



Jeffrey Fitzgerald from BL Companies, Research Parkway, Meriden, CT represented the applicant.

This is a proposal to amend the existing boundary on the east side of Lots 2,4 & 6 Upson Drive and Lots 3,5 & 7 Chaffee Lane. We're proposing to relocate the boundary along Upson Drive so that this lot area will be in zone B. Currently zoned R-12. (Indicating) There is currently this island condition.

The reason we're proposing to do this zone change is to allow for a better operation and more effective design of the proposed commercial development that's been approved in this area (indicating).

The original approval has the driveway to this development making a hard dog lane left right behind the old 7-Eleven in this area (indicating). By rezoning the rest of those lots, we can have a more reasonable approach into this development from the signalized intersection and then it allows for additional commercial development south of the driveway and it allows for more addition commercial development north of the 7-Eleven.

By rezoning this it can then be consolidated as part of the development and it certainly makes for a better commercial project.

We're proposing to screen the balance of the residential properties on the east side of Upson Drive with significant landscaping as shown here (indicating) between the development and Chaffe.

We are proposing plantings on the private land as well as in the town ROW on Upson but we'll propose a large 20' landscape buffer as well as an opaque fence along the whole perimeter. (Indicating)

Again, this land should be zoned Business. We feel it's an island on its own and very out of place with the surroundings as it is. There is a potential for an increase in property values if it was zoned business as opposed to residential. It could then be consolidated and the potential for redevelopment is there that is presently not there.

Discussion on why those particular lots were chosen. The answer being those are lots controlled by Calco Construction, the applicant. There is no other reason. It would be great if the motion would be to rezone the whole area as that would be better for all parties involved as it increases the potential value of each of those individual lots. They can then be considered as a whole in a potential buy of multiple lots. Right now, they can only be considered individual residential lots without the zone.

Those speaking in favor of the application:

None.

Those speaking against the application:

(Please refer to the video for the exact presentation. These are presented as Summary Minutes.)

1. Mark Adams, 7 Stoughton Road. Spoke about property values decreasing. This commission needs to watch out for the people of the town and not the developers. Has he approached the town on the town turning the roads over to him as he starts buying property and the town abandons the streets. This has turned into an island. You shouldn't piecemeal the zoning to make a developer happy. The residents of the town have to be important.

2. Jim Lasek, 78 Kane Street. Agreed with Mr. Adams' comments. This is not a right. It is not a good decision for the Town, it is not a proper decision for the P & Z to make. I oppose it.

3. Tim Stought, 2 Chaffe Lane. Talked about the traffic problems getting out of that area.

4. Figaro Ramierez, 6 Stoughton Road. Echoed Mr. Adams' sentiments in regards to what has transpired here. Discussion about the plan that was presented in the summer as being totally different from what is being presented now. I think it is a travesty. It'll increase crime, pollution, noise and litter. Traffic, most certainly, it will be impossible to make a left turn out of our property on Chaffe Lane if this is completed. All in the name of money? I think it is a huge mistake for the residents who are being isolated. Property values being lowered, I'm sure. I would say no.

5. Victor Baldwin, 5 Upson Drive. I'm not against converting from an R-12 to Business. The Assessor said our property taxes would not go up because it is rezoned. If you sell down the road, it would be already zoned for business. Easier to sell it. Taxes don't go up. It will only go up if it is being used as a business. He's just moving over what was already approved a little bit to make it wider. This will be there. Same amount of pollution. I'm for going from R-12 to Business. I don't see any problem with that. It can only help the individual.

Rebuttal:

Jeffrey Fitzgerald responded to comments. He addressed the idea of bait and switch which was mentioned.

We agree the piecemeal of zoning here is not appropriate and we would be willing to revise and resubmit an application to rezone that whole area to business (indicating). He agreed with comments from Mr. Baldwin as to property value.

A question to Attorney Sciota: If the residential zone is changed to business, would it have a detrimental effect for the

property owners while they are living there? Attorney Sciota said if you have a residential dwelling and you switch over to business, property values are a separate thing altogether, but there is a detrimental value if they wanted to maintain a residence there because if they ever want to do an addition or something like that, then you are increasing a nonconforming use. The residence now is in a nonconforming use. There is another threshold you have to go through. You have to go through a town board to get permission to do that first.

Overlay zone was discussed. However, the zone itself still remains residential.

