

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

OCTOBER 2, 2018

The Planning & Zoning Commission of the Town of Southington held a regular meeting on Tuesday, October 2, 2018 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DelSanto, Chair, called the meeting to order at 7:01 pm.

The following Commissioners were in attendance:

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

Alternates: Peter Santago & Ted Cabata

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

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

Absent: Robert Hammersley, Commissioner
Joe Coviello, Alternate Commissioner

The Chair seated Mr. Santago for Mr. Hamersley and 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 September 18, 2018

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

Please note: The Minutes are prepared summary style and you may refer to the video on line to hear the full presentation regarding any agenda item.

5. Public Hearings

Mr. Phillips read the legal notice into the record.

A. Michele Krom, Special permit application for garage I excess of 3 spaces, 44 Rochela Drive, in an R-40 zone (SPU #612), continued from September 18.

Applicants, Michele and Matthew Krom, 44 Rochela Drive, presented. They updated the commission on what they have done to communicate with the neighbors regarding their application. With most of them, moving the business was their only concern. We sent out a notice to the neighborhood letting them know the plans for the business. We already had sent a note about the hearing with the plans for the garage. We let them know we signed a purchase contract and our approximate closing date which is November 19th. Neighbors actually reached out to us saying it was great news and they had no problem with it, anyway. Some said thank you for letting us know. Good luck.

Discussion.

The Chair confirmed they had received a couple of letters this week in support in response to a comment by Mr. Krom.

Ms. Krom advised they attended the fast track meetings for the business to be sure we were all good there. And, we're working with two banks and those all look good for November 19th or that timeframe.

No adjustments to the plans from the presentation two weeks ago.

Discussion of the November closing date and what might delay that. The applicant advised she has the funds and it is inevitable however the funding has to be done.

Mr. Chaplinsky asked staff about the existing violation on the site versus the timing on the new property. Mr. Phillips said when we have a zoning violation and there is a process in place, as long as we're getting voluntary compliance with a path towards resolution, we don't have any issues. Unless it was a life and safety issue, that would be a different story. In this case they've been very cooperative.

Whether this is approved or denied tonight, this is an issue we'd have to follow up with.

Mr. Krom addressed a couple of other concerns, it seemed like the business was the main issue and the structure was a secondary complaints. As to the talk of there being lawnmowers with sharp blades running on the street and lots of chemicals being stored, we don't operate a lawnmowing business. We don't have mowers. We don't deal with chemicals so we don't have that or store that. This is purely plastic parts for irrigation.

The Chair added a chief complaint was the cars along the street.

Discussion.

Ms. Krom advised there could be a contingency that approval is not allowed for the garage unless the business has moved. I'm fine with any conditional approval or conditional clause to prove we are in fact honest and sincere and what our plans are.

Mr. Santiago recalled there was more than one talking about the structure on the property and it would have been the only structure that looked like that anywhere near there as well as the way it as configured in regards to the garage facing out as opposed to the side. Mr. Krom addressed that. He went on the GIS and within less than a mile there were 13 similar structures, three of which are within 800' of the home address. There is detached, plus two to three garages.

We talked to two different realtors about the affect on the property values and we got snickers from both of them. You increase your property value and the others go up because the market data bring that up. We got a letter from one stating it would increase our property value by \$60,000 to \$66,000. (Submitted for the record.)

Ms. Krom also submitted a copy of the Purchase Agreement for the record for the commercial space.

Ms. Clock asked if the onus was on the property owner or the surrounding neighbors to prove the value. The Chair said the onus would be on the person saying it would lower the property values. They should have something to back them up.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

(1) John and Barbara O'Connor, 41 Blotcher Farms Place spoke in opposition to the structure. The business was an issue, but the structure is an issue to us.

This is a garage that is the size of the footprint for a modest home. It's a half-acre lot and everybody has a 3700-sf home on it. This is just shoehorned into a corner. I don't think it meets the intent of the code.

He referred to the reduced property lines. This building is going to come out 49' off the back-property line because they combined a garage and a shed. You've 36' deep plus the setback.

