

Planning & Zoning Commission – February 6, 2018

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

FEBRUARY 6, 2018

The Planning & Zoning Commission of the Town of Southington held a public hearing and a regular meeting on Tuesday, February 6, 2018 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DelSanto, Chair, called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

Paul Chaplinsky	Dagmara Scalise
Robert Hammersley	Jennifer Clock **
Susan Locks	Michael DelSanto, Chair

Alternates: Ted Cabata & Peter Santago

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

Absent: James Morelli, Commissioner
Joe Coviello & Ross Hart, Alternates

** Left meeting where noted in the Minutes.

The Chair seated Mr. Santago for Mr. Morelli for this evening's meeting.

The Chair seated Mr. Santago for Mr. Morelli for this evening's meeting. 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 January 16, 2018

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

5. PUBLIC HEARINGS

A. Wonk Road Partnership, Special Permit Application to construct an age-restricted multifamily development of 40 units, property located at 37 & 43 Hunters Lane, in an R-12 zone (SPU #588) Continued from January 16.

Stephen Giudice from Harry Cole & Son 876 South Main Street, Plantsville, CT represented the applicant.

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This application had been presented to you approximately a month ago. We did continue the public hearing at the last meeting. There was public input with no presentation by us at that time. I'm here tonight to continue the hearing and address some of the concerns that were raised previously.

I emailed some documentation to Mr. Phillips and I would like to submit hard copies at this time.

- Letter from DES Environmental on the development of the site.
- Excerpt from a report that was done regarding Telemecanique. Some of the environmental stuff.
- A letter regarding clarification of building restrictions.
- More information regarding the land use restrictions.
- Public notice documentation. This was all part of the previous environmental work that was done.
- Certified letters that had been sent to the neighbors during that time.
- Outline for presentation about construction within the ELUR area. I thought it was important for you to have.
- A packet for a real estate for Hunter's Lane. This was given to potential home buyers on Hunters Lane and in there is another letter from DES identifying the ELUR and information on the site and property adjacent. That was given to potential buyers.
- Police Reports from the SPD. There was concern about crime rates for 55 and older or emergency calls. We wanted to show the calls related to 55 and older developments in town really were emergency in nature.

(Pause, pause)

- Documentation from the SPD and environmental studies and reports done on the site previously and letters to the same.

I wanted hard copies in the record.

A brief overview, our application is for 40 units of age restricted multifamily housing and is permitted by Section 3-04.2b of your regulations and it requires a special permit for an R-12 zone in accordance with Section 8-0.

We are proposing 41 units in five buildings on the site. They are constructed outside of the ELUR easement. They will be constructed in the southwestern portion of the property outside of the ELUR area.

Our proposing includes the construction of five carports. (Explained)

We have renderings of the proposed building and carports, as well.

Construction also includes a picnic pavilion and a community garden. (Indicated)

Storm drainage improvements on site were discussed.

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A large area of wetland on the property (indicating) and we are not proposing any direct impact to the wetlands and they would stay as is.

The site is designed to sufficiently provide access for emergency vehicles.

Proposal includes adequate landscaping around the proposed development utilizing existing features and proposed installation of trees/shrubs, et cetera.

We will have a detailed erosion and sedimentation control plan that will limit impact to abutting properties or wetlands and watercourses.

A few comments at the public hearing had to do with abutting property owners on Hunters Lane and the fact there wouldn't be any construction in their backyard. We have a large buffer here (indicating). You can see the development is pushed as far away from the residential homes around the property. Three abutting houses were noted (indicated). From a location standpoint we're pretty far away from the abutting houses.

Building setbacks and separations from building to building, to wetlands, to property lines all meet or exceed your regulations and separations from building to building, also meets or exceeds the requirements of your regulations.

A sidewalk throughout the facility is proposed. (Indicated)

Regarding off site runoff, our proposal is not to direct any runoff from this parcel on to abutting properties. Water will be held on site and directed to wetland areas or a swale that runs off on to I-84. No negative impacts to abutting properties.

Environmentally, a lot of concern about the ELUR. It doesn't prohibit development or construction on the property. It does put limits on residential construction. Residential construction is permitted within that area with permission from the DEEP following some very simple construction methods around and under the foundations. Similar to a radon system is all that needs to be done to these properties to use the ELUR area as a residential use. We are not proposing that tonight.

The 55 and older development was agreed upon in the court settlement and we thought we would come in with that to make it easier and keep everything as much as possible out of the ELUR and provide some comfort for the commission, the public and the residents in the area. Our proposal is avoiding residential construction in the ELUR.

We've submitted a lot of documentation regarding the ELUR, the restrictions and possibilities for the area.

A lot of concern about traffic. We submitted a traffic report to this commission. You asked for a peer review and we did receive that peer review last week. We didn't see anything that really jumped out at us. We felt the review as favorably to what we are proposing here. There may've been things that could've been done a little differently but overall what we are proposing will not have an adverse impact on abutting properties or traffic.

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From a zoning perspective when this body zones properties for a specific zone, in this case an R-12, part of the things they look is infrastructure for utilities and road systems. They want the area to support whatever is proposed to be constructed there. There are some fail safes in zoning the looks upon properties and decides if it is appropriate for an R-12 zone and the utilities can support the development and the streets can handle the activity of an R-12 development.

This application is fully permitted by the R-12 regulations. However, with multifamily housing it does require a special permit and that is why we are here today.

We received traffic counts done by the SPD which supported our assumptions.

We did submit a report from a real estate appraiser identifying that our development is consistent with the neighborhood and it wouldn't have any detrimental impacts on property. We feel that report supports that position.

These units are low level ranch units, one story with garages and non-garages and are architecturally pleasing and attractive and this will fit in very well with the neighborhood, although separated, and will not have a negative impact on real estate.

