

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON

DECEMBER 4, 2018

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

The following Commissioners were in attendance:

Paul Chaplinsky	Jennifer Clock
Robert Hammersley	Susan Locks
James Morelli	Michael DeSanto, Chair

Alternates: Peter Santago & Val Guarino

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

Absent: Dagmara Scalise, Commissioner  
Joe Coviello, Alternate Commissioner

The Chair seated Val Guarino for Dagmara Scalise. A quorum was determined.

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

A Moment of Silence was observed for the pasting of George H. W. Bush, former president of the United States.

(Silence, silence)

**MICHAEL DELSANTO, Chair, presiding:**

4. MINUTES

A. Regular Meeting of November 20, 2018

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

PUBLIC HEARINGS

Mr. Phillips read the legal notice into the record.

Minutes are prepared summary style and you may refer to the video on line to hear the full presentation for each item.

A. Dennis Dombroski, special permit application to expand an existing commercial horse stable, 553 Laning Street, property of Paul T. Greenleaf, in an R-80 zone (SPU #614)

Dennis Dmbroski, of 1077 Coleman Road, Cheshire, presented the application. He explained the property had been in the family for over 100 years and that it was a pretty big feat for a family to have agricultural property that long.

He noted the dilapidated and unsafe condition of the buildings presently. The request is to eliminate the buildings and build a new facility. We went through the variance process and we are now properly before this commission.

He explained for healthy horses, they need to be exercised daily, even in inclement weather in order to give proper lessons and to board horses, they need to be worked in a safe manner. Thus, the need for the indoor arena and barns facility for the horses to be during inclement weather.

The site plan and surveys should have been submitted.

Mr. Phillips advised a number of letters in support were sent to the commissioners today and they are on file. Thereafter there was one letter in opposition received.

Mr. Phillips added the revised plans came in at the end of the day and were being reviewed now.

M. Dombroski discussed the plan to revamp the current barn (largest on the property). There is a smaller building to the left and another one to the right. The shed row (sp) in front was noted. The objective is to eliminate those and have a more modern, safe facility for the safe operation of the horses with the clientele.

The operations manager is Katie Boggart who has extensive experience in horse practicing. He noted the various places she has studied including France and Portugal. She way she runs her business is the utmost of professional. The age range of her clientele is from four years to old to ninety years old.

Discussion.

He explained the benefits to the younger generation of a facility like this. (Commitment, dedication and hard work)

He further advised of the benefits of a facility like this to the town. This will be the only state of the art facility like this for those in the vo-ag program. Ms. Boggart is looking to develop different programs with the schools to accommodate that.

In response to a query by the commission, Ms. Boggart discussed the operations of her facility including the number of customers at any given time, hours of operation, number of horses on site, lessons offered, etc.

Various questions by the commission were discussed.

- Plans for the home on the property. New roof and windows permits were pulled. The house is to be updated in keeping with the nature and characteristic of the property. A farm hand is planning on living there.

- Driving by, there is a normally a lot of dirt in the street, what are the plans to mitigate that. With the new design plans we plan on addressing a lot of the drainage problems that exist. For over fifteen plus years, this property has been neglected. Katy and her staff are constantly on site and looking at these things to address. Explained what has been done recently to begin to clean up the area.

The indoor stable was discussed as necessary for the horses in inclement weather as there is no indoor housing the for the horses right now.

Right now, there is a total of 19 horses on site. We are not looking to change the capacity of horses on site, just the well ness of the horses on site added Ms. Boggart.

Mr. Santago commented he was happy the facility will stay the way it is. He noted the apple orchard property right next door. This is a good thing.

The indoor riding arena was discussed. There will be no designated spectator area, i.e.: stadium seating or anything like that. The maximum number of horses working at one time would be maybe five.

Ms. Boggart and her assistant offer private riding lessons. Explained.

Lighting was discussed.

Parking was discussed.

Events to be held such as clinics were discussed and described.

Nearby trail usage was discussed.

Disposal of droppings was explained.

(Those speaking in favor of the application)

The following speakers spoke in favor of the application explained their particular experience with the applicant and/or site. Concerns addressed were regarding the scope of the project which is different from what was sent out in the letter to the neighbors. Lighting, parking and traffic concerns were raised. Silt on the street was brought up and discussed. Positive impacts of the project were raised such as benefits to the neighbors.