It does not meet the definition of a garage or shed. The definition of a garage has as it's primary purpose to store vehicles. Shed is to store stuff. According to the code.

This building has a covered patio, bathroom facilities, semi-livable building which is outside the garage or shed code. It is a three-season type building.

It is outside the code for that reduced property lines. If you want to put a three-season building like this on your property with the patio --- great. I didn't want to live in a neighborhood with zero lot lines. This is a huge building compared to the scale of the house.

There are other garages in the neighborhood that are double facing but we said this was the only building like this in our neighborhood. None are 36' deep at this scale. None with covered patios.

I think this does not meet the intent of the code as it doesn't meet the definition of a garage. And a shed. With the multi-use three season building with bathrooms and everything else. That's my main complaint.

I don't know where or when --- since we are in an aquifer protection district, the 20% coverage of land has been looked at. The Chair advised if this had implications for inland wetlands, it would have to go through that board first.

Mr. Phillips said that regulation is in planning & zoning regulations, but it has to deal with use of chemicals and things of that nature.

Discussion.

Mr. O'Connor reiterated it says you cannot cover more than 20% of your property.

Discussion.

This is a cluster subdivision in an R-40 zone.

Ms. O'Connor said if you build the structure the way it is proposed, it would appear to be more like a zero-lot line community rather than what it is.

Discussion.

This is 13.5 feet from the property line noted Mr. Chaplinsky. Mr. O'Connor pointed out that is for accessory buildings. Is that a semi-livable building, or not? A shed is an accessory building, too.

Ms. O'Connor noted the garage is adding plumbing. And, three seasons. It doesn't fit the definition.

Mr. Chaplinsky asked staff if there were any issues with the design versus the regulation. Mr. Phillips said past policy is we've permitted many pool/house/garage/shed type of accommodations.

Setbacks were discussed.

The total area of any attached or detached garage structure is based upon a 14 by 26-foot space or 1,091 sf is allowed by right.

The proposed total here is 1,341 sf or 250 sf over the allowable as of right.

(2) Tony Morrison, 49 Blotcher Farm Place spoke in opposition as he did at the previous meeting.

As to the garage, in the regulations, it says in the regulations an attached accessory building or a portion of the main building for the parking of automobiles belonging to the occupants of the premises and which no occupation for business or profit is carried on. That's what it says. This is not that.

Number two, you are allowed to build a 14 by 26-foot structure. Nobody would have a problem with that. The problem we have is the fact that it's far beyond that. They are asking you to get rid of two regulations, not just one. One is the square footage and the other is the fact there is a fourth garage and there is only supposed to be three.

The footprint of the building, if you put this building over the house, it covers nearly half the house. That's a building they're going to get between two houses. It'll look like a totally different environment and neighborhood. You've taken a small house and put it between two large houses.

You are allowed to ask for whatever you want to build. Last time, I didn't like the fact it was put back on us as if we have to get together as neighbors and chat about it. This isn't a neighbor to

neighbor issue. Whatever you decide, we'll go on as we are. This is a planning & zoning issue. It's up to you decide whether there is a compelling reason to ignore two regulations --- and maybe three. I'm still unclear as to what is a multi-use building.

Discussion.

This isn't a garage, continued Mr. Morrison. This is a large building the size of a small house.

There has to be a compelling reason for you to grant this. I haven't seen a reason.

We are worried about the business. It's been there for a year. It hasn't moved yet. They said they'd move, fine. Our worry is you can take the business and put it in this building.

Explained.

What is their reason for wanting to building this:

- There was difficulty parking an SUV.
- Storage was needed.
- Extra garage space for cars.
- Pool house.

They are allowed to building 14 by 26-foot garage and that includes multi use things like the pool house, et cetera. Then everything they asked for, they can do in that.

Discussion.

Storage is not a reason for this massive building.

The pool house, 14 by 26, you've got 16' to park a car. You'll still have 10'. If you want to have a pool house with showers, you have enough space. And, you can keep that porch on it, as well. Unless there is a regulation against that.

They have the ability to build what they want with what the regulations calls for. If there is a compelling reason beyond that, fine. We'll accept it. You have to tell me what it is because I don't see it right now.