We submitted police reports to justify that this won't have a negative impact on the neighborhood.

We also looked at what is permitted in an R-12 zone. We looked at this prior and these are concept plans to give you an idea what we can do with a 24-acre parcel.

1. Duplex and single unit layout. Twenty-one duplex and single lots with 30 total units. We'd have to go to the DEEP for approval. But this would be an as of right subdivision that would not require a public hearing. We may have to make adjustments to the lots.

About an 80% bigger land area is being developed with this than the current proposal.

This will generate more traffic. More of an environmental impact. More impervious surfaces and more infrastructure.
Discussion.

2. Concept #4 is single family houses similar to the previous application. This is an as of right type of application. No public hearing.

Some will be 12,000 to 15,000 square feet. Lots with wetlands will be larger maybe up to 24,000 square feet.

3. Concept #5 is something similar to this. It would be a SPU. Twenty-four acres, per your regulations, supports 130 units of age restricted housing. This would be similar to Liberty Station in town. (Explained)

The architectural were shown. One story units some with garages and some without. Low units, ranch style, with architectural features similar to the houses on Hunters Lane.

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Mr. Santiago brought up rental. If down the road it's decided rental isn't working out and you want to go to permanent owners. What structurally would have to be different to do that. Mr. Giudice said no structural features on the buildings would have to be different. (Explained)

The architectural for the carports was shown. The negative comments about the carport were not anticipated. The carport was an opportunity to provide shelter for the vehicles of the people that live there. A three-walled carport or one with a knee wall were possibilities. Ms. Clock asked if the carports could be gotten rid of. It's not in line with the surrounding neighborhood. Mr. Giudice didn't think the applicant was opposed to not doing the carports if you decide that way.

Discussion.

We had Mr. Hesketh look at the traffic counts from the alternatives. Our application generates the least amount of traffic. This is the direction we agreed to in the stipulation and this is the direction we said we'd come forward with. That's the direction we'd like to go.

Discussion.

One and two-bedroom units.

Active and passive recreation opportunities were discussed.

ZIRO was explained.

Ponding of water on adjacent properties was discussed as happening when Roxbury Road was built. Our application is not proposing any changes in topography in that area. We're swaling water into our drainage systems, collecting water from the driveway in through swales and getting the water to flow through the wetlands. Explained.

We are not proposing to direct any water towards the abutting properties.

In response to a comment by Mr. Santiago about making it better as a good neighbor, Mr. Giudice said Mr. Lavallee would have to be involved but he thought they could do that.

Ms. Scalise asked: Leaving the ELUR unused right now does not preclude you from building on this in the future without having to come before any other special commission. Mr. Giudice responded there are no plans to do anything residential here. We thought about the possibility of green energy i.e.: solar. We haven't explored that option at this point.

We would agree to stipulate to not build residential on the ELUR if this is approved. We'd like to explore solar energy, if possible.

(Those speaking in favor of the application)

None.

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(Those speaking against the application)

The Minutes are prepared summary style. You may refer to the video on line to hear full comments of each speaker.

Eight speakers spoke against the application citing traffic, safety, compatibility with the surrounding area, drainage runoff, rental property, residential single-family homes now in the area, ELUR restrictions, light pollution, children be allowed to live in these units, rental costs, realtor deception, runoff treatment of water, mitigation during and after construction in terms of migration of groundwater and soil and the proposed sewer line with leakage of sewage into the Quinnipiac River, turtles and salamanders migrate through the wetland, restrictive covenants of the development, speeding in the neighborhood, sidewalks, low income units, carports, change the character of the neighborhood, length of time of construction, truck traffic during construction, streetlights, mailboxes, against carports, Section 8 housing, water impacts on adjacent properties, buffers to I-84, highway noise, liability.

1. Alexa Vanderski, 61 Hunters Lane.
2. David James, President of the QRWA.
3. Dereck Platts, 53 Hunters Lane.
4. Kristen Keska, 149 Wonx Spring Road. (Submitted videos)
5. Andrew Vanderski, 61 Hunters Lane.
6. Kayla Swain, 27 Hunters Lane.
7. Pat Lense, 190 Wonx Spring Road.
8. Mike Scott, 125 Roxbury Road.

(Rebuttal)

The Chair confirmed that if this is approved tonight for 55 and older it would be in perpetuity. A new applicant would have to come before us if they wanted to change the restriction. Mr. Phillips said the special permit for that specific use runs with the land. Any changes to the approval would have to come back for a modification.

Are children under the age of 18 allowed to live in this restricted housing? Mr. Phillips read the definition for elderly housing: . . . occupied by one person at least 55 years of age or older and none below the age of 16 years . . .

Mr. Chaplinsky asked to have Wonx Spring Road added to the list of streets for sidewalks. Mr. Grappone advised that would be a town council action. Mr. Chaplinsky will follow up with the town council.

Mr. Giudice advised the DEEP has been involved in this property for a long time. This SPU has not been submitted to the DEEP at this time. If you approve this use, we would have to review this with them even though we are not proposing residential construction within the ELUR, we are proposing some

improvements. They have to give us their blessing on those improvements. The DEEP wants your blessings prior to our submittal to them. That's the next step. The IW Commission has given their approval.

Mr. Giudice made it clear this is a SPU application based on your zoning regulations. These are the regulations anyone in town who wants to propose before this commission has to comply with. This application, if it complies with your regulations, it is something I would hope the commission would look favorably upon. We believe other than passive recreation, this does comply with your regulations.

It's 55 and older based on your regulation of 55 and older. If it doesn't comply, whether rental or owner-occupied unit or house, it doesn't comply with the zoning regulations, it then becomes noncompliant. Then an enforcement action would be taken.

Discussion.