Also, 7 Upson Drive was discussed as not being part of the rezone. John Senese, applicant, advised he has spoken with the owner. The house is currently rented, but he would be willing to sell it for redevelopment for business.

Property values were discussed. Attorney Sciota advised the applicant he was required to put something into the record indicating property values would not be reduced.

An analysis by Matt Welinsky, local appraisal, was put into the record. (Submitted) This explains how the B zone, in his opinion, the area should be zoned B. And, the values would be increased with the potential business development for the entire site. No detriment in values as a residential under a B zone. The homes currently there would not depreciate in value if they were zoned business stated Mr. Senese.

Discussion.

Mr. Sinclair clarified the question: If these homes are being kept residential, will this affect their property values. Mr. Senese didn't think the value of the homes were impacted. He referred to the analysis submitted.

Discussion.

Further discussion about what the analysis says. (On file in the Town Planner's Office for review.)

Mr. Sinclair further stated his concern is that if we make that much of Upson Drive as a business zone, what is to stop you from using Upson Drive for vehicular access management. Mr. Senese said there is no access and we have a landscape border that runs the perimeter of that project.

More Residents' comments:

6. Fiagro Ramirez, 6 Stoughton Road. Spoke about the applicant coming in again in the future requesting a zone change to

allow access to our road. Speculation. I want that on the record that that is what I believe.

That fence bordering the property, who is going to maintain that? Who is going to maintain or replace the shrubs or maintain the overgrowth?

Discussion.

7. Mark Adams, 7 Stoughton Road. Reviewed comments by the Town Attorney. I want that in the record as a guarantee.

Discussion.

Attorney Sciota clarified: this board, to approve a zone change under their regulations, the applicant is responsible to prove to this particular board that there is not a negative impact from a financial standpoint, fair market value of the real estate. The applicant filed a form that says that that does not happen.

Discussion.

How can you justify his appraiser's assessment of the property values or can we get an assessment? The Chair said it is on the record it will not have a detrimental affect on the property values.

Attorney Sciota said they hired a professional to give an opinion. They're required to do that. People who are against it, they can submit anything they want during a public hearing to dispute that.

Discussion.

The Town Planner noted the opinion from Matthew Welinsky is dated June 8, 2016. (On file for review in the Town Planner's Office.)

Mr. Sinclair suggested keeping the public hearing open and asking the applicant to submit a new letter addressing the new application and not the previous one.

Attorney Sciota then noted if the neighbors wished, that would give them the opportunity if they wanted to dispute that to submit their own document.

The Chair left the public hearing open.

B. Kevin Medeiros, Special Permit Application to allow a kennel on property located at 420 North Main Street, owned by Format, LLC, in a "B" zone (SPU #572)

Brian Zaccagnino, Attorney for the applicant, with offices at 133 Main Street, Southington.

This is a special permit application in a Business zone for what is described in the regulations as a kennel. This is for 420 North Main Street. It's the old Wood & Wood Overhead Door center. It's in a business zone and it doesn't have the requirements of an industrial zone as to 500' buffers or anything of the like.

What is proposed to be permitted there is a canine training, daycare and kennel facility for dogs in the area.

We applied for the SPU and we have to address the standard considerations that you have to weigh. One is the beneficial effect to the public health and safety. This is a rare situation where we actually have a tangible public beneficial effect aside from providing services, training the pets and the dogs of the community, they are going to offer a daycare operation and lodging for the dogs.

The applicant will explain in a little more detail later on, if you desire, he has an engagement plan in effect with the fire department to provide emergency lodging for displaced dogs of families who have had fires in their homes and are unable to get temporary lodging.

He assists in the training of the service dogs that students in the school district get the benefit of which I think is a significant public benefit.

As far as considerations relative to the development of the property, there is no real development other than what is there, already. Access and egress of the emergency vehicles, the parking is significant there was discussed.

It is certainly in harmony with the area. There are kennels, pet stores, veterinarians within a mile and a half of this place.

The structure itself is ideal for this use.

The main concern when you are talking about opening a business centered around dogs is what kind of noise will be generated by the operation. The building is 12-inch block, concrete. About 5,000 sf building. The construction itself has a relative amount of soundproofing. There is not a lot to this property that isn't perfect for the application.

The applicant went all around to the neighbors getting their opinions, signatures in favor of and as far as he knows there is one property owner/business owner relatively nearby who isn't thrilled with the idea of having dogs around her business. And, that's the spa.

