

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

SEPTEMBER 19, 2017

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, September 19, 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:

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

Alternates: Peter Santago, Ross Hart & 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 Member
Joe Coviello, Alternate

* Arrived with meeting in progress where noted.

The Chair seated Mr. Santago for Mr. Hammersley and Mr. Hart for Mr. Sinclair until his arrival. A quorum determined.

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

The Chair called for a Moment of Silence for Arthur Cyr. Over the last couple of weeks, we lost someone who was somewhat of a staple here at our PZC meetings. He passed away after a long illness. I want to say that if we could all keep him in our thoughts and prayers. Art was a mainstay at a lot of our meetings in town and we always had kind of a love/hate relationship. Towards the end it was more love

than hate. He was a very passionate person and a great man who will be missed.

(Silence, silence)

4. APPROVAL OF MINUTES

A. Regular Meeting of September 5, 2017

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

Mr. Phillips read the legal notice into the record.

5. PUBLIC HEARINGS

A. John Senese (Calco Construction & Development, Inc), Petition to modify the zoning regulations contained within the Business Overlay Zone (BOZ), specifically Sections 4.04 and 9-10 of the Town of Southington Zoning Regulations (ZA #593), continued from September 5th.

Bill Fries, Senior Project Manager with BL Companies with offices at 355 Research Pkwy in Meriden, CT presented on behalf of the applicant.

He walked through some of the changes looked at in the last meeting:

- Section 4-04.12.A we were looking for a minimum lot area of 30,000. That is a change from the 10,000 we asked for at the last meeting.

- Section 4-04.12.D has to do with the open space and we're still looking for the 20 rather than the 25. We have added an area where we feel there'll be some waiting areas for the customers. We've added a line for exterior landscaped customer waiting areas. That'll be areas with benches for the Triple A or the restaurants.

- Under Section 9-10.1.F for the landscaped buffer. We have added with "super majority" vote. So that would only be waived with a super majority vote on that one.

- Section 9-10.2.A, we put back: All structures shall be set back a minimum of 20' from a public right of way. We're looking at a change from the 100.

He showed on the screen a depiction of the proposed site. He pointed out the Triple A building which is traversed by both the B

zone and the BOZ zones. About almost half to half switch. We talked last time about provided a landscaped buffer. (Showed plan)

This plan shows the phased portion. There'd be a buffer provided along the back. The closest point is about 24' and this would have a 7' high opaque fence. All landscaping would be located on the residents' side of the fence. Screening the fence and the development. The other option is to berm it up, as well. So, you'd get the 7' high fence and the landscaping, but you'd get the berming up affect as well which would add a couple of extra feet there.

The other question was looking at a rough Master Plan. This is very schematic with nothing in cast in zone. He explained the goal would be eventually to develop the area allowing for a frontage road which would run through the site and you'd be able to traverse from Interstate Park Drive all the way through up to the plaza next door. He pointed out the main access and where Triple A would be located.

He showed an example of what Triple A would look like.

That covers the changes from the last meeting.

Any questions?

Mr. Chaplinsky asked if the site plan would be submitted as part of the presentation. Mr. Fries said it could be submitted, sure.

Mr. Chaplinsky asked if anybody from his team has had discussions with the Bob's and Outback plaza owners about the ROW easement? I know you proposing setting aside an easement. John Senese said he reached out to RK Plaza owners over the last couple of years. We provided an access drive in our site plan to connect. But they would never agree to connect. That was before we acquired 7-Eleven. They knew we'd want to get to the traffic light and they tried to hold us up from proceeding with our development by not cooperating. Now that we have the traffic light and Aldi's will open in a couple of weeks and Chic-fil-A in two months and the development is coming together, I would say it is to their advantage to connect. We provided the access and they need to make the connection.

Mr. Chaplinsky asked for staff in the future to speak to the owner more about that and see what we can do..

Attorney Sciota explained procedurally staff has this particular applicant prepared to go and you know to the north they are going to want a site plan and we force the connection at that point. We'll get the cooperation in a matter of time and get the connection.

Discussion.

Mr. Hart said last time a question was what will the site plan look like if the proposed changes don't go through. Do you have that available?

(Pause)

Mr. Senese said Mr. Sinclair wanted to know the area of the BOZ versus the business in relationship to Triple A. If this didn't go through, the modification ---

(Pause, pause)

(Pause, pause)

Mr. Senese reiterated the area of the BOZ in square footage is 34,000 sf in relationship to the Triple A site. Then there is an additional 14,000 sf that would-be part of the Chipotle, 7-Eleven site where that entry drive goes further back into the site, and runs parallel with the Aldi parking lot. That whole drive extends deeper towards Upson Street.

Right now, seven houses would come down to create this development. The BOZ regulations in place right now blocks any future developer here because it affects Town ROW's which Upson Street is a town road, Chaffee Lane is a town road and Queen Street is a public road. If you take the 100' setback on all three sides, you really can't do anything. If we don't modify the BOZ, then the houses stay like they are and we wouldn't be able to do anything. That zone paralyzes development here.

