanding items are mostly related to the DOT noted Mr. Grappone. There are two items which is clarification on the datum for the bench mark which could be in writing and doesn't need to be on the plan and then the height of the dumpster shall not exceed the 6' height.

Mr. Macchio made a motion to waive the sidewalks. Mr. Hart seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Macchio made a motion to approve with the two stipulations by the engineering department mentioned earlier. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

E. GR Engineering, LLC site plan application to construct a 17,400 square foot industrial building with associated parking and circulation space, property of Tradon Realty, LLC, located at 168 and 176 Town Line Road, in an I-1 zone (SPR #1721)

Stephen Giudice, Harry Cole & Son, represented the application. We are here tonight with Gary Rolf from GR Engineering and Don from Tradon, LLC. He is located in North Haven, CT. He's an industrial supply house, warehousing and he's proposing to move his facility here to Southington, Town Line Road. This is Lot 3 known as 168 and 176 Town Line Road. It's located in an I-1 industrial zone.

It's one and a half-acre parcel. Part of the Strawberry Fields Subdivision. It's on the Southington side. It's one of two vacant lots left on our side, adjacent to Snow White and in front of the Jensen's building you approved a few years back.

This property is served by public water and sewer. We are proposing a 17,400 sf building.

We are using an existing curb cut that we share with Jensen's. We'll have access off that curb cut. We are proposing some slight modifications to the curb cut to allow for our truck turning movements in/out of the site.

We are proposing a storm water detention facility at the back of the property with a series of catch basins and storm drain piping to collect water. It's a relatively flat site. Grading is relatively minimal.

The site works well for this application. He's very excited to move to Southington. We think the application is in pretty good shape. We'll be revising the plans per staff comments in the next week and be back for the next meeting.

I am looking for a table tonight. However, I do have a rendering of the building to show.

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

7. SUBCOMMITTEE REPORTS

Ms. Clock reported she and Susan and Joe and Rob are working on the following items:

(1) Doggy Daycare. The issue is under the current definition doggy daycares are only allowed in B and I-1 and I-2 zones. We need to look at revising the definition to allow individual types of uses in the B, I or residential zones.

Explained the issue was a person's neighbor had some sort of doggy daycare happening next door and the it was making a raucous.

We need to find a way to allow certain types of services in a residential zone but not others that would cause major disruption to a neighbor.

Kennel definition: Any premises on which four or more dogs, six months old or older are kept.

Technically, if I have four dogs, I'm running a kennel.

The "Jims" are also working on it and they were talking to Lou Perillo. We are all coming together to revise the language that would make sense to identify which services could be allowed in a residential zone.

Attorney Sciota asked to have the planning staff pull the Minutes from when we took the doggy daycares out of the residential zones so they can refer to it. There is a lengthy discussion that would be helpful and important for the background.

Ms. Clock said services need to be discussed, as well. What would be appropriate with the least amount of hindrance to the neighbors.

(2) Farms. Currently under the definition, we wanted to take a look at the definition to be sure we are being as farm-friendly as we can be. We want to support farms and so as much as we can. However, this was brought up due to one single occurrence and we want to be sure our action is not a knee-jerk reaction.

We don't want to create more nuisance for neighbors but we want to make sure people are able to farm when it is allowed.

I'll be reaching out to the Farm Heritage Committee for their input. The acreage need to be adjusted? While reviewing this we will see what we can do to be as farm-friendly as we possibly can.

Attorney Sciota suggested they talk to Brian Lastra as he dictates from a tax standpoint what farms are.

At the next meeting we will hear from Jim Morelli and Paul Chaplinksy.

Then Rob will take over to be sure we are in compliance.

8. REGIONAL PLANNING COMMISSION UPDATE

Mr. Cabata reported on the September 6th meeting. They had a presentation from the Water Utility Coordinating Committee which is the state trying to keep an eye on all the wells. Having them all registered. In Connecticut, major businesses have wells and the point of what do we do if the wells dry up? Do people lose their business? They went into discussion about their function. How they try to keep track of water levels and testing throughout the state.

9. ADMINISTRATIVE ITEMS

An informal discussion with Attorney James Ziogas, 271 Farmington Avenue, Bristol, representing an applicant who has an option to purchase a piece of property at the intersection of West Street and West Main Street. It is a vacant parcel of land and it has 4,500 sf.

It is an I-2 zone which is an 80,000 sf zone so it is a nonconforming lot by virtue of its size.

It is adjacent to a residential zone. And, it is a corner lot.

We're trying to figure out the highest and best use of this property. My client has an option to purchase it. We're going through our due diligence right now to figure out if we purchase it, what can we do with it.

It being in the I-2 zone and the size of the lot doesn't lend itself to a lot of uses. One thing we were playing with was the professional offices and medical offices that is allowable in your zoning regulations.

Our question today: Whether or not that also includes financial offices, such as a bank, such as a stockbroker and things of that nature. Would that fall into the same definition of professional offices?

That's basically the main reason for us coming here tonight. We talked about a zone change but given the abutting properties it didn't appear that would be of any value. It would've been a spot zone, at best. We have to work within the confines of what we have.

We're trying to make it a productive piece of property and put an attractive building on it.

The Chair brought up a drive thru if you are talking a financial institution. Attorney Ziogas guessed there are very few banks now a days that are going to come anywhere without drive thru. To be honest, it's not one drive thru. It's a drive thru, ATM lane and possibly a bypass lane.