If you rule in their favor, the problem I've got is the look of the neighborhood will be destroyed. It's such a major hit to the neighborhood. It'll look like three houses right next to each other. This is neighborhood is designed to have large gaps between the houses, open space, setback nicely from the road. You would change that completely.

Thank you.

Mr. Morrison explained where he lived in relation to the applicant's house.

Mr. Phillips answered the aquifer protection zone question and the 20% impervious limit. He could not find any percentages in any of those regulations but there is a 20% lot coverage requirement in an R-40 zone and a quick calculation on the proposed building coverage with the proposal, it comes out to 11%. Lower than the 20%.

(3) Steve Giudice, 283 Deerbrook Circle, spoke in favor of this application. Percentage of coverage governs this and the percent of coverage on this half acre lot --- in an open space subdivision, we reduce the setbacks on the side yards. This garage could be permitted in an R-12 zone, quarter acre zone, as well, 10' from the property line.

Looking at the sketches, I think from a special permit, you have to look at does it fit in the neighborhood, is it in character with the house construed and I don't see were this doesn't fit in with the property. They're not asking for a variance but for a special permit. This regulation is so you can look at the architecture, et cetera. I think they're doing exactly what you intended applicants to do.

In my perspective they are way under the 20% coverage, as permitted.

When you look at the regulations, I think it fits in with what you guys are trying to do.

(Rebuttal)

Ms. Krom indicated the square footage of her home is 3,700(+). The footprint is about 1700 sf. Two floors. The neighbor is at 4,000 sf.

Discussion.

Ms. Krom commented: I have a Pilot and cannot park it in the garage. She measured it when she got home and it is 91.5" wide, side mirror to side mirror. With the weather stripping on the garage doors, it narrows the entrance way to 92". Very little room for error. Thus, we want the extra garage.

As for space, we did build a pool. We have six children. We purchased eight chaise lounges to satisfy our family for relaxing by the pool. All the stuff that goes along with that requires space. We cramped with the two garages right now. We can't use one for parking. One is used as a shed for lawn equipment, snow blower and whatnot. Eight bicycles.

The reason for the one structure and trying to make it look like the house so it looked as original as possible is because we don't want to have multiple structures on the property.

Showed a mock up of what it would look like with the house to give an idea. (Passed around)

Mr. Krom commented on how far away the complainants lived. I can see their garage doors of one and the other one I can't see because there's too many houses in between. The whole structure is set back from the house. You can't see it coming up the street. In front of the house, you can see the front. I don't understand the complaints.

Discussion.

Ms. Krom said the reason for the special permit is we don't want three structures on our property. We want to try to consolidate and have one. Not make it look funny.

Discussion.

Ms. Krom said the siding and roofing shingles will look identical to the house. The window from the front foyer we are matching. That is so it looks original.

The current garages are 21 by 21. The standard is 24 by 24. Down three feet. Ms. Scalise compared this to her experience in parking her Honda Pilot in a narrow space with no problem.

Discussion.

The Chair closed the public hearing at this time.

B. Proposed zone boundary change from I-2 to CB, properties located at 62 West Main Street (rear) (075/180); 42 West Main Street (075/179); 76 West Main Street (075/181); 120 West Main Street (074/072); 35 West Main Street (075/028); 19 West Main Street (075/029); 13 West Main Street (075/030); 7 West Main Street (075/032); 29 West Main Street (075/031); 119 West Main Street (074/068); 111 West Main Street (0074/069); 55 West Main Street (075/026); 57 West Main Street (075/025); 83 West Main Street (075/024) ZC #560

Mr. Phillips presented the application. There is the desire to basically zone change some existing areas in Plantsville which are already retail and restaurant and those types of uses that really fit in a CB zone but these properties have been zoned industrial quite some time. A lot of these uses are legally nonconforming. The ability to expand the buildings, to improve the aesthetics of the buildings are really confined and constrained because they have to abide by setbacks and they're already at the lot lines in some cases or close to it in some cases.