Ms. Clock asked, the seven houses you are talking about, are they occupied currently? Mr. Senese said two are occupied right now. One the tenant is moving out the end of the month and the other one we're closing on and the tenant is moving out in three months. Everything else is vacant. I own all but one.

Mr. Santago stated as the barrier, he heard "could" and "or". I would think being a good neighbor you would do all of it. Trees die and dirt don't move. Mr. Fries explained depending on the height and the berm, we would have to do a whole grading plan. Definitely, we would look to berm that area. Mr. Santago said it would add to the aesthetics of it. Mr. Fries further stated they would plant on the neighbors' side. Mr. Senese noted both sides of the fence would have something.

Discussion.

Ms. Clock asked if the surrounding residents have agreed that this is good for them and they like the plan or you haven't spoken with them? Mr. Senese responded we spoke to all of the neighbors and we shared our master plan with them. He spoke about the restrictive covenant on the properties that was removed. Then we petitioned the neighborhood for the zone change. And, 15 of the neighbors signed on to ask for a B zone change. As we progressed with the plan, we ended up with a BOZ vs Business. The master plan, the Triple A plan was shared with the neighbors. Everybody that we could talk to has seen

our plan and knew about our plan and approach for the entire neighborhood. Whether us or another developer this neighborhood will be approached for business. Explained is a prime spot for retail or business development.

Discussion.

More tenants in this area will increase the demand for further development. Multiple buildings, not one big building. Take several years to accomplish.

Discussion.

We own seven homes. Our next phase would be to acquire the homes across from us on Upson Drive and work down into the site, as we get demand by tenants. That will drive this development.

The site was put on the screen showing the lots the developer owns, that ones that are part of this and the ones that are not.

Discussion.

Mr. Senese clarified he owns everything on the west side of Upson. Straight across the cul de sac to the Aldi parking lot, pretty much.

Mr. Hart discussed the timeline of the project with Mr. Senese. Mr. Hart pointed out the applicant was going into the BOZ knowing that you had a building on the site that didn't conform with the master plan and you would have to change the rules of the BOZ. Mr. Senese said he was ignorant to the BOZ. He thought it was a business overlay. His impression was R-12 is the bottom zone with an overlay zone of business. As you acquire, you convert to business. Never really looking at the text of the BOZ and that it is actually its own zone. It was never brought to his attention until the meeting of the BOZ and he couldn't make a change then. I learned about the 200 by 400 setback. We ended up getting the BOZ and we know I doesn't work.

We wanted it because we wanted to protect the neighbors if they wanted to improve their property so they wouldn't have to go to the ZBA for a variance. That's the only reason why we did the BOZ.

This should be a B zone and not a BOZ. But it is a BOZ now. So, how do we make it work? Modify it. Explained the setbacks box you in.

Discussion.

Mr. Senese explained he said to the neighbors their values are going to go up with business. Values as a residential home are flatline. They'll deteriorate from here or stay flat. It's a residential neighborhood surrounded by business. The neighbors benefit here as the more business we bring, the higher value of their land.

Discussion.

Mr. Hart asked if any of his other developments on Queen Street has been a business development surrounded by a residential zone. Mr. Senese said they were all business. This property should've been zoned business 20 or 30 years ago.

Discussion.

Mr. Senese concluded by saying we are here now and we're ready to go. We're taking down seven houses and we're going to build a good-looking building and put up a beautiful buffer. At the end of the day if nothing else happens here, no further development, we are going to improve that neighborhood. I believe this will continue through for further development --- unless somebody doesn't want to sell.

(Those speaking in favor of the application)

1. Victor Baldwin, 5 Upson Drive. The abandoned houses are an eyesore. I can foresee a nice vinyl fence for a buffer would definitely improve the neighborhood. My backyard is facing Aldi's and he put up a nice 7' vinyl fence which is an improvement as it hides the store from my house and my house from them. I can foresee the front of my house being the same set up. Definitely an improvement.

The houses there were always in sad shape and now they're worse. I'm thinking it should've been zoned business a while back and everyone would have been a winner with no losers.

Not sure if it's too late or not, but that's the way I feel.

(Those speaking against the application)

(1) Tim Stout, 2 Chaffee Lane. How this guy thinks a fence is better than the trees and stuff that used to be there, I don't understand.

To get to the point, we've been here a bunch of times. I'm sorry the guy didn't do his homework right and didn't understand the zone or whatever it was. You've said a bunch of times that we're not going to keep coming back here over and over and over.

I do appreciate you people and all you do for the town. Either way. This helped me get more involved in the town.

Changing this 30 years ago, where was I going to go? I'm a Southington boy and I like it here in Southington.

(2) Mark Adams, 1085 West Center Street, the owner of 7 Stoughton Road. I found interesting the property is in disrepair. Only one house in disrepair in that neighborhood that he doesn't own. Most that he owns now weren't in disrepair until he bought them. To me, that's not a good report to bring in front of the public.

He says the BOZ was done to protect the neighbors. Who is going to invest until we know what's going on? Nobody. It's not really to protect us, it's to protect his business interests.

If I am investing \$1 million, I'm doing my homework to make sure it's going to work. I'm not going to have citizens come up and tell me what my development is going to look like and it doesn't work. You had engineers. You're a developer. You can't read the regulations? Whose fault is that?