This is multifamily housing that meets certain standards for an R-12 zone. It doesn't matter if it is rental or owner occupied to you.

When I present options, I am not threatening the PZC or the public. Explained the process.

The applicant proposed this in good faith. The agreement clearly says he can come forward with an age restricted multifamily development and that is what we are proposing. It shouldn't be a shock to anybody. Our intent was to keep the residential stuff off the ELUR. We need construction on the ELUR to get to the property. We don't need the carports in the ELUR and we can get rid of those if it is a point of contention.

As to runoff, there is nothing that is going to be changed from this development as to runoff. Explained proposed clean up and improvement to the drive.

No impacts to the wetland are proposed and no change to groundwater patterns.

We have notified the DEEP as to the Natural Diversity Data Base perspective. We haven't received a report back, yet. That's part of the process we go through.

If you approve this, you are not going against the neighbors. You are following your regulations. When you are presented with something that meets your regulations, you have to approve it. Otherwise, things go to court.

Discussion.

There is an existing sewer main in this location (indicating) and we'll tap into that line and the existing manhole is on our property. We will run the sewers up to service our structures through that line.

Mr. Grappone confirmed the town will insure the structure has the size and scope to handle the sewage from this property. That line has to be evaluated by video cameras. If it is not, it can be improved by way of lining and other methods at the cost of the applicant.

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There is no government money involved. No affordable housing application in for this.

Discussion.

The covenant on the deed was discussed. Mr. Santago said if this was going to be there, why in the original plan for Hunters was this laid out as a lot versus a road or potential road at that time then avoiding the agita we are all feeling.

(Applause)

Mr. Giudice explained the covenants are a private agreement between the developer and the property owners. It is a way to control the kind of structures put on the property and protects the neighbors from clothes lines and things neighbors don't want to look at.

This lot where our cul de sac is was part of the subdivision. The remaining land and a strip here (indicating) was not part of that subdivision. It was left over land. This lot was incorporated to provide frontage for the subdivision. There is no proposal to construct a carport on that lot. The lot will basically disappear.

Discussion.

Mr. Giudice went through the timeline from the settlement in 2014 in response to a query by Mr. Santago. Mr. Santago wanted to know at what point the decision was made between Hunters, the lot and a road going through that parcel. What is the risk to breaking the covenant because it sounds like you did?

Discussion.

Construction for a special permit use for a site plan portion would be good for five years and they could get another five-year extension for ten years total.

There is no proposal for Section 8 or affordable housing here. This is privately funded and owned.

Discussion.

There are sidewalks on both sides of Hunters Lane because it's required. Your requirements for multifamily housing requires interior sidewalk along the driveway and picks back up.

Discussion.

The developer has an interest in this town and his property and he will retain ownership of the property.

Lighting was discussed.

Buffers and landscaping will be in compliance with your regulations.

Discussion of the perception of nothing to be built behind your house because of wetlands as stated by the realtor.

There will be no runoff from this site going to the west. Explained why there would be no negative impact on that issue.

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Mr. Chaplinsky asked about waiving the sidewalk on a private driveway. Mr. Phillips said the sidewalk waiver ability is in the subdivision process. Mr. Chaplinsky asked if the developer would, if the commission had the ability to do it, would he be willing to save the sidewalks on the interior driveway and instead make the connections on Wonx Spring Road. Over 55 community, no children or school buses. Mr. Phillips said the developer would want to agree with that also you should be aware if you are talking about placing a sidewalk in front of existing homes, they're going to take on the maintenance.

Discussion.

Mr. Giudice didn't think it was a bad idea but there are logistics involved. We have to have enough ROW to the edge of the pavement to put a sidewalk in and make sure the resident is okay with the sidewalk going in and possibly disturbing soil in the process and shoveling. We have to be conscious of grade changes. Everybody would have to come together to work that out.

Discussion.

Scott Hesketh talked about the peer review that was done and suggestions made. He gave his general impression of the review. They said there were very little traffic impacts.

Explained how and why the intersection of Marion Avenue for the traffic count was determined.

We will do the traffic volume counts that the peer review suggests. They are being done today. I'll submit a supplemental report to staff demonstrating we have excellent levels of service at the intersections they indicated should have been looked at in the study.

As to the SPD review, they indicated they did their own counts with the traffic volumes significantly lower than those we based our report on. I'll redo the study with their volumes if you want.

Discussion.

Overall, based on the findings they cannot substantiate that this development would have a bigger impact than the Hesketh study suggested. They're in concurrence with the report. Frederick Clark says that you should've counted these intersections, but the estimation of the site generated traffic is reasonable and distribution appears to be reasonable and the addition of the site traffic indicate a minimal if any impact to the operation of the unsignalized intersections. Mitigation is not necessary to accommodate the new development. It will have a minimal impact on area roadways and nearby intersections.

I am in complete concurrence with the results of their review.

Mr. Giudice finished up his presentation. There are 32 2-bedroom units and 8 1-bedroom units proposed.

Things we need to look at and you need to look as we go through have to do with the proposal.

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We believe our proposal follows your POCD and it meets or exceeds the zoning regulations. We have an issue with passive recreation. We think it is consistent with the orderly development of the town.

We believe the buildings are one story, nice looking of a residential nature. Specifically designed for age restricted use and they will not hinder the use of adjoining properties or affect their values.

The plan is designed to accommodate emergency vehicles. This site provides more than adequate access for emergency vehicles.

This application does not reduce the level of service and we've provided a report indicating we will not have a negative impact on the abutting streets and we will not impede the ability for other properties in the area to follow the POCD.

I think we've demonstrated the lot is more than sufficiently sized for the number of units proposed. It is a 24-acre parcel in an R-12 zone proposing 41 units. Very consistent. The scope and size fits in that area very well, we think and we are in compliance with that consideration.