The applicant did go out of his way to investigate sound and that involved generating inside the building as it is now without any soundproofing undertaking at this point. Generating 100 db for barking dogs and taking a decibel meter and taking the readings. Shocked how little sound actually emanated from the building.

The applicant's plan is to have the kennel area where you have overnight housing of dogs and he is going to have an area for training and the daycare. Within the building, the plan is to have the westerly portion of the building dedicated to the kennel with runs, 32 sf sections. Those are all contained within the building.

The area in the easterly half of that building will be the training and daycare area.

Southeast of the building is an outdoor proposed exercise area which would be used only during business hours.

As far as the volume and concentration of animals, the applicant is going to apply a very generous standard of no more than one dog for 25 ft of available space. The runs are 32 sf. Plenty of space there. It is a great building for it. Great location for it.

No environmental impact that would negatively affect the area.

No public water supply issues.

No impacts negatively to any residential use.

There is no impact to traffic that would negatively impact any residential use. The only residential use that is adjacent which would bring into play 8-02.11 is to rear. The access / egress to this property is nowhere the access / egress or use for that residential use.

I think it is an ideal location for this type of application. There is a dog daycare less than a mile down the street. I've not know of any problems or inconveniences caused by that in the grand scale.

Any inquiries or questions?

(None at this time.)

Anyone speaking in favor of this application:

(Please refer to the video for the exact presentation. These are presented as Summary Minutes.)

1. Jennifer Shields, Watertown, CT. An employee of the BOE, teacher in the agriculture department at the high school. Explained the working relationship with Mr. Medeiros and the BOE's curriculum. Spoke of his dog training schools and his work with the parks and rec department offering classes.

Works with therapy dogs and brings them to the school. Spoke of the benefit of this to the students.

Field trips with students for one and one experience and hands on experience in the field.

This business is different because of the training aspect. Very unique. Good following. Benefit to the town.

I ask you to support your local business and residents in your town.

2. Michelle Rosa, owner of 426 North Main Street, directly in front of the proposed kennel. Also, explained her friendship with the applicant and family for years.

I think this is a fantastic thing for the town.

As to the noise level, a test was done on Monday. I couldn't hear anything from that building whether the windows were up or down. On the outside of the building, it was so faint. There is no foliage. I am thinking there is very little impact on us.

I hope it's approved.

3. Dawn Stonsky, 218 Summit Street, Plantsville. Read a letter she had written which was later submitted for the record. (On file in the Town Planner's Office. Mr. Phillips advised it is labeled Exhibit B. Exhibit A is the supporting information we received earlier.

4. William Maclin, 58 Church Street, Plantsville. Explained his experience with the applicant's training of their new puppy.

I think having a business like this in the center of town would be a great asset to the Town.

5. Clinton Decker, 55 Blossom Way. Spoke of his experiences knowing Mr. Medeiros in relationship to dogs and dog training.

I think the Town should approve this for Kevin.

Anyone speaking against this application:

1. Jim Lasik, 78 Kane Street, Southington. He made the following points:

- Building is not fit for anything but demolition. It is always underwater in flood conditions.
- Barking dogs outside in the run.
- Peace and quiet of the trail will be disturbed by the smell of dogs and their feces and urine. How is that going to be disposed of?
- Significant amount of dogs inside, how're you going to address the smell?
- How're you going to address the sanitation?
- What're you going to do when the property floods?

None has been addressed. I think this proposal is absurd to put a dog kennel in a floodplain such as it is.

- Nothing in this report about the letter of engagement with the fire department with his offer to train and/or house the dogs.
- Letter of retraction from a neighbor for when she signed in favor of this application. (Submitted for the record.)

For smell, noise, sanitation, floodplain

This application is not in the best interest of Southington. Not in the best interest of residents on Kane Street or around Kane Street nor the businesses nearby. Do not approve this application.

2. (Inaudible) owner of Moment Away. We've been there ten years. We are the day spa spoken of earlier.

Spoke about the atmosphere of a massage (relaxation). If you hear dogs barking, it distracts your massage.

We are open 7 days a week with 30 employees that survive with our business and feed their family with clients that come in. Over 190 services a week provided and 180 are monthly members that come in on a regular basis and the services they get helps them with their health and stress. They say how important it is to have this place to come to.

Noise is my biggest concern.

I like the fact the dogs will be inside. My only concern is the outside run and how many dogs would be out there at any given time.