1. Lauren Cyr, 205 Country Lane, Bristol, CT.
2. Joann Conti, Butternut Lane, Southington, CT
3. Charles Vertencio, 538 Laning Street, Southington, CT
4. Greg Parzek, 368 Long Bottom Road, Southington, CT.

(Those speaking against the application)

Issues were brought up about the number of horses on site, activities in the arena, lighting, keeping and storing of manure on the property. It is noted all of Doral Lane is on wells.

1. Mike Domian, 58 Doral Lane, Southington.

(Rebuttal)

Mr. Phillips pointed out this is a historical agricultural use on the property and we are going on past precedent. The property at 107 Norton Street which was approved for a similar use was used as a guide for this application. There is no set number of horses stated in the regulations.

Competitions on the property were discussed as rather being clinics for the private horse owners and Ms. Boggart. Very private function.

The lighting was again discussed for the site as being full cut off dark sky requirements.

No speakers and/or loudspeakers would be used. Ms. Boggart explained for announcing sometimes they would use a megaphone. And, that would be indoors.

She noted the amount of manure on site would not be changing. We have been in contact with the USDA regarding a composting area so that it will be repurposed to topsoil.

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

B. Paul Indomenico, agent, special permit application for parent/grandparent apartment, 137 Knight's Court, property owned by Emily Indomenico, in an R-2025 zone (SPU #616)

Stephen Giudice, Harry Cole & Son, 876 South Main Street presented on behalf of the applicant. This is a 1.5-acre lot in an R-20/25 zone located at the end of Knights Court. This is one of the last lots in this subdivision which was approved about 15 years ago or so.

This is a proposal to construct a home on a rear lot which is relatively flat. They are installing an in-law apartment to the rear of the house. We did have some comments from town staff and I made changes to the plan to make sure it does accommodate the regulations.

The property is serviced by public water & sewer.

We did identify the proper number of parking spaces on the site as required. We did submit the affidavit.

From the front of the house it looks like a normal home. The in-law apartment is to the rear of the property. The entrance to the apartment is through the house so there is nothing that stands out to make this look different from any other house on the street.

The applicant it with me tonight with his children and they want grandma to move in with them.

Any questions?

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed this public hearing item.

C. Town of Southington, proposed zoning test change to Section 3-07 of the Zoning Regulations, Flexible Preservation Subdivision Design (ZA #596)

Minutes are prepared summary style and you may refer to the video on line to hear the full presentation for each item.

Robert Phillips, Director of Planning and Community Development, recapped the application.

This dates back a few years when the commission was looking at what to do as far as increasing our open space and reducing flexibility in design while not hurting the landowner so to speak as far as lot yield.

In general:

- Modifying our existing cluster housing regulation that we have on the regulations at this current time. In making those modifications, those changes to apply to parcels with 5 acres or more. Anything less than 5 acres would be subject to conventional design.

- Remove the R-80 zone from the potential preservation subdivision regulations. Right now, the R-80 zone is applicable to flexible residential design. In a five year look back we haven't had any development applications in the R-80 zone and the commission felt that the R-80 is already 2-acre zoning and that it would be more appropriate to keep it as 2-acre zoning. Whereas when you develop lots in that manner you tend to not clear-cut the entire lot. Whereas if you get flexible design in the R-80 you could potentially concentrate those lots and kind of create a scar on the hillside which is where the R-80 zones are right now. Mostly.

- Encouraging flexible preservation subdivision design in the R-40 & R-2-25 zones by the special permit process that we do already. No change there, except for eliminating the R-80.

- Introducing a lot density of one lot for every five percent increase in preserved land. So basically, to be a lot bonus to encourage greater preservation of land which is feasible and prudent. Your lot yield is going to be based on the underlying zoning you are in, however, with an exchange in increase in open space, you may get another lot of out it. It is going to be dependent on the attributes of the specific land parcel. And, the lot constraints.

- Initial lot yield is defined by the total number of lots allowed on a parcel of land by conventional zoning or what it would yield currently if there are no additional lots in that scenario, although with a 5 percent increase in open space you can get an increase in the number of lots.

- Also enforcing the current regulations that applicants must show a conventional layout during the special permit process or review. I understand that has not always been done, but we are

going to make sure that that is shown as well to give us something to look at during the special permit process and compare.