The initiative is to try to bring these areas more consistent with the actual zoning and what the uses are there. Looking at the POCD, Page 56, one of the items that was listed as an improvement to the Plantsville area would be to replace the industrial zone and uses on West Main Street with the CB zone in order to enhance this area.

He showed a slide of the current extent of the CB zone. Explained.

He showed the properties currently zoned I-2. Explained.

The POCD suggested we do a focus study on the area which is not something we'll do at this time. Through that, one possibility would be to pull back the CB zone from here (indicating) and enhance it and bring it towards the west along West Main Street. Tonight's proposal is essentially that.

He showed slides showing the property in question which is I-2 and would not be converted. Right now, they're not performing as a business would be under that zone.

The most important thing: Most of your highly trafficked, highly visible areas, corners, are also conducive to retail and restaurant and business development and not conducive to industrial. That's why we want to change it to CB zone.

I ran this by economic development, Lou Perillo, and he helped refine this a little bit but he is in full support of this, as well.

Discussion of the properties in the area still being used for industrial which are not affected. They would just continue on.

Discussion of the properties in the area that are within the proposed change.

The strip of land next to Zingarella's was discussed. It the property access to the industrial property in the rear. We didn't want to half zone the front of it so we left it alone.

Tax ramifications were discussed. They're taxed on the current operations/use and not necessarily the zone.

Discussion.

Discussion of the Tavern 42 parcel. Parking, display area, pavilion. Also, discussion of the flag shaped property Dean's is on.

All abutters were notified as required. We also sent letters to each individual property owner subject to the zone change.

(Those speaking in favor of the application)

(1) Dean Michanczyk, 853 Andrews Street, discussed the proposal. Questioned why the front of his parking lot would have to be split up. I don't know the benefit of that. As far as everything across the street, those three parcels, certainly. I think it's a good thing for the way everything is changing down there and the work we're doing to spruce things up. But that front portion on the entrance, I'm not sure of the benefit. The property west of Tavern 42.

Discussion.

Mr. Phillips will go back to economic development and get clarification.

(Those speaking against the application)

None.

The Chair left the public hearing open to the next meeting so further dialogue with the property owner can happen.

6. Business Meeting

A. Michele Krom, Special permit application for garage I excess of 3 spaces, 44 Rochela Drive, in an R-40 zone (SPU #612), continued from September 18.

Ready for action with standard stipulation not to be used for business purposes.

Mr. Santago asked how the commission could do anything if there is an existing violation on the property even though they've promised to move the business. We can't vote on anything with an existing violation.

Mr. Phillips responded yes and no. When you have a site plan application certainly if there is a violation of the regulations on there, you would not want to approve it. In this situation, a special permit process and public hearing, we do have sufficient evidence to indicate there will be compliance and there is a path to compliance. It's not a site plan related issue with the application. I would be comfortable knowing we have a record here and we would still pursue it if it was denied.

The Chair advised if the commission doesn't feel comfortable voting on this because there is a violation on the property, you could ask for a table.

Mr. Santago said he personally was not comfortable with it. Therefore, he made a motion to table. Ms. Scalise seconded.

Roll Call:	Clock:	Yes
	Locks:	No
	Morelli:	No
	Scalise:	Yes
	Santago:	Yes
	Chaplinsky:	Yes
	DeSanto:	Yes

Motion to table carries 5 to 2.

B. Proposed zone boundary change from I-2 to CB, properties located at 62 West Main Street (rear) (075/180); 42 West Main Street (075/179); 76 West Main Street (075/181); 120 West Main Street (074/072); 35 West Main Street (075/028); 19 West Main Street (075/029); 13 West Main Street (075/030); 7 West Main Street (075/032); 29 West Main Street (075/031); 119 West Main Street (074/068); 111 West Main Street (0074/069); 55 West Main Street (075/026); 57 West Main Street (075/025); 83 West Main Street (075/024) ZC #560 –

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

C. AHCO, LLC, site plan application to construct 2 buildings and associated parking, loading and circulation areas, 72 Industrial Drive, in an I-1 zone (SPR #1765).

Steve Giudice, office of Harry Cole & Son, 876 South Main Street, Plantsville, CT, presented on behalf of the applicant.

