

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHLINGTON

SEPTEMBER 4, 2018

The Planning & Zoning Commission of the Town of Southington held a regular meeting on Tuesday, September 4, 2018 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DeSanto, Chair, called the meeting to order at 7:01 pm.

The following Commissioners were in attendance:

Paul Chaplinsky	Jennifer Clock
James Morelli	Susan Locks
Dagmara Scalise	Michael DeSanto, Chair

Alternates: Joe Coviello, Peter Santago & Ted Cabata

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

Absent: Robert Hammersley, Commissioner

(Note: Resignation received from Alternate Ross Hart due to his employment.)

The Chair seated Mr. Coviello for Mr. Hammersley for this evening's meeting. A quorum was determined.

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

MICHAEL DELSANTO, Chair, presiding:

Approval of Minutes

A. Regular meeting of August 21, 2018

Motion to approve by Ms. Clock. Second by Ms. Locks. Motion passed unanimously on a voice vote.

Public Hearings

Mr. Phillips read the legal notice into the record.

A. Stuart and Amanda Adendorff, special permit application for reapproval/transfer of previously approved parent/grandparent apartment to new owners, 381 North Star Drive, in an R-40 zone (SPU #608)

Amanda Adendorff, 381 North Star Drive, Southington, CT., applicant, presented. There is already an in-law apartment there and we recently purchased the home. This is for the reapproval. We made no changes to it. This was last approved in the early 2000's.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

Hearing no further comments, the Chair closed the public hearing.

Business Meeting

A. Stuart and Amanda Adendorff, special permit application for reapproval/transfer of previously approved parent/grandparent apartment to new owners, 381 North Star Drive, in an R-40 zone (SPU #608)

Nothing further to add by staff. Mr. Chaplinsky made a motion to approve. Ms. Clock seconded. Motion passed 7 to 0 on a roll call vote.

B. Road acceptance, Steeple Chase Extension from its current terminus to its new terminus, a total distance of 1390 feet (.26 mi) (S#1298)

Ready for action. Mr. Chaplinsky asked staff to describe the road acceptance. Was this a new addition that was added on? Mr. Grappone responded Steeple Chase ended in a cul de sac. Mark Lovley bought the property that the Boucher Family, I believed owned. And, he extended this cul de sac another 1390 feet. He created somewhere around 20 lots.

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

C. Discussion – Cluster Housing/Open Space Regulation

This goes back a while as far as being in front of us. Mr. Phillips explained the most recent proposal was a work in progress at the time and it dates to the end of last year, 2017. We started taking about it earlier either 2015 or 2016.

Commissioner Clock had requested that we revisit this. It's something I had put out too the commission in 2018. There were no legs at the time. It was kept on the back burner and nothing has been changed since the last time we discussed it.

Basically, I supplied this information to all of you this afternoon. Granby has a really successful preservation cluster type subdivision framework. I sent out a power point showing a breakdown of what there's are and the history of sales prices and things like that for units within that design framework.

In an effort to try to do as little change to our regulations as possible to achieve the outcome we may be wanting to look for along with referencing the successful Granby framework, I basically put together some changes that could be done with the existing cluster subdivision --- it's really called open space residential design or something like that, noted Mr. Phillips. He continued it is really just a straight up, flat cluster housing framework. It doesn't really address open space in the sense of where you place the open space, how much of it is contiguously held together.

In the Loper Street subdivision, it came in, it's a cluster and they got more lots out of than they would have normally under a regular design. The open space preservation part of it, which the commission ended up going with a conservation easement, but it is basically along and around the new housing next to the existing residential area. It is kind of a buffer of the new development to everybody else in the surrounding area. Really, it is not really usable, meaningful open space.

Also, the storm water basins tend to end up place within there. And, that again, is not useable and the storm water basins and all of that is basically an unfunded mandate passed down to the towns.

This framework basically would --- it goes a couple of different ways. You could mandate you have to do a cluster subdivision in any of these R-80, R-40 or R-20/25 zones or it could be a special permit process with the typical cookie cutter style being the special permit. It kind of incentivizes people to move towards the open space.

But other than that, this proposal would affect anything over six contiguous acres. It could be five. It's not really a science. It's kind of number that we understand it is smaller pieces of land that wouldn't be appropriate for open space. It just doesn't work very well. You have to start kind of at a threshold level.

