

May 16, 2017

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
MAY 16, 2017

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, May 16, 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	Robert Hammersley
Jennifer Clock	Michael DelSanto, Chair

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

* Arrived where noted.

The Chair seated Mr. Cabata for Ms. Locks. A quorum 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

Regular Meeting of May 2, 2017

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

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The Chair recognized three students in the audience: Sarah McCauliffe, Autumn Swain & Audrey Norton. All are in the 9th grade civics class.

Brett Phillips, 2nd grade.

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

6. PUBLIC HEARING:

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

Father Ronald May, St. Dominic's Church, 1050 Flanders Road, represented the application. He gave background on the existing permit.

(*Mr. Sinclair entered the meeting.)

The child care center is located in the rear of our property in several buildings. Hours are from 6:30 am to 6:00 pm. Monday thru Friday. The children are dropped off and picked up at staggered times so there is never any traffic issues. We have ample parking.

We remain an excellent neighbor to the residents around us by maintaining our grounds and building and work with our neighbors to address concerns.

I am requesting a modification to our original application and ask that you consider and increase the number of children we provide day care for from 60 to 120.

This number is considerably lower than the number of children our school once had. We had a maximum at one time of 240.

Thank you for your attention.

(Those speaking in favor of this application.)

Arthur Cyr, 103-105 Berlin Avenue. I speak tonight in support of this application. He noted the day care center in town that jams up the center of this town and Route 10 all the way back to Flanders Road. This would take some of those students and put them on Flanders

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over by Laning and get them out of the center of town. It's a great location. An existing facility and better to have it filled and useful rather than abandoned like may happen to some other churches around the state.

They've always done a great job, been a great neighbor. I heartily approve this application.

(Those speaking against the application.)

None.

In response to a query by Mr. Chaplinsky, Father May said the facility hasn't changed that much except for renovations to meet the state requirements.

The Chair closed the public hearing.

7. BUSINESS MEETING

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

Mr. Phillips advised this item is ready for action. Mr. Chaplinsky made a motion to approve which Mr. Cabata seconded. Motion passed 7 to 0 on a roll call vote.

B. Ultimate Construction, LLC, site plan application to construct an 11,200-sf building, 146 Industrial Drive, in an I-1 zone (SPR #1730)

Adam (Inaudible) and I own the company Ultimate Construction, LLC. The address right now is in West Hartford, CT.

We purchased this property in 2015. I also moved with my family from New Britain to Southington last year.

We are planning to put up our own facility in the town. I'm here to answer your questions.

Mr. Phillips advised their design professional couldn't be here. He has the site plan and you have it, as well. Staff has reviewed the

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plan and commented. We've received the responses and they can be incorporated on the revised plans to be submitted if approved. That's our only comment on this.

Basically, my company specializes in exterior (inaudible) installation. What that means is whatever is being installed on the exterior of the building, like commercial facilities, schools, banks, houses, other than masonry.

Discussion.

We want to expand into manufacturing our own product. Right now, we employ anywhere from 15 to 20 people. That goes up and down on a daily basis.

Discussion of the proposed building. (A mockup was shown on the screen and discussed.)

Parking was discussed. They provided 13 spaces (combination of retail and warehousing). In the regulations, the warehousing parking demand is dictated by the typical number of employees. It's up to the applicant to let us know what they need. They're providing what they believe they need.

Mr. Phillips added there was an approval here at one point in time in the not too distant past. I think it has changed hands since then.

Explained approvals.

Since this is a whole new building, instead of a site plan modification, we decided to do a site plan review.

Mr. Chaplinsky noted the employees stated was 15 to 20 but only 13 parking spaces. The owner explained four people work in the office and everybody is on site and we don't work out of the building. People in the office get the job and people in the field perform the installation. We have 13 field employees and 4 office employees at the moment, not including me.

Explained.

My goal is to grow this company to a bigger size with the possibility to do our own manufacturing of the product. We'll put some parking in the back instead of the front so we can enter the warehouse from the back if we do get to do the manufacturing of our product.

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Discussion of the parking regulations.