Since our last meeting we have made some changes to the plan. During our public hearing there was some concern about trees to the north. We did send a survey crew out to locate the trees. (Indicating) The previous proposed plan had grading all through here (indicating) but once we had the survey location of the trees, we were able to revise our grading to save this row of evergreens (indicating). We are proposing to remove these two (indicating). We'll save the four over in this location (indicating). We are retaining quite a bit of the natural vegetation along the property line and we're proposing additional plantings along the building (indicating).

We did make some modifications to berm for storm drainage and sheet flow around them. We addressed staff comments and provided comments to staff. I think we're in pretty good shape on it.

Mr. Phillips advised this is ready for action.

Mr. Chaplinsky thanked the applicant for taking the time to work with the neighbors. That's the way we have to do these types of situations. Tremendous value in cooperating with your neighbors, add the Chair. Mr. Morelli had the same comments. You guys did a great job.

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

D. Reduction of subdivision bond from \$319,350 to a new amount of \$33,480, West Mountain View Estates (S#1318), tabled from September 18th

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

E. Information discussion: Lovley Development, South End Road

(Please refer to the video on line for the full 25-minute discussion.)

Sev Bovino, Planner with Kratzert, Jones & Associates presented on behalf of Lovley Development.

The subject property is 792 South End Road. After meeting with staff, Mark Lovley asked me to provide a flexible design scenario for this property which accommodates home for an age-restricted community and at the same time increase the open space provided to the town. This property abuts existing town open space to the south (indicating). The open space surrounds the property on three sides: along Meriden Waterbury Turnpike, along the church and then connects to the current open space. And, we have open space in the center of the development.

This will allow the buffer along Rte 322 to be left intact, the trees will stay. In addition to that, we have a landscaping area along South End Road, a berm with trees and shrubbery.

This property grades gently from west to east. Explained.

We are surrounded by some businesses. To the north there is a gas station, a veterinary office and there's additional businesses along Rte 322.

There's a church to the east.

This property has all public utilities: water, gas and sewers.

The packet passed to you has some development facts. The open space under conventional development would be none. Under this development would be almost two acres which is 33% of the land area. The number of units were six. This will provide 15 units of age restricted homes, 55 and above.

The square foot range between 1450 to 2000. The size of the homes for regular subdivision would be 2500 to 3500 sf which puts the price range of those home quite high. Typical number of kids

in the school system for conventional subdivision would be nine. Under this development it would be zero. And, there are facts about the town taxes.

The roadway will privately be maintained and not by the town. This will be a good transitional use from the existing commercial development to the north and the residential and open space to the south.

The age restricted development, if we base it on one unit for each 8,000 sf, it would allow 30 units and we are proposing 15. Ranch and colonial style with master bedrooms on the first floor as the demand is all about today.

Mr. Lovley is here to add comments.

Mark Lovley, President of Lovley Development, 710 Main Street, Plantsville, CT further explained the development proposed here. In meetings with staff, all felt this would be a good area to look at doing this type of development for the past few years.

Discussion.

He explained these homes are a minimum of 25' apart so they look like a conventional subdivision. They are all different in style and not a cookie cutter development where they are attached and you're trying to cram a bunch of them in.

If we do a regulation on this, we need to look at that 8,000 sf per unit and bring it up. He talked about developments he did in town which were not 55 and up (Deveonshire & St. Armand's).

We do have the open space contiguous.

If you do these clustered, they run around \$319,000 to \$389,000.

Six lot subdivision would have no open space and this would have contiguous open space that takes up 33% of the property that ties into that. And, we would not be cutting trees along Rte 322. We would have to for the conventional.

The parcel size is 5.5 acres and the open space is 1.82 acres. We probably could reach two acres. Explained.

There are no rear lots as with the conventional.

Mr. Chaplinsky asked why they would not make an open space subdivision application today for this parcel. Mr. Bovino said the rules don't allow for that as there is no over 55 community in an open space regulation. Mr. Phillips said it wouldn't matter if it was age or income restricted. This similar type of look is what would be allowed under the proposed regulation. Your yield would be based upon the underlying yield of the zone. You get the yield first and then focus your lots to be smaller, more cluster. And, he's almost at 40 open space here with fewer houses it could be done. The yield here would be about six lots. Calculation of the lot yield was discussed.

