

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
DECEMBER 06, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, December 6, 2016 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Chairman Michael DelSanto called the meeting to order at 7:02 pm.

The following Commissioners were in attendance:

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

Alternates: Ross Hart & Ted Cabata

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

Absent: James Sinclair, Commissioner
Joe Coviello & Robert Hammersley, Alternates

Mr. Cabata was seated for Mr. Sinclair for this evening's meeting. A quorum was determined.

The Chair recognized students from Mr. Hart's Civics Class and invited them to the microphone to give their name and reason for being here. ((Inaudible) Cardillo, Brianna Harris, Kelsey Doty, Katie D'Agostino, Avery Korp, (Inaudible), Victor, (Inaudible) and Billy Kern. All here to learn about planning & zoning.

Thank you all for coming.

Pledge of Allegiance to the American Flag was recited by everyone in attendance being led by all the students.

4. Approval of Minutes

A. Regular meeting of November 15, 2016

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

Mr. Phillips read the legal notice into the record for the public hearing.

PUBLIC HEARINGS:

A. V Squared, LLC eight lot resubdivision application, properties located at 460 Marion Avenue (Map 62, Parcel 181) Marion Avenue rear (Map 62, Parcel 180) Marion Ave (Map 62, Parcel (82) Marion Ave rear Map 51, Parcel 54) and Marion Avenue (Map 51, Parcel 55) owned by Baccus, LLC (S#1315), continued from November 15

David Carson, OCC Group, Cheshire, CT represented the applicant. The application before us is for an 8-lot resubdivision on approximately 13 acres located on the southerly side of Marion Avenue opposite Frost Street. This parcel is a portion of the former Lacourse Estate which was previously subdivided in 1985 into a number of rear lots which were never built upon.

At that time, there were two houses on the property. The homestead house which is located on Lot 3 and is presently under renovation and the daughter's house which was located on Lot 8 and that burned down a number of years ago.

The property is zoned R-20/25. The proposed lots vary in size from approximately one to three acres.

All lots will be served by public water and onsite septic systems. And, sidewalks.

There is an existing access drive on the property, fairly opposite Frost Street (indicating) to the Homestead house. That driveway also serves two existing houses which were part of the Miller Farms Subdivision a number of years ago.

The proposal is to change that access drive into a formal town roadway serving the lots within this subdivision and the two Miller Farm lots. The road will be basically built on existing grade, very little grading involved through the entire subdivision.

In addition to those lots, there is also an existing house which fronts on Marion Avenue. That is simply a reconfigured --- one of the original lots that was there. And, the former Edwards Lot which was Mr. Lacourse's daughter's house. That lot is slightly reconfigured. That lot is served by an existing access way easement which goes out Oakdale Drive, a private roadway providing access to all of these existing lots in that area.

The plans that are in front of you comprise a 12-set sheet of plans detailing the proposed development of this subdivision. Those plans have been reviewed by the planning staff, engineering staff, water department and all of their comments have been incorporated into the plans before you.

We received conservation approval of these plans this past Thursday night.

A colored version of the grading and utility plan was discussed. It shows the location of the houses, driveways, roadway, the pond. The wooded buffer around the pond will be maintained.

Thought was given to the design of this subdivision in an attempt to preserve Lacourse Pond in its present pristine state. It is a spring-fed, privately owned pond. Owned in common by these lots and the two lots that are privately owned further down.

We've incorporated into the plans a set of deed covenants which are listed on Sheet Sub-1 and briefly those covenants explain the rights and restriction that these particular lots will have regarding the use and protection of Lacourse Pond. (Read the deed of covenants into the record.)

In addition to those covenants, we worked with the conservation commission on the wording of a specific restrictive covenant which is also listed on Sub-1 and will be recorded in the deeds stating "any nonpassive disturbance proposed within the 50' regulated upland review area to the wetland will require review by the Southington IWWC and/or the Director of Environmental Affairs".

The reason for those is we do recognize we want the property used and we want the owners to know that they do have common rights to the use of the pond but those rights are restricted by IW regulations and they need to go through the appropriate process in order to do that.

The only house that has a dock right now is the existing Homestead house. Beautiful concrete dock.

The only, what I would call unique feature to the overall subdivision, is the storm water management system. Explained.

Septic systems designed were explained. They were designed with the least amount of disturbance, keep the houses as close to the road as possible, the systems are in the front yard.

