

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

AUGUST 15, 2017

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, August 15, 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:

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

Alternates: Peter Santago & 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: Robert Hammersley, Regular Members
Ross Hart & Joe Coviello, Alternates

The Chair seated Mr. Santago for Mr. Hammersley. A quorum determined.

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

4. Approval of Minutes

Mr. Sinclair made a motion to approve the Minutes of the Regular Meeting of July 18, 2017. Ms. Locks seconded. Motion passed unanimously on a voice vote.

5. Public Hearings

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

A. Anthony and Melissa Geraci, Special Permit Application for parent/grandparent apartment property located at 41 Hawks Nest Drive, in an R-80 zone (SPU #581)

Anthony and Melissa Geraci, 41 Hawks Nest Drive, applicants explained they are just applying for an in-law apartment for the space in the basement. It was already finished by the previous owner. We moved in about a month ago. It is a walkout basement.

Mr. Phillips said there is a letter of support from 15 Hawks Nest Drive on file. We also have the affidavit on file. It meets the regulations. Approval would be subject to 10, 11, 12, 13 and Section 11-22. Typical conditions.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

Hearing no further comments, the Chair closed the public hearing for this item.

B. Town of Southington, Special Permit Application for Water Pollution Control Plant upgrades to meet NPDES permit requirements; construction of a 10,550-square foot phosphorus removal building and miscellaneous site improvements including odor control, property located at 999 Meriden Waterbury Turnpike (Assessor's Map 032, Parcel 86) in an R-20/25 zone (SPU #582)

James Grappone, Assistant Town Engineer presented. He advised with him is Dan Valentine from Tighe & Bond. He is one of the engineers and part of the project team.

Bringing the treatment plant project forward, we sought and did get approval of the voters for a \$57.1 million project. We are before you tonight for a SPU to upgrade the water pollution control plant to meet the requirements of the CT DEEP permit under the Clean Water Act.

We are proposing to construct 10,550 sf phosphorus removal building and treatment system along with various site improvements including odor control.

He showed an aerial view orienting the commission.

The Quinnipiac River has been identified as an impaired waterbody by the CT DEEP which is the reason for the project.

He noted the wetlands body and floodplain to the south.

The site is within an R-20/25 zone and an aquifer protection area. It encompasses 2 parcels totaling 23.5 acres. The site is also within floodplain wetlands. The site is generally level and the last time we had an upgrade was in the early 1980's. However, there are still components that are in use in equipment since 1958.

Other upgrades include converting to UV disinfection in 1997 and the addition of denitrification filters in 2009.

He indicated on the aerial all improvements proposed. It is again to almost every building and treatment system. As mentioned, as part of the upgrade we are also going to provide odor control. The open tanks, most odorous, are going to be covered as part of the upgrade. The primary clarifiers (primary level of treatment) were pointed out. We are also providing covering of the area of the grit chamber which is where basically three or four lines come in from various interceptor lines into the plant and then the sludge storage end is covered tanks also providing odor control.

We are proposing to construct a 10,550-sf building located at the southerly end of the site. A pre-engineered metal building that will allow us to reduce phosphorous from what we are currently are.

The Quinnipiac River is an impaired waterbody. There are a number of plants along the Quinnipiac River basin that are also upgrading.

Key Drivers:

- We need meet new affluent requirements. The current limit for phosphorous is 0.7 milligrams per liter and we're able to do that right now with chemicals. Under the new permit we need to go down to .1 milligrams per liter and we cannot do that with chemicals and it requires a major upgrade.

- The plant was built in '58 and there are still old components that need to be upgraded. And, some is electrical, not energy efficient. We are working with Eversource in getting a grant as part of the upgrade.

We want to take advantage of the Clean Water funding which is a 50% grant on any component dealing with phosphorous reduction under the Clean Water Fund.

We presented the numbers to the voters in November. It's a \$57.1 million project. The anticipated grants are just over \$17 million and

the net cost to the town at a low interest loan a 2% is just under \$40 million.

