

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON

NOVEMBER 20, 2018

The Planning & Zoning Commission of the Town of Southington held a regular meeting on Tuesday, November 20, 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
James Morelli	Dagmara Scalise
Michael DelSanto, Chair	

Alternates: Ted Cabata, Peter Santago & Joe Coviello

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.)

A quorum was determined.

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

**MICHAEL DELSANTO, Chair, presiding:**

4. MINUTES

A. Regular Meeting of November 6, 2018

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

Ms. Clock made a motion to add an item to the Agenda for New Appointments. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

Nominations for an Alternate for the Planning & Zoning Commission. Ms. Locks nominated Val Guarino. He's a very hard-working gentleman and I wish him well with this Board. Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

Mr. Phillips said he as to be sworn in before he can sit with the Commission. Mr. Guarino was advised to go to the Town Clerk's Office and get sworn in before the next meeting.

PUBLIC HEARINGS

Mr. Phillips read the legal notice into the record.

A. Anthony Palmieri, 2 lot resubdivision application, 445 Lazy Lane, in an R—20/25 zone (S#1320)

This item has been withdrawn.

B. Blair Gianatti, home occupation for Cottage Food Operation, 388 Mulberry Street, in an R-20/25 zone (HO #72)

Ms. Gianatti, of 388 Mulberry Street, applicant, presented. She applied for this license through the town because she wants zoning approval before going to the state. She explained she was in the culinary industry for ten years, the last three being executive pastry chef of a catering business. She explained her degree actually is in hospitality management and she wants to get that experience so she is in hotel sales and management. That is her full-time job now.

She still likes to bake. This license is to allow her to make small cakes, cookies, et cetera out of the house. Nothing would include a commercial hood or need any special permitting. Just a basic cottage food requirement on the website. Most things would be delivery as there is no retail space. Parking is not a problem.

She planned on two to four times a month for this business. She currently works 40-50 hours/week, plus. This is just a part time endeavor. I could be once a month or once every three months to start.

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair closed this public hearing item.

C. Kratzert, Jones & Associates, Inc., Petition to Enact a Zoning Regulation Amendment of Text for a proposed Elderly Housing Opportunity District (EHOD) regulations (ZA #595)

(Minutes are prepared summary style. Please refer to the video on line to hear and see the full 40-minute presentation.)

Jim Sakoncheck, engineer & President of Kratzert, Jones & Associates presented the item.

This is a formal submittal of a zoning change application which was subject of a preliminary discussion with the committee. I would like to go through the presentation again for the sake of any public in the audience so they know exactly what I am talking about.

He highlighted:

- Trends in the housing market that change with times. He talked about a megatrend which has been identified and ideas of how Southington should take advantage of this.

This trend has to do with the aging of the population. Explained statistics show there is going to be an aging of the population in the US. Discussed studies which conclude there is going to be a large increase in the population from 2014 to 2060 in the ages of 65 to 85 years. Very dramatic expansion.

Discussion.

He discussed housing for the empty-nesters that want to have their own home and they want to enjoy a second home in Florida. Significant tax savings in Florida was discussed.

Options/choices for homes was discussed. Southington should have facilities to take care of all of those types of situations.

Family dynamics with senior citizens was explained.

- Present zoning limits options locally. It does not offer incentives to try to capture this market.

Discussion.

- Spring Lake Village was discussed. A net tax benefit to the Town.

- Your zoning regulations have wide separations between buildings, restrictions on the size of lots and create a lot of requirements that developers pay a lot of money to put a big house to get their money back.

- A development in Bristol was discussed as having a lot of the features being talked about for the older set.

- A development in Cheshire was discussed (Castle Heights).

He discussed his proposed zone change regulation. His idea is an 80,000-sf minimum lot. Public sewer and public water. On a collector street (explained). The POD already has identified collector streets. This is protection for the local neighborhoods and they have the traffic already.

A very important section the zoning regulations is called Section 7A and this gives you the schedule of area, height and bulk of lots, buildings & structures in all residential zones. The way I wrote the regulation, there is an underlying zone, there is a zone that existed before an EHOD was approved, but the EHOD idea, during the approval process cannot exceed any of your requirements of this underlying zone. The major difference would be the number of units. And, the impact created by this idea would be no less than what would already be permitted on the underlying zone. The difference would be it might be more units, but for the neighborhood, a couple of houses occupied by someone 65 and over would probably have no more of an impact on the neighbors than a bigger house with a growing family with kids. I believe it is a way of getting these developments to blend with the intent of the zoning regulations for that neighborhood.