What're the hours operation they would be outside in the outside run.

If there is a way we can work together, that would be fantastic.

Rebuttal comments by the applicant:

The Chair asked Mr. Zaccagnino to respond to some of the comments made:

- Waste management
- Hours of operation
- Dogs barking, noise
- Floodplain

Mr. Zaccagnino said as to the floodplain, they got wetlands approval. No scientific data to suggest a business can't be operated there.

He indicated he wasn't going to respond to the comment about fire, casualty, flooding, lightning. That'd be dealt with by whatever insurance they choose to deal with.

As to the waste, it is a concrete floor. We have a Zamboni that picks up the solid waste and it is disposed of in a receptacle on site. That floor is sanitized. The chemicals used are green. Environmentally non-impactful cleaning process.

As to the sound, where the outdoor recreational area will be during business hours 7:00 am to 7:00 pm, the Moment Away is diagonally on the northwesterly part of the building. On the southeasterly part of the building there are two sets of 12-inch concrete walls. In contemplation of the noise concern, the decibel levels were tested by Justin French of the property owner, Format, LLC. The average decibel level is 70 to 7 and it was tested at 100.

Discussion.

Jim Jones from Jones Engineering, 962 Savage Street. Showed a plan which shows distances to all the surrounding properties.

Attorney Zaccagnino explained it is 254' from the back corner of the pen to the back corner of a Moment Away. Explained calculations done. With no barriers between the building and the Spa, it would be like conversational speech.

Discussion.

Justin French gave the results of his sound testing report.  
(Submitted for the file.)

Inside of the building will be heated, cooled. Every time when the windows would be open, asked Mr. Chaplinsky. Mr. French said right now they are all fixed windows.

Mat Florian, 506 Mount Vernon Road. The windows are fixed windows. No reason for them to be open. But when the dogs are going from the building to the fenced in area, there'll be times when the door could be open. It wouldn't be as a rule of thumb.

Mr. Chaplinsky asked about night time. The background noise at night will be quieter than during the day. Did you do a baseline of tests at night and did you run the same results? Mr. Florian said they did not do a night time. At night, the dogs won't be outside. They'll be inside. We could get barely any sound penetration at all through the concrete block.

Outdoor activity hours would be 9:00 am to 6:00 pm. During the week.

This will be in front of you at the February 7<sup>th</sup> meeting for the floodplain recommendation from the wetlands commission noted Mr. Phillips. The only change is the fencing which is in the conveyance shadow, behind the larger obstruction in the floodway. That application is separate from this application.

Mr. Sinclair noted the building is in a floodplain. Did the former occupant ever have a flood situation where they had problems with inventory? Mr. Florian said that a section of the building was raised up that was above where the water had flooded. There has been some work on the river since. In the event of flooding, there is a section of the building where the floor has been raised.

Discussion.

Mr. Chaplinsky asked if contact had been made with the owner of the Spa. Mr. Florian said they did not have direct dialogue but they would be happy to start a dialogue with her.

Green materials products and their effectiveness on smell was brought up the Chair.

Kevin Medeiros, 40 Church Street, explained they bag up the feces as soon as it is on the ground and then thrown in the dumpster. As far as urine, it is a product that controls the smell. It is biodegradable, ecofriendly. Explained it kills dog disease.

As far as the smell, it will be kept down to a minimum.

Mr. Hart asked what is the max capacity of dogs for the building. Mr. Medeiros said for dog daycare, we're going to have 25 sf per, so we can have 125 to 150 dogs in the dog daycare. There will be probably about 100 dogs in the kennel area.

One more speaker:

Jim Lasek, 78 Kane Street. The business before was mostly a warehousing business for garage doors. It did not contain live animals. Live animals that'll be left overnight. And, 125 to 150 dogs, when they all start barking what is the decibel rating? How many of the overnight dogs that start barking will I hear across the street?

The feces bagged and thrown into a dumpster. Great for the vermin that want to come over and feast at the dumpster.

The building was raised in the front only --- the office part of the building. Even that didn't stop it on a couple of occasions when I visited the office.

What're you going to do to keep the animals out of the water when we have a sudden flood? What is your plan to get the dogs out of there if we have a sudden flood in an emergency?

The noise is an issue seven days a week. I don't think I should have to listen to them.

As far as smell, if it is put into a dumpster, when is it going to be picked up by the dumpster truck?

