

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

OCTOBER 16, 2018

The Planning & Zoning Commission of the Town of Southington held a regular meeting on Tuesday, October 16, 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
Robert Hammersley	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: James Morelli, Commissioner
Joe Coviello, Alternate Commissioner

The Chair seated Mr. Santago for Mr. Morelli 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 October 2, 2018

Mr. Chaplinsky made a motion to approve. Ms. Clock seconded. Motion passed on a majority voice vote with Mr. Hammersley abstaining.

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. 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 #613)

The applicant, Jeff Beachemin, 175 Farmingberry Drive, explained he was looking to add a two-car bay garage addition with a home office space above. I started a new position which is having me work from home. Right now, I am in the closet and it is jammed tight. I am looking to get approval and move forward with construction to build a home office. The garages are attached to the house.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed this public hearing item.

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

Lauren Wodnicki, 269 Annelise Avenue, presented her application. She explained she wanted to open a home bakery under the newly passed law in Connecticut with the DCP. (Department of Consumer Protection) It is a cottage food operator license. For a long time, we've been lobbying the state to do this. Basically, you do low volume baked goods out of your home. She explained the requirements of taking a food safety course and agreed to have the DCP inspector come into your home at any time. And, then get planning & zoning committee and water/sewer approval from your town.

My bakery will be primarily event cakes like weddings and birthday, delivered. I have talked to my neighbors and everyone is fine with it. The one in the back is a vacant and I don't know him.

Ms. Clock asked how she would get the baked goods to the customers and any signage. Ms. Wodnicki said she would deliver the cakes in her own car and there is no signage on the car. No customers will be coming to her home.

I work full time. This is my side thing which hopefully eventually I would like to open up a bakery. I average now a cake every two weeks and I deliver it. I never had anyone pick up a cake at my house and I don't plan on it. If that were the case, we have parking for eight cars in our driveway and not on the street.

The Chair said the town wanted to avoid the extra traffic, et cetra. Cars coming in/out.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair closed the public hearing.

C. 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 (074/069); 55 West Main Street (075/026); 57 West Main Street (075/025); 83 West Main Street (075/024) ZC #560 –

Mr. Phillips presented with a rehash of the October 2nd meeting. This is something that is supported in the POCD on Page 56 which is to replace the industrial zoning and uses along West Main Street with the CB zone in order to enhance this area.

The proposal is smaller in area than what would be potentially recommended in the POCD. I believe it is a step in the right direction at this time.

Pointed out the existing CB zone on the screen.

Pointed out the original proposal presented on October 2nd which shows the area north of the intersection, northeast of the intersection, an extension from the center of Plantsville and then across the street on portions of property that is on the southern side of West Main Street.

You were interested in not having a split zone over some of these properties, although the boundary line is going across in back of properties but it was crossing over and creating actually a split zone. So, in response to that, here is the new proposal which eliminates the proposed zoning in this area here (indicating) and then I believe Tavern 42 is the only one subject to the zone change on the south side of West Main Street. All these uses in the shaded areas (indicating) are currently restaurant/office/retail type uses which are all uses you find in a CB zone not in an industrial zone. These properties would become more conforming rather than being legal nonconforming as they currently are.

Properties taken out of the original proposal would be 62 West Main Street, 100 West Main Street and 76 West Main Street and 120 West Main Street.

I'll answer questions.

Ms. Scalise was interested in the shift from today to tomorrow and how it compares to the initial proposed plan of the POCD. It seems like in the planning document that whole commercial zone was shifted in its entirety and here it seems like we're still. . .

Mr. Phillips pointed out the CB zone (shaded area). It doesn't encompass some of the existing restaurant/retail uses in here (indicating) which really is the identity of the Plantsville Downtown. Historically, this was all zoned industrial because of old manufacturing businesses that were there. Things have changed over the years. The POCD recommended that these might be the proposed

extension of CB to the west encompassing a lot more than what we are proposing tonight and removal of it in this area here (indicating) because it is not conducive to what the downtown is recognized as. This is a strip of existing residential, some businesses, contractor type developments. It's not really identified as your downtown Plantsville area whereas this area here (indicating) is.

This proposal is just an idea of what could be done through a more focused study of the area over time.

Discussion.

The proposed proposal basically lies within this whole area here (indicating) advised Mr. Phillips.
Discussion.

This is reflective of what we have on the ground now: retail/restaurant/office use.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed this public hearing at this time.