The project schedule, we are towards the tail end of our design. By the end of this year we anticipate completion of the final design. As part of the grant requirement we will be submitting the final plans to the CT DEEP which should take about three months for review. We will advertise bids in the winter of 2018 for spring construction. It will take approximately 30 months for completion of the project.

We have considered and satisfied all the requirements set forth in Section 8 of the Zoning Regulations. In our application under Section 4 all the special permit review criteria are outlined and we feel we've met all with this application.

I'm available for questions.

Mr. Phillips added that all of this in general was presented to you before during the 8-24 review. Not as detailed.

Mr. Chaplinsky asked a few questions which were answered by Mr. Grappone and Mr. Valentine.

- The 50% is just on the component dealing with phosphorous, 30% for nitrogen and 20% for all other eligible costs. The net is probably in the upper 20's as far as the grant.

- As to the effect on the requirements we might have to meet as far as changes, rollbacks, loss of funding that may occur as a result of changes going on, we are moving forward. These are Clean Water funds which are filtered down by the EPA. DEEP just went out for a call for projects 2017-18 and we are anticipated to be #1 Or #2 under the next call. The money will be there as far as we know. DEEP has made this mandate on towns and the money will be there.

- Positive impact to the neighbors regarding the odor issue and reducing that.

- The site is open right now. This will be constructed in a grassy area right now. To the north would be Fern Drive, Arrowhead, Deckert Drive. To the south is the Meriden Waterbury Turnpike. Closest neighbors are 500 to 600 feet. Sufficient buffer.

That completes the presentation.

(Those speaking in favor of this application)

None.

(Those speaking against this application)

None.

The Chair, hearing no further comment, closed this public hearing item.

6. Business Meeting

A. Anthony and Melissa Geraci, Special Permit Application for parent/grandparent apartment property located at 41 Hawks Nest Drive, in an R-80 zone (SPU #581)

Ready for action with the standard stipulations on the plan. Mr. Sinclair made a motion to approve with the standard stipulations. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

B. Town of Southington, Special Permit Application for Water Pollution Control Plant upgrades to meet NPDES permit requirements; construction of a 10,550-square foot phosphorus removal building and miscellaneous site improvements including odor control, property located at 999 Meriden Waterbury Turnpike (Assessor's Map 032, Parcel 86) in an R-20/25 zone (SPU #582)

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

C. Town of Southington Site Plan application for Water Pollution Plant upgrades to meet NPDES permit requirements; construction of a 10,550-sf phosphorus removal building and miscellaneous site improvements including odor control, property located at 999 Meriden Waterbury Turnpike (Assessor's Map 032, Parcel 86) in an R-20/25 zone (FF #254/SPR #1738)

Mr. Grappone, Assistant Town Engineer, asked to carry all the presentation material from the SPU to our site plan.

Further, the activities included on our site plan to be performed are again within the 50' upland review area and 100' upland review area for the Quinnipiac River with no impacts to wetlands.

We are before the conservation commission. We are within the appeal period right now we have to wait for next month. We are going to request a table.

The total disturbance within the floodplain zone is approximately 870 sf. Will not decrease any flood storage or hinder hydrology.

The disturbance within the 50 and 100-foot upland review zone is approximately 8,750 sf or 0.2 acres resulting from underground piping, installation of the proposed phosphorous removal building and the

underground detention system and biofiltration system to the rear of the proposed building.

The building is basically a pre-engineered metal building with a shed roof.

That concludes the site plan application.

Discussion of the process and site removal of the remains. Dan Valentine from Tighe & Bond commented on the containment noting it is within the tank area of the existing tank and there is new containment in the treatment process.

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

D. 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) tabled from July 18, 2017

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

E. Pergjioni Family Jewelers, request for release of \$6,300 Erosion and Sedimentation Bond, 824 South Main Street (SPR #1645).

Mr. Phillips advised staff recommends a table. There is still some work that needs to be completed before we can comfortably release.