I don't think it can sustain a flood with 150 animals indoors.

Mr. Zaccagnino responded the 150 to 200 dogs he was referencing as being kenneled there, the kennels for the dogs are 32 sf. The most you could get is about 78 overnight, max, at full capacity. If you wanted to cap the kennel portion of the permit to 80, that works.

As far as the sound testing that was done, it was done prior to, done in the building the way it is right now. There is going to be significantly more furnishings and soundproof paneling for this type of industry to keep the neighbors from being upset.

As to the flood, like any other situation, you move the kennel dogs to the front part of the building.

Discussion.

No complaints from the neighbors of existing like facilities as to the disposal of solid waste and smell.

The location here is perfect for this use.

The vast majority of the neighbors are in favor of it.

We have every intention to initiate dialogue with the Spa owner.

Mr. Hammersley noted the kennel operation will be 24/7. Mr. Zaccagnino said the kennel operation as a business is going to run the same time as the daycare center and training center. But the owners can't come in/out 24/7.

There will be no staff overnight. There'll be video surveillance.

Day staff is all trained in canine first aid, et cetera. Professionals certified in their field. Also, trained in removing the animals from what is triggering a dog barking scenario.

Discussion.

Mr. Medeiros discussed maybe 15 dogs at a time would be there for 24 hours. A majority of the business is dog daycare.

Mr. Hart asked if it was normal in the kennel industry not to have 24/7 staff. Mr. Medeiros said it was.

Mr. Sinclair asked if the applicant would be willing to stipulate that no more than 20 dogs overnight and a number for the day care. Mr. Zaccagnino said the plan is to accommodate the capacity for up to 80 dogs overnight. We would not want to stipulate to that.

Discussion.

The Chair left the public hearing open to the next meeting on February 7th.

## **6. BUSINESS MEETING**

A. 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.

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

B. Kevin Medeiros, Special Permit Application to allow a  
kennel on property located at 420 North Main Street, owned by Format,  
LLC, in a "B" zone (SPU #572)

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

c. 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 December 6<sup>th</sup>

Mr. Sinclair so moved a motion to table. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

D. 1198 West Street, LLC, site plan modification for an 80/x60' warehouse/garage addition and a 25' x 50' office addition, expand outside storage and a private fuel tank/dispenser, 1198 West Street, in an I-2 zone (SPR #1727)

Michael Lambert, professional engineer with Harry Cole & Son, 876 South Main Street, Plantsville, CT represented the application. He noted Keith Keegan, an owner of Engineered Construction, was present as well, to answer questions.

They have a construction business on West Street. It is I-2 zoned. Just over four acres of land at the intersection of West Street and Churchill Street.

Their original site plan back in 2007 was approved for 18,400 (sic) sf building. Since that time, they've only built a small section of it, 48,000 (sic) sf of it.

They have public water and a private onsite septic system

The proposal today is to have a warehouse garage addition of 4800 sf and a 60 by 80 addition to the west. They're also looking to have a proposed office building on the east side facing West Street of 25 by 50-foot area. They're also looking at having three hoop houses put up. One just adjacent to the building for their larger construction equipment. Two of them on to the west side around their driveway access coming up. They will also have a private fueling tank on site for their construction equipment. Not open to the public or anyone else.

The expansion for them is to help with their needs and they are also looking to expand their outside storage capacity of what they had before. Through the I-2 zone they are more open to as they see fit. It is a construction company and it will vary for the equipment on the project they're working on at the time. Equipment will vary from time to time and they're looking to try to maximize their capacity.

Along the West Street side, they're looking to expand out and try to have more of a flat area. Right now, it is about a 20' elevation difference from the street to the building. They're looking to push that out. They'll still maintain having an 8' high light proof fence along the edge of their slopes. They're also looking at tree placement on West Street per the advice of the Town Planner.

The water department had no issues with it.

The town sanitarians. They had no issues with grading on top of it. They asked that certain notes be added about how many employees will be staffed on site. Risers be raised up on the existing septic tank to grade as we are adding about 6' of fill on top of the septic tank. The roof leaders for the proposed additions will be tied into the current roof leaders that are discharged to a catch basin to the southeast of the existing building. They'll be adding in an oil/water separator down at the bottom of the collection system prior to discharge into the detention basin.

That wraps up my presentation.

The height of the hoop houses was questioned. Keith Keegan responded they will vary anywhere from 35 to 30 feet at the highest to maybe like 18 feet at the lowest. Just how the dimensions work out.  
Discussion.