We have buffer landscaping of ornamental trees and shrubs around the buildings and perimeters and property lines as required. We are in compliance with that.

The design elements are compatible to the site characteristics and other buildings in the area and will not adversely affect property values. We submitted an appraisal from a real estate professional. Carports are an issue and if you didn't want the carports, we'll give them up. We didn't expect the negative feedback on that.

We feel the ranch style buildings, residential in nature, age restricted are consistent with the POCD. The 55+ housing is desirable and needed in town and will serve a very good purpose. We will comply with the POCD.

As to location, size and intensity of this, is it compatible and consistent with the neighborhood and will not impede normal traffic, our testimony and data supports that we meet that criteria. For an R-12 zone and a parcel of this size, the zoning for R-12 permits much more of an intense use. That was the reason for the concept plans to show you that.

Discussion of which of the alternative concepts presented would require an SPU and which are of right. And the requisite steps as the ELUR is still involved. Likelihood of something being approved that would involve the ELUR was discussed. Mitigation strategies were discussed.

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

The Chair called for a recess at this time.

(Whereupon, the meeting was recessed at 9:12 o'clock, p.m.)

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

MICHAEL DELSANTO, resuming the Chair:

6. BUSINESS MEETING

A. Midland Retail, modification of special permit approval to construct multiple buildings on a lot for a proposed 46,211 sf commercial building/public service garage for a AAA facility, properties located at 775, 785, 801, 811 Queen Street; 2,4,6 Upson Drive; 3,5,7 Chaffee Lane; properties owned by: Lot 24-FCP, LLC; Lot 25,26,36 - East Queen Street LLC; Lot 27,32 - West Queen Developers, LLC; Lot 28,29,33,34 - John Senese; Lot 31-Dana Dipietro; Lot 35 - Twinco Corp., in a B zone (SPU #564.1) tabled from January 16

Mr. Phillips advised he had supplied his report. The ZBA has already approved the public garage portion of this use. The retail portion is a by right use in the zone. What you are looking at for the special permit is the addition of another principle building on the same lot it's a local regulation that you have that requires a special permit for multiple principle buildings. In this case it would be a modification to allow another principle building which you've already done in the past on this same lot.

Mr. Chaplinsky reiterated it is the special permit first to determine whether the additional building on this lot is appropriate and if that passes then it's site plan. Mr. Phillips concurred.

Mr. Chaplinsky asked for staff stipulations talked about last time. A bunch of them.

Mr. Phillips stated you could consider carrying forward the ZBA conditions of approval approved on October 24, 2017. There were 12 conditions.

1. No automotive work to be done outside the building.
2. No cannibalized vehicles.
3. No outside storage of equipment, parts or any materials.
4. No vehicles to be offered for sale.
5. No advertising flags, banners, strings of pennants, festoons of lights, twirlers, propellers, streamers, sandwich board signs or similar devices of a carnival nature to be displayed on site.
6. Parking spaces to be striped.
7. Handicapped signage installed.
8. No gasoline sold.
9. Hours of operation will be Monday thru Friday, 7:30 am to 7:00 pm and Saturday, 7:30 am to 4:00 pm.

10. Any compressors or other similar equipment to be kept inside and turned off after business hours.

11. Additional screening and/or fence to be extended to the southwest corner of the property along the north and east corner of the abutting house on Chaffee Lane.

12. Overhead doors to be closed during operating hours except for the moving of vehicles in and out.

The engineering department asked for the filming of the sewer lines.

Cross easements are placed on the revised plans.

The Chair asked Mr. Phillips to talk about the ZBA approval for this garage. Talk about the purview of the ZBA over the PZC with regards to garages. Mr. Phillips explained a special exception process under the ZBA which is exactly the same as special permit under the PZC. Certain uses you feel it is appropriate the ZBA consider through the special exception process. You can change the regulations in the future if you feel you want to to make it special permit process and not subject to the ZBA. It was approved by the ZBA in this case. They said the use is an approved use under the conditions.

Mr. Santiago said he felt better about this after the ZBA said it was okay and in reviewing the site plan. AAA is giving up their place in Plainville and wants to come to Southington. That's a testament to Southington so I will motion this be approved.

Mr. Chaplinsky would send if he would also include the staff stipulations. Mr. Santiago added the staff stipulations set forth by the Planner. Mr. Chaplinsky seconded.

Ms. Scalise wanted to get clarification on what regulation we should be looking at to decide on the primary building on the lot issue. Mr. Phillips advised it is Section 1-09, Principle Building. (Read the regulation.)
Discussion.

Ms. Scalise asked for the historical thinking on putting multiple buildings on a single lot especially as it relates to the overall development on Queen Street. What is our plan for Queen Street? We essentially have buildings surrounded by parking lots and traffic that is unbelievable. How did we get to this spot?

Mr. Phillips responded that the POCD has goals and policies and one of them is to revitalize and prop up and strengthen the commercial corridor on Route 10. Access management. Another policy is to protect existing residential neighborhoods; thus, you have conflicting policies. That's what you have to decide.

To this point there have been preceding applications that lead to where we are now. Mr. Chaplinsky talked about the multiple buildings on Queen Street and the planning part of it. Regulations call out for certain size lots and footprints. Explained this regulation may have been put in to control that.

Discussion.

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With access management you are trying to retro a corridor that was built in the 50's and 60's, added Mr. Phillips.

Ms. Clock pointed out we are here solely to determine that another primary building or principle building is appropriate for this area. Have you been by this area recently? It looks terrible. There is no protection to the residential surrounding area. I will not support this.