The Chair asked if there were any questions for Mr. Carson at this time.

Discussion of the overall length of the cul de sac (750') and the regulation regarding same. Mr. Phillips read Section 4-01.42 as to permanent cul de sacs. Attorney Sciota added each subdivision is different. We had a conversation many years ago, as to whether you wanted to have this and we actually proposed language to lock it in. the commission felt, and I did not disagree, that you wanted to keep

some latitude. It is not a waiver situation. It's something you are using as a guidance tool.

Further discussion of the cul de sac length.

Mr. Grappone noted in response to a question by Mr. Chaplinsky about sewers, that this is in the sewer avoidance area.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair closed the public hearing at this time.

B. Senad Ahmetovic, Home Occupation application for a home office for online sales of ammunition, 58 Longo Drive, in an I-2 zone (HO#66)

Senad Ahmetovic, 58 Longo Drive, Southington, CT. I am here for a home occupation application for home office for on line sales of ammunition --- strictly on line sales.

There is no product held at home. Everything is pretty much --- I'm the middle man. The orders will come to my, up to my suppliers, and they will ship it directly to the customers.

Mr. Phillips stated the applicant has a sworn affidavit on file indicating that it is on line, only and that there is nothing arriving at the premises or being sold from the premises. Therefore, it meets all of the stipulations you have for a home occupation. It is not going to vary from what a single-family home looks like. No activity that is going to change that. We don't see any issues with it from that aspect of the regulations.

Attorney Sciota asked if there would be any employees besides himself. The applicant said it is basically he and his wife running it. She will be answering the emails. Attorney Sciota clarified that no one who doesn't live in the house will be working there. The applicant said no. No deliveries other than regular mail. No customers to come to the house.

Explained the street is quiet for the kids to play and he would like to keep it that way. The wife is a stay home mom. We want something for a little extra income.

Mr. Chaplinsky asked the applicant to describe the goods and ammunition that he'll be focusing on. The applicant said pretty much ammunition and safety equipment, safety glasses, et cetera.

Mr. Chaplinsky asked if he had any issue with the commission stipulating on anything he has said today if we do decide to approve. For example: no sale of goods, no people coming in/out, exchanging goods, no deliveries of product. The applicant said that is totally fine.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

Nancy Nolan, 48 Longo Drive, Milldale, CT. I had a question in regards to the home office. Is it going to be in the house or will they be constructing another building on the premises? The Chair explained they wouldn't be able to do that. But the applicant will answer.

Ms. Nolan reiterated that as far as deliveries, none will come on our street? I'm just concerned. There are nine duplexes on this family street. The Chair explained he stipulates to it and those things happen, you've got to let us know and we'll enforce it if it is approved.

Sev Bovino, Planner with Kratzert, Jones and Associates. I represent three property owners on Longo Drive: 161 at the corner of Longo Drive and Clark Street, 25-27 and 61-63, which is across the street from the applicant's property.

He noticed that the legal notice was possibly defective. It says it is an I-2 zone. It is not. It is an R-12 zone. The legal notice was incorrect.

On Section 2-08(h)(j) of your regulations: It says no finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation in the dwelling unit. I see it as he is buying products and selling it to somebody else. This clearly says that finished consumer goods cannot be acquired.

There is no way, in my opinion, that you can control the sale activity going on if the decision was made to allow someone to come to the house and pick up the ammunition.

This is a family neighborhood with a lot of children. We feel it could become an unsafe situation.

We definitely oppose the application.

(Applicant Rebuttal)

Mr. Ahmetovic said they are definitely not adding any structure to the existing property. Strictly from a home office.

As to the concerns that the town will have no way of knowing whether or not customers will come to your door to pick up ammunition. The applicant reiterated it's a friendly neighborhood. I have three kids. And, myself would not like anybody disturbing my family, so that's why we wanted a business where we can just sell online.

The Chair expanded on "online". Someone wants to purchase something, they connect with you, you put the order in and the order goes to warehouse or factory. The Chair continued it goes to the warehouse and it is mailed from the warehouse to the customer that ordered through you. The applicant responded: exactly.

Mr. Chaplinsky asked about the Connecticut state laws governing the sale of ammunition. Are there types of ammunition that you can and can't sell? And, secondly, do you have a certificate or license to do this and is it required?

The applicant responded right now for ammunition sales there is no certification required. And you can really sell any type of ammunition. I went through Legal Zoom and they walked me through it as far as licensing, et cetera.