Parking requirements were discussed. There is more than enough parking for their needs at this point. The Planner expressed to them they did not want to over-park.

Currently we have about eight employees and would expand. He explained a lot of the guys go directly to the job site and don't come back to the garage. If they do, it is an in/out sort of thing. We do have adequate parking and it hasn't been an issue.

The Town Planner noted it is ready for action with a comment from engineering. Jim Grappone said there is an existing detention basin on site, functioning very well and maintained by the applicant. The concern is the original drainage calculations assumed a certain impervious area. The addition falls within that. However, there is some bypass that may occur on to West Street by the expansion area which is gravel. That area is not going to be curbed. The issue is it is gravel and some of it will percolate underground but the concern I may have is runoff going downslope not being collected into the drainage system which would discharge. In concept engineering, doesn't have any issues, but we'd like to work with the applicant and the engineer about the possibility of connection as much of that area into the drainage system which would discharge into the pond.

Stipulation: Final calculations for drainage be approved by the engineering department.

The applicant and applicant's engineer concurred.

Mr. Chaplinsky made a motion to approve with the stipulation that the Town Engineering department has final approval for the drainage calculations. Mr. Sinclair seconded.

Motion passed 7 to 0 on a roll call vote.

E. North Ridge Golf Club, LLC, Floodplain Application proposing to clear, grade, dredge and create a new pond in association with golf course improvements, North Ridge Golf Club, Welch Road (FF #1250)

Andrew Quirk, professional engineer and principal with Kratzert, Jones & Associates presented. Mr. Lovley was present as well.

The proposal is part of a larger plan for renovation of the North Ridge Golf Club to a nine-hole facility associated with the North Ridge Subdivision. The course will be closed for 2017 for construction of a banquet facility, pool club and new golf course. We'll be back before you for modifying the plan that was approved for the club house building.

The floodplain activity for tonight is associated with the present pond that is between the 12<sup>th</sup> fairway and the 13<sup>th</sup> fairway and Welch Road is here to the north. (Indicated)

The floodplain is associated with the Eight Mile River to the west (indicated).

The proposal to take the present pond and greatly enlarge it, deepen it and reshape it as a focal point for the golf course. (Indicated). The end of the 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup> and the 8<sup>th</sup> hole plays over the water.

A big focal point will be a 64' long golf cart bridge in the center of the pond. A focal point for the golf course as a well as a backdrop for the banquet facility. A picture location.

We want to get this going first. We're through the wetlands commission and we have to go to the Army Corp. Thus, this part is ahead of the site plan application.

Pond Statistics:

| Present                         | Proposed                |
|---------------------------------|-------------------------|
| 40,000 sf or just under an acre | Nearly double 78,800 sf |
| 1 to three feet deep            | Six feet deep           |

Floodplain activity numbers:

We're filling about 32,000 sf. Only filling around 1 foot just to form the fairway and the green areas.

A second fill area of about 11,000 sf. Again, very shallow amount of fill.

Then 45,000 sf of floodplain excavation. But this will be an excavation of about 3 feet between the water surface and the grade today. A tremendous net gain in the floodplain.

We're filling about 73,000 cf, excavating 135,000 cf for a net gain of 62,000 feet - a very large gain.

We have an IW approval for the activity. We'll be seeking an Army Corp permit.

Reviewed the numbers again.

A great asset to the golf course and the town. We'll answer questions.

The Town Planner advised this is ready for action with comments from engineering.

Jim Grappone went over a few items. Maximum disturbance at any given time? Are you going to do it in phases? Mr. Quirk explained there is an elaborate phasing plan we went through with wetlands. We expect with Army Corp we'll be limited to the dry season and we're hoping to start late July or early August. There are about five phases and we expect to be two to three months to get through them.

It is in the wetlands set and I'll get you another copy added Mr. Quirk.

Mr. Grappone brought up an existing sanitary sewer which was marked to be extinguished or relocated. We prefer it to be relocated. That would be a stipulation as far as working it out with town staff.

The bridge needs a building permit and it needs to be designed by a Connecticut PE.

Mr. Sinclair made a motion to approve with the engineer's stipulations noted above. Ms. Locks seconded.

Motion passed 7 to 0 on a roll call vote.