One thing we did is we took an existing regulation you have right which is for HOD which is regulation by the town and it could be for any age group. It is structured to encourage affordable housing. I am proposing modifications in red which adds an option for EHOD.

Discussion.

He quickly flipped through the zoning regulations so you can see the changes in red in concept and that's it. After that it's just minor things such as the parking areas. (Please refer to the video on line to see the redlined document.)

Discussion.

I have this as an idea on how this town can service the megatrend. Southington should be ahead of the curve. It's an opportunity to get a lot of housing in town where people do not need a lot of services but still pay the taxes and right now, they are forced to go to other communities. (Prospect, Oxford, Berlin)

Everything is by special permit, so if these regulations were approved, you would have to blessing to give it or the right to refuse it. I'd like you to consider my idea.

Ms. Scalise asked the applicant to explain how our existing regulations don't serve the elderly housing needs.

Discussion.

Mr. Chaplinsky noted some age restricted subdivision we have in town (Applegate). With our current HOD regulations, you could put an age restriction on any subdivision you build, so it doesn't have to be in the regulation designated as age restricted.

Discussion.

Discussion of the 8.30-G regulation.

Collector streets were enumerated in response to a query by Mr. Chaplinsky.

Mr. Chaplinsky asked if the applicant would be averse to excluding the R-80 zone.

Discussion.

Mr. Phillips added for the record that he had forwarded to the commissioners earlier today comments Attorney Bryan Meccariello submitted today in favor along with Minutes from the previous informal discussion. (On file in the Planning Office.)

(Those speaking in favor of the application.)

None.

(Those speaking against the application.)

None.

The Chair stated in light of all information received tonight he would like to leave the public hearing open and continue it to the next meeting.

BUSINESS MEETING

A. Anthony Palmieri, 2 lot resubdivision application, 445 Lazy Lane, in an R—20/25 zone (S#1320)

This item has been withdrawn.

B. Blair Gianatti, home occupation for Cottage Food Operation, 388 Mulberry Street, in an R-20/25 zone (HO #72)

Ready for action. Mr. Hammersley made a motion to approve. Mr. Morelli seconded.

Mr. Hammersley said this is the third meeting in a row where we have had an application like this. I think there are a lot of people that have been wanting to do this work a while and I'm happy to see Ms. Gianatti has decided to do this. It's a good thing for everybody.

Motion passed 7 to 0 on a roll call vote.

C. Kratzert, Jones & Associates, Inc., Petition to Enact a Zoning Regulation Amendment of Text for a proposed Elderly Housing Opportunity District (EHOD) regulations (ZA #595)

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

D. CONEXC, LLC, site plan application to construct a 4,996-sf office and shop for construction business, 161 Birch Street, in an I-2 zone (SPR #1768)

Ron Wolf, professional engineer representing the applicant presented. Mr. Carrier, owner and operator and member of CONEXC, LLC is here with me this evening.

The property is 161 Birch Street. It is located on the east side of Birch Street, approximately 300 feet south of the Plainville town line. It is a one-way street. (Oriented on the screen map.)

The property has an area of 2.5 acres used currently as a construction yard. It is located in an I-2 zone. The Carriers are proposing to build a building on the site to house their family construction excavation business. The building will be about 57.5 feet wide, 102 feet deep. The building will have offices and a good portion of the building will be a shop.

We have a 24-foot-wide entrance with 240-foot radii on the left and right side of the apron. There are 20 parking spaces, ten on each side of the aisle. Then there is an entranceway to get into the rear portion of the property. The existing use will remain the same as a construction yard.

As far as stormwater, we have the parking area sheet flows to a point located about 30 feet in from the road. The runoff is then directed toward a little stormwater basin (indicating). We have an outlet structure which is essentially is a basin that meters the flow back to an existing drainage system that was installed in about 1986. We are providing water quality for the site and ZIRO for the 2 thru

100-year storm events. We are capturing 100% of the runoff from the proposed building roof and the proposed bituminous parking area for the site.

We are proposing to install an oil/water separator for the floor drains in the shop and connect to public sewer.

We have water department approval for a water main extension and service.

Just today we received a sign off from the engineering department regarding their review comments.

I can take any questions.

Mr. Wolf explained it currently a vacant site right now but it was part of a larger site which had a lot line revision done earlier in the year. There was an existing construction yard there previously. It was in the process of being cleaned up and reorganized after the transfer of the lot.