6. Business Meeting

A. 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 #613)

Ready for action. We have a statement on file that it won't be used for a business use. Also, the health department has basically notified the applicant that they will have to relocate their septic system with the addition. That's something they can take care of on their permitting end. Mr. Phillips suggested the standard stipulation it not be for business use.

The proposed addition is roughly 770 sf. Less than 200 sf over your special permit threshold.

Mr. Chaplinsky made a motion to approve with the staff stipulation that it is not to be used for business. Ms. Locks seconded.

Mr. Chaplinsky noted this is good and why we changed the regulation. We want to do more of these.

Motion passed 7 to 0 on a roll call vote.

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

Ready for action. Mr. Phillips had no suggested stipulations. But he would note this is the first of many applications that will fall under home occupations for this new cottage food industry.

Mr. Grappone asked the applicant about a form that is required to be signed off on to go to the state health department? It needs to be signed by water & sewer you said? Ms. Wodnicki answered the application for DCP is do you have P & Z approval; did you talk to your water/sewer department. I'm assuming if they asked, I should have something in writing but I don't know what that looks like. Mr. Phillips said the language as approved is that they can request proof you received local zoning approval. Our approval letter for this will go out to the applicant and she can use that.

Mr. Hammersley spoke to the question about the water being compliant. It says: provide written verification upon request with all state, local, federal laws concerning onsite waste water from a source the commissioner recognizes as credible. You receive public water so I'm assuming they recognize our waste water system as compliant with local, state and federal laws.

The applicant had to provide her most recent water bill as proof of city water.

Mr. Grappone said his only issue is the requirement for a grease trap. This presentation is on the small-scale range but there might be somebody that's doing more than that. It deals with engineering.

The Chair advised Mr. Phillips we need to get ahead of this. Look into this deeper. I'm sure the health department would want to have a say in this. Mr. Phillips said the applications are rolling in and we have to coordinate what they need. The health department is boxed out of this because this regulation just passed. The legislation is based upon DCP, only. No health department involvement.

Ms. Wodnicki pointed out the \$25,000 max. No kids in the kitchen. I would be surprised if people had high volumes. This is not my full-time gig.

The Chair maybe we need to slow these down so we can get a head of it so we know what we're dealing with going forward. Mr. Phillips said he met with health. They've been effectively removed from the process.

Ms. Wodnicki said she empty any frosting into trash and it doesn't go into the disposal. Trace amounts. That keeps our lines clean. Mr. Grappone noted that is excellent and what we're looking for. Most cases it's cookies & cakes, small volume. It is just the larger scale. Trying to get ahead of the game.

Mr. Hammersley made a motion to approve this application. Mr. Chaplinsky seconded.

Mr. Hammersley felt this was a good thing. People such as Lauren have been trying to get this passed for a number of years to allow for this type of practice to occur. It passed overwhelmingly by our elected officials. It is an indication of people wanting to do this as a hobby throughout the state. They worked on this legislation for a number of years. It is a hobby type of thing and I hope we have many more. It's a great thing, I think, concluded Mr. Hammersley.

Discussion.

Mr. Chaplinsky said it is a great step forward and he's glad such a Bill was approved. I think it will allow for people to have a lower cost type opportunity to start a business. Great thing for a number of reasons. Also, this legitimizes a lot of operations that're probably going on anyways. It will make it safer and people more aware of safe handling practices. Overall, a very positive thing I will support.

Motion passed 7 to 0 on a roll call vote.

C. 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. Chaplinsky made a motion to approve. Ms. Scalise seconded. Mr. Phillips asked for an effective date of November 3, 2018. Motion passed 7 to 0 on a roll call vote.

D. Michelle Krom, Special permit application for garage in excess of 2 spaces, 44 Rochela Drive, in an R-40 zone (SPU #612) tabled from October 2nd.

Ready for action. Mr. Phillips advised if the commission wants to entertain an approval he would suggest a condition of approval that the zoning permit for the proposed garage not be issued until we have confirmation that they have located the business at the new location through a certificate of compliance from the building or zoning department.

Mr. Chaplinsky made a motion to approve with staff's recommended stipulation. Ms. Locks seconded.

Mr. Santiago confirmed that there will be no shovel in the ground until you have that and the violation is over. Mr. Phillips responded: yes.

Mr. Chaplinsky reported on research he did in response to an issue that came up during the public hearing last time. Nothing will be done until the violation is taken care of. Also, it is important that we circle back as there was some question about the character of the building, the size and discussions about whether turning left into it --- was there precedent.