Mr. Chaplinsky discussed the door for deliveries is going to be in the front and out the back. The owner explained he wanted to maximize the space of the building. We do not receive tractor trailers to the office and everything goes to the job now. I want to have an option to drive in with our work vehicles to unload and load.

Is there any issue with the turning radius out the back queried Mr. Chaplinsky of staff? Mr. Grappone said it depends on the size of the building. Box truck should be okay.

Mr. Chaplinsky brought up the landscaping --- are there evergreens in the back staggered? Mr. Phillips said they are arborvitae. We could consider adding the applicant work with staff on placement of the evergreens. There is an existing tree line there. It's key to fill it in.

Discussion.

Hours of operation: 7:00 am to 5:00 pm.

Mr. Phillips advised this is ready for action if you want to stipulate the revised plans reflect comments that were submitted to engineering and planning include staff is satisfied with the 30-foot vegetative buffer. The engineering comment list consists of nine comments and is dated May 15, 2017. We have received responses and they will be incorporated. The planning comment list is May 4th, 2017 with responses received May 15th, 2017.

Mr. Chaplinsky made a motion to approve with the Town Planner's and Town Engineer's stipulations noted above. Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

C. ** Milldale Holdings, LLC, Floodplain application to construct a 255 +/- addition to an existing car wash facility, 1132 Old Turnpike Road, in a B zone (FF#252)

Mr. Phillips recommended this item be tabled. Staff has determined that the addition constitutes a structure that is actually located in the revised FEMA floodway. Therefore, they need to get a variance from the ZBA and they have to prove there is going to be no rise and they may have to remove something in order to accommodate that.

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

D. ** Denise Rivera floodplain application to add a vestibule, sidewalk and deck in front of building, 447 North Main Street in a B zone (FF #252)

Stephen Giudice, Harry Cole & Son, 876 South Main Street, Plantsville. I'm here with Denise who is the property owner and also runs Center Stage.

She purchased the building a few years back and has been continuously making improvements and this is the next step in her master plan to improve the building.

We did go to the ZBA a few weeks ago and got a variance for this application.

The property is located at 447 North Main Street. We're proposing a small amount of filling of floodplain and we did receive a favorable recommendation of the wetlands commission last week at the site walk.

We're proposing a vestibule which is located at this point (indicating) and a deck which would be constructed on piers. Almost the entire site is within flood zone. Anything she does on this site requires a floodplain filling application.

We're proposing to make some modifications to the landscaping here and in the back to compensate for increase in impervious surfaces. And, the wetland commission requested that we remove a couple of piles of rip rap on each location to compensate for our floodplain filling of 2.7 cubic feet, a relatively small amount of fill. We did agree to make those accommodations to meet that requirement.

We received staff comments and did submit revised plans with the updated flood limit and Mr. Grappone had a comment about the professional engineer design for the piers and the connections to the deck and the building itself. A professional engineer has already done the plans so that is pretty much covered.

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Mr. Chaplinsky asked about the river and discussion followed. The fountains were discussed. During flooding conditions portions of the piers would be located in the flooding area.

The vestibule and outdoor deck location was discussed. The building is divided into different uses. The vestibule is for emergency access. The site is very tight. That's why we went before the ZBA. This plan made the most sense and they thought it was a reasonable request given the building. Parking is at a premium here. To add more building somewhere else, it would either be in the river or take away parking spaces. This area does not do either of those.

Denise Rivera, 38 Jeanette Court in Plantsville said a lot of it too is safety because when I have events, my customers come in the back of the building those are parking spaces. There is a side door that comes out. If they come out to have a cigarette, they're standing in the parking lot and it is not safe.

The vestibule works great because I wanted them to be able to have a nice, real entrance. Not a side door entrance that is for lugging and stuff and an emergency exit, really. If they go out to the vestibule and go to the right, the deck is also for a safe area for people if they do want to have a breath of fresh air because we found people were standing in the parking lot and I didn't feel good about that.

Also, students at the dance studio wanted to go outside sometimes. I just think it will make the place have a nice, safe place to outside. It's all covered. I haven't had any flooding issues since I've been there for three years. The engineer designed it and it is totally appropriate. We have no problem forwarding that plan to you. Gary Meola was the engineer who designed the prints.