Discussion.

Discussion of how this would fit with the proposed regulation changes to be discussed later.

Ms. Clock explained why this is a very special piece of property. This accomplishes a couple of things: contiguous open space on a very historical piece of property, precious and rare. Secondly, it

provides for the 55 and older community which is a need. I don't feel like this is over developing when you are accommodating a rising population.

Also, it would really be cool if you did something like a dedication, monument to the family. It would be special.

Discussion.

Mr. Lovely noted the historic parcel is cut out and will be given back to the family. They wanted to preserve it and let SHS use it. We will be getting a monument for the family.

Mr. Morelli felt Ms. Clock was on the right track. And, you probably wouldn't even see these houses from Rte 322 or South End Road. You can do no thing else but do this on that property. I think this wonderful. The contiguous open space to a large parcel is great.

Mr. Lovely explained the opening with a post and rail fence and pillars. He explained the grass areas and walkways to the gazebo. The loop instead of a cul de sac makes it look more expansive and no so close together.

Mr. Phillips explained the proposal as discussed is not possible right now. There has to be some kind of a zone text amendment, something happens with the open space, or there is a zone change to something else but we don't have regulations that would allow that, yet.

Positive feedback. But how to get there, we just don't know, yet.

Mr. Lovely suggested coming up with something per the regulations and work with staff on it and bring it before the commission.

Discussion.

Mr. Chaplinsky brought up the R-80 zone. Mr. Lovley said there might be a problem in the R-80 because there is not water and sewer. And, the existing R-80 is typically on steep slopes and is more challenging and difficult. It's not economically feasible.

Discussion.

Thank you.

7. Administrative Items

A. Open Space Preservation Subdivision Discussion

(Please refer to the video on line for the full 55-minute discussion.)

Mr. Phillips reviewed based upon the last discussion. I sent out a general summary to everybody on the proposed regulations for review.

Currently as it is now, if you're in an R-80, R-40 or R-20-25 zone, you have two courses of action when you are subdividing your land. Currently under the existing regulations, you can do a conventional design if you have ten or more lots with open space, based upon the calculations. If you are less than ten lots you can still do conventional by right, no public hearing.

Then there is also the open space residential subdivision on the books right now. It allows you to create lot sizes that are the next zone down in exchange for open space. That is subject to a special permit with a public hearing for any of those.

The incentive for the developer, unless I can figure out a way to make more money off the open space preservation subdivision by getting a couple of more lots in because of working with the topography and lot constraints of the parcel, if I can't do that, I have no incentive. Not favorable to a public hearing on a special permit allowing neighbors to contest it. So, I'll do the conventional subdivision.

What we've been talking about and based on the last conversations we had, I did adjust it to apply to five acres or more. But, it could be any number of acres.

Also, we're trying to encourage the flexible preservation subdivision design. In order to do that, we need to get rid of that special permit process at the very least. The other incentive could be an additional number of lots. Maybe you are interested in looking at that again, as well. It makes it more feasible and could replace the special permit process in incentivizing developers to look at options.

Right now, to encourage the flexible preservation subdivision, we would make those as of right in the R-40 and R-20/25 zone.

On the flip side, to continue to incentivize to move towards this angle, the proposal would be to change the subdivision regulations to require a public hearing for R-80, R-40, R-2025. Not a special permit, but a public hearing. That encourages folks to look at the flexible residential design.

The R-80 zoning, I left alone in this proposal. It can be done in a flexible way, but not very flexible. Just downzone to the next lowest zone. Maybe you don't want to have the aspect of requiring a public hearing. Or just don't include the R-80 in the flexible residential design. That's pulling it back from what you currently do now. Making it just a conventional layout.

This proposal has the reduction of lot sizes, frontages and setbacks consistent with the very successful Granby model.

R-80 zoned land is difficult because you can't reduce land sizes much lower due to lack of public sewer and water.