Discussion.

Mr. Chaplinsky asked Attorney Sciota if this had been reviewed by the SPD. Attorney Sciota explained this is the land use part which comes first. He still has to apply to the CRS, tax numbers, and all of that. The applicant said he had that at home. No other permits required. He has not talked to the SPD.

After local requirements, he would then go to the state, if necessary explained Attorney Sciota.

Ms. Clock pointed out that he makes a profit connecting a customer to a distributor. It would cost him money to have shipments come to his home as he would have to pay money to ship them back out.

Mr. Ahmetovic thanked her for pointing that out.

The Chair talked about the notice. Attorney Sciota explained when a notice does not go to the required people --- Mr. Phillips said the Assessor's Records noted it is an I-2 zone. Attorney Sciota continued the Assessor's Office has I-2 which is our official record. Even if that's the case, what the courts look at is who gets notice. I'd be more concerned if people were saying they never got notice. The actual use he's trying to do is stated in there. I'm comfortable with that.

The Chair closed the public hearing.

Sev Bovino wished to question. Attorney Sciota explained the protocol normally followed.

Mr. Bovino had a new question: What kind of experience does this gentleman have in the sale of ammunition?

Attorney Sciota said that is a problem with the protocol. You come up for and up against. And, then the applicant answered the questions. He did that. Now you are breeching the protocol of our public hearings because now he sat down and you're coming up with questions.

If you had a question as to what happened as part of that --- it's up to the Chair. All I'm saying that is when you allow this to happen, it sets a precedent.

If you have a specific question on a new information just rendered. Mr. Bovino said the zone is definitely R-12. Because the Assessor has it as I-2, doesn't make it so. I know because I rezoned that property with your assistance 20 years ago. It is incorrect.

Mr. Phillips said he couldn't verify because he couldn't get to the GIS right now.

(Pause, pause)

Mr. Phillips noted he had forwarded to the commission one letter in opposition which is in the file.

(Pause)

The Chair said Mark and Rob are satisfied. Moving on.

C. Mathew Denorfia, Special Permit Application for parent/grandparent apartment, property located at 70 Hawk's Nest Drive, in an R-80 zone (SPU #571)

Anthony Denorfia, 133 Main Street, Southington, CT. Speaking on behalf of my son Matthew. Pardon the paper copies, but that is how I used to do these things.

My son Matthew, who is here with my wife, is constructing a house at 70 Hawk's Nest Drive. It is a 2-acre parcel.

What Matt proposed to do is construct an in-law apartment located in the basement of the home --- a walkout basement with 9' ceilings. It will not affect the structure or integrity of the home.

The in-law apartment is within the guidelines. It is 684 sf of roughly of a 3400-sf house. The access to apartment will be three: through the main house, through the garage and then a back door.

The in-law apartment would consist of a living room, kitchen and bedroom.

More than enough parking as they have a three-bay garage and a turnaround.

The occupant will be my son's mother in law.

We think we met all the requirements of the regulations. We're here if you have questions.

Mr. Phillips noted this meets the regulations with nothing outstanding.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed the public hearing.

6. BUSINESS MEETING

A. V Squared, LLC eight lot resubdivision application, properties located at 460 Marion Avenue (Map 62, Parcel 181) Marion Avenue rear (Map 62, Parcel 180) Marion Ave (Map 62, Parcel (82) Marion Ave rear Map 51, Parcel 54) and Marion Avenue (Map 51, Parcel 55) owned by Baccus, LLC (S#1315), continued from November 15

This is ready for action with suggestion stipulations from planning and engineering.

Discussion of a conservation easement versus deed restrictions. He noted considering the specifics of this application, being a private pond and some of the properties around the pond aren't represented here, I think the fact it is not a critical resource of the town, deed restrictions will be fine.

Discussion.

Attorney Sciota added you want to stay away from the town being the enforcer in this situation as we don't have access and we have no interest on this private land water area.

Suggested stipulation from the planning department:

The Natural Diversity Data Base letter be indexed to the record subdivision plan prior to filing.

We did receive it today from the state DEEP. It identifies a couple of turtles and recommendations on what to do if you find the turtle.

Attorney Sciota clarified you need to stipulate the deed restrictions, also.