He referred to the June approval for 118 Mountain Pond Road which is similar if not identical to this application. The garage was similar in size and also had a porch off to the side and it has two garages facing the street and the neighborhood is similar in size. And, all garages turned sideways into the house.

Discussion.

Motion passed 7 to 0 on a roll call vote.

E. 8-24 referral to install a new backup well (Well #2A) for Well #2, including improvements at Well #2 and the proposed Well #2A Complex (MR #521)

Bill Casarella, Superintendent of the Southington Water Department explained the application. This goes back to October, 2015. We were told that we should do everything over again, the bond ordinance and 8-24 referral, et cetera.

We are just putting a new well in for a well that has lot productivity. It was built in 1954. We redevelop it almost every two years so it was time to put a new well in.

This well not necessarily will be more efficient. It's rated for 500 gallons a minute and right now we're down to 270 gallons a minute. You lose the productivity of it.

It has taken so long because when you build a new well it has to be within a 200 ft radius of the old well and being that it's on the Meriden Waterbury Turnpike it fell into Route 322 and they wouldn't allow it for years and years. We moved it back north 40 feet from the current well. They finally approved it this past year. That's why we bring this up again.

Ready for action.

Mr. Chaplinsky made a motion for a favorable 8-24. Mr. Hammersley seconded. Motion passed 7 to 0 on a roll call vote.

7. Administrative Items

(Minutes are prepared summary style. Please refer to the video on line to hear the full 65-minute discussion.)

A. Open Space Preservation Subdivision Discussion

Mr. Phillips presented. There was a question at the last meeting about previous approvals for cluster subdivisions under the existing regulations. Only been five approved since the regulation was enacted.

- Blotcher Subdivision, R-40 zone. Allowed up to 37 lots with 29 approved. Open space percentage was about 47%.

- Recco Farms, R-20/25 zone. Allowed 55 lots with 45 approved. Open space was 64%.

- Glen Eagle Subdivision, R-40 zone. Allowed 14 lots and 13 were approved. Open space percentage 33%.

- Northridge is R-40 zone. Allowed 98 lots, 94 approved. Open Space is 8%. It's deceiving because 52% included a golf course. Well, 52% was open space with a majority being the golf course. So, 8% was not golf course open space.

- Woodland Heights is R20-/25 zone. Allowed is 72 lots with 72 lots were approved and it had 33% percent open space. (a/k/a Loper Subdivision)

You're seeing we have larger percentages of open space realized but we are getting all of the storm water infrastructure and detention basins as part of that. Not necessarily in any meaningful groupings. Sometime the space is spread out around the development and separating the existing residential.

With the current regulations:

- In the R-40/ zone, the average is about 40% open space. (Does not include Northridge)
- In the R-20/25 zone, the average is about 48% open space.
- No cluster design subdivisions in the R-80 zone.

Taking the averages, running calculations on the remaining amount of acreage based on the zoning map and in the:

- R-40 zone, we're at roughly 606 remaining acres that are developable. Under the current average, we would be looking at maybe 242 acres of open space that could be preserved. It's highly dependent upon the site.

Under the proposed regulations:

- Up to 40% it's 242 acres. Up to 50% would be 303 acres. Or higher, if we have higher 50% open space.

That's about a 20% increase in open space acreage from the current to the proposed or it could be more.

- The R-20/25, there is roughly 335 remaining acres. And, 161 at the current percentage. The proposed reg would be either 134 to 168 or more acres or about a 4% increase in acreage.

He reviewed and explained the general concepts based upon the discussion last time:

- This applies to parcels with 5 acres or more.
- Remove the R-80 zone from the potential preservation subdivision regulations.
- Encourage Flexible Preservation Subdivisions Design in the R-40 and R-20/25 zones via a Special Permit process as we do currently.
- Introduce a lot density (one lot for every 5% increase in preserved land) as bonus to encourage greater land preservation when feasible and prudent.
- Initial lot yield to be defined by the total number of lots allowable on a given parcel by conventional zoning. No additional lots over what the zoning would yield currently.
- Enforce current regulation that applicants must show conventional lot layout during special permit process for review.

- At least 40% of the predevelopment parcel to be preserved as open space either dedicated to the town, land trust or easement in favor of an association or other entity.
- At least 50% of the open space must be free of constraints such as mandated stormwater infrastructure, leading to greater potential usability as active/passive recreation and vegetative streetscape buffers.
- Remove the buildable square as a barrier to flexibility.
- Remove the provision of rear lots as they are rendered moot.

As sent to you earlier, Mr. Phillips stated the changes are all memorialized in the proposal – final draft proposal – 10-16-18.