Estimated employees at this location are ten. General construction.

Eric Carrier, Carrier Excavating, explained it would be for general residential construction. My family owns the property to the south. It was always two lots but it was all used by the same group of people and we are just looking to add another building to the property.

Construction equipment would use the back and office / employee parking in the front.

Mr. Wolf further explained the screening of the property. There is a berm along the entire frontage of the property. We'll be removing that where the building is proposed and building a new berm along the southerly property line just to screen the parking area from the building and also constructing a berm with a fence on the north side of the building (north/south). That portion will connect into an existing fence and berm that runs towards the east along the property line between this lot and the National Propane Company property.

This is ready for action as the applicant has met all of staff's comments.

Mr. Chaplinsky made a motion to approve and Ms. Locks seconded.

Mr. Hammersley commented any opportunity to bring in extra jobs and increase our tax base, he is in favor of. This is not changing the character of the neighborhood. He is happy to support it.

The Chair agreed. This brings in tax dollars in the I-2 zone. Good stuff.

Motion passed 7 to 0 on a roll call vote.

E. Lovley Development, Inc., 2 lot subdivision application, 200 Main Street, in a CB zone (S#1321)

Sev Bovino, Planner, with Kratzert, Jones & Associates represented the applicant. This property is located at 200 Main Street. It has two building on it. The front building is 13,298 sf and the rear building is 7,100 sf. The proposal is to split this property into two parcels. Parcel 2-A, the area is 29,080 sf. With a 45.7% coverage. The allowed coverage in a CB zone is 75%. We're way below that number.

The real building will be on an area of 57,338 sf with a building of 7,100 sf and lot coverage 12%.

Allowed frontage minimum in this zone is 50'. That's what we provide for one of the lots with the (inaudible) in the rear portion of the property.

We have appropriate parking. Shared parking between the two parcels.

We have an access easement. The traffic enters one way and gets out the other. We have an easement through the condo project which was approved on Eden Avenue. (Indicating)

Served by public water and sewer.

Meets all the regulations.

I'll be glad to answer questions.

Staff has made a couple of stipulations. They want to know the volume and page of the easements and they want a letter indicating we are going to set the property corners. We will be glad to do that.

The current building is 13,298 sf. The lot area is 29,080 sf.

This used to be the old Blockbuster building.

The proposal is one building to the east and one to the west with shared parking and a joined access. This is just to create a lot line.

Mr. Phillips said this is ready for action with the noted stipulations: Engineering Stipulations of November 20<sup>th</sup>.

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

#### ADMINISTRATIVE ITEMS

##### A. Open Space Preservation Subdivision Discussion

Mr. Phillips advised there is nothing to discuss because a public hearing is scheduled for December 4<sup>th</sup>.

The Chair said we'll take that on and see what happens. Hopefully, folks will come out and speak for or against.

##### B. Sign Subcommittee Report

Mr. Hammersley advised there is a meeting scheduled for next Monday. We have a draft we'll be talking about and sometime in the early part of next year we'll have something for this commission.

C. Cannabis Committee Report

(As the Minutes are prepared summary style, please refer to the video on line for the full presentation with questions and comments by the commission.)

Mr. Santago advised we have a report tonight. Mr. Phillips stated the committee met a couple of times to discuss the current regulations as they're written and whether we should suggest changes to the PZC and what those changes could possibly be.

He quickly walked through a slide presentation. (Hard copy will be sent to the commissioners and is on file in the Town Planning office for review.)

- Mapping by Mitch Gugliotti in the engineering department using the GIS system was explained.

- The regulations right now dictate that producers or production facilities would be in an Industrial zone, only, with separation distances. It really reduces the footprint of where they could go.

- Dispensaries, although it was discussed to have separation distances, ended up coming out of subcommittee seven years ago and they are allowed in B and CB zones with no separation distances.

We highlighted all of the CB and B zones currently in Southington. Along the commercial corridors of the Meriden Waterbury Turnpike, Queen Street and some locations on West Street. We did not include the West Street Business Zone or the MUT because they are not explicitly stated in the medical marijuana regulations as they are, so it wouldn't apply there even though there are similar uses.

If we were to bring in separation distances outlined for producers in the industrial zones and applied those to the current CB and B zones, you'll see a buffering ring system. The take away is the buffer rings start to encroach into the existing CB and B zones. The existing medical marijuana facility approved for Knotter Drive would still be allowable in this scenarios (indicating).