I keep hearing him say it's all for our benefit. It all sounds good. He is not trying to help anybody except himself.

Now he is talking about the other side of Upson, to the back of Chaffee. As this development is squeezed in tighter and tighter, what happens to property values of the property left behind? It drops the price in property and they buy it cheaper.

This has to stop at some point. If the town is so inclined to have this turn into what he needs, either give him a tax abatement or turn around and help him fund the property. If it is good for the town, let the town help fund it. We know that's not going to happen as he town is not in business to help him make money.

They're here to protect the citizenry of the town.

Thank you.

(3) Fiagrío Ramirez, 6 Stoughton Road. I echo Mark's sentiments. I don't believe Mr. Senese has made anyone a fair market value offer.

That fence that has been erected on the Aldi side with the arborvitae and the plantings looks like it is 3' high when you are standing in front of it looking towards the neighborhood. It looks like a gully and not a berm and the fence is in the gully.

I don't think this is good for our town or our neighborhood. We're being forced out for his benefit. I'm still against and I don't see a reason to leave my neighborhood where I've been for 20 years.

(4) Leslie Smart, 1 Stoughton Road. You've had lawyers and engineers and you're a developer. You don't do your homework? How much are you paying your lawyers and engineers to find out you don't have what you need to do what you want to do?

As far as Tripe A, he said everyone was aware of this and I wasn't aware of it until the last meeting, three weeks ago. I got a mailing saying they wanted to amend some statutes but it didn't say why. When I walked in I said, really?

I figured he wanted to put in another little strip mall with 10,000 sf suites to make more money.

He's not offer us any money or making our life any better.

When you're standing in the parking lot of Aldi's, I'm looking right over the top of the fence right into the backyards of the houses that border Aldi's.

When Mr. Senese and I spoke in regards to him purchasing my property a few months back, he swore to me there'd be a 20' buffer with a 6' fence on top.

Spoke about tractor trailers going in to the site. There's no way you're getting two tractor trails side by side around that corner at the same time.

Discussion.

Exhaust stack are 13.9' and you're putting in a 7' fence? Where is my peace and quiet and tranquility when I come home? Are the trucks going to sit here at 3:00 am or 2:00am idling their engines waiting to deliver at Aldi's? Noise ordinance no idling before 7:00 am? That's my biggest thing.

He needs to do what he needs to do but do what is right for the neighborhood. Give us a fence to block the noise, make it nice and as far as going through Interstate Drive? This is all news to us. He had plans to do this for quite some time, obviously.

At the last meeting, we heard you say we weren't cutting this thing up a thousand times. And, I heard people on the board are aware of what's going on. We're not.

Everything meeting I come to, I find out something new.

I didn't know about Triple A or some bar-b-que joint. Now I'm going to have bigger, fatter rats in my yard because they'll stop going to McDonald's and start eating bar-b-que.

(Chuckles)

More dumpsters, more skunks, everything that we don't need.

Thank you for your time.

(5) Nick (Inaudible) 62 Squires Drive. Just overall caution for the residents of the neighborhood. The developer knows the business. These owners do not.

Without intimate knowledge of property values and real estate, it's easy to say as commercial your property values will increase. Well, it might, but only as commercial and only if you have a site big enough to be developed on.

Proposed changes to the BOZ zone, the 80 sf with the 200 by 400-foot dimensions. With that, it sets the bar for a developer to come in and assemble properties to build something.

Our view is that they have to assemble six or seven properties. Everyone on Upson, at the July meeting spoke in favor of that because the assumption was he had all of Upson and he can build what he needs to. But amending at the last meeting for 10,000 sf, no dimension requirement, now 30,000 sf sets the bar so much lower so the residents who did sign, it's not what they were in favor of. At least one said they didn't know what they were signing.

The ball started rolling when you removed the covenant.
Discussion.

Who is going to buy a residential property next to commercial development now? I'm not against new construction and building. It has to happen. Eventually this neighborhood will be commercial. Where you set the bar is now disrupting people who don't want to move.
Discussion.

It's not what they voted for when they approved the BOZ.

(Rebuttal)

The dimensions for the fence at Aldi's is 7' clarified Mr. Senese. No berm there. Explained it would block the yard water. We put a swale to collect the water from Chaffee Lane into us to get into the drain.

Mr. Senese said on this project there is enough greenspace to berm and maybe we have to use some of the Town's ROW area to create a berm. It shouldn't be a problem to shelf a fence on this site right to the cul de sac.

Discussion.

He explained property values in the neighborhood as on record already. And, he explained how his offer to purchase property was structured. He also said to get premium price, they're better off waiting for an assemblage of properties at the right time.

He further stated in his opinion, property values are not going to go down there - they're only going to go up.

Hearing no further comments, the Chair closed this public hearing at this time.

B. Siobhan S. Cosetello, Home Occupation application for one-client-at-a-time Pilates Studio, property located at 58 Todd Road, in an R20/25 zone (HO #67)

The applicant, Siobhan Costello, presented her application. She's interested in opening a private studio within her home to train one private client at a time. Pilates is a very mind, body, quiet, deliberate program. Very simple. I'm fully licensed and certified for Level 1 and Level 2.