One of the other important items is the way your open space is calculated right now is basically a ratio by the number of lots. Although it is in a different section, it is still an issue. This would be purely based on a percentage of open space within the cluster subdivision and having at least fifty percent of it be in a contiguous area that could be usable that does not contain all of the storm water requirements.

For example: "A minimum fifty percent of the total amount of preservation must be free of wetlands, watercourses and waterbodies, floodplain, slopes in excess of twenty percent that extend fifty linear feet or more and storm water infrastructure basins the commission may modify the percentage with the value of the resources to be preserved is higher than the unencumbered land in the sole opinion of the commission."

It gives you a lot more flexibility to get meaningful open space in any future subdivision and it also gives the developer a lot more flexibility in creating development that isn't necessarily sprawling and they would have less infrastructure, less roadway, less utility costs. It is a benefit to them, as well. It gives everybody a better outcome.

Using the flexible design and being able to shrink lot sizes and have smaller frontage requirements, it is a lot easier to develop something like that to keep the costs down. And, the remaining land is open space.

The Chair noted the last time this was discussed, it didn't have any legs. Was that because the commissioners at the time didn't think it was necessary to go forward with it? Mr. Phillips said there was no consensus of the commission to move forward for it. The Chair said for it to move forward, we need to, as a board, have a consensus.

Ms. Clock commented because the Minutes on this are very vague. They state the end result was Rob was going to put this out to referral which tells me that the board did want to move forward with it. I am the one that requested we look at this again. We had a crowd here very displeased with the proposal. We met with a group of people and came up with this kind of solution to both sides. You are never going to make everyone happy, but I want to talk about two things.

One, what I got from the Minutes, it was presented at the open space meeting and they weren't happy with the mandate of this. I don't think the intent was to mandate this be the only option. You have a choice. I think when you talk about mandates it kind of scares people away. The idea of that.

And, two, is perceived open space and usable open space. We know that it's not usable open space, but we also know the town doesn't really want this type of open space nor can they maintain this type of open space. From what I gather from comments in the community, what they want to see is just more general space in the developments and this gives you that. It gives you the perceived idea. Yes, we know there is going to be a development. Can we just make it appear as though they're not right on top of each other?

I feel like as a town we are not forward thinking about the large properties that could possibly go up for sale that would be in the realm of ninety, one hundred, one hundred fifty units of houses and what can we do to present the best option for the community. My belief is this is it concluded Ms. Clock.

Mr. Phillips pointed out if you are a developer and you want to build a subdivision you have two choices right now. The standard cookie cutter style and as long as you are of size, you could do an open space based upon a ratio of the number of lots. Or, as by right you can come in and do that. If you meet the regulations, it has to be approved.

The other option is through a special permit process and a public hearing which invites neighbors to come in and comment, they can go through the cluster subdivision and their incentive there is they could probably get some additional lots. That's what drives that. It doesn't get any usable, meaningful open space. It was written with that in mind but the outcomes are not being realized in the way they were originally envisioned.

He showed and explained two maps.

Ms. Scalise spoke on Jen's point. I'd like to really understand the language and its intent. The idea between usable and perceived open space is one aspect. Even in the scenario of having a buffer space between the new and existing units, who is this language for? Is it intended to manage development of these private properties? Is it to make the neighbors happy? What are we really trying to do with this language.

Another component makes me think, alright, we have 43,000 residents, do we have a plan to actually use the open space as the town grows? Is there is a plan for more parks? How do we put this kind of development language around any sort of bigger plan for how we use the open space?

The Chair noted they are good questions. We had a couple of applications that came before us and town cry was enough with the residential building. We put a committee together to come up with a plan that could help gain some open space instead of building on every desirable piece of property in a development. We came up with, I thought, a pretty good plan. The public wanted this. We had a public hearing and not one person from the public came out to support it.

All developers, engineers, land owners, land surveyors, et cetera came out to not support it.

After that, we felt it wasn't a well-rounded plan. We thought we would nix it and go back to the drawing board. That's what we did. When we brought it up again, it just didn't have the legs to go forward. I think it is worth taking another look at.

We haven't had any big development plans come before us. I agree with Jen, we've got to get ahead of this. We need to always be forwarding thinking. Get ahead of these things so it is not tossed into our lap and now we've got to deal with it.