He indicated on the mapping suitable areas per the regulations.

What if we moved it to industrial zones? He noted the I-1 and I-2 zones. That is a lot more area but would be in line with where the producers currently could be located. But producers are subject to the separation requirements. This shows what could happen for the dispensaries. It becomes reduced in area to a little section down here (indicating).

Those are the options available.

Mr. Santago clarified what the subcommittee said was for consistency in language within regulations, there were buffer zones as it relates to if you are growing medical marijuana but not if you have a dispensary. The intent, it seemed, was to have that and it just didn't make its way into the language. So, for consistency in language, put that in there.

So, as it ends up, where we approved the medical marijuana facility (Knotter Drive) would still be fine. The first one would not even had made it to us because there would be a buffer distance.

So, for consistency in language, we said, let's see visually what that would be. Where could it be now (the first slide) which was any B zone, but if I applied the buffer and kept it in the business zone, it would look like what? That was Option A.

Then what we said was, if we still applied the buffer distances but moved such facilities to the Industrial zones, where would it be located. That is the last slide.

Ms. Clock explained the intent and approach. The intent of the committee was to review the regulations and make sure we were looking at it as a whole. We had people come out in support of it and we had people come out against. You have to take into consideration both sides. In doing that, what were the concerns of the people against? That was being next to other businesses, residential properties, schools and school buses, et cetera.

Recognize this is a tax base. This is money for the Town of Southington. When we looked at how it opened right up in the Industrial zones, when we looked at it that way, it made sense, too.

Discussion regarding whether or not the dispensaries have to be a distance away from the growers. Mr. Santago clarified there is nothing that precludes that providing it is in the appropriate zone and meets the regs. It is a pharmacy which is what we approved.

Ms. Clock explained they wanted feedback from the PZC about that. Mr. Santago explained what we have is we applied the same buffers to growers to dispensaries to say you must exist "X" distance from all those things. We also put in there because it was important to say what it is versus what it isn't. We say what we approved is for a pharmacy for medical marijuana. And, we put language to say what it is not which is it is not a retail facility for anything other than medical use. It is not a retail thing. It is not there for recreational retail space. It is a simply a pharmacy.

Discussion.

Mr. Phillips noted given the news, it is probably going to be sooner than later now as far as the retail component for recreational. It will probably end up first in dispensary locations. We want to say this is not permitting that in these establishments.

Ms. Scalise asked for clarification on intent and consistency.

Discussion.

Mr. Santago pointed out staff did a nice job in going back and seeing what other towns do, as well. That was taken into account, too.

Mr. Santago pointed out the subcommittee asked for legal advice, too. We can't say a substance is banned. That is not up to us, that's an ordinance. We already have an approved facility, so within our purview, what from a language thing, what can we do or should we do within this space. Also, as staff pointed out, should something become legal, we don't know what the state will mean by legal. Will it mean be in a facility for that in a medical marijuana dispensary? In a separate wholly owned facility just for that? Will it mean it is sold at the local Mobil Mart. To have anything other than what we have now may hamstring us in not what the town wants to do.

The advice was this is appropriate now as we are addressing medical marijuana and what we want that language to be.

If it becomes legal, then do a moratorium and get together as a town and say, what does this mean for us and is there anything regulation or ordinance wise that we as a town want to do versus it may not be a zoning thing depending on the law passed and how it is passed. I believe that is how we went forward with the options.

Mr. Hammersley asked if consideration was given to outright prohibiting the sale, medical, retail or any type of marijuana --- to get rid of the entire regulation except to say it is prohibited in the confines of the Town of Southington and are we prevented from doing that? Mr. Phillips pointed out we don't know what the final disposition is going to be. You need to keep something in there to work the medical marijuana angle. If it comes to be retail next to cigarettes at Mobil, it's not a zoning issue.

Discussion.

Vermont & Massachusetts were discussed and legislation which legalized recreational use marijuana.

Discussion of Danbury's approach. They made it a pharmaceutical use and it is subject to what a licensed pharmacy is permitted. If it is a medicinal use it has to be with a pharmacist, anyway. That might be an angle.

Mr. Santiago pointed out we approved a pharmacy for people who needed it. It was not discussed ever to not permit it. However, knowing that we approved a type of pharmacy for that, keep it that way and make our language consistent with that. Then in regards to where, hearing everyone's comments, how would that look in a B zone and how it would look in an Industrial zone. That's the discussion for that meeting.