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

7. Administrative Items

Mr. Phillips advised for update, the open space cluster subdivision revision was emailed to all. He spoke with a local developer who is running a comparison for us. It's not a mockup of a layout. It is what the lot yield change would be under an existing versus the proposed and it looks like they would get several more lots out of the proposed which kind of sets us up as to where we need to be in exchange for some smaller lots, you can get greater open space.

Another subdivision that we wanted to look at is currently under analysis at this point in time.

I would be most comfortable if we got together with the stakeholders again to look back at this once we get the results. Then formulate a plan and move forward with a proposal you can review before making an official application.

Mr. Chaplinsky said this has been around. The PZC has to make a decision on which way they want to go.

Discussion.

If we are not going to do anything, let's say we are not going to do anything and be done with it.

If we are going to do something, put forth the effort and work hard to get it done. I'd like to get the analyses done so we have all of the information we need to make a decision.

Mr. Phillips will hope to have a discussion together for the 5th.

8. ITEMS TO SCHEDULE FOR PUBLIC HEARING

- 1321 Flanders, LLC, Special Permit Application for a garage in excess of three garage spaces, 1321 Flanders Road, in an R-80 zone (SPU #583).

Another one came in which is a zone text change.

The Chair advised to put them both on the next agenda.

9. RECEIPT OF NEW APPLICATIONS

Outside of the public hearing at 1321 Flanders Road, everything else that came in was discussed tonight except for Parker Arai, FF Application for ADA compliant canoe launch pathway at 64 Mill Street.

Attorney Sciota said that is a town project. We've been trying to put an ADA compliant canoe launch in and Rob and Dave are spearheading this and we're excited about it.

The Chair noted that is very cool.

Commission Concerns:

Mr. Chaplinsky brought up for discussion:

- Industrial setbacks. Do we have enough of a buffer and are we protecting the residents with our language in our regulations about landscape buffers for residential parcels that are adjacent to an industrial zone and for other zones, as well.

The data shows we are at 35' and 50' I-1 and I-2 zones for landscape buffers. What do you think about that? Have you seen what that looks like? Is this an area we want to beef up a little bit and provide some additional requirements to protect some of the existing infrastructure that is in place?

Attorney Sciota stated that his thought was when thinking about this, think about the fact that our industrial areas are old. They do border on residential areas that are being built in. I suggest you look both ways. Look at the fact that it is residential next to an industrial and you impose a larger buffer for the residential, also. So therefore, you are spreading the issue. Most of the industrial buildings are older and we want them to add on. I would hate to think we are putting the onus just on the industrial.

If you put in a new subdivision next to industrial, let's put some of the onus on the developer for the homeowner and make those buffers if they buffer on industrial more.

It would be 10' for example on industrial and 10' on residential.

Mr. Chaplinsky advised looking at a few examples. Maybe staff could come up with a half a dozen for us to look at.

Discussion.

Mr. Phillips advised the typical complaints received could be visual but we get quite a few that has to do with noise, vibration, lighting, dust. A buffer will handle the visual and maybe some of the lighting but the other impacts are part of the problem.

Mr. Chaplinsky felt these are things we can help with.
Discussion.

- We are moving away from wells and septic systems as time progresses and with upgrades in our infrastructure. As we continue to build out, we have to be cognizant of the folks who have some of these things that are legacy. I'd like to take an opportunity to review the language for residents who have wells and we have new developments coming in nearby within certain radius and what type of protection do we afford those folks who have wells. What does the language call for with respect to insuring that aquifers are not

adversely affected and that water pressure and drinking water availability is not affected? Just make sure we are up to date on some of these things. Protect some of these resources that still continue on.

Mr. Sinclair asked if this has been an issue that he is not aware of. Mr. Chaplinsky said it came up in a couple of the applications in the past six months.

Mr. Chaplinsky wanted to see what measures could be put in place to be sure a study is done so we can point to data, i.e.: traffic studies.

Discussion.