Ms. Clock further added, from the Minutes, it says this was brought up to the open space committee and they weren't in support of it. With all due respect, because I served on the committee I value their opinion, however they don't make the regulations. We do. We take the community and their opinions, thoughts and feelings and our findings and cumulatively come up with a solution. Just because one committee doesn't find it --- as Dagmara is saying, what is the connection between usable open space and a plan for open space and this. Not really anything. There is no connection. Aside from saying I'm taking twenty or fifty percent of this land and making it open space, there is no other solution except for this. This is just the perception of open space. It agrees with the POCD which lays out these types of open space and open space committee has their plans and they maintain almost 500 acres of open space. This has no connection. It's just trying to come up with a solution to make people happy.

Ms. Scalise said that is a laudable role and having language in advance of a situation is good and important, but for me it goes back to what are we trying to achieve with this. Is it really trying to make two different factions abide by some sort of rule? For me the context is now we have all this open space, can we do anything with it?

Ms. Clock stated that people don't want to necessarily want to take care of large parcels of land but they would like some sort of separation into feeling that they are not living in such a condensed area. It is kind of the best of both worlds.

Mr. Chaplinsky said in looking at the transcript of the February 6th meeting, there was confusion. There was discussion at the end about what should we do with this. Explained.

The intent was that Rob was going to send this out to the commissioners and redigest it. I think it is a good time to do that.

I echo Commissioner Scalise's comments in that I don't think we should make a change to make a change. We should do it knowing why we want to do it. We have to look at the parcels we have in town and what could be the potential impact of this and where do we want the impact. What do we want open space for? Do we just want to create more buffers around adjacent properties? Are we looking for wildlife corridors that we need larger pieces of property for? Are we looking for parcels of active or passive recreation? We have to look at those and then as a commission decide what it is we want from a regulation revision.

A map of the open space parcels (provided) is a first good look.

The other side is what are the underdeveloped parcels not just the open space. We need to have an overlay of current open space along with underdeveloped. If there are opportunities to marry our regulations possibly with adjacent parcels to existing open space that makes existing open space even bigger. Example: Crescent Lake.

That type of strategic look is something we have to do before we change the regulations. We have the first step in the regulation revision, we've got the open space. If we can get an overlay with current subdivisions, current open space, that'll be helpful.

Discussion.

Mr. Phillips explained the map key. He noted when you move from the lower zones to the higher zones, the total acreage jumps up about 100 percent.

Mr. Chaplinsky commented on the discussion at the open space committee. The essence of the revision to the regulation was explained as being done in the R-40 and R-80 zones. They were suggested because they had the largest land bank, if you will. Largest potential for impact from an overall contiguous land perspective. When explained to the open space committee, from their side, the comment was that it wasn't that long ago we came up with the ridgeline subdivisions in the R-80 zone on the west and east side of town. They are on the ridges band provide what is called perceived open space. While it not be preserved open space, open space for active recreation, they felt it brought people into the community that wanted to have large parcels. They wanted to have two acres, maybe more room, to serve a population that wasn't being served by a half-acre zones or quarter acre zone. It offered a variety of choices in town for people to purchase land.

In the developments on the ridgeline, when you look at them, there is a perceived open space. The footprint typically on the land is small. You have a house, you might have a pool, a driveway. Beyond that, you've got an acre to an acre and a half or more of untouched land that typically is not bothered. It does serve a purpose for wildlife to live there.

The concern was if we implemented a cluster in the R-80 zone, would the aesthetic of having large parcels on the ridgeline be changed. You wouldn't have the large two plus acre parcels on the ridgelines that were meant to serve.

Their feeling was they didn't want to look up at the mountain and see clusters of acre or three-quarter acre or even one acre where we see two-acre developments today. From their perspective that would be a detriment to the aesthetics of the community.

I do believe its incumbent upon boards like ours to listen to the subcommittees and process things when we do make decisions. I think the different perspectives are important for us to consider.

Ms. Clock asked: With the cluster division, wouldn't the R-80 regulations for how many acres still be in place? The Chair said the question becomes: Will they stay as two-acre zoning or do we do clusters of developments in lieu of the two-acre zonings.

Discussion.

