

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHWINGTON
JULY 18, 2017

The Planning and Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, July 18, 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 p.m.

The following Commissioners were in attendance:

Paul Chaplinsky	Robert Hammersley
Susan Locks	James Morelli
James Sinclair	Michael DelSanto, Chair

Alternates: Theodore Cabata and Peter Santago

Ex-Officio: Robert Phillips, Director of Planning & Community Development
James Grappone, Assistant Town Engineer
Jeremy Taylor, Assistant Town Attorney

Absent: Jennifer Clock, Regular Member
Joe Coviello & Ross Hart, Alternates
Ex-Officio: Mark J. Sciota, Deputy Town Mgr/Town Attorney

The Chair seated Peter Santago for Ms. Clock. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

4. APPROVAL OF MINUTES

A. Regular meeting of June 20, 2017

Mr. Sinclair made a motion to approve the minutes of the June 20, 2017 meeting. Seconded by Mr. Hammersley. Motion carried on a voice vote 6 – 0 – 1 with Mr. Chaplinsky abstaining.

5. PUBLIC HEARINGS

Mr. Phillips read the public hearing notice for all three hearings into the record.

A. Petition of John Senese (Calco Construction and Development Company) to change the zone from R-12 (residential) to Business Overlay Zone (BOZ), properties located at 3,4,5,6,7,9,10,11,12,14,15,16,17 Chaffee Lane; 1,2,3,4,5,6,7,8

Stoughton Road and 2,4,5,6,7 Upson Drive (Assessor's Map 181, Parcels 31,56,32,55,33,39,46,40,45,44,41,43,42,47,54,48,53,49,52,50,51,37,38 and portions of 34,35,36), (ZC #558)

Atty. Kevin Hecht, 220 South Main Street, Cheshire, representing Calco Construction spoke to the commission. Mr. Senese, applicant, was also in attendance. A map was displayed on an overhead screen and Mr. Hecht reviewed the areas involved in the petition for creating a Business Overlay Zone (BOZ) there. He indicated that he had 15 petitions in support of the zone change. Mr. Senese has spoken to various owners in the neighborhood. The petitions were submitted for the record. Approximately 70% of the neighborhood is in favor of the application. Mr. Hecht said it is a win-win for the property owners. It does not prohibit any use of their land. They can still add a deck or pool, for instance, without having to apply for a variance as they would have if it were zoned Business. It remains an R-12 Zone with the BOZ. Mr. Hecht said the BOZ is subject to Sections 4 and 9 of the regulations which are very stringent. The intention is to provide business growth over a period of time. He also stated that property values would most likely increase as a result of this change because developers would be very interested in their property and would pay more than fair market value.

Mr. Phillips said there are 18 in support and a few against. Some may be duplicates. There are 26 lots. Four are owned by the applicant. Mr. Chaplinsky asked about the property values reference. Mr. Senese said it is based on the market on Queen Street, retail demand, three major access points, and no wetlands. Queen Street is a regional market. He felt the homes would go up in value 50% from current values.

In response to a request, Mr. Phillips explained the difference between the Business Zone and the BOZ.

(Those speaking in favor of the application.)

- 1) Roger Swanson, 9 Chaffee Lane
- 2) Jared Stevens, 7 Upson Drive
- 3) Marcy Potvin, 2 Stoughton Road
- 4) Don Johnson, 5 Chaffee Lane
- 5) Victor Baldwin, 5 Upson Drive

(Those speaking against the application.)

- 1) Tim Stout, 2 Chaffee Lane
- 2) Fiagrio Ramirez, 6 Stoughton Road – read and submitted a letter

- 3) Mark Adams, 7 Stoughton Road
- 4) Frank Kordek, 1 Chaffee Lane (corner of 741 Queen St)
- 5) Leslie Smart, 1 Stoughton Road
- 6) Mike Pinto, 62 Squires Drive – submitted GIS map

Discussion followed on the minimum requirements for the BOZ and approximately how many homes would need to be purchased for development in the zone. Minimum lot area would have to be at least 80,000 sq. ft. with minimum frontage and depth in accordance with the regulations. Mr. Phillips also stated that it would not be considered “spot zoning” as it is consistent with the Plan of Conservation and Development.