Current proposal lot yield is defined by the total number of lots allowable on a given parcel of land by conventional zoning. Not additional lots over what the zone would yield. You can look at that differently now if you want.

At least 40% of the original parcel to be preserved as open space either dedicated to the town, land trust or easement in favor of an association, land trust, et cetera. Multiple ways to achieve this at your disposal is the key.

At least 50% of the dedicated open space is free of constraints such as mandated storm water infrastructure, lead to greater potential usability as active/passive recreation but it also is still up to the commission.

Remove impediments to flexibility which is the buildable square.

Remove provisions for rear lots.

That's the gist of it. It's what we talked about last time. How do you feel this time?

A lengthy discussion followed with all the commissioners involved regarding the highlighted topics below.

Clarifications were discussed on changes comparing the September 5th to the October 2nd draft as brought up by Ms. Scalise.

- Rationale for moving it down to five acres versus the six.
- Rationale for changing the minimum area of the lots in the R-40 and R-20/25 zones.
- Definition for setback requirements were not in the September version and now they are in October's.
- The R-80 zone is exempt in the October 2nd version as to the reversal of incentives.

Mr. Cabata commented that a concern on the R-80 zone is technology wise we're getting closer to people being able to get equipment up there and build in certain areas. One of the last things in the language was about keeping people from creative development, which is important.

How do we address the fact that what people want now is going to be different from what the next generation wants? Younger they want a huge home and don't care if they have a small parcel of land. How do we balance that in the R-80 so that 10,15 years from now we don't have the houses that no one wants anymore because it's a huge lot and it doesn't have the garage space, home space that people're looking for?

The intent of what is proposed here does include the R-80. Mr. Chaplinsky then added he is not a fan of requiring the open space in general. He would rather incentivize for open space rather than require it by right and having a special permit for the conventional. He would prefer to incentivize the open space or the preservation subdivision so that it is attractive to do and still use our same mechanism of special permit. If we decide to go in a different direction my request would be because of what we heard earlier I don't see a lot of advantage to requiring R-80 to be a preservation subdivision for a variety of reasons. I don't think there is going to be a lot of development in R-80 because of the difficulties developing. I think it is important to have a diversity of housing in the community and offer the broad spectrum. For those who want a little bit more land, the R-80 facilitates that.

For changes, my request would be to leave R-80 alone. Personally, I don't think we should do preservation subdivision there. If we do, it's incentive, only and by special permit.

I'd like to remove R-80 from this proposal.

Secondly, the proposal is to have a public hearing for a subdivision application. I'm not sure of the purpose for that. If we're going to have a public hearing, we should make it SPU because if we just have a public hearing and not under special permit, we don't have any additional teeth, if you will. Concerns and issues will be raised that we're going to want to consider and some we won't be able to act on because it's a subdivision and not a special permit and we don't have the same authority.

Discussion.

Do we have any idea what the possible impact is if we change these regulations, what is the potential additional open space acreage we can get? What's the benefit for the landowners and what is the benefit for the town. Mr. Phillips responded on these types of developments, at least 40% would be open space. It is a case by case analysis and impossible to calculate a number.

Discussion.

It is important for the commission to try to get a gauge of what the potential impact would be said Mr. Chaplinsky. Ms. Clock said the number is subjective. If we yield positive 5 acres, we've done our job.

Discussion.

Discussion of how to do an analysis to get facts and information to provide to the public.

We need to show the benefit to the landowner, developer and the town. An analysis would be helpful.

Discussion.

Mr. Morelli said he is conflicted. This proposal as discussed over and over again gave them the ability to have the same number of yields in a smaller section and give more land to the town. I thought that's a great step in the right direction. What I realized tonight is that every site is site specific. He discussed the site Mr. Lovley has spoken about this evening.

How do we set rules that say you've got to come in with a creative proposal and if you do and it makes sense we're going to approve it? That proposal is wonderful. It's hidden. Maximum yield. People will love it. It meets every requirement we've put out so far. Great for the town, open space, no road maintenance and no kids going to school. No rear lots. How do we write regulations to persuade them to come in with a proposal like that and make it happen?

Discussion.