Suggested stipulations from engineering:

1. Engineering comment #11, the curb line radii be shown on the plan and profile.
2. Street addresses to be provided for all lots on Subdivision Plan 1.
3. Driveway aprons to be installed prior to CO.
4. New pavement structure was enacted. This subdivision has the old structure, so the roadway cross section has to comply with the new regulations.
5. Drainage easement to include a Right to Flow into the private pond.
6. Final engineering approval of the underground detention system.

Mr. Chaplinsky wanted to be sure staff is completely comfortable with the impact this could have on the resource and there won't be any adverse effects relative to the storm water system. Mr. Grappone said the soils are well draining. Highly unlikely we would see water. His concern on the underground detention system would be the maintenance. We might come up with a little different design on that and we'll work with the applicant's engineer but in concept they met the regulations as far as ZIRO. It is just the material they're using and what is going to be maintenance for the town.

Mr. Chaplinsky suggested stipulating: The underground management system has to be approved by town staff. Mr. Grappone pointed out that is a stipulation, yes.

Mr. Morelli made a motion to approve with the stipulations aforementioned by the town planner and the assistant town engineer and the town attorney. Mr. Macchio seconded.

Motion passed 7 to 0 on a roll call vote.

B. Senad Ahmetovic, Home Occupation application for a home office for online sales of ammunition, 58 Longo Drive, in an I-2 zone (HO#66)

Mr. Chaplinsky noted for the record, the GIS map, it looks like these parcels on Longo Drive in question are color coded I-2, however the overlay of the lettering says R-12. A little bit of conflict. Discussion.

Mr. Phillips suggested it is the color of the map. It is the approved endorsed map by the commission. The Assessor's record says: I-2. I don't think there is an issue with the notice.

The Chair reminded everyone the application before us is a home occupancy. The Town Attorney said the judge looks at if the people who were supposed to get knowledge of it and the fact of the use itself. This is a home occupancy occupation. I haven't heard here of someone who was supposed to get notice and wasn't noticed. From a legal standpoint, I am comfortable.

The application stated what he was looking for. It went to the correct people and if they wanted to be here they could be here.

Mr. Chaplinsky brought up Connecticut prohibiting certain type of bullets, et cetera. There are restrictions with types of ammunition for sale. The applicant didn't talk about that during the presentation. I'm concerned about whether there is more here that we need to look at. Do we want to seek guidance from the SPD on this? Table this for now?

The Chair opined that if the gentleman is going to run a business out of his home, he better cross his T's and dot his I's. This is a land use application for us. He has come before us and asked for a home occupancy per our regulations. The type of business that is going to be there he has explained. He's willing to stipulate he's not going to have any product in his home. Am I nervous about armor piercing bullets? Of course. These items are not going to be coming to Longo Drive.

Mr. Morelli noted if he sells to customers in California then what is the impact on Southington or Connecticut? Explained the order process. It never goes to Longo Drive. My question is you can't have a sale like that in the home. I would like clarification on that. You can't tell someone they can't do a transaction like this. If the transactions are illegal, they're illegal.

Attorney Sciota said we've had these issues before with people with flower sales, tea baskets, Mary Kay. With Mary Kay, it is exactly this type of situation. Explained it is sold from the warehouse to the consumer. And, we've allowed that. We encourage that type as there is no customers, no trucks. We're talking about

ammunition, but from a black & white standpoint it is no different than the Mary Kay situation.

Discussion.

The Chair noted the applicant did come before us and he didn't have to. He has no product at his home. It is inconsequential to the neighbors.

Discussion.

Mr. Phillips noted the regulations don't call out specifically what can or can't be sold.

Ms. Clock agreed that she has no problem with this. This is his right. We've allowed it before. I feel he has done his duty as a citizen of Southington and we need to respect that. I will make a motion to approve it.

Mr. Cabata seconded.

Attorney Sciota noted with all the stipulations on record.

Mr. Chaplinsky brought up permits, certificates needed to sell ammunition in the state. He felt this is selling something technical and not selling cakes, Mary Kay, et cetera. Someone who is going to sell this should know the business of the state they're working in and I'm not sure we had that presentation here today. I do think there is a certain responsibility that goes with this type of sale of a product. I want to see that type of due diligence from a business owner when they come to this board. For me, I'm going to vote "no" on this one.

Mr. Hart said he couldn't find any specific legislation that deals with online sales. There are a lot of reports that talk about it.

