

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
MAY 2, 2017

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, April 4, 2017 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Chairman Michael DelSanto called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

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

Alternates: Joe Coviello & Ted Cabata
Ex-Officio: Robert Phillips, Director of Planning & Community
Development
Mark Sciota, Deputy Town Manager/Town Attorney
James Grappone, Assistant Town Engineer
Absent: Robert Hammersley, Regular Member
Ross Hart, Alternate

The Chair seated Mr. Coviello for Mr. Hammersley. A quorum was determined.

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

4. APPOINTMENT OF ALTERNATE COMMISSIONER

Passed to next meeting.

5. APPROVAL OF MINUTES

A. Regular meeting of April 18, 2017

Mr. Chaplinsky made a motion to approve the Minutes as presented. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

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

6. PUBLIC HEARING

A. Zoning text amendment: Modifications to Section 2 - Definitions, Section 4-Business Zone Requirements, Section 5 - Industrial Zone Requirements, Section 8 - Special Permit Use, Section 9 - Site Plan Review, Section 11 - Special Regulations, Section 12 - Automobile Parking and Loading Area Provisions and Section 14 - Administration and Enforcement for the purposes of definition clarification, unification of kennel requirements, legal notice to abutters responsibility, enabling digital application submittal, reestablishment of non-conforming buildings, damaged by accidents, side yard interpretations for lot lines bisecting buildings, allow up to 10% in excess parking, and require paved driveway aprons. (ZA #592)

Mr. Phillips went over item by item the suggested changes on Attachment 1 attached hereto.

(Those speaking in favor of this matter)

Sev Bovino, Planner with Kratzert, Jones & Associates. I am here speaking in favor of all of these revisions to the regulations but I do have some questions:

Section 2-11.k - clarification purposes, it is misspelled. It says for "purposes". It should be purpose.

Section 12-02.01 - the pavement, pervious material. My question is: Do we have a definition of pervious materials somewhere we can see that make sure that we use the property materials? What do we consider to be pervious materials? Does that mean brick pavers are pervious? Or do we need to have special materials, pervious concrete which has been used in the south but not as much in the north? Any clarification to that.

The notification for the special permit. Is it only for the zone changes or is it all special permits? Here it talks about zone changes.

Mr. Phillips answered it is for all special permits.

Arthur Cyr, 103-105 Berlin Avenue. I have no questions. I would like to thank Mr. Phillips for all the work he's done on this section and a bunch of other sections in the last year or so.

There has been a lot of changes made to our regs in the last fifteen years but specifically in the last two. A lot of conflicting questions because one section would say one thing and another would say another. It was sometimes very confusing. I thank Mr. Phillips profusely for a lot of the clarifications he's done in the last couple of years as we see again tonight.

The difference between the zoning book of 2000 and now is remarkable. I speak in favor of all these changes and modifications. I hope there's more to come as Mr. Phillips digs deep into our regulations.

Thank you.

Mr. Bovino brought up one more item. Rob said the notification applied to all of the special permits but here it clearly says for a zone change. It doesn't mention anything else. How do we understand that? It is Section 8-03.4. (Read the section.)

(Those speaking against the application)

None.

The Chair closed the public hearing at this time.

7. BUSINESS MEETING

A. Zoning text amendment: Modifications to Section 2 - Definitions, Section 4-Business Zone Requirements, Section 5 - Industrial Zone Requirements, Section 8 - Special Permit Use, Section 9 - Site Plan Review, Section 11 - Special Regulations, Section 12 - Automobile Parking and Loading Area Provisions and Section 14 - Administration and Enforcement for the purposes of definition clarification, unification of kennel requirements, legal notice to abutters responsibility, enabling digital application submittal, reestablishment of non-conforming buildings, damaged by accidents, side yard interpretations for lot lines bisecting buildings, allow up to 10% in excess parking, and require paved driveway aprons. (ZA #592)

Mr. Phillips thanked Mr. Bovino for picking up the spelling error.

The second question about what is pervious, I can understand that fully, but to define it in a sense of having a percentage infiltration would be too direct and may prevent some flexibility. A lot of the pervious treatments, basically not the traditional concrete and asphalt, are well known in the low impact development world. I think engineering working with the applicants can suggest all kinds of alternatives that we would be happy with.

Mr. Grappone agreed. From our perspective, it is mostly called parking similar to what West Farm Malls has. I don't know if giving a picture would suffice as a detail.

Attorney Sciota said in the past when technical words such as that are being used, the engineering department works with the applicant. I would not want to list fifteen different pervious situations. I think the engineering department has a very good reputation working with the applicants and I'm comfortable with that.

Mr. Phillips added in the not too distant future there may be the creation of a low-end impact development guide which could then be an addendum to your zoning regulations. Then we can update it as staff whenever necessary and would not have to come back to you. That's been on our radar to help define what options are available.

The third item mentioned, he is correct. The language proposal is only in the zone change. However, when you look under the special permit use section, 8-03.4, for all special permits. It says the commission shall notify all property owners of a special permit use in the manner prescribed in Section 14-03.5 herein for a change in zone except that the commission shall notify abutting property owners only for home occupation application.