F. Toll CT III Limited Partnership, release of \$40,000 maintenance bond, Southington Ridge (S #1270)

Ready for action. Mr. Sinclair so moved the motion for approval. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

G. Bread for Life, release of \$3,400 E & S bond, 23 & 31 Vermont Avenue (SPR #1699)

Mr. Sinclair recused himself from this item.

The Chair seated Mr. Coviello for Mr. Sinclair for this item.

Ready for action.

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

Mr. Sinclair reseated.

Mr. Chaplinsky made a motion to add the following item to the agenda:

H. E & S Bond for S. Carpenter Construction Co, EE # 100.

Mr. Sinclair seconded the motion to add the item to the agenda. Motion passed unanimously on a voice vote.

The E & S bond is for \$8,400. This goes back 13 years and we're trying to clean these up now.

Mr. Sinclair made a motion to release. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

**7. REGIONAL PLANNING COMMISSION UPDATE**

Mr. Cabata is not present this evening, therefore no report. It'll be on the next Agenda.

**8. ADMINISTRATIVE ITEMS**

Mr. Phillips advised he has one. It is the relocation of a dumpster and provide an additional parking space at the municipal lot near Paul Gregory's. The Chair said that's fine.

Attorney Sciota stated the Town would like to thank Niles Pierson for his cooperation in this matter.

**9. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING**

- Zoning Text Amendment of Lovley Development for proposed revisions to Sections 11-14.2, 11-14.3 and 11-14.4 of the Town of Southington Zoning Regulations (ZA #590)

**10. RECEIPT OF NEW APPLICATIONS**

Mr. Phillips went over the applications which were previously provided to the commission.

**COMMISSIONER COMMENTS**

Mr. Chaplinsky had two items:

1. Great job by the Economic Development Coordinator. Continues a great steady inflow of new business. We're seeing it on West Street. Industry. Lou Perillo is working really hard for our town and I think some of the rewriting of regulations this board has done has really helped. I'm excited to see the stuff on West Street and the new businesses coming in on Center Street.

Last week I was downtown on Wednesday and there were people all over Center Street. The parking lots were healthy. Nice to see on a weekday so many people downtown patronizing our businesses.

(2) Food Trucks. I sent a couple of emails to you regarding food trucks. The Chamber has an economic development subcommittee. They would like to request we look at the regulations for food trucks. Today, they are regulated under Section 4 and the ZBA under special exception.

Discussion.

Zones it is included in were discussed.

Right now, there is no language in the planning & zoning regulations that gives guidance to these types of activities. It is at the sole discretion of the ZBA.

I sent a couple of regulations I was able to find and our regulations. What do you think? Is it something we should open up and look at with regarding to providing more guidance as to where these may or may not be appropriate. Or should we leave it at the sole discretion of the ZBA?

The issue is that a lot of the restaurants in town are not thrilled over the fact they are brick & mortar and pay taxes to the town and this board through its regulations and the ZBA through it's approvals are allowing trucks to go in for days at a time and park at a location and sell stuff that a restaurant in that area is also selling advised Mr. Sciota. The Chamber does not want to stop business but it is something they want you to look at.

Discussion.

Right now, the way it is written it could be unfair to the brick & mortar type restaurants added Mr. Sciota.

You all got the memo from Lou Perillo with a little bit of guidance.

Mr. Sinclair asked: What is the end goal and what is the issue we're trying to fix? Is it broken? Is there a problem we have to

solve? Mr. Chaplinsky stated he asked the commission. It was the Chamber and economic development committee that brought it up that there may be a little bit of tension there.

Discussion.

Mr. Sinclair said the mobile vendors are serving a segment of the population that brick & mortar restaurants can't serve.

Attorney Sciota said the "mobile" is the issue. What is being discussed is the approval of a truck that sits stationary in a parking lot five days a week.

Mr. Sinclair brought up the fact at the former Hartford, there was no place for employees to go to lunch. This solves an issue in terms of that.

Discussion.

Everyone agreed it is definitely worth a look as the Chair commented.

Brick & mortar businesses do have a concern with regard to competition. Maybe we look at strengthening or making the transient type businesses pay more in fees, et cetera.

The Chair cited: Hartford, New Britain and New Haven who does it.

Mr. Hammersley added those communities have designated areas where they allow the food trucks go to. Explained different locations. That is something that may be worth discussing.

#### 11. ADJOURNMENT

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

(Meeting adjourned at 8:58 o'clock, p.m.)