The Chair asked if that was the commission's obligation here. Attorney Sciota said the obligation of a land use board is how does this particular home use occupation affect the neighborhood. It sounds to me from what I've been hearing is the fact that from a specific use definition, I differ in the fact that it is the same as the others.

A land use question, how is this different from Mary Kay? In my mind, it's not different. We don't say we won't give a land use permit until you show proof of licensing.

Mr. Cabata noted he is a new business owner. We can't expect him to know everything about the business. He'll get into situations as he goes and he'll learn. I want any business, home based or not, to be successful but it is not our job to guarantee that they're successful. If he fails, then he finds a different way to make some extra cash.

Motion passed 6 to 1 with Mr. Chaplinsky opposed.

C. Mathew Denorfia, Special Permit Application for parent/grandparent apartment, property located at 70 Hawk's Nest Drive, in an R-80 zone (SPU #571)

Staff has no concerns with this application. It meets the regulations. It is ready for action with the stipulations, 10 thru 13, as provided for in the regulations.

Mr. Macchio made a motion to approve which was seconded by Ms. Locks. Motion passed 7 to 0 on a roll call vote.

D. Lazy Lane Industrial Park, LLC, site plan modification for a proposed 16' x 16' salt storage shed and additional employee parking, property located at 172 Lazy Lane, in an I-2 zone (SPR #1538.1) tabled from November 15th

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

This property is located on Lazy Lane. At the last meeting, we discussed the issue that was before us was he proposal for a salt storage shed in this corner (indicating) and approval of an additional parking area along the westerly side of the property. This area (indicating) is already paved.

There were some vehicles in this area (indicating) that we agreed to remove. There is a note on the plan indicating that any kind of trailer or camper or any equipment in that area will be removed. Just employees parking will be located in this area.

There was equipment located in this area here (indicating). And, there is a note indicating this equipment needs to be located in the storage area. This is the area delegated for storage (indicating) as defined by concrete blocks. The same way for roll offs, large roll offs, steel containers on the south side of the building to be relocated in the storage area and all the smaller dumpsters will be relocated there.

The salt storage shed which was 16 x 16, I believe is to be relocated in this area (indicating) and it will be on a paved surface. We will have to get a DEEP permit for that according to the DEEP regulations.

Further discussion of the location for the salt storage. It was an area approved for such use on the original plan. So, this area will be the one with the salt storage shed in this area here

(indicating) and the dumpsters and the equipment that was located elsewhere on the site.

There is signage in the parking area indicating only employees can park there and vehicles that have a license. No trailers or anything like that in that area.

We responded to comments from staff in writing. If you have any questions, we'll answer those.

Mr. Chaplinsky asked staff if there was an issue with crossing the easements to the power lines, storing things in those areas? Mr. Phillips noted that storage area was previously approved so it is still in its existing layout. The difference here is that your regulations point to fencing as screening. The applicant is using cement blocks. If the commission is okay with that? I really don't have a problem with it. It is the same storage area as originally approved. They're bringing things to the storage area they should have had in the storage area.

Mr. Chaplinsky asked the purpose of storing the salt. Is it for winter activity? Mr. Bovino replied it is a small operation. It's 16 by 16. The gentleman cuts grass in the summer and in the winter, he snowplows for a few clients. The 16 by 16 spot doesn't serve a lot of customers. That's what it is for.

Mr. Chaplinsky asked about the dumpsters. They're right up against the residential property. There is a house a back there. Mr. Phillips said right now there is at least a half dozen dumpsters just scattered around the site. They should have those in an identified area, screened and on a cement pad. The applicant is suggesting putting them here. Mr. Chaplinsky noted the homes around the property which are on the south side coming in off of Curtis Street. There is a wooden fence there. Mr. Bovino said the home that was able to see the activity here is here (indicating). It sits higher so they were able to see the salt storage shed in this location.

Will they see it now asked Mr. Morelli. Discussion of the new salt storage shed location. Mr. Bovino said he didn't know.

Discussion of the elevation of the salt storage shed. Mr. Morelli said the complaint was also that the plantings were not two in a row, they were three in a row and she had sight issues. I'm wondering if moving that to the rear satisfies her requirement previously.

Mr. Chaplinsky asked if the applicant had an issue with putting a privacy fence instead of cinder blocks. Mr. Bovino said the fence called for was 4'. It's not going to screen anything. Can a larger fence be put there, asked Mr. Chaplinsky?

Discussion of the fence proposal and line of sight by the neighbors to the storage area.