He referred to and discussed the section which has to do with the lot yield bonus in particular.

- Number 7. A minimum of 40% of the predevelopment land shall be reserved as open space dedicated to the Town of Southington. A lot density bonus of one extra lot or every 5% increase in preserved land over 40% of the predevelopment land area may be approved by the omission when feasible and prudent.

Discussion.

He added back in language previously proposed to be removed and it is relevant again now that we are not doing the by-right proposal. We are still doing special permit.

Mr. Chaplinsky approached the podium and showed explained his model for determining land values for current landowners. If we make a change to the regulations as significant as this, there is an opportunity for us to understand the potential financial impact. (Please refer to the video.)

Questions were entertained from the commissioners.

Mark Lovley, Lovley Development. Commented on the five subdivisions that Rob mentioned, noting he built four of them. I've looked at using this concept for preserve land when doing my subdivisions. The scenario, the way it is written now, does not work bad at all. Explained yield and your five to ten percent is right in the margin.

Discussion.

Discussion of lot size prices and values.

Mr. Lovley further commented where you are going with what you have now with the 40%, if you looked at the subdivisions that have been done with the 5% to 10% bonus, you are going to be okay with that. You are doing the bonus to be able to get more open space. It's a win/win.

Discussion about how this tool would be used by the commission was further discussed by Ms. Scalise. Mr. Chaplinsky explained this is a tool for somebody who owns raw land that could possibly be developed as we are trying to protect the landowner. Gave an example.

Discussion.

Mr. Chaplinsky stressed we cannot make a regulation change without insuring we are going to protect the land value of the current owner.

Discussion.

Ms. Scalise said she was not disputing the tool, but she was calling attention to the fact that it is for one segment of the community we do have to take into consideration. I think we do need more information. This is a good start. This is something we can take into consideration.

Ms. Clock clarified we are not forcing people to choose this. They have a choice and may choose this if they can make more money.

Mr. Chaplinsky responded his point is if we make a regulation change that allows for on 50-acre parcel X + 4 acres --- our language says you can only get a certain percentage or whatever the final language is we agree on, there is a cap on top, the question is is that cap enough for the landowner, not the builder. If we really want to preserve land we are asking landowners to preserve 40% of their land, or more. If we want them to preserve 40% of their land, we have to make sure that they can get enough houses on the land so we can realize the 40%. Otherwise they are not going to go with a preservation subdivision. To get the amount of open space we want, we have to make sure there is an incentive to landowners to do it. That's what this shows here.

Discussion.

Ms. Clock didn't think that would be able to be factually shown. The numbers are estimations and not real. Personally, she doesn't like to base her decisions on estimations. I want to hear from the landowners. I want to hear from the developers.

Mr. Chaplinsky pointed out we heard that the last time and what have we done between then and now to address their concern? Ms. Clock said we had a meeting with developers to find out what can we do to help the landowners. That's what we did. We rewrote the regulation in order to attempt to preserve the land. Before you wanted to take 20% of the land from the landowners based on nothing, no data.

Discussion.

Discussion back and forth between Mr. Chaplinsky and Ms. Clock regarding the model presented and whether or not it is factual, useable data.

Mr. Hammersley said there are other factors, subjective and variables that go into determining the value of a piece of property. I don't know that you could ever have the perfect model. What is of value is taking this as a piece of our consideration, but also not dismissing considerations of the input from our citizens, people who are active in developing pieces of properties in town, people who have large parcels of property in town. They have skin the game here. We're all trying to do the best thing that we can do to make sure that everybody, not just one or two or a few people, are going to benefit from our decision here.

Discussion.

Mr. Hammersley continued by applauding Mr. Chaplinsky for the work he did. But there are a lot of different factors that go into it and other things to take into consideration when looking at an application.

Discussion.

Mr. Lovely added if this goes to public hearing, he would take the five subdivisions, make a graph and show what was there, what could be done conventional, what is coming out of it and what could happen if you did have open space based on your new regulations. With giving the bonus, if that

all totals 40%, then that is a good number to use.

Discussion.

Discussion about taking ten parcels of land left and applying the proposed regulations and see how it comes out. Mr. Phillips noted that takes a lot of staff time. Mr. Hammersley stated we should allocate money to get some outside engineering consultant to come in and do a layout. This is complex stuff. Mr. Chaplinsky brought up the Hawks Landing purchase of development rights and the estimate that the town made. It can be done.

Discussion.