Mr. Phillips said what stands out to him is the R-40 zone. There is still a good amount of properties. One-acre zoning. A lot doesn't have many trees on it.

The zoning scheme in town makes a lot of sense from a residential standpoint. Explained R-12 to R-80 densities.

Possible cluster development layouts in the R-80 zone were discussed with this proposal. The essence of what was proposed would be to take the fifty acres and have twenty-five houses clustered into acre areas. The remainder of the twenty-five acres would be preserved for open, passive, active space.

Mr. Phillips played devil's advocate. There is a philosophy out there that the ability to take open space as part of a subdivision is actually a taking without compensation basically. The belief that that is not an ethical thing and if the town wants to preserve open space they should pass referendums and pay for the land like anybody else. That's the other side of the coin.

Discussion.

Mr. Chaplinsky continued if this town wants to have more open space, we have to be more bold about the way we are funding it. If it's important to the town leaders and residents, we should have more referendums and find creative ways to preserve open space instead of taking it.

Mr. Phillips stated the key part is: What is the outcome you are looking for? That will lead us down the road of what to do, if anything. I'll get information from the recreation department to see if they have additional field needs. That would be the active component. And, that has to be balanced with what is already in reserved commented Mr. Chaplinsky.

Mr. Phillips asked everybody to give him some ideas of what the outcome is you'd like to see, he'll try to use that.

The Chair said the rub is the R-80 zones aren't the problem. They're hard to develop, anyway. It's the R-20/25's.

Discussion.

If the goal is to reduce buildout offered Mr. Phillips, then we can't keep the same regulations. Ms. Clock said she didn't think that was it. They were looking for a big block of space instead of house, house, house, house. Why not have house, house, space, house, house. This is our only chance. Once it's built, it's done. It's over.

Mr. Chaplinsky suggested those types of things can be done with setbacks, frontages, buffers. He believed we should commission feedback from the community before we do this. We should have either a forum or a survey on line. Somehow, we have to collect feedback. It is important to note what the community sees and not just our perspective.

Discussion.

If it says to slow development, that's one thing. If it says active recreation, that says another thing. Some will have different trigger mechanisms.

Discussion.

Ms. Scalise noted it was important to get feedback, but as to Jen's comment, as the town becomes more dense with development, we get a lot more pressure for actual usable open space. Having usable space planned out for the next ten or fifteen years is really important, too.

Discussion.

The Loper Street project was discussed. Preserved was eleven or fourteen acres of which there was a number of acres in retention basins. We created a cluster subdivision in that area. The community won't use that preserved land. It's retention basin or a buffer for adjacent property owners. That might not be a bad thing, but if we're looking for a place to go, that's not what we want to do.

Mr. Morelli interjected that the commission complicated everything. When this came up, it was about percentage of property rights increase for open space. All developers came out and said you are taking my property. I can get 50 houses and you are going to make me take 40. That's a taking.

We have a town initiative to get open space. We have a board that tries to buy property for recreational things for the town. Open space.

We as a group said the community wants us to slow the development down or curb the development or make it more friendly. The only way to do that is to increase the requirement for open space on a development of property. We tried to pass that and like Mike said nobody from the public came, but they all tell you at the polls they want that. Every developer in town that owned property was here complaining. All said you can't take my ability to build a certain number of houses.

This language Rob came up with, I think is ingenious. If I own 40 acres and I can have 40 houses, and I have to give the Town ten acres, I can give them twice or three times as much and still maintain the 40 houses? I'm all over that.

Now, the question is what are you going to do with that property? Explained.

There is no easy answer, but I think with this language you can convince the developers or the landowners that they're not getting cheated. They can still get the yield they want, but it will be clustered.

Then we said these would come in as a special application and they would work with the town to make that perfect. Crescent Lake is a wonderful example.

Discussion.

We have initiatives in place to get large pieces of land. We need to get more money and funding. Until that happens, these big pieces are going to get developed. If we don't do something, they'll get developed the old way.

The Chair agreed with what everyone said, but if we leave it for the public to make those decisions for us, forget it. The public elected us and they have to trust us that we'll make decisions as to what is in the best interest of all the people.