Mr. Chaplinsky pointed out in the stipulations we have limited noise, hours, activity. We are addressing the residents' concerns about the sewers. We have taken parking spaces out so the headlights don't shine on existing houses. We've added a berm with 7' fences along the property line adjacent to the homeowners at their request. The homeowner on the corner of Queen that's adjacent to the trash area --- didn't even come out --- we heard from another for additional shielding around that. No outside storage. From my perspective, we rezoned this area to a BOZ. ZBA said this is a permitted use. Retail is permitted in this zone. We have a missing tooth on Queen Street. The residents are looking right at Queen Street now. I think this is good for economic development. A professional office will bring in people from other parts of the state. A bigger building with bigger capacity and its different than fast food restaurants on Queen Street. It brings diversity to our community and additional jobs that'll patronize the area. Property values, I think, we've allowed for residential use in perpetuity.

Discussion.

Mr. Chaplinsky presented information on property values in this type of zone. Ms. Clock interrupted saying these things are not comparable. She stated property values are not going to increase in her opinion. Mr. Chaplinsky pointed out the research he had done and if she had something different to present.

Discussion.

Mr. Hammersley said all of the commissioners appreciate and support economic development. I went out there today. I was shocked by what I saw! For me it comes down a question of not being pro or anti economic development, but how do we want economic development to play out. In this location, what was there first? The residential neighborhoods were there first.

I think any reasonable person who drives out there and looks at it from the perspective of the people who've been there for decades, I tend to agree with Jen. I'm not sure this is an appropriate use for another building on that site. To say we've taken steps to make it better, doesn't in my mind say we've done everything we can do to make it better. Therefore, I am inclined to vote with Ms. Clock and not support this.

Discussion.

Ms. Scalise said looking at the missing tooth is a valid concern and economic development is a valid concern. I am not sure AAA coming all the way from Plainville to Southington is a huge compelling reason. I think we need to be more planful about it and looking for other opportunities. Even thinking of the property values of not just developing the land but the surrounding area is to encourage more walkable pedestrian like development instead of this sea of asphalt that is really dangerous, that is unappealing, that is encourages heavy congested traffic. It just contributes to a problem

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we don't have a handle on solving. This is a contributor to traffic. I feel there is a better solution potentially. I think the office is concept is great but the garage concept is not ideal. It is not diversifying our business and I don't know that I can support this.

The Chair read a letter from Lou Perillo our economic director in favor of this application. (Letter on file in the Planner's Office.)

The Chair continued he supports economic development. It is huge and important that we do it intelligently. Everyone here has made points. Queen Street is a heavily travelled road which screams economic development. People want to come here. This is a \$3 million building. If it comes to Queen Street, it will help the neighbors.

Discussion.

This is not a heavily trafficked business. This area is going to get developed. We have a bite of the apple for a clean business, office business. The garage piece has the ZBA saying it was an appropriate business for this location per regulations. There will be stuff put in place to make certain those neighbors are shielded.

The sewers belong to the town and we have to make decisions based on what is best for 43,000 in this town. The residential was there before Queen Street, but I don't think us denying AAA will stop development in that area.

We have a motion to approve with aforementioned stipulations. Motion passes 4 to 3 with Ms. Clock, Mr. Hammersley, Ms. Scalise opposed.

B. Midland Retail, site plan modification to construct a proposed 46,211 sf commercial building/public service garage for a AAA facility, properties located at 775, 785, 801, 811 Queen Street; 2,4,6 Upson Drive; 3,5,7 Chaffee Lane; properties owned by: Lot 24-FCP, LLC; Lot 25,26,36 - Est Queen LLC; Lot 27,32 - West Queen Developers, LLC; Lot 28,29,33,34 - John Senese; Lot 31- Dana Dipietro; Lot 35 - Twinco Corp., in a B zone (SPUR #1716.3) tabled from January 16

This is ready for action. The revised plans came in with resolution to some of the items outstanding at the last meeting. No suggested stipulations.

Mr. Chaplinsky made a motion to approve. Mr. Santago seconded.

Ms. Locks said to speed it up, get the fence up immediately and get the berm going immediately would make the neighbors happier. Mr. Phillips said it was stressed to the applicant on a number of occasions. It is pretty far forward in their construction sequence.

The Chair said the applicant is here and he needs to hear that shielding and buffering needs to happen fast.

Mr. Chaplinsky amended his motion to add buffering and fencing included in the site plan agreement should be one of the first things done and coordinated with town staff. Mr. Santago amends his second.

Motion passed 5 to 2 with Ms. Clock and Mr. Hammersley opposed.

C. Wonk Road Partnership, Special Permit application to construct an age restricted multifamily development of 40 units, property located at 37 & 43 Hunters Lane, in an R-12 zone (SPU #588) tabled from January 16.

Discussion by the commissioners and the Town Attorney as to what exactly a yes or no vote means was had in response to a query by Mr. Santago.

Attorney Futtner said a yes vote would indicate you are in compliance with the stipulation which called for a development on the non-ELUR of a permitted or specially permitted use including specifically a 55 and older community.

You do have to look at the regulations of the special permit and decide whether the evidence submitted and testimony submitted sways you that it does comply with the regulations.

Discussion by the commissioners and Town Attorney regarding a no vote. If you vote no the regulations are not met, is the town subject to a legal problem. Attorney Futtner said yes because that was specifically detailed in the stipulation and signed off on by the Town in 2014. Furthermore, it would cause if there was an appeal, attorney costs could be borne by the town to defend the appeal.

The Chair noted it came before this commission as an application to accept the Judgment. Attorney Futtner noted part of the stipulation was specifically to change it from an industrial zone to this specific zone in agreement with all the parties.

Mr. Phillips noted a site plan is required and has not been submitted at this time. Some things that come up are site plan related that we can't address, yet.