A fencing with privacy slats was discussed. Rich Munson, an owner of 172 Lazy Lane, explained there is a 6' stockade fence that runs along the rear of the properties you are asking about. I do think that fence pretty well blocks sight on to our site.

Discussion of the location of the fence.

Mr. Munson further explained where we are proposing to relocate the salt storage area, there is quite a bit of existing vegetation left there purposely.

Mr. Chaplinsky noted the location of the fence and activity on the site.

Mr. Bovino said it is in an area that is designated as an area for industrial storage use. It's industrial activity next to a residential use. It is what is allowed.

Mr. Munson, he was not necessarily opposed to putting a fence up, but he didn't know how much good it would do.

The Chair asked if staff was satisfied and if this was ready for action.

Mr. Phillips wanted to follow up on some of the other items. The site plan right now as proposed with the two rows of existing vegetation, if you approve that, that will supersede any previous approval. It will justify and verify the existing conditions are okay which would help in the sense that there may have been an onsite agreement about the tree plantings in the previous administration that there is no record of. It'll verify that.

Obviously, this is a proposal to establish employee parking, only. Or vehicle parking, only on the western side. And, clean up some of the other issues on the site that we were having problems with.

The zoning permit status with the units, the applicant has been in for basically a suite of zoning permit approvals or reviews for approvals for the units occupied in there with the exception of one which is an auto repair and they're going to need to have a special exception granted that they can exist at this location through the 14-54 approval process. We'll hold that permit until that is approved and then we can issue it.

Other than that, the site looks to be in conformance at this point in time with this site plan.

I would suggest it is ready for action and we would just double down on the stipulation there is a DEEP general permit associated with the salt storage shed that is necessary.

Mr. Chaplinsky brought up materials stored in the northwestern corner of the property and it might be off the property. Is this the same owner? Mr. Bovino said yes and he agreed to remove it. It's off the property.

Mr. Chaplinsky asked about unregistered vehicles, the trucks that are there is all part of the cleanup planned? Mr. Phillips said the trailers and such are all going to be located in the storage area of heavy equipment or on the eastern side. None of that on the western side.

Outside storage requirements were discussed. Mr. Phillips said in an industrial zone, storage is allowed, by right in an I-2 zone. There is limitation on storage not being greater than the first-floor area, but in this case, the building is large.

Remediation of some of the items on site that need to be moved, cleaned up or moved off site couldn't happen before the approval, asked Mr. Chaplinsky. Mr. Phillips said it was continued from the last meeting primarily because of the changes necessary for the site plan and also the zoning permits.

Discussion.

Mr. Chaplinsky made a motion to approve with stipulations:

1. The applicant applies and obtain and general permit for the salt storage shed.

Mr. Chaplinsky suggested a fence stipulation which was discussed relative to the regulations.

Attorney Sciota stated it is difficult with a residential zone with I-2 around it. You want to be sensitive to the fact it is an I-2 zone but you have to balance off the residential. If it is an issue of visibility, what area are you talking about for the fence? Mr. Chaplinsky said the storage area, only. The western to the southern borders. (Indicating)

Mr. Munson proposed that we would plant some evergreens along the back line. I think they would grow up and provide a lot better privacy than a fence or berm in that buffer zone along the southerly property line.

Mr. Chaplinsky said staff could decide on the density.
Discussion.

Mr. Chaplinsky said he would amend his motion to include the Planner's previous stipulation and then for a dense vegetative buffer

that town staff can agree on with the applicant with an eye on at least 50' on center, staggered two rows.

Attorney Sciota said he liked the stipulation wherein the applicant works with staff on the vegetation.

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

E. Floodplain Application of Limitless Energy, LLC seeking to install a ground mount solar array in the floodplain, located at 178 Newell Street, in an I-1 zone (FF #249), tabled from November 15.

Neal Macelderny(sp) owner of Limitless Energy. And, I'm Chris (Inaudible) owner of AJ Millwork which is located at 178 Newell Street and I do live in Southington at 501 Flanders Road.

So, we went through the wetlands committee and they gave us approval to move forward with the project as long as we restored an area where trees were cut with holly bushes and blueberry bushes. So, we did.

This is my first project as my own business owner. I'm learning as I go here. I took that as an approval to put the foundation in. So therefore, I did.