I currently train at the Pilates Center in Fairfield and I've been there 11 years. I owned a studio on Center Street from 2003-06. No classes.

The Chair asked if there would be a problem with a stipulation of one client at a time and the applicant replied: No problem.

No massages. This is physical fitness.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed this public hearing.

C. Denis Bougle, Special Permit application for a detached 40 x 30 garage which will bring the total garage spaces in excess of three, property located at 125 Roaring Brook Drive, in an R-80 zone (SPU #584)

The applicant Denis Bougie - B-o-u-g-i-e, 125 Roaring Brook Drive, presented his application. He is looking to build a garage on his property, three cars. I have a two-car garage attached to the home but it is too small to put my vehicle in. I'm looking for more room to put everything inside. I had a theft about a month ago and I'm a little paranoid lately. I'd rather everything be inside and locked up.

(Those speaking in favor of the application)

Melissa Cocuzza, 112 Roaring Brook Drive. We live one house away and his house is kept impeccable. He's constantly improving the property and I know where the proposed garage is to be located and I don't think it will be any kind of eyesore and you won't see it until you drive up his driveway.

He keeps his property beautiful and everything on his property is very tasteful. I don't see any problem with it

Charlie Cocuzza, 112 Roaring Brook Drive. We've known Denis three and a half years. He bought that house and it was in disrepair. He's done an incredible amount of work to turn the property into something really beautiful. A lot of landscaping to improve it which improves the value of my property.

I'm all for what he does. Where he wants to put the garage it really can't be seen from the road. It's in the back of his lot. I can understand why he'd want to store stuff inside after what happened a month ago.

We're in totally in favor. He is a responsible guy and I don't think he would do anything that would distract from the neighborhood and we totally support him.

(Those speaking against the application)

Charlie Thompson, 192 Cascade Ridge. We abut Mr. Bougie's property to the west and to the north. He was concerned with the notice as it is a large piece of real estate that is going to be taken up by this building.

In the back of his property is Roaring Brook which is a protected area by the state and the town.

It says on the application it was going to be 30 by 40 which peaked my interest. To put a foundation on this property it would require in my opinion a large number of yards removal of overlay and there's no indication that I know of in the town's applications as to where this overlay is going to be deposited after the preparation for the surface of the inside of the garage.

Heretofore, when he cuts down a variety of trees and trims his brush, he dumps it over the back of a large hill that is to the rear of his property and it goes very close to or if not within the 50' of the center line of Roaring Brook. I need to know whether or not the overlay that is going to be removed from this particular event will be dumped over the side and into the area where there is a protection.

Also, the application presently says 30 by 40. When I spoke to the planning & zoning office this afternoon, they indicated he had changed it to 32 by 40, which I think runs into procedural due process and notice problems.

Looking at the building proposed and filed in the building department and that filed in the planning & zoning department, in the building department there is a difference as the front of the garage has three "doggy house" windows with the appropriate roofs.

In the planning & zoning application, it is just a plain garage look.

In speaking with the building department, they indicated the applicant is proposing that there would be an additional but out in the back of the garage. So that would indicate more of a prelim to a Cape Cod. A 32 by 40 building is a large garage.

Finally, as far as the notice is concerned, I think the application says to the owners. My wife and I are life tenants and I don't believe the owners have been noticed. If that can be cleared up, I would be more than satisfied.

(Rebuttal)

The Chair asked Mr. Phillips to explain if this property has any type of overlay whatsoever. Mr. Phillips responded: Not that I know of.

Attorney Sciota wanted to know if overlay mean wetland protection area.

The Chair said the reference to the 50' buffer to the Roaring Brook. No IW referral? Mr. Phillips said if there is a wetlands issue, wetlands agent would've identified that and it would have gone to the IW Commission or it would have been an agent approval. Mr. Phillips clarified it is not an issue for this commission.

The dimensions were changed noted Mr. Phillips. Attorney Sciota interjected said he could choose whether to move forward or not. We recommend if you want to, you can table and renote. It is up to the applicant to make that decision. Rob talked to the applicant. If there is a challenge, it is on the procedure and the applicant knows that.

As to the service, notice went out to the abutters for the public hearing confirmed Mr. Phillips. Information is in the file.

Mr. Chaplinsky asked if the Roaring Brook was close to this? Are there any wetlands that come close to it? Attorney Sciota explained when an application comes in, it is reviewed by our wetlands agent, Dave Lavallee. If he sees a wetland issue, he notifies Rob and takes it to the Wetlands Commission or he does an administrative approval and notifies the IW Commission. If that did not happen here, I am lead to believe there is not a situation that wetlands is under.

Discussion.

Mr. Chaplinsky said on the rendering, you showed where the proposed garage is and it looks like you are to the upper right-hand corner of your property if you're standing in your front yard which abuts your neighbor's property. It looks like 12' from the property line. What is the setback in this zone?

Mr. Chaplinsky asked if trees are going to have to be cut down. Mr. Bougie said two trees need to be removed at the top of the driveway. I have a gazebo at the top of the driveway and it would be to the right of the gazebo. There is a shed there and I'd be removing the shed for the garage.