Mr. Smart asked if there was any requirement for a noise study. He referred to a previous application that indicated there would be a 20 foot berm/fence. Chair replied whatever was determined at the last approval the commission has no control over now. It is not part of this application.

Chair asked Atty. Taylor if he was aware of a covenant mentioned by a resident about “no development other than residential” in the neighborhood in question. He will check with Mark Sciota on that. Atty. Hecht stated that the covenant no longer exists.

Mr. Phillips said there are 26 total properties, 22 of which are not owned by Calco. Of the responses we have here or received, there are 12 in support and 6 not in support. Therefore we have 18 of the 22. There may be a few more received late.

At this time the public hearing was closed.

B. Festival Fun Parks, LLC, Earth Excavation application to remove 61,000 yards of material for potential amusement park expansion, parking area or picnic area, 2304 Mount Vernon Road, in an R-40 and R-80 zone (EE #144)

Andrew Quirk of Kratzert and Jones said the Earth Excavation application is at the intersection of Mount Vernon Road and Welch Road. He provided further details by way of a map on the overhead screen. All the trees are proposed to remain. There are wetlands on the property to the south and west. A letter of support was submitted by Briarwood Real Estate.

Initial purpose is to create an emergency access road. There is an emergency access road in another area currently which would be moved. Requirements include hours of operation (8 a.m. to 5 p.m.). The applicant is also aware of the restrictive covenant that applies to the north. The application is important for Lake Compounce. There are no definitive plans for any development at this time. If plans are developed at a future time, the applicant would go through the normal procedures in accordance with town

regulations. Stipulations recommended by the Town Engineer will be done. In response to a question, Mr. Quirk said the access road would not be paved. The current one is not paved.

Mr. Morelli asked about the elevation as related to a house on Panthorn Trail. Mr. Quirk said the purpose is to expand the path along the lake. Without it, fireworks would not be able to occur as it would be too close to the house.

(Those speaking in favor.)

None.

(Those speaking against the application.)

- 1) Paul DiPietro, 69 Panthorn Trail – asked about any limitations to mining of glacial sand, covenants to the land (berm), and are parking lots permitted in R-40 & R-80 zones.
- 2) Chet Khongdy, 75 Panthorn Trail
- 3) Mike Boissonneault, 74 Panthorn Trail
- 4) Rhonda Merriman, 10 Panthorn Trail – submitted a letter as part of the record; the covenant states no development south of the berm.
- 5) Maura Maloney, 2242 Mount Vernon Road
- 6) Debbie Linkavicks – 2222 Mount Vernon Road
- 7) Janet Robinson, 65 Panthorn Trail
- 8) Gary Lincavicks, 2222 Mount Vernon Road
- 9) (name inaudible), 120 Panthorn Trail – submitted a letter
- 10) Joe Seremet, 124 Panthorn Trail
- 11) Marta Perez, 15 Panthorn Trail
- 12) Aericka Khongdy, 75 Panthorn Trail
- 13) Craig Wright, 95 Panthorn Trail
- 14) James Howley, 125 Panthorn Trail

Most of the residents against the application spoke about well water being disrupted, loss of privacy and continuing noise and dust from many construction projects over the past years. They questioned the need for the earth excavation since there are no plans for development and there is already an emergency access road. Most also don't believe a 20-minute fireworks display once a year is a reason for this disruption.

Mr. Quirk responded to the questions raised. The application is for an earth excavation permit. Information on ground water testing was included with the application. There is no ground water within the site. He does not expect any problem with ground water. He also responded to questions from Mr. Chaplinsky regarding composition of the land for water percolation. Mr. Quirk said he would continue to work with the attorney regarding any covenant restrictions. Trees to the west and south will not be cut. It is on the plan.