Mr. Chaplinsky noticed on the property there are lights that are strung around the building. Some of them are falling down and they're in the floodplain. Can you take care of that? Ms. Rivera said she would take care of that.

Mr. Chaplinsky also stated in the front of the building there is some plastic piping for the fountain. If that is not going to be in use, I would also suggest removing that. Ms. Rivera said she'd take care of it.

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Mr. Chaplinsky further asked about the south side of the building. There is a truck plugged into the building. Ms. Rivera said that has been approved. During the day, he vends on the other side of the building and that's where he connects to the electricity of my building at night. It's a food vendor.

Discussion.

Attorney Sciota said that was approved that way. In the day time, he is up front and in the back, he has to dump his gray water and he stays on site.

Mr. Phillips advised this is ready for action with the stipulation the piers and anchor attachment for the proposed deck shall be designed by a Connecticut PE.

Mr. Chaplinsky said it is a tight site. He didn't have the map and it is a sensitive area around the floodplain. I'd like to wait one more meeting to take the site plan and do a thorough look at it.

Mr. Giudice pointed out it meets the requirements. If there is anything we can answer for you now that'd help you move it along, we'd greatly appreciate it.

Mr. Phillips wanted it clear this is a floodplain application. We do have a site plan modification application in. Because it is minor in nature, I would suggest an administrative review on that. If we elevate that to a commission review, it'll have to go to the next meeting.

Ms. Sinclair made a motion to approve with removing the pipes and the wiring and the town planner's stipulation. Ms. Clock seconded. Motion passed 7 to 0 on a roll call vote.

ADMINISTRATIVE REVIEW:

Mr. Phillips was anticipating the commission would go along with an administrative review for the site plan modification application. It's kind of minor.

Attorney Sciota asked if there was any objection to the planner doing an administrative review on this plan.

The Chair said: That's fine.

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E. Request for five (5) year extension of subdivision approval, 1821 Meriden Waterbury Road (S #1306)

Mr. Phillips advised this was approved two years ago and they have three years remaining. In order to maintain their ability to negotiate to their advantage, they're looking for the extension at this point.

Mr. Sinclair made a motion to grant a five-year extension. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

8. REGIONAL PLANNING COMMISSION UPDATE

Mr. Cabata advised the meeting is Thursday. I'll have something for the June 6th meeting.

9. ADMINISTRATIVE ITEMS

(The following is a summary of the discussion points. Please refer to the video on line for the full presentation.)

Mr. Phillips said the other floodplain application that was tabled tonight, that also has a site plan modification that I was hoping would be administrative level. But that would have to be tabled anyway. If the commission is good with that. It can't administratively be approved because the FF is not done. Move the whole thing to the next meeting, advised Mr. Sciota.

The potential revisions to the cluster regulation. Another copy was sent to everybody in which I added language to be sure that the minimum buildable square wasn't applicable in these situations, noted Mr. Phillips. It's very heavily based on a successful model in Granby.

This would mandate open space residential flexible design in R-80, R-40 and R-20/25 zones for properties six acres or greater. If it is less than six acres it would be a standard layout. The lot yield would be the same as allowed under a conventional design.

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This essentially allows a developer to concentrate the lots so that we can get more open space while they still get the same number of lots otherwise.

In order to do this, you have to reduce the lot sizes and frontages to allow that flexibility. And, then remove some of the other obstacles that would help with the flexibility.

We also talked about potentially eliminating the ability to get rear lots with this layout. It doesn't make a lot of sense, it would be two times the underlying zone. I think by reducing the frontages you are effectively making that rear lot requirement obsolete.

The Chair said he had asked everyone to review it and if they had anything to bring up, we will discuss it.

A lengthy discussion was had on the elimination of the buildable square and the logic behind that.

Ms. Clock said when we reviewed the last proposed revisions it was of the utmost importance that we provide more flexibility so that we can attain our ultimate goal which was preserved space. So, anything we can do to provide that flexibility, I am in support of.

Mr. Morelli agreed. To eliminate the square requirement offers flexibility in the actual layout and design. We already have a set number based on the land area. It allows the town staff to work with the developer to get a design we all like. I think smaller is better. With our aging community, we will be looking at that in the future, anyway. This is a dramatic change from what we had last time. I think it's great and I am in favor.