Now, I'm here to set up something up with Rob before our next meeting to figure out a way to not pull the foundation apart and to keep the project moving forward. I spoke with my engineer and he's working on putting a proposal together. It wasn't ready today, as I had hoped. As of now, I'm just looking for guidance on what to do next.

Mr. Phillips said the main issue is in the floodplain regulations, the proposal they have really fits what is described as a structure in the regulated floodway. There's a variance process for that. When we're looking at it as proposed, it was something that was not allowable. Engineering asked their design professionals for alternatives or reasons why alternatives don't work. We've received nothing.

Besides that, that was received almost 65 days ago. You are forced to either make a decision or the applicant is forced to request an extension at this point to satisfy engineering. Staff can't say they are satisfied at this point in time.

The applicant requested a 65-day extension to allow their professionals to work with staff professionals.

The panels are in the floodway explained Mr. Grappone to the commission. That's a no build zone.

Mr. Chaplinsky made a motion to grant the 65-day extension. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

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

F. Southington Water Department, site plan application for a new 144 sf pump house, generator, grading and new propane tanks in association with an upgrade/replacement to Well #7, Rustic Oak Drive - rear, in an R-20/25 zone (SPR #1726)

(Inaudible) Miceli with Woodard and Curran representing the Southington Water Department. I am here to answer any questions.

Mr. Phillips explained this is a concern as it is a state aquifer area. We're concerned about the floor drain in that area. It's in their best interest to not pollute the aquifer, but I think Jim has comments.

Mr. Grappone said there is no sanitary sewer facilities for them to connect to. One of the engineering comments was are there any floor drains proposed, existing or proposed, for the new building and the answer was yes. There is only one area I believe they could connect to which is an existing drywell and in an aquifer protection area. That is bit of a concern for engineering.

The project engineer said in this case, the drywell that is there has been in existence and it receives water from the floor drain which is essentially clean water from the sampling taps. The pump itself. The packing for the pump. Essentially just water. No with chemicals in it going to the drywell.

The drywell, the State DEEP and State DPH have been there and is aware of that. The placement of the drywell needs to be a certain distance from the proposed well. That's the only restriction.

It's not wastewater. Explained.

We would connect to the sewer if we could. There is not one available.

Mr. Grappone asked if he could submit any sample test results. The applicant would give sample results from the existing well. This well is a replacement well about 45' from the existing well and the water quality is the same in both cases. Mr. Grappone accepted that. Discussion.

The existing pump house stays.

This is a replacement well to be put in place. We can run either well. We'll have all the treatment in in for chlorine and fluoride, et cetera.

Not treatment, no backwash of any kind.

Mr. Chaplinsky made a motion to approve with the stipulation of the samples being submitted. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

G. 405 Queen Street, LLC, request for 2nd and final 90-day extension to file mylar, 405 Queen Street S #1314)

Mr. Phillips said Jen could be signing that tonight and we'll hold it in escrow, the mylar that is. They're basically ready to go, it's just that their lending agency needs to okay it before they can file it.

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

7. REGIONAL PLANNING COMMISSION APPOINTMENT OF REPRESENTATIVE AND ALTERNATE TO CRCOG

The Chair reappointed Ted Cabata as the representative and Ross Hart as the alternate.

8. ADMINISTRATIVE ITEMS

Mr. Phillips reported SPR 1725, Leone Realty Development. Site plan for a 3,000-sf building as part of the Phase II that was previously approved by you at 360 Captain Lewis Drive.

I don't see a real need to bring it to the Commission.

The Chair agreed that is fine for administrative approval.

9. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

- John Senese (Calco Construction and Development Inc.)
Petition to Change a Zoning District Boundary from R-12 to B,
properties located at 2,4 and 6 Upson Road and 3,5 and 7 Chaffee Lane
(Map 181, Parcels 31, 32, 33, 34 35 and 36) ZC #557 January 3, 2017

One more:

- Special Permit Application of Kevin Medeiros for a kennel and pet daycare at property at 420 North Main Street which is the old Wood & Wood facility.

10. RECEIPT OF NEW APPLICATIONS

None to report.

11. ADJOURNMENT

The Chair wished everyone a Merry Christmas and a Happy New Year! It's a pleasure working with you all. Have an enjoyable holiday season with your families and we'll see everyone again on January 3rd, back to work.

Mr. Chaplinsky made a motion to adjourn which Mr. Morelli seconded. Motion passed unanimously on a voice vote.

(Whereupon the meeting was adjourned at 8:40 o'clock, p.m.)