Chair stated that parking is not allowed in the R-40 and R-80 zones. They would have to come back with another application.

At this time the public hearing was closed.

C. Rosaline LeBlanc, special permit use application for reapproval of parent/grandparent apartment for new owner, property located at 90 Budding Ridge, in an R-40 zone (SPU #580)

Ms. LeBlanc said the house was built in 1985 and a special permit was approved in 1993 but it is expired. She is asking for renewal of the permit.

(Those speaking in favor.)

None.

(Those speaking against the application.)

None

The public hearing was closed.

6. BUSINESS MEETING

C. Rosaline LeBlanc, special permit use application for reapproval of parent/grandparent apartment for new owner, property located at 90 Budding Ridge, in an R-40 zone (SPU #580)

Mr. Phillips stated that there are standard stipulations. Nothing is changing but the ownership. The affidavit listed on his note to the commission has now been submitted. It is ready for action.

Mr. Sinclair made a motion to approve; seconded by Ms. Locks and carried 7 – 0 on a roll call vote.

A. Petition of John Senese (Calco Construction and Development Company) to change the zone from R-12 (residential) to Business Overlay Zone (BOZ), properties located at 3,4,5,6,7,9,10,11,12,14,15,16,17 Chaffee Lane; 1,2,3,4,5,6,7,8 Stoughton Road and 2,4,5,6,7 Upson Drive (Assessor’s Map 181, Parcels 31,56,32,55,33,39,46,40, 45,44,41,43,42,47,54,48,53,49,52,50,51,37,38 and portions of 34,35,36), (ZC #558)

Mr. Phillips said this proposal has been discussed at length with the commission in the past. The only difference here is that the applicant is proposing to change the zone to BOZ. This would allow the property to continue as residential. The BOZ would be triggered when a lot consolidation is made of at least 80,000 square feet along with other lot size requirements. It is ready for action.

Mr. Sinclair said last time he was not in favor because it was boxing in the property owners. With this new application for BOZ, it has helped and he believes it is in the best interest of the property owners. He made a motion to approve. Mr. Morelli seconded the motion. He believes we listened to the neighbors after the first application and feels it is a win-win. They don’t have to sell. It is a good thing for the area and the town.

Mr. Chaplinsky said we took a hard look at this application in the business zone. He believes the BOZ offers an opportunity for the residents and for the market. When you take an obstacle out of the way for a developer, it increases the opportunity for both parties to negotiate.

Chair said the home run is that you don’t have to sell your property. You can put a pool or porch and you don’t have to do the extra approval steps (request for variance).

Motion carried on a roll call vote 7 – 0. Mr. Phillips added that the effective date would be August 7, 2017.

B. Festival Fun Parks, LLC, Earth Excavation application to remove 61,000 yards of material for potential amusement park expansion, parking area or picnic area, 2304 Mount Vernon Road, in an R-40 and R-80 zone (EE #144)

Mr. Morelli said the berm is important and felt the earth excavation was a waste of time. He is not in favor.

Mr. Sinclair believed since we had the public hearing, we should either accept or deny.

Mr. Phillips said he reviewed the covenant. It only applies to a certain number of residents of Panthorn Trail. It doesn’t apply to this property per se.

Mr. Hammersley is not convinced that there is no impact to the wells or wetlands.

Mr. Chaplinsky would like more time to walk the property and consider all the comments made this evening. He moved to table the item. It was seconded by Mr. Sinclair. Motion carried 7 – 0 on a roll call vote to table. Chair stated the application will be picked up again in four weeks (August 15 meeting).

D. Garrett Homes, LLC, site plan application for a proposed 9,367 s.f. building, 1724 Meriden-Waterbury Road, owned by 1724 Meriden-Waterbury Road, LLC, in a B zone (SPR #173), tabled from June 20.