Mr. Sinclair wanted to be sure the applicant did that and we do not use town resources for that if it is an issue.

Mr. Chaplinsky wanted to know if we had strong enough language in the regulations to require an applicant to show proof there will not be adverse effects if there is blasting, excavation, putting in new developments. I would like that burden put on the applicant.

Discussion.

Attorney Sciota said if we are talking about wells and the area is not served by Southington water, specifically, that falls under the jurisdiction of the health district and they would handle that. There is language in place on that.

Discussion.

If there is Southington water service, you can have a well forever even if there is Southington water service in front of you, but the new lot doesn't. A new house has to tap into the Southington water service.

As to blasting, CT State Law, if you do a blasting within a geographical area, you are required not only to have insurance, but to do pretesting on foundations and things like that in that area.

We'll have Shane put together something and see if it answers your questions as to what they do. Maybe we can invite Shane to your meeting to go through that.

- Food trucks. I am bringing back that topic to you to see if you're comfortable with where we left it. There was discussion about whether the definition of a food truck was adequate. There were discussions at the Chamber meeting about some language but at the very least defining what a food truck is and any guidelines we wanted to set. A lot of debate on the pros and cons.

I ask the commission if there is appetite to address that or is everybody comfortable with our regulations? Is there a potential or not for a problem?

Mr. Phillips said right now food trucks are subject to a special exception process through the ZBA. They get a one-year permit renewed every year.

Mr. Chaplinsky asked if it is common in the zoning regulations to have guidelines for special permit that say this type of use is governed by ZBA under special exception and here are the considerations the ZBA should consider? Is that typical?

Attorney Sciota said the special exceptions are no different than the SPU. Just done by a different board. There are guidelines to a special exception.

Discussion.

If you want to look at this to see if we are missing a couple of necessary bullet points, we can add those to the public hearing process.

Discussion.

Attorney Sciota advised you need to look at the time limitation which Rob addressed and to look at it geographically.

He further added he is not a big fan of food trucks not necessarily registered in Southington that compete with the brick and mortar businesses that pay taxes.

Ms. Clock said she was interested to hear what the Chamber of Commercial said? What was the vibe? What were the opinions? Mr. Chaplinsky said it wasn't the business community but the Chamber Board just debating if they should take a position.

There was a discussion saying yes, we think we should create some strong language around it and there was a discussion saying right now we only have a couple of issues and not that big of an issue. It sat in the middle and didn't really go anywhere. I walked away feeling like we should provide some guidance. The ambiguity came because there is no definition. There is no strategy. No guidance what to do with those things. ZBA has an open checkbook to say yes or no. My concern is that this time the ZBA may be open and love food trucks. The next ZBA may be against it. Without guidance and definition, it leaves too much subjectivity to the process.

Mr. Sinclair said the ZBA is allowed to have wiggle room and that's why they're in front of the ZBA. Or we could bring it here with straight guidelines under SPU. My original argument is: where has this been a problem?

Discussion.

Ms. Clock cited pro-activeness. I don't want to see 30 food trucks stacked up somewhere in Southington. (New Haven Harbor) We have to be careful because there are brick and mortar restaurants that have their own food trucks and they make money that way, too.

I think it is our responsibility to define it. And, we need to make sure there are provisions so there is not a huge gathering of food trucks.

Discussion.

The Chair asked if we should look into it more and put more bullet points into it? I don't have a problem with that.

Mr. Phillips noted many towns deal with this through an ordinance and enforced by the police or town council. Mr. Sinclair agreed with that concept.

Mr. Chaplinsky pointed out some towns have ordinances, some have zoning and some towns have both.

The Chair advised giving direction to Rob offline about something going for the next couple of meetings and we can look at it. Mr. Phillips noted the information was prepared before and he still has it somewhere.

Mr. Phillips pointed out the subcommittee to work on that, right now, technically there is no subcommittee. Only Paul is left. You may want to think about creating a subcommittee at some point if you are going to go that route.

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 7:47 o'clock, p.m.)