Ms. Clock asked Mr. Phillips, on Page 4, Number 8, a minimum of 50% of the total amount of preservation must be free of wetland, watercourses, et cetera. Me, personally, my opinion is I don't care as long as it is space that is open. We're not just protecting landowners. We are also trying to create open space. We're trying to solve multiple issues. If I am thinking about perceived open space, I'm wondering if after the public hearing that percentage could be changed. Mr. Phillips pointed out key wording: the commission may modify this percentage with a value of the resources reserved is higher in the opinion of the sole opinion of the commission.

Through informal discussions, which we highly recommend, to talk about the preservation subdivision, there may be a situation where there is a really sensitive wetland system. We can target the open space just for that. Nothing usable about it but it was protected. The language is there that you have the flexibility to do that.

As far as the 50%, that's just to say, don't give us all detention basins in the open space. If up to half was located in open space, deeded to the town, whatever, the town would have an easement over the other portion to maintain it. It is unfunded mandate that we have the responsibility to maintain it.

Discussion.

Thus, the importance of the predevelopment meeting.

Discussion about consensus, simple majority or super majority vote.

Discussion.

The Conservation Commission could review these in an advisory role capacity. Something to think about.

Sev Bovino, Kratzert, Jones & Associates said if we try to preserve 40% of the land, it'll be very difficult to discount steep grades, wetlands, floodplains by 50%, right off the bat. Very difficult to do

Discussion.

As to Paul's model, if you try to do this model to back it in to a regulation, then you should consider the land value, changes that occur over time, and location.

Overall, the open space requirements should be on a sliding scale. The large pieces, one hundred acres, you take forty acres and then discount things, you'll have a lot of complaints.

Discussion.

Mr. Lovley noted that could hurt a landowner if you did do that with yield.

Mr. Grappone brought up the maximum cul de sac length for the smaller parcels. It always seems to be an issue. Mr. Phillips said the 1000 feet still applies. That is in the subdivision regulation and that would still stay.

Mr. Bovino brought up the 600 foot for the cul de sac. I believe it is written that generally a 600-foot cul de sac is required. It was interpreted in the past if it made sense, then the board should approve it if it 700 or 800 feet because it says: generally. If it is still there, the board has a little bit of discretion, but otherwise you should consider adjusting that.

The other is the detention areas. We don't have a problem if you don't count the detention areas into the open space, but natural wetlands, beautiful trees, steep grades, that is something nice to preserve.

And, I bring this to Jim's attention, we've been doing ZIRO for 30 years so we have a lot of knowledge on that. Maybe it is time that is looked at because we are overdesigning the detention areas. Very seldom do you see water in these detention areas. The standard could be relaxed and that would help the situation.

Hearing no further discussion, the Chair advised Mr. Phillips to send this out to the regional planning agencies.

B. Sign Subcommittee report

Mr. Phillips advised they just met and some modifications were made and a proposal to be given to the commission. Mr. Hammersley continued where we are right now is I've asked Rob to put together a draft regulation for discussion and hopefully sometime early next month we'll sit down again and go through that and try to get something to the commission hopefully by the second meeting in November, is possible.

C. Cannabis Committee report

Mr. Phillips advised this committee is meeting next week, a week from tomorrow.

D. Adoption of 2019 meeting schedule

Mr. Phillips pointed out the first meeting, January 2nd, 2019 has been eliminated because it is right after New Year's Day. The Chair added that Mr. Phillips advised today there is nothing pressing in his office. The Commission agreed to eliminating the meeting and making the first meeting in January on the date of the second meeting of the month.

8. Items to schedule for public hearing

- Dennis Dombrowski, special permit application for addition to existing barns, 553 Laning Street, property owned by Paul T. Greenleaf, in an R-80 zone (SPU #614) November 6

- Jeffrey Zarrella, special permit application for garage in excess of 3 spaces, 1134 Woodruff Street, property of Carla V. Mongillo, in an R-40 zone (SPU #615), November 6

The Chair advised these could be scheduled for November 6th.

9. Receipt of New Applications

Mr. Phillips said in addition to the two public hearings, a whole list of applications including the EHOD which is back again. I believe it is exactly as the first.

Commissioner Comments

Ms. Clock reported on the Historic Open Space Tour held last weekend. It was a great success.

Mr. Cabata thanked Jen for putting this together. It was a great trip to be on. It was awesome to see the sights. Great job.

Ms. Clock also thanked the entire Open Space Committee for their support on the project.

The Chair thanked Ms. Clock for her good work.

10. Adjournment

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

(Whereupon, the meeting was adjourned t 8:38 o'clock, p.m.)