There'll be some excavation for the slab, so the excess dirt, I have a low spot on my left side of the property and I'll put it there. I didn't think it would be an issue.

The original request is for 40 by 30. They're looking to do 42 by 30. Attorney Sciota asked if the 2' were vital to him? The applicant said to keep the door in the front, he needs to keep but he could move it to the right. Attorney Sciota asked him to think hard on it. Mr. Bougie said it is not an issue and we can keep it 40 by 30.

Attorney Sciota said the application is for 30 by 40 and the applicant confirmed that.

Mr. Thompson had a simple question. Is the small shed that presently is about 104' or 103' from the center line of the creek, I think since the proposed garage is so large, it may fall closer than 100' from the center line of Roaring Brook. The Chair responded, as heard earlier, if there were any issues at all with any outbuilding laying within a waterway, our wetlands agent would recognize that. That hasn't happened. If they were clearing it, it wouldn't be before us and we wouldn't be able to act on it because the IW Commission would have to do their approval or denial with regards to that.

The Chair closed this public hearing item.

(Mr. Sinclair entered the meeting at 8:12 o'clock, p.m.)

Mr. Sinclair stated as he was not here for the first three applications, he would like Mr. Hart to stay seated.

D. Maria Czop, Special Permit application for a detached 24 x 23 garage and gazebo which will bring the total number of garage spaces in excess of three, property located at 510 Winding Ridge, in an R-80 zone (SPU #585)

Maria Czop, the applicant stated she would like to buy a two-car garage and a gazebo. The garage will be 24 by 23 and the gazebo will be 18 by 14. The space between border with our neighbors will be 15'.

We will need some more space for our cars and also shade during the summer.

Attorney Sciota clarified you have no intention of turning the gazebo into a place where you can store vehicles or anything like that or storage of any kind? The applicant said, no. We have a pool.

Attorney Sciota wanted it on the record that it is part of a pool situation.

(Those speaking in favor of the application)

None.

(Those speaking against this application)

None.

The Chair closed this public hearing.

6. BUSINESS MEETING

A. John Senese (Calco Construction & Development, Inc), Petition to modify the zoning regulations contained within the Business Overlay Zone (BOZ), specifically Sections 4.04 and 9-10 of the Town of Southington Zoning Regulations (ZA #593), continued from September 5th

Mr. Phillips said staff had met with the applicant and reviewed the modifications to their proposal as presented tonight. We don't have any exception to this as long as the commission is comfortable with that. I will note again for the record that I will need from the applicant because of the public hearing, the master plan they showed, the site plan showing Triple A and the rendering showing Triple A for the file.

In response to a query by Mr. Chaplinsky for staff's opinion, Attorney Sciota responded this group sent us to meet with the applicant to discuss with the applicant what is the bare minimum changes he needed to the overlay zone to make his project work. After a lengthy discussion, we narrowed the issues down to the bare minimum, five or six issues, and that's what is in front of us.

From a legal standpoint, I don't take a position one way or the other, we just followed through with what you asked us to do and these changes will allow the applicant to do what he presented tonight on his site plan.

The use of the ROW for berming was discussed. Attorney Sciota stated the ROW is for the snow shelf and no other reason. As long as we have enough room for a snow shelf, between four and five feet, then

to protect the residents in a berm situation with an easement might be done if necessary.

Mr. Phillips said if and when we get to the site plan, we'll look at establishing a construction sequence and getting that buffer in as soon as possible to protect the existing neighborhood.

Backing up real quick, Mr. Phillips reminded the commission that we did have, as staff, a pre-application meeting discussing what to do if you were going to go to a BOZ. I did say that you need to look at the regulations so that you can make sure that what you are proposing fits the BOZ and if you have to make changes to the text, do it at the same time. So, when they filed for the BOZ, you had to make the assumption they could work with the existing regulation. I want to make that clear, exactly how that proceeded. Having said that, if their proposal fit the regulations, they wouldn't be here now. They'd be moving forward with that same site plan. You are still seeing the same thing just they have to make changes they didn't realize at the time, I guess.

Mr. Morelli asked if the changes make it easier for him to pick up smaller pieces of property going forward. Mr. Phillips said it is a smaller lot size. So, if the threshold is lower --- but you are not dealing with a big area to begin with. He'd probably have to aggregate about four lots each time. They showed the master plan so you have an idea of what may be coming. He's working as you go. There should be a master plan in place and it should be something cohesive to the area. It shows that, I think. But again, there are no guarantees on that.

Discussion.

Mr. Cabata asked how to protect the neighbors that are still there even time a lot sells if he wants to change something. We've already done a disservice to them in my opinion bringing them back time and time again. How do we prevent that in the future?

Mr. Morelli explained we did. If we allow the changes to go forward like they're asking for, you have a development on Queen Street with a big buffer between the residents. The residents are still in charge of their destiny as they have the original zoning and they don't have to conform to any change from what they've always had. What will happen is a group of people will have to get together and say yes, you can take the next section of our street out and this will protect whatever is left there. We're not allowing him to force anybody out. They have the rights they've always had. It allows development for the business side of the property. It's a tough decision.

The issue is that we approved the BOZ. A lot of the people in the neighborhood were in favor of that. We're there.