Matt Bruton, engineer with BL Companies reviewed the map. Changes since the last hearing: responded to comments from the town engineering staff. Changes have been incorporated. Sidewalks are proposed along Meriden-Waterbury Turnpike and Canal Street. At the fire marshal's insistence for access to the rear, we have put in a fire suppression system so no access is needed. They are amenable to providing access to abutting properties. There were some engineering suggestions for roof lines. There are no proposed lights on the back of the building. There was some discussion regarding sign design and lighting.

It was suggested that the rooftop HVAC units should be covered since there is a house right there. A solid fence along the back of the building was proposed.

There was some discussion about the number of cars that could be queued. Perhaps 20. There would be no traffic impact. Estimated peak trips are 50 (25 in and 25 out). A traffic memo was submitted with the application.

Mr. Morelli made a motion to approve, seconded by Mr. Sinclair. Mr. Grappone noted that engineering staff had some stipulations: two easements required – sidewalk and radius entrance on Canal from Meriden-Waterbury Turnpike. Work on existing sewer service. Existing house will be demolished. Proposed existing sewer service to be disconnected prior to demolition. Shop drawings for underground. Health Department inspection. The motion was amended to include the stipulations as stated. Motion carried 7 – 0 on a roll call vote.

E. 8-24 referral for the bond ordinance regarding the ordinance appropriating \$930,000 for costs related to the installation of the Miller Farms Sewer Pump Station and authorizing the issuance of \$930,000 bonds, notes and temporary notes to finance said appropriation, for an aggregate appropriation (MR #514)

Mr. Grappone said the town is proposing to move forward on a sewer pumping station. The homes were built by LePage Homes in 1997 with an agreement that the 29 homes would have individual pumps. They are over 20 years of age; it is a concern. Soils were investigated. There are extensive wetlands. Staff evaluated alternatives. Because of the

gravity sewer with 20 year operation and maintenance exceeded \$2 million, it would require a referendum. We are overburdened with debt due to the schools and the water treatment plant. An alternative is two pump stations. The developer would install either a gravity sewer or pump station. Will use force main in the street and abandon the 29 individual pumps. Because the cost is under \$1 million it would preclude a referendum.

In response to a question, Mr. Grappone said the homeowners would have two years to tie into the system. An agreement is in the land records. It was estimated that it may cost about \$5,000 to tie in. Right now the town is maintaining the line in the street.

Following further discussion, Mr. Chaplinsky made a motion to send a favorable report; seconded by Mr. Sinclair and carried 7 – 0 on a roll call vote.

F. 8-24 referral for the abandonment of stub off of Acre Way (MR #515)

Mr. Grappone said this is a stub from a subdivision. It is a vacant piece of property on Mount Vernon.

Mr. Sinclair made a motion to approve; seconded by Ms. Locks and carried 7 – 0 on a roll call vote.

G. Release of \$9,000 E & S bond, Wolf Hill Subdivision (S #1299)

Ms. Locks made a motion to approve; seconded by Mr. Morelli and carried 7 – 0 on a voice vote.

H. Release of \$8,500 E & S bond, Liberty Station (SPR #1674)

Mr. Sinclair made a motion to approve; seconded by Ms. Locks and carried 7 – 0 on a voice vote.

7. ADMINISTRATIVE ITEMS

- Communication from AT&T that they will be setting up a temporary “Cell on Wheels” to boost cellular service during the Apple Harvest Festival. It will be temporary for a few months. It will be on the next meeting agenda (August 15).
- Mr. Chaplinsky said he had a communication from a resident regarding industrial activity adjoining residential neighborhoods. He asked Mr. Phillips if he could look at what surrounding towns do and how our regulations might differ. He is thinking about buffers.

- Chair commented on the beautiful artwork in the room. He believes they are the work of third graders. Everyone thought they were really nice.

8. ITEMS TO SCHEDULE FOR PUBLIC HEARING

None.

9. RECEIPT OF NEW APPLICATIONS

10. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 9:32 p.m.)