Ms. Scalise agreed with a lot of the viewpoints she clarified. I am just trying to advocate that moving beyond just the perceived open space and making sure that we advocate for something that is not just something for the next two or three years but as the town grows, we have a plan in place. I always think it's good to get input from the people affected by it. If they don't show up, maybe that's an anomaly. If we are forceful and say we want your input, not once but more than once, then we have a more solid case. We all have different opinions and I'm sure we can collaborate on something and get ahead of this. I don't think we should do it because we have one meeting and people didn't show up.

The Chair asked everyone to read the information Rob gave out this afternoon and we'll take this up either at our next meeting or the October meeting to find out where we are going to go with it.

Mr. Phillips said if we're doing surveys, he would like to have questions or desirable outcomes at his disposal.

The Chair asked everyone to reach out to Rob with any questions as he developed the plan in place. Granby is a good read.

Mr. Phillips said it is successful and they did a version of it in Ellington.

Ms. Clock added that thirty to forty years ago this down decided open space wasn't going to be pursued. During that time land was built on or bought. Right now, having served on the open space committee and seen how much the land is and how much money we have and don't have, it is probably one of the hardest things we will have to do which is to get more open space. We have almost 500 acres and I don't know that it is going to be a lot more than that. This is just one way to try to bring it up. It is not going to be usable, but I think that shipped sailed, unfortunately. Now we're trying to backtrack.

Mr. Chaplinsky said there are still large parcels in town. And, some we should be paying attention to. It should be on the radar of the town council to look at preserving parcels in various ways such as development rights or outright purchases. If we want to preserve open space, the town council has to start being creative at it. Very important. It has to be the full tool box. It can't just be planning & zoning alone. It has to be all of us.

Administrative Items

- Administrative Review Authorization: Site plan modification application of Beecher Street Associates, LLC, to develop 10 units in old school building, 6 condos on Beecher Street and 6 condos on Water Street, property located at 49 Beecher Street, in an R-12 zone (SPR #1698.2)

Mr. Phillips explained the original approval was for 22 units, 10 of which were in the existing building and a number of detached row townhouse units on Beecher and Water Streets – like 75.

Then they came in with a site plan amendment and they reduced it to 21 with 8 in the existing building. One unit moved from one side to the other.

Now they've gotten through the SHIPO Grant process and they're requiring them to have the same number of units they originally had in the building. They want to go back to the 22 and have 6 on Water and 6 on Beecher Streets.

Very minor changes. Site plan modification. They've never gone through the final approval process for any of this as they've kept going back and adjusting the plan.

The Chair had no problem with this. It's all administrative. Not a drastic change.

Mr. Phillips had one other thing not on the agenda. The supposed zone change map. Looking at the Downtown Plantsville area, currently a lot of the existing frontage buildings have mixed uses with zero lot lines existing. It's zoned I-2. It is proving to be a problem for some folks who want to do simple facelifts of their buildings. If they are going to do anything, they have to encroach on set back lines and they need to get a variance.

I'm not sure why it wasn't zoned CB in the first place. He explained changing the I-2 zone with CB zone. They are all retail and not industrial uses. The people would not have to worry about the side yard setbacks if they want to do things. There'd be no lot setbacks.

A lot of this is pre-existing.

The Chair felt Lou Perillo wouldn't have a problem with this. Mr. Phillips will discuss it with him. Discussion.

Ms. Clock said this is in line with the POCD.

Mr. Phillips will do a full-blown zone change application.

Items to Schedule for Public Hearing

- Eric Rathburn, Special permit application for parent/grandparent apartment, 88 Hillside Avenue, in an R-12 zone, (SPU #611), September 18

- Michele Krom, Special Permit application for garage in excess of 3 spaces, 44 Rochela Drive, in an R-40 zone SPU #612), September 18

All can be scheduled.

Receipt of New Applications

Mr. Phillips noted two applications: Beecher Street and the public hearing next meeting for the three spaces for a garage.

Commissioner Comments

Ms. Clock advised there is going to be a Historical Open Space Site Tour on Saturday, October 13th, 2018 at 10:00. Ms. Clock and Bob Berkmoes will be tour guides on buses and we'll be stopping at select open space parcels with historical value. She is working with Phil Wooding of the Historical Society gathering material. More information to come.

Adjournment

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

(Whereupon, the meeting was adjourned at 7:51 o'clock, p.m.)