Mr. Hammersley agreed with the last two speakers.

Mr. Sciota stated for the record, whatever you guys decide on the open space part of it, look very closely on conservation easements on the current property owners or some sort of association to own the open space. I can't stress enough the last thing the town wants --- if there is a huge chunk of land that borders on a town road, that the public can use, we'll take that and maintain that. But please under the new regulations use conservation easements and homeowners' associations to own the land. I would not want more responsibility to the town for land the general public cannot use.

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The Chair brought up open space and said he was all in favor of the homeowners' association and he wanted to put teeth into this to make sure that the homeowners' association follows through and it doesn't fall back on the taxpayers for maintenance.

Mr. Sciota spoke more in favor of the conservation easement than the homeowners' association for open space on private property. Conservation easements go to the Town so we can enforce it.

Discussion.

Attorney Sciota stressed having the tools and using them for open space. (Town owned, conservation easements and homeowners' associations.)

Mr. Phillips advised the commission has the sole discretion on the open space and how it is going to be preserved.

Discussion.

Section 3-07.4 was discussed re: loop roads. Staff and safety professionals from the police and fire departments would advise on this, as well.

Mr. Chaplinsky brought up for discussion, the goal of this proposal is to preserve more open space, more virgin property, more untouched land, whether it is meadows or trees, when a subdivision is being considered. I want to be sure everyone understands the language as written. It says over six acres it defaults to this. There is no more of an option of going open space or conventional. It's more than six acres it goes to this and less goes conventional. It's permissive. We want to be sure the language is exactly how we want it before we enact this. We won't have the benefit of a special permit to review on a case by case basis. It'll only be subdivision, permissive, if it meets the regulations it goes.

Mr. Phillips noted this really does achieve balance between development and preservation while allowing more flexibility for developers to be creative and for what you want to preserve to be creative.

Discussion.

Mr. Phillips also stated in his experience, flexibility is good for everybody.

Mr. Chaplinsky said there are a few areas where we use the term open space. For me, that's a gray area. I think we have to extract

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open space wording out of this entire regulation. I'd like to make sure we define what open space is. Open space means town owned land is open space for town use? Then let's define open space as that. If we need to use open space in this regulation it should mean that.

The areas where we mention open space, I think what we mean to say is preserved space or preserved land. I'd like to go back and have that cleaned up a little bit.

Mr. Chaplinsky loved the idea of the conservation easement. I'm not a big fan of the homeowners' association. It never works.

Discussion.

Mr. Sciota said he wanted the homeowners' association kept as a tool but it should be used the most sparingly.

Discussion.

Mr. Chaplinsky made a recommendation to ensure that we modify the language to state that conservation easements if preferred. The number one preference unless there is a reason for town open space or a homeowners' association.

Discussion.

Mr. Sciota said when developers come in front of you with a subdivision, they're going to know the feeling of the particular board at that time. Boards change.

Discussion.

Mr. Sciota again reiterated keeping all the tools available to the commission.

Discussion of cul de sacs. There is an opportunity for input on this from the stakeholders in the community.

Section E.4. The way homes are oriented on a lot using the terms "east-west". Mr. Phillips pointed out this is in the state statute.

Discussion.

This needs to go to the subcommittee again, stated the Chair. We should have members of the building community take a look at this and comment or offer suggestions.

Extensive discussion about lot yield.

Discussion of including this in R-80 zones.

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10. ITEMS TO SCHEDULE FOR PUBLIC HEARING

A. Gary Musciano, applicant, Special Permit Application to install an addition 33x24' unmanned telcom equipment shelter, property owned by Cox Communications Connecticut, Inc., in an R-12 zone (SPU #577) June 6

B. Kris and Michelle Belanger, Special Permit application to construct a 12 by32 carport which will be in excess of three garage spaces, 749 Mount Vernon Road, in a R-2025 zone (SPU #578) June 6

Both can be scheduled for June 6th.

11. RECEIPT OF NEW APPLICATIONS

12. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:20 o'clock, p.m.)