Do we now cooperate with the developer to help him try to get done what he's got for a project? We don't have to. But what is the advantage of that? I don't think it changes the neighborhood all that much.

We had development, a berm and a fence. We still have a lot of input into the design of that development, berm and fence. He seems to cooperate with that when we talk about it.

The neighborhood is changed already today. Do we make some changes to the zone requirements to let him go forward with his project or do we not?

Discussion.

He's going to have to get a group of people to go forward with the next phase and I think that is to the people's best interest. I think it is a win-win for the residents.

Discussion.

Mr. Santago agreed. However, he wished this commission was not put in the position we are tonight. I thought we had met to determine the strike zone and now because he can't reach an outside pitch, we're trying to change the strike zone. I thought we were done. How many times are we coming back to talk? It's that that has my ire up a bit.

Discussion.

Ms. Clock said we can do something. We can set a precedent which is if you are developer come ready to work with the neighborhood you're developing in. Bottom line, I'm a business woman. You make a colossal mistake as they made when they came and applied for a BOZ and it didn't conform with the plan that they knew. Someone gets fired. I hope that happened and you weren't just betting on this board to falter like you are asking us to do tonight.

I want to thank the residents for their diligence in their sitting here calmly and listening while their neighborhood was being discussed as if it were a salad bar. I don't like this way of business and I don't think it suits Southington.

If the neighbors really benefitted, then you need to have a meeting with residents that consistently come here each time. Have coffee. Meet. Obviously, that didn't happen.

There was a Petition that no one understood clearly. Instead of having meetings with Chic-fil-A and Chipotle, meet with the neighbors. Come to an agreement so that the next time you do come here everyone agrees it is in their best interest. There are neighbors clearly that don't agree with that.

You say it should have been business 30 years ago. Well, the residents and their families have invested their lives, their money,

their children have grown up in this neighborhood and I can't and I won't support the changes because knowing all that would be taken from them, it needs to be their collective decision when the change happens.

So, until that is the case, I will not support the changes.

Mr. Hart said this is the future of my town. My issue is these are our rules. Rules here for the people of Southington. Not his rules, our rules. He's supposed to play by our rules and we're not supposed to play by his rules. What's to say we do this and another developer down the line says, well you did it for him. Do it for us. You're playing favorites.

It is setting, I believe, an extremely dangerous precedent to where we just do whatever the developer wants without thinking and saying we that we have the best interest of the residents at heart when I feel like we honestly don't.

If I lived in this neighborhood, I would be enraged with how we said we don't want a death by a thousand cuts and that is exactly what we are giving these people. Those are words said by people up here and that's what we're giving them.

Mr. Sinclair observed from the last meeting's public hearing and what Commissioner Santago said was right on the money. I go with what Commission Clock said. You don't make a mistake and then come back and say, I messed up. I'm sorry and I apologize. Fix it for me.

It seems with this neighborhood, we give an inch, we give an inch and sooner or later they become miles. I wonder if you approve this tonight, where'll we be in two weeks, two months or a year? Back at this again just over and over. That's all I'd like to add.

The Chair added that someone learned a valuable lesson on this process. If this is not approved, we all know this is not going to be a park. This developer will find something to fit there. But I understand what everyone has said.

I think we're looking for a motion now.

Ms. Clock made a motion to deny the proposed changes. Mr. Hart seconded.

Attorney Sciota added for procedures sake, the reason for your denial, Ms. Clock, is everything you stated in your conversation previously? Ms. Clock responded: Yes.

Mr. Chaplinsky added he is torn on this one. This commission, by putting a BOZ here, I think we stated that we felt that this zone was going to be something (Inaudible). I think we felt that we needed to protect the residents and to insure the future as they saw it of their

property was one wherein they could do what they wanted to. We went forward under that premise.

I also think we went forward under the premise knowing there was going to be transformation in this area in the years ahead. I think we also owe it to the town to insure we have a strategy and we stay with our strategy.

Listening to the residents today and in past meetings, I think it is clear they want to continue to operate their properties. I also understand it is our job to make tough decisions. It's our decision to have a vision for each area of the town.

The BOZ was made for West Street and designed for a different area. This commission has some responsibility for putting the BOZ there and for approving something and maybe no understanding completely what we were doing.

This is a lesson for all of us that is very difficult. Bringing the residents back each time is difficult. Overall, I'm kind of torn in this middle on this one but I would say that if the vote turns out that it is denied, there is a tough lesson here for the developer and I also think there is a lesson for all of us here, too, as well.

I think the commission felt when we did that BOZ this would be something more. Let's see how the vote goes. If it goes down the way it has been motioned, then it is what it is. If the vote goes that it is not supported then I would like for a motion to approve it.

I think I am going to vote "no" on this one.

The Chair said the business zone for this area was denied because we wanted the residents to live their lives on their property as they want. The BOZ changed that. It allowed the residents to do whatever they wanted to do in perpetuity.

Reminder: A yes vote for this motion is to deny.

| | | |
|------------|-------------|-----|
| Roll Call: | Clock: | Yes |
| | Locks: | No |
| | Morelli: | No |
| | Hart: | Yes |
| | Santago: | No |
| | Chaplinsky: | No |
| | Del Santo: | No |

Motion fails 2 - 5 on a roll call vote.