Mr. Hammersley re-read the stipulation. If you vote no, it doesn't mean you are in violation of the agreement, but it means that you don't feel that the application as presented adheres to the provisions under Section 8 of the town zoning regulations. It's not black or white. I read in the Judgment that it entitles the defendant to come back and make an application which we've done. Whether we approve it or don't approve it, the town are still adhering to what they were afforded as part of the Judgment in that they were allowed to come back and make an application and it says "seek" the approval and it doesn't say "shall" gain the approval from the town. Attorney Futtner agreed.

Attorney Futtner continued, if the applicant abides by the terms set forth in the zoning regulations for a special permit use, then you would not be able to deny the application under the stipulation.

Mr. Santago asked Mr. Phillips if all the regulations were met. Mr. Phillips said that is discretionary on the PZC's part. A lot of it. I really say a black or white yes. It's in your purview whether it meets the conditions set forth in the special permit process.

The site plan is not here, yet.

This is ready for action.

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Mr. Phillips added, on density, if you were to approve the 40 lots, if they wanted more in the future, they'd have to come back in again. No automatic increase in units.

Mr. Phillips and Mr. Grappone both did not have any other suggested stipulations.

Mr. Chaplinsky quoted Section 8 as considerations for the commission when reviewing and making a decision on the special permit. There is some subjectiveness in there. That is what is done with special permit. My advice to you professionally is if you did want to look at not approve it, I would definitely try to state the reason why on the record.

Discussion.

Mr. Chaplinsky reiterated what we are talking about is whether this is an appropriate parcel for over 55 age restricted multifamily. We are not talking about site plan.

Discussion.

Density is a consideration for special permit. Regulations allow 1 unit per 8,000 sf. In this case you are looking at 1 unit for 26,000 sf, noted Mr. Phillips.

The Chair commented this came before us in 2013 or 2014. The applicant was asking for an industrial use in an industrial zone. We did what we were supposed to do and approved it. That approval was appealed by the neighbors. They fought the approval for an industrial use in an industrial zone for whatever reasons.

The applicant worked with the neighbors and came up with this agreement. Lawsuit was dropped. They signed into an agreement and came back before this commission asking for this to be approved. They came and put an application on, went through public hearing.

I worked closely with the economic development coordinator. We have no industrial inventory in town. We gave up nine lots for this to happen. That's the history.

We now need a motion.

(Pause, pause, pause)

Mr. Chaplinsky prefaced by saying this is a difficult situation with new players who weren't part of the original agreement and are affected. Gave a little background on the vote to change to residential from industrial. Not happy.

This commission put a good faith effort to listen to what the neighbors and the owner proposed. We did change the zone although we didn't like it but that's what we were stuck with. We felt as though if they agreed on it, we'd appease and let them work through it. I'm conflicted.

Ms. Scalise said her consideration is the details of the application packet and evidence that was submitted. She reviewed the traffic study and the real estate evaluation. She pointed out her conclusion is the traffic study, while it seems favorable, is really a moment in time. Not predictive. It tells the situation today but the community changes and to me it is a very

challenging thing to look at the study and give it credence and weight because we don't know how the community will change with this application.
Discussion.

The real estate evaluation was discussed. It says there is not going to be any effect on property values. In looking through the report, the comparisons used troubled me. Some had the rental units being built first and then the homeowners had the ability to make a decision whether or not they wanted to purchase next to a rental multiuse development. It does seem the idea of impact on rental units on single family homes is in question. It depends on the individual situation. I found favorable reports and found reports that said within a quarter mile distance it matters and property values do go lower. It felt like the comparisons were not apples to apples. I think we should all think about that.

(Applause, applause, applause)

Ms. Clock was present for the history of this. She mentioned the testimony from the homeowners the realtor misled them. That's wrong. When the previous neighbors took this to litigation, they solidified the future of your backyard for you. You can also thank them.

The site is going to be developed and you need to prepare yourself for that. It's never going to be not developed. The question is what is going to go there.

That said, in reviewing Section 8, I found several instances where I don't find that a multifamily 40-unit development is in harmony with the surrounding area. I understand this is an SPU and someone would have to come back here and I can't guarantee who that would be in this seat and I can only rely on myself and my own purview and not future elections.

Just to reference specific points to think about, Section 8.02.2 it is not in harmony with the surrounding area.

Section 8.02.3, it will diminish the value of adjacent properties. That's questionable. I feel they would go down if this development goes in.

Section 8.02.9, neighborhood compatibility. It is not compatible. It's a 40-unit multifamily development with single family homes. Not compatible.

The only question, as to the POCD, 55 and older development is in line with the POCD but I don't think that precedes all of these other factors.

One last comment, to you who states that we are here to let the developers line our pockets or let them push us around or not listen to the citizen, please, by all means, attend every meeting going forward. You can see the volunteer time we spend here to listen. I implore you, after this meeting, get involved in the community in its entirety.

The Chair called for a motion.

Ms. Scalise made a motion to deny because I feel it is not consistent with purposes specifically as it relates to property values and safety. I also feel that it is not appropriate, Section 8.02.2, harmony and character with the surrounding areas.

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Mr. Hammersley seconded.

Mr. Hammersley agreed with everything Jen just said with regards to the intent and the time and effort put in all the people that sit up here. This is an important issue for a lot of people out there. We're consistently here every two weeks to go through the same thing in another neighborhood. As we all know, this is a volunteer situation. We do it because we love our town and community and want to maintain the character it has today.

That said, this is a tough one. I wasn't here when the Judgment was approved in 2014 or everything leading up to that being entered into. I reached out to the Chair and thank him for providing me with all the information. (Minutes, Agenda's, documents, et cetera)

Discussed the realtor situation. That's not something we are empowered to weigh into.

It does say in the covenants which were provided by Mr. Giudice, referring to Lot 17, that no lot shall be used except for private residential purposes.