The intent of this regulation is for medical marijuana. We have producer language on the books already and this is for dispensaries. Comments were made this is a lot like a pharmacy and Mr. Chaplinsky wondered if we should go that route? We have regulations in place as to where pharmacies can go. Should those same regulations apply to a dispensary versus using an Industrial zone. I don't know if this is an industrial use ---a dispensary? I worry about using that type of land for this type of use. We have a demand for industrial use.

Discussion.

Mr. Santiago clarified the subcommittee did not discuss they wanted it in a regular pharmacy because that is not how it is dispensed today. And, to go down that trail is a linguistic way to say we don't want it here.

And, it regards to any sort of concern, we didn't have a concern. We had language from a producer that said we have buffer zones. So, we said, great! Apply the same buffer zone to the medical marijuana dispensary. Same thing. Buffer zone for a producer and buffer zone for the dispensary. That's it.

Then an idea, right or wrong was, what would happen map wise geographically if indeed it was changed from B to Industrial. What would it look like? That was that.

There are no medical marijuana facilities dispensing in a pharmacy in the country stated Mr. Santiago.

Discussion.

Mr. Perillo was checked with and he said he was not against that noted Ms. Clock.

Discussion.

Ramifications of putting this into an industrial zone versus a business zone tax wise was brought up.

Dispensaries are going to be located in a relatively small space observed Mr. Phillips. And, in industrial zones we don't necessarily have small space.

Ms. Scalise was confused and was not sure where they were going with the whole pharmacy thing. She personally felt we should support the dispensaries. We approved it and I believe in the healthcare benefits of it. If the strategy is to use the language as suggested then she would not support that.

Discussion.

Mr. Chaplinsky said if we are not concerned about safety issues, then why push it to the I-2 zone? Why not leave it where it is? Why is it the committee wants to change the regulation and then based on the reason why that would drive the answer.

Ms. Clock said the drive was they wanted to see how it would affect where it could go --- future locations. And, also the consistency was probably a major driver.

The Chair said the subcommittee is on the right track. The two applications were different because of where they were. Taking that into account, we asked what would it look like if . . .

Mr. Santago stated: If the commission doesn't want to change anything, have at it.

From our standpoint, we thought the buffer zone thing in the current business zone was appropriate as well as that language there about what it is and what it isn't. That's it. If you are happy with the current regulation – have a nice day.

Mr. Phillips will send the package to the commission.

Mr. Santago thanked Kelly Leppard, in the audience, for being on the committee and staff for doing a nice job. I thought we all talked and did what we were supposed to do in regards to the regulation.

Mr. Morelli said thank you. The subcommittees are difficult. A lot of work. I think they did an awesome job. My two cents is that I don't want to see the state come back and say the medical guys can now sell recreational. And, I don't see a dispensary being tied to a grower as the growers are so regulated. I think the regulation is pretty sound. Tightening up the language is good. I commend you for the good job.

#### REGIONAL PLANNING COMMISSION UPDATE

Mr. Cabata said the recent meeting was cancelled. There won't be another one until January and somebody else will be going.

The Chair advised this is Ted's last meeting with us tonight. He's been appointed to the Zoning Board of Appeals. The Chair thanked Ted for his input over the past three years. Very good thinker and good things were brought to the table. We appreciate your service and wish you nothing but the best on the ZBA.

#### ITEMS TO SCHEDULE FOR PUBLIC HEARING

- Dennis Dombroski, special permit application to expand an exiting commercial horse stable, 553 Laning Street, property of Paul T. Greenleaf, in an R-80 zone (SPU #614), December 4<sup>th</sup>
- Paul Indomenico, agent, special permit application for parent/grandparent apartment, 137 Knights Court, property owned by Emily Indomenico, in an R-20/25 zone (SPU #616)
- Town of Southington, proposed zoning txt change to Section 3-07 of the Zoning Regulations, Flexible Preservation Subdivision Design (ZA #596), December 4<sup>th</sup>

Scheduled all for the 4<sup>th</sup> of December.

#### RECEIPT OF NEW APPLICATIONS

Mr. Phillips reviewed the new applications.

- Site plan modification to expand the parking lot at 1731 Meriden Waterbury Turnpike
- Zone text change we talked about.
- Proposed one story Dunkin restaurant with drive thru window service at 1825 Meriden Waterbury Turnpike.
- 2 lot subdivision application.

#### ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:39 o'clock, p.m.)