Mr. Santago made a motion to approve. Mr. Morelli seconded. Assuming the motion passed, approval would be 15 days from publication added Attorney Sciota.

| | | |
|------------|--------|----|
| Roll Call: | Clock: | No |
|------------|--------|----|

Locks: Yes
Morelli: Yes
Hart: No
Santago: Yes
Chaplinsky: Yes
Del Santo: Yes

Motion passed 5 to 2 on a roll call vote.

B. Siobhan S. Cosetello, Home Occupation application for one-client-at-a-time Pilates Studio, property located at 58 Todd Road, in an R20/25 zone (HO #67)

Mr. Phillips suggested one stipulation: that the commission approve it as one a one client, only.

Mr. Chaplinsky made a motion to approve with staff's suggested stipulation. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

C. Denis Bougle, Special Permit application for a detached 40 x 30 garage which will bring the total garage spaces in excess of three, property located at 125 Roaring Brook Drive, in an R-80 zone (SPU #584)

Ms. Locks was concerned about the dumping off the back. It sounded like he is doing a lot of that and that concerns me if I was a neighbor. Mr. Phillips advised if there turns out to be a wetlands issue there it will come up again on permit review. Ms. Locks wanted to have somebody take a look at that. Mr. Phillips said he will have it looked at.

Attorney Sciota noted for the record Mr. Lavallee is very familiar with this site. He's been up there before. There's no problem with him going up there again to check it. Rob is right in that if there is any dumping of soil in a regulated area that is an issue. Mr. Lavallee is familiar with the site and he can certainly visit it, again.

Discussion of issues on this site that has nothing to do with this board.

Mr. Grappone said to the address the issue of fill we can have the applicant file a notice of intent to fill and we will look at it with Dave Lavallee.

Mr. Chaplinsky made a motion to approve with the town engineer's stipulation about the filing for the excavation material inspection. And, the upper story is considered a half story by the building department. And, no business use.

Ms. Locks seconded.

Motion passed 7 to 0 on a roll call vote.

Mr. Sinclair wanted it clarified for the record he could now be seated as he was here for this public hearing.

The Chair seated Mr. Sinclair and thanked Mr. Hart for his nice job.

D. Maria Czop, Special Permit application for a detached 24 x 23 garage and gazebo which will bring the total number of garage spaces in excess of three, property located at 510 Winding Ridge, in an R-80 zone (SPU #585)

Mr. Sinclair made a motion to approve with the stipulation no business use. Mr. Morelli seconded. Motion passed 7 to 0 on a roll call vote.

E. Town of Southington, FF and 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 860 in an R-20/25 zone (FF #254/SPR #1738. Tabled from September 5th

Attorney Sciota stated Mr. Grappone gave a presentation at the July meeting and we were waiting for wetlands to act and now they have acted. If you have any questions, Mr. Grappone is here.

Mr. Morelli made a motion to approve the FF and Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Sinclair made a motion to approve the SPR. Mr. Morelli seconded. Motion passed 7 to 0 on a roll call vote.

F. Southington Water Department, new building to host new back up well 2A, a generator on site and chemical treatment facilities, property located at 1021 Meriden Waterbury Turnpike, in a B zone (FF #256/SPR #1739)

Mr. Phillips advised this should be tabled to allow the conservation commission to review.

Mr. Sinclair made a motion to table. Mr. Morelli seconded.

A representative on behalf of the Southington Water Department approached the podium to answer any questions.

Mr. Sinclair removed the table and Mr. Morelli his second.

Mr. Grappone said staff is looking for revised plans. The representative, Don Ingriselli with Woodard and Curran, addressed the commission. He noted written responses have been prepared to both planning & zoning comments as well as the engineering comments. They need to be finalized and approved by the SWD. I was asked to come tonight in the event there was any questions.

Attorney Sciota asked the representative to make sure that the new well, 2-A, it's not in conflict with the non-build zone and non-parking zone. Make sure this has no issues when you do your big circle with what we have at the drive in. Mr. Ingriselli stated that has already been done. It's through the health department and that has been secured. The well has been designed and we're ready to bid.

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

G. Parker Arai, Floodplain application to construct an ADA compliance canoe launch / pathway and recessed platform, 64 Mill Street, property of the Town of Southington, in an I-1 zone (FF #255)

Parker Arai, 150 Harrison Road, Cheshire, CT. He explained he was planning to build an ADA compliant boat launch on the Southington river. The IW approved and we were permitted, already.

This is for my Eagle Scout project. My Dad was contacted about this and I thought it was interested and we contacted Dave Lavallee and set up a meeting. We started working on this in the fall of last year. A really slow process.

He showed and explained his plan.

Mr. Phillips said it is ready for action.

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

H. Request for reduction of subdivision bond to a new amount of \$42,000, Glenwood Park Estates (S #1301)

Ready for action. Mr. Sinclair made a motion to approve. Ms. Locks seconded. Motion passed unanimously on a voice vote.