I probably could've gone there and changed commission to applicant, but I think it still directs you to that section which tells you how to do it. It is going to apply to all special permits now. Maybe we should have changed those terms but it didn't come up when I was looking at it. Because it directs you to that section, you are going to go to that section and do exactly what it says which is the proposal is to change it to the applicant's responsibility through certificate of mailings.

Mr. Chaplinsky asked about the 364 square feet in the accessory use or building. Was the purpose for that to provide more flexibility in the design of the garage instead of a 14 by 26. What was the purpose of changing that?

Mr. Phillips responded the 14 by 26 dimension actually came out of the subcommittee a couple of years ago. The theory was so that it would allow for oversized trucks and stuff like that. I wasn't totally onboard with that. I thought it over inflated the size of your average garage. It has been working. We've had situations where people have come in for special permits because they've been over what comes out to be 1,092.

The reason we haven't been doing 14 by 26 is because it is not a standard space. In a two-car garage, you can't fit two of those. It is cumbersome and clunky for us. So, we started doing the aerial calculation instead because it was that much easier to apply.

It's memorializing how we have been doing it.

This is ready for action along with the modifications I mentioned:

1. The spell correction Mr. Bovino brought up under 2-11.k.
2. Section 9.03 modification to three.
3. Section for notification procedures, take out "at least" and put in "one" (1) (week. . .)

Mr. Sinclair made a motion to approve with those modifications. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

To take affect 15 days from publication.

B. Zoning Text Amendment of Lovley Development for proposed revisions to Section 11-14.2, 11-14.3 and 11-14.4 of the Town of Southington Zoning Regulations (ZA #590) extended from April 18th.

Mr. Phillips advised this application has been withdrawn by the applicant.

C. Tilcon Connecticut, Inc., request for two-year extension of Earth Excavation approval, West Queen Street and Welch Road, in an I-1 zone (EE #24.15)

Sev Bovino, Planner, Kratzert & Jones presented the application. He oriented the commission to the map on the screen.

The request is for a two-year extension.

The property is 187 acres with 18 acres (+/-) being the area of activity. The hours of operation are 8:00 to 5:00. No overtime hours. No weekend operation. Little activity on the site due to the slow economy the last couple of years. The truck route is the same as always. (Explained)

The Chair noted everything that was previously approved would remain the same. Attorney Sciota said he is just required to get your approval for a two-year extension.

Mr. Bovino wanted to give more information for the new commissioners. In terms of safety and the issue with dust control, there is a water truck on site and if there is any dry condition it will water down the site to prevent any dust migration to the property next door.

Erosion controls are in place. It has been checked by staff and no comments.

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

Mr. Sinclair asked how long this was going to continue? Mr. Bovino said the way it is going it could be another twenty years.

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

D. Request for road acceptance: Wolf Hill from West Center Street to its terminus, a total distance of 370feet (.07 miles), pending receipt of a \$25,000 maintenance bond, S#1299.

This is ready for action with the receipt of the bond. Mr. Sinclair so moved the motion for approval. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

8. ADMINISTRATIVE ITEMS

Mr. Phillips said he sent out an email a little while ago and I provided a paper copy which shows some conceptual changes to the open space preservation subdivision. I summarized it. It would make some sense to look at it, think about it and come back and talk about any concerns or other ideas you may have. Then reach out to stakeholders and see where you go.

It is just mandating this open space design concept for R-80, R-40 and R-20/25 zones of six acres or greater pieces of property. The lot yield would be the same as a conventional design. But reducing lot sizes and frontage requirements so you can cluster the houses and leave more open undeveloped space instead of what we are currently doing with our regulation.

These added concepts are basically right from Flexible Residential Design out of Granby which is a proven model and very successful. No reason to try to recreate the wheel.

Attorney Sciota suggested putting it on the planning website to start some conversation with the people.

Mr. Chaplinsky said the input is good. The goal is to try to provide another avenue for --- and maybe we want to change the title of this section to "Space Preservation". We hear of open space meaning the town owns the open space. It might in some cases but in many cases, it won't but it is designed to preserve more land with a different design.

Mr. Phillips suggested calling it Flexible Subdivision Design or something like that.

Also, do we move this just to the as of right section under the residential zones or do we move it under special regulations. Something to talk about. We have a good start with a proven model we can work off of.

9. ITEMS TO SCHEDULE FOR PUBLIC HEARING

St Dominic Church, Modification of Special Permit approval to increase the child capacity from 60 children to 120 children, 1050 Flanders Road, in an R-40 zone (SPU #555.1), May 16.

That can be scheduled.

10. RECEIPT OF NEW APPLICATIONS

Mr. Phillips reported:

1. Ultimate Construction, 146 Industrial Drive. New building. Basically, a revision of an older site plan that was approved.

2. Flood plain application for 1132 Old Turnpike.

3. Site plan modification for an addition to an existing carwash at that same locations.

4. 447 North Main Street - some activity there.

11. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 7:37 o'clock, p.m.)