What I do take issue with are all the things Jen and Dagmara noted. As I go through Section 8 of the zoning regulations, it speaks to things the commission shall take into consideration. (Enumerated)

Sections 8-02.1 and 8-02.2 were referenced. I don't believe this is one that does do that. This is a rental property and I don't know that any properties in the area are rental properties.

Section -02.3 diminish of property values. That one consideration is one that if you look at our regulations that is threaded throughout. It's subjective. We do know there is no definitive answer. The fact of the uncertainty with that, with not knowing if this would have a positive or detrimental affect or no affect on property values was one that I couldn't resolve in my mind any more than the traffic engineer's saying the affect on traffic. I see no positive affect. It will have some affect. The traffic engineer is saying minimal which is a subjective word.

Decisions I make that affect my town I don't like uncertainty or subjectivity that I don't know what the outcome will be. I don't want the people of Southington put into a situation where a decision is made with some level of uncertainty that outweighs the certainty of I am doing the right thing.

I fully support the motion Dagmara made consistent with all the reasons Jen mentioned.

Something is going to go here. I just don't think this is the right use for that property for all earlier reasons I stated.

Mr. Santago agreed with everybody. I think the applicant met the regulation and the stipulation. I don't like it. I don't like it all these people got sold a bill of goods. Lousy.

I don't know if how we are stipulating to deny will be enough to win the inevitable next suit coming to the town. I don't know if it is strong enough to say no. I don't know if it is meaty enough to win the judgement

that would come forth.

Discussion.

Looking at it non-emotionally, I think the stipulation set forth in 2014, did he meet that? He did. I think he met the regs in a general sense. If we are going to deny, all the things said should be added to the motion.

Discussion.

Mr. Chaplinsky agreed with Mr. Santago. I am not sure if the denial will be upheld. My bigger fear is what comes after the court case. The residents worked with the developer and court system to come up with an agreement. It was done in good faith and in the language that over 55 was going to be here. I think in good faith that is what was presented here and that we approved in the Judgment.

My fear what is going to go there if this doesn't get approved and it goes through court. What if it is not developed according to this agreement? Section 8 Housing, Affordable Housing? If that application comes, we can't stop it. That's a possibility.

I don't think I can support the denial.

Ms. Locks didn't think this was the right thing to do for this area. I don't think it is in harmony with the neighborhood. The traffic studies about 55 and older, more and more people are working later in life now. There is going to be more traffic than what is proposed. I think the home values will go down. I don't think this is the right thing. If it was for homes in that area like everybody has, I don't think anybody would have an issue. I don't think it's the right use.

(Applause)

The Chair said Southington is a 3 times loser. We had an industrial piece of property and we voted on and improved an industrial subdivision. Neighbors didn't like it and fought it in court. The parties come up with a stipulated agreement. Out of court. They come back to the PZC and we lose again because we lost the industrial piece of property and now we have to put housing there. The stipulation says: including and not limited to 55 and older housing. They present a plan tonight. I heard a lot of I don't thinks. The reports are the gauges that we use. Three different traffic experts said that this property would yield a negligible amount of traffic. Part of the record. Explained.

We did what the neighbors asked us to do. Third time loser. This is going to court and we're going to lose and we'll pay for their lawyers, our lawyers and the developers lawyers. We lost three times in the last ten minutes.

Motion to deny passes 4 to 3 with Mr. Santago, Mr. Chaplinsky and Chair DelSanto opposed.

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** Ms. Clock has to leave the meeting at this time. I will appoint Mr. Cabata in her stead for the remainder of the meeting, noted the Chair for the record.

D. F & F Concrete site plan modification to change location of building and associated parking 111 Atwater Street, in an I-2 zone (SPR #1715.1) tabled from January 16

Mr. Giudice advised the proper paperwork for a building permit came in yesterday. I think you could stipulate that has to be approved by staff.

Mr. Phillips said he met with the applicant and the building official. They submitted for a building permit the other day and it's under the review process now. Nothing's been issued, yet. Mr. Phillips said from his standpoint, the site plan is better as revised than what was originally approved. Less impervious, less parking. I'd like to see this developed rather than the original if you are comparing the two. This is ready for action.

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

E. Gary Eucalitto, site plan application for a proposed 7,510 sf retail building with 24 paved parking spaces. Development also includes concrete sidewalks, storm water management system, utility connections, LED site lighting and landscaping, property owned by David Dellavecchia, located at 2091 West Street, in a B zone (SPR #1743) Tabled from January 16

Matt Bruton, engineer with BL Companies presented the application. Mr. Bruton reviewed the application to date as he did in the January 16th meeting. He reviewed it is 1.1-acre parcel on West Street in a B zone. There is a residential home on site and a vacant concrete building. Topography is relatively flat. A wetland is present on site and we received IW approval in December. It is a 7500-sf single story retail building with 23 paved parking spaces. Main entrance in the front with dumpster pads and loading area in the rear. Single access road to West Street requires DOT approval. Utilities available on site. He talked about the storm water system. Underground system in the parking lot. DOT will review that, as well. LED sight lighting, full cut off, minimal amount for safety/security.

We took comments about architecture into consideration and provided this. A more colonial look was explained.

Discussion.

Sidewalk has been added to the frontage of the street per requirements.

Dumpster is enclosed and below fence height.

No merchandise to be stored outside.

Access easements to abutting business zones are provided on the plans with easement language provided to town staff for review.

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A traffic statement provided.

A DOT encroachment permit with drainage concurrence agreement will have to be stipulated. We're working with DOT.

Sight lines are adequate as mentioned in the traffic statement.

Mr. Hammersley asked about signage. The tenant is unknown but we have gooseneck lighting provided and subject to a sign permit separate from this application. The pylon sign would comply with height and size regulations.

Setback requirements were discussed in response to a query by Ms. Scalise.