Attorney Sciota asked for Rob to read the professional offices in an industrial zone. Look at your regulations and you see what kind of catch phrases are there. Then get some advice from your Director of Planning, also.

Mr. Phillips read: Business and Professional Offices. The definition of professional offices is an office of a recognized profession such as doctors or physicians, dentists, lawyers, architects, engineers, planners, landscape architects, artists, musicians, designers, teachers, authors and others who are qualified to perform with or without staff personal services of a professional nature provided no human patient is hospitalized or housed overnight.

Attorney Ziogas added the personal services is the catch word for us thinking that would allow for a banking institution or a stockbroker as they provide personal services to patrons.

As to a legal opinion, stockbroker, in that category noted Attorney Sciota. A bank is different. But a stockbroker certainly somebody I would equate to a lawyer or someone of that nature. Someone coming in for advice which they have to have a professional license in the State of Connecticut.

Mortgage brokers, added the Chair. Certainly, that could be looked at in that way.

Attorney Ziogas brought up the transition of uses from the industry across the street in both directions and on the other side of our property is a residential use. We thought the type of professional offices and a banking institution or a stockbroker would be a decent transition into the residential zone as opposed to a factory abutting someone's house.

The Chair asked about a rendering of the building. Attorney Ziogas said they had a meeting with the town and presented a rendering. I don't have a copy, but it was a nice looking copy. I will contact the architect to get a rendering. It was a brick two story building. The first story was your professional/commercial offices. The applicant would occupy some of it in a manufacturing capacity. Possibly, as designed shirts they will produce and warehouse and wholesale and retail them.

The Chair noted it is the end of West Street, but it is still West Street which we have been working diligently on for years. We want a certain feel and look. We have exciting things going in across the street. We want things to compliment that.

If we said no drive thru, would that be a deal killer, asked the Chair. Attorney Ziogas said he didn't know the answer to that.
Discussion.

We want to get input from Lou Perillo, Economic Development. This is an I-2 zone which we are in dire need of.

Speaking for staff, Attorney Sciota commented we were very excited about the professionals. We knew the bank would be an issue. We explained. But we could certainly support broadening professional offices, but the aspect of the drive thru would be an issue.

Attorney Ziogas suggested when you answer, you note that the bank is not necessarily the problem, but the drive thru is. So we know.

Mr. Phillips noted the area is walkable to downtown Plantsville.

Going forward, this should be added to the next agenda. In the meantime, familiarize yourself with the definition advised Attorney Sciota. Feel comfortable with it. You are the interpreters of your own regulations. By looking at it you can have a more formal discussion next time.

Mr. Phillips said staff tries to be as welcoming as far as applications and what is allowed for uses. We do utilize the one which says "similar uses". This rose to this level because financial institutions sometimes are categorized separately.

Attorney Ziogas noted as well that catch-all provision on the regulations: and similar uses the commission deems appropriate.

Ms. Clock said overall she would be really supportive of development of a professional business, financial institution but sans drive thru. We'd like to veer away from that. And, I'd like to see the rendering.

Mr. Macchio said he would be for it. He's not even sure about the drive thru because of the area. There's a lot of traffic. Depends on the layout. There's room there. I want to see the rendering before I can say no I wouldn't want it because of the drive thru. If done properly, maybe we could fit it in. I don't want to lose the whole business, that lot, for what may only be a small portion of that.

Ms. Locks agreed. She's concerned with the traffic in that corner. If the queue is too far out. The school and ARC is there. A lot of major items in that area.

Attorney Sciota said when you talk about drive thru in an Industrial zone, remember, that's for all your industrial zones. Be very, very comfortable with it.

Mr. Cabata agreed. He is concerned about other banks wanting to come in in an I-2 zone with a drive thru.

Mr. Hart built off that. The lack of I-2 zones and they're not as readily available and by doing this it could open a Pandora's Box to what could go in these zones. If this is approved, someone could build off that. That's my concern.

Attorney Ziogas stated in an industrial zone, that was the advent of the Credit Union. It was to service factory workers who didn't have time to run downtown to get to the bank. Historically, banking type institutions have existed in industrial zones and done very, very well.

The Chair thanked everyone. We'll communicate with staff. We'll take it up at the next meeting.

Thank you.

10. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

A. Christopher R. Campbell, Special Permit Application to construct a 35 x 24 garage which will bring the total number of garage

spaces to more than three, 76 Clearwood Place, in an R-80 zone SPU #568) - November 1st.

They need a variance so it should be moved to November 1st.

B. Town of Southington Special Permit Application for the demolition of existing structures and construction of a new senior center, Calendar House, 388 Pleasant Street, in a R-20/25 zone (SPU #569), October 18th

11. RECEIPT OF NEW APPLICATIONS

- (1) GR Engineering
- (2) SPR & SPU for Calendar House
- (3) Limitless Energy floodplain filling application for a groundmount solar installation at 178 Newell.

The Chair commented that every Agenda we have small, large industrial applications coming and that is really a testament to the town and Lou Perillo getting these businesses to come to town. Good stuff.

Attorney Sciota said the regulations you put in place make our lives a lot easier. The Town Council with its tax abatements make our lives easier. We meet with a lot of people and things you've done with your industrial zones, it's working.

12. ADJOURNMENT -

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

(Whereupon, the meeting was adjourned by 8:00 o'clock, p.m.)