I thought by making it mandatory to go before the town with your proposal, this board would by virtue of that process get the best yield out of the property. But I realize staff's hands are tied to do even a maximum yield. How do we fix that?

Discussion.

Mr. Morelli pointed out we need to revamp the SPU process to make it developer friendly and also more sensible for the goals and missions of the town.

Discussion.

Both Mark Lovley and Monica Cusano, 90 Welch Road, offered their comments about what is the proposed regulation change and how it impacts their properties. Back and forth discussion followed with the commissioners.

Open space was discussed in regard to who does the maintenance, who is allowed to use it and what is the enforcement.

Comment about the enrollment in the school system being less than years ago. Families are smaller.

Ms. Clock referred to the link she sent out of the 2015 supplement put out by the open space committee on Page 5. It was recommended that land use departments continue to minimize the loss of forest areas by considering the following: encourage open space subdivisions to reduce the development area and preserve larger areas of undisturbed land within a development. That is exactly what we are talking about.

Mr. Phillips said he would send a pamphlet for everybody to read. It is the 2017 Habitat, a very well-known land use attorney, Mark Brantz, put together a paper here saying open space and environmental cluster subdivisions is another tool to preserve open space. It's a legal attorney's opinion on these.

Mr. Phillips confirmed he took down all of Mr. Chaplinsky's comments. The Chair asked before sending anything out we do one more meeting.

Discussion.

Ms. Clock felt we were beating a dead horse. I feel like I want to hear from the public. We all know what we all think. We can adjust after we hear from the public. Mr. Phillips clarified only if it is in a direction that is not more restrictive.

Mr. Chaplinsky is not comfortable moving with this as is. I agree we should update the regulation. I'm concerned about making it an as right. Why wait to have everybody come out concerned and upset that we're changing the as is state. If we want to update the open space regulations for subdivisions, I'm okay with that. It doesn't affect anybody's property values. It is a special case. By us putting this out to public hearing and saying we are now going to make as of right a cluster subdivision, that changes the underlying potential value of a property. Everybody agreed with that comment stated Ms. Clock, can we move forward with that?

Mr. Phillips then asked are you interested in an increase in lot yield of some nature? That would be the incentive and without that there is really no incentive.

Mr. Chaplinsky and the Chair agreed we need to incentivize, so definitely.

Development is going to happen added Ms. Clock. Discussion followed regarding that comment.

Mr. Phillips will revise the regulations per tonight's comments and bring it back at the next meeting for consensus to move forward.

It was suggested a different set of regulations will be required for the subdivision which was discussed by Mr. Bovino and Mr. Lovley earlier in the meeting on South End Road.

B. Sign Committee Report

Mr. Phillips said there is an upcoming meeting and after that we may be coming back to the commission with a proposal of some sort.

C. Cannabis Committee Report

Mr. Phillips said they were supposed to meeting this week, but he had a conflict. We are going to meet in two weeks.

8. Items to schedule for public hearing:

- Jeff and Robin Beauchemin, special permit application for a garage in excess of 3 spaces, property located at 175 Farmingberry Drive, in an R-80 zone (SPU #612), October 16th

- Lauren Wodnicki, home occupation application for home bakery, property located at 269 Annelise Avenue, in an R-20/25 zone (HO #69), October 16th

Schedule those.

9. Receipt of New Applications

Mr. Phillips noted one for a gazebo and a home occupation for a home bakery. We are about to see a lot of these. Cottage food industry. As of yesterday, state law changed and now there's regulations on cottage food industry, i.e.: you bake cookies and want to sell them out of your house. It is not subject to the health code and how do we do it under zoning. If we are going to see a ton of these, we may want to change our regulations to exclude these things and let the state handle it.

Commissioner Comments:

Ms. Clock reminded everyone on October 13th at 10:00 am there is going to be the historic open space tour. We meet at 10:00 am on the Town Green. There are still some spots available and you need to sign up in advance. You'll learn the history of some well known and lesser known open space parcels including the Curtis Parcel.

10. Adjournment

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

(Whereupon, the meeting was adjourned at 9:27 o'clock, p.m.)