After a lengthy discussion, Mr. Chaplinsky recommended a right turn out only on the site plan.

Mr. Phillips advised this is ready for action.

Mr. Chaplinsky made a motion to approve with right turn exit only. Mr. Cabata seconded. Motion passed 7 to 0 on a roll call vote.

The Chair moved Item I up on the Agenda.

I. Information Discussion Request - Commission determination of an auto racing shop/storage use as an allowable use in an I-1 zone.

Thomas Carlone, architect, Avon, CT, presented the application. My client is here with me this evening just to ask for a conversation about a proposed use on Industrial Drive (#30). The applicant is a resident, homeowner and business owner in town.

He also owns property on River Street which currently houses his collection of cars and a race car. He is an amateur drag car racer.

I did submit a short letter to Mr. Phillips and I made a little site plan which is intended to engage you in a conversation about the I-1 zone. We're looking for an understanding that will encourage the applicant to have a site plan created and come before you. We request a conversation about the use of a car storage facility under I-1 zone, Item 5.1.5-1.1f - other uses which in your opinion are the same general uses as listed and permitted.

Your list does not specifically state a car storage facility or antique car storage or race car storage facility, we feel that you have the latitude to approve this type of use.

We are here to answer your questions.

The applicant got approval from the ZBA ten years ago for the River Street facility. It was an old machine shop building in a residential neighborhood. He has been a good neighbor. No cars for sale. No noisy parties after races are won. Basically, race day preparation and maintenance of collectible cars.

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Mr. Phillips advised the PZC is the ultimate authority on determining similar uses to what you already have in your regulations either by right or special permit. Staff tries to interpret that on a regular day to day basis as best we can. Occasionally there is an item that comes up that we just don't see a great fit so we defer to the commission.

You can determine it is similar to what is already allowed by right in the zone or a special permit use and you need to get a special use. Or it is prohibited.

Staff believes we could see it as a by right or special permit but it is ultimately your decision. If you look at the personal storage of materials and vehicles, that could happen in other storage facility buildings that you have approved in the past. That's something to consider.

After discussion, it was determined one type of vehicle involved is a collectible car. (Half a dozen, Camaros, Corvettes, et cetera) It sits there and is waxed and driven sparingly. The other car is a dragster which gets used 6 to 10 times a year. It gets prepared for race day. It is trailered. And, then goes to the racetrack for its run. It is not a repair or For Sale facility.

Gave the history of his present site on River Street. No complaints to-dates.

Robert Votilla, 98 Quail Hollow Drive. Spoke about his business and residential holdings in town.

I'm a car collector. And, an amateur racer. For the last ten years I've been doing it in town and you haven't heard anything. It's a race car that we follow the circuit in New England, Virginia, Jersey, New York, Massachusetts. We race 6,7,8 times a year. It is not a street car.

I have six or eight collectible cars. I don't do repairs. I don't sell cars. I've been doing on River Street what I want to do on Industrial Drive. I want to put a nice 3,000 sf building and do some landscaping and you won't know I am there. It's going to be safe. It's going to be alarmed.

The PZC gave a consensus this is allowable by right and he can come in for site plan approval.

F. Release of \$2,500 Erosion and Sedimentation bond, 675 Queen Street (McDonalds) SPR #1596

Ready for action. Mr. Cabata made a motion to approve which Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

G. Release of \$9,400 Public Improvement bond, 675 Queen Street (McDonalds) SPR #1596

Ready for action. Mr. Hammersley made a motion to approve which Mr. Cabata seconded. Motion passed unanimously on a voice vote.

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H. Release of \$1,000 Erosion and Sedimentation bond, 132 Townline Road (SPR #665)

Ready for action. Mr. Cabata made a motion to approval. Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

I. Information Discussion Request - Commission determination of an auto racing shop/storage use as an allowable use in an I-1 zone.

Discussed above.

J. Discussion to consider support for CHR Tax Credits for Factory Square Redevelopment

Mr. Phillips advised a couple of local developers are looking at the initiative to revitalize the Factory Square Building and utilize it as residential/office/retail.

They are in the initial stages and to fund this type of a project, they're looking for tax credits. State Historic Preservation Office has a program and they're trying to seek support from local authorities. I had written a letter in the summer supporting it indicating this type of development is in conformance with the POCD. They're going to Town Council. They are looking for PZC support, as well.

The Chair said he agreed with everything in the letter and in order to increase foot traffic downtown, you have to populate it with people. This is right up alley for the young crowd that are going to spend money.

This may trigger something across the street for Greenway Commons.

It is Connecticut Historic Rehabilitation Tax Credits.

The residential will be upper floor and the remainder will be offices. Discussion.

Everyone agreed to support this. The Chair will sign the letter.

7. ADMINISTRATIVE ITEMS

Nothing this evening.

8. ITEMS TO SCHEDULE FOR PUBLIC HEARING

Nothing so far.

Mr. Phillips said he would present the open space cluster proposal for subdivisions. Mr. Chaplinsky advised that after everyone stating what open space meant at the open space committee, when talking about preserving open space in town, the PZC can do it through regulation, what kind would be beneficial to wildlife corridors, recreation? All on the open space committee were unanimous in saying they weren't sure it was a good idea to mandate that all new residential subdivisions go as an open space subdivision. Especially the ones on the ridgelines (R-80 zones).

Discussion.

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The Chair felt he didn't want to in one fell swoop diminish all the hard work we've done. Mr. Phillips said it is ready. We'll refer it out. The PZC members will all receive this proposed. Look at the existing subdivision regulation, our open space subdivision regulation and the new proposal to see the differences. Questions to Paul.

9. RECEIPT OF NEW APPLICATIONS

None.

10. ADJOURNMENT

Mr. Santago made a motion to adjourn. Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 11:13 o'clock, p.m.)