I. Road acceptance, Walkers Crossing from Summit Street to its terminus, a total distance of 1,110 ft., pending receipt of an \$18,000 Maintenance bond (S #1292)

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

*** Attorney Sciota advised the administration has put in place for about ten years now that acceptance of road, there has to be a cut off because we have to worry about making sure the staff is able to inspect them so all road acceptances have to be in and prepared for action by this board by the second meeting in October. If they are not, don't come to us later and say it is November, December or January and say please accept my road. We do not have the staff to dig up snow and move leaves to figure out whether the road is done correctly. ***

J. Request for reduction of \$105,000 subdivision bond to \$18,000 maintenance bond, Walker's Crossing (S #1292)

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

7. AMINISTRATIVE ITEMS

Mr. Phillips stated for the record, going back to the Bougie application, there was a question about the side yard. It's 30' in an R-80, but it is in a rear yard so you can go to 10'. If you read the definition of rear yard, it is a rear yard. It is an accessory structure in a rear yard which allows you to go to 10'.

- Mr. Phillips said the other item was the cluster subdivision regulation discussion. What is in front of you is some comments and concepts. What it comes down to if we want to make some changes, I think that one of the biggest is do we mandate it as the

only option in an R-80 zone or any other. The objective is you don't get more lots than you would normally get given the size of the parcel in the zone it is in. The benefit to the developer is less infrastructure cost. The benefit to the town is we get a bigger, better size of open space which could still be under a HOA if necessary. Or it could be given to the town or kept for future active recreation. Or you may decide a wetland system is valuable and you want to protect that. A lot of flexibility there. That's what I need to know.

Discussion amongst the commissioners about the two options: conventional subdivision and open space preservation subdivision.

Mr. Chaplinsky asked: We are saying basically saying that for most of our zones, except R-12, we will allow higher density for more land preservation. Do we want that or not?

Discussion.

Discussion of land available for development.

Staff would like to see one subdivision regulation which is a hybrid mostly on preservation, open space. None of us want to see the old conventional subdivision where someone comes in, clear cuts and puts a road down the center. We're hoping you guys choose to proceed on one regulation which is your open space preservation cluster --- whatever you want to call it, advised Attorney Sciota.

Also, two things, continued Attorney Sciota. They're able to get the number of lots they would have gotten under the old conventional and they don't have to build the infrastructure which costs dollars.

Discussion.

Ms. Clock said she would be in favor of moving this forward. It is a win/win for everybody. One regulation is an open space/cluster, whatever we call it.

Mr. Phillips recommended the zones be R-40 and R-80.
Discussion.

The open space inventory will be provided to the commission.

Open space funding in the budget in the future was discussed.

- Mr. Phillips then brought up the industrial buffers and food trucks. The Chair said for food trucks, we have to come up with a plan. Attorney Sciota said his theory is brick and mortar restaurants have to have primary in town.

Talks Mr. Chaplinsky had with the ZBA Chairman were discussed. Their concern is they have no direction from planning & zoning. They don't know what to do or what guidelines we have as to where they

should be. They don't mind having it at the ZBA but they would like to have more guidance from us. They would like us to put some regulations on the books.

Mr. Chaplinsky had a couple of ideas. We should at least define what they are and what they're not. I have heard proximity to brick and mortars as a topic and I think we should continue to challenge whether we can do that, or not.

Can we dictate the number we would allow in town at any given time?

Discussion.

Discussion of the food truck they wanted to put at the West Street Sunoco that was denied at the ZBA for safety and traffic.

Do we allow the ZBA to continue on a case by case basis or do we put some teeth into it commented the Chair?

Attorney Sciota suggested something had to be done geographically. And, you don't put a food truck in within a certain proximity to a brick and mortar restaurant. You're thinking of the B zone, CB or I zone.

Discussion.

Mr. Sinclair suggested someone sit down and write up something to look at and we'll discuss it as opposed to bringing it up at every meeting.

To protect staff, Attorney Sciota reiterated we have to have some guidance. Do you want them regulated more than they are right now? Do you want us to regulate it geographically? Then we can investigate it. It sounds like those are both yeses, noted Attorney Sciota. Also, this is for private property, for a year.

8. REGIONAL PLANNING COMMISSION UPDATE

Mr. Cabata reported the meeting was a public hearing on the state plan for conservation and development. No one really spoke. The Town Planner from Vernon said their plan isn't aligned with the state plan. A property owner in New Hartford spoke against it because it interfered with land he owned.

No other comments on it.

Mr. Phillips said he has been looking at this and Southington is consistent with the plan. The plan is a lot looser this time than it was last time. The key is the locational guide map they use. We want to make sure we have the correct sewer service, correct open space areas to the state so they can reflect it accurately on their plan. We're meeting tomorrow with Dave and the GIS people.

9. ITEMS TO SCHEDULE FOR PUBLIC HEARING

None.

10. RECEIPT OF NEW APPLICLATIONS

- 157-143 Industrial Drive, new building.
- Martocchio addition at 193 Main Street.
- Mount Vernon Road subdivision.

Reminder: Just one meeting is scheduled in November because of the election. If staff feels a second one is needed, we'll be in touch. November 21st is the next meeting.

11. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 9:20 o'clock, p.m.)