- At least 40% of the predevelopment parcel is to be preserved as open space and dedicated to the town, land trust or an easement in favor of an association or other entity. It is completely up to the commission. That is your purview to choose how that open space would be dedicated.

- Of the open space that is dedicated, at least 50% must be free of constraints such as mandated stormwater infrastructure leading to greater potential usability as active/passive recreation or vegetative streetscape buffers. This is to ensure we are not just getting open space with a giant detention basin on it.

Detention basins are an unfunded mandate that we have to do and the town has to maintain on residential subdivisions.

- Just to remove some of the flexibility like the buildable square standard and rear lots has been basically rendered moot because you would have different lot layouts in that scenario.

The language changes are there.

The likely changes are supported by the general concepts.

Mr. Chaplinsky clarified the proposal is to leave the existing residential subdivision regulations alone, the conventional. And, the proposal is to substitute this open space preservation subdivision language with the current open space subdivision language.

Discussion.

Lot yield was discussed from the perspective of the lot owner.

(Those speaking in favor of the application)

The following speakers spoke in favor of the application.

1. Larry DePaolo, Blatchley Avenue.

(Those speaking against the application)

The following speakers spoke against the applying citing objection to the R-80 zone being removed from the regulation.

1. Sev Bovino, Planner with Kratzert, Jones & Associates.  
He submitted a letter from the general manager at Mount Southington Ski area.
2. Paul Zagorsky, Esq. Plainville, CT
3. Peter Rogers, Long Bottom Road – read and submitted a prepared statement.
4. Diane Karabin, Andrews Street – read a prepared statement.
5. Steve Giudice, 876 South Main Street, Plantsville, CT

6. Monica Cusano, Welch Road, Cusano Farm, Southington, CT
7. Ray Kastner – 456 Copper Ridge, Southington CT
8. Greg Parzek, Long Bottom Road, read a prepared statement.
9. Sev Bovino, again, read from a prepared statement.

After comments by several commissioners regarding public hearing comments, especially about equity, Mr. Chaplinsky felt the item should be withdrawn at this time.

He then made a motion to move the following Business Meeting up on the Agenda for action:

D. Town of Southington, proposed zoning test change to Section 3-07 of the Zoning Regulations, Flexible Preservation Subdivision Design (ZA #596)

Mr. Morelli seconded the motion which passed unanimously on a voice vote.

D. Town of Southington, proposed zoning test change to Section 3-07 of the Zoning Regulations, Flexible Preservation Subdivision Design (ZA #596)

Mr. Chaplinsky made a motion to withdraw this Item D. Ms. Clock seconded. Motion passed unanimously on a voice vote.

Returning to the public hearing items for tonight:

Minutes are prepared summary style and you may refer to the video on line to hear the full public hearing presentation.

D. Kratzert, Jones & Associates, Inc., Petition to Enact a Zoning Regulation Amendment of Text for a proposed Elderly Housing Opportunity District (EHOD) regulations (ZA #595) continued from November 20<sup>th</sup>.

James Sakoncheck, Kratzert, Jones and associates presented the application.

Mr. Sakoncheck reviewed the application to-date. The Chair noted for the record that everything that was said at the previous meeting is incorporated to be part of the record and there is no reason to reiterate everything that was said into the record.

Having no questions from the commission, the Chair called for

(Those speaking in favor of the application)

Joe LaPorte, 30-1 Prosperity Court, spoke in favor of the application citing the need for single floor living space for seniors in town. He noted there is no impact to the schools in town and services by the town are minimal.

Steve Giudice, 876 South Main Street, spoke of the need for senior housing and not a lot of available land in town where it could fit.

Many commissioners queried the speaker and discussion followed as to why we need this regulation right now. What housing is being prevented by the current regulation.

(Those speaking against the application)

Larry DePaolo, Blatchley Avenue. He noted he was not against senior housing as he felt it was a good idea. You currently have to have 30 acres and he liked that idea and did not want the acreage cut down. He spoke about the percentage of affordable housing that goes with it. Why are we changing the regulation to make everything jumbled together? He as against the clustering of homes. What's the benefit of that?

(Rebuttal)

Mr. Sakoncheck reminded the commission about the HOD regulation which is 30 acres with 30% affordable and he explained why he would never recommend that to his client.

We want to create an incentive that allows people to develop and we want to capture the market of the elderly and give an opportunity to capture the more well-off elderly.

Discussion.

Discussion about the need for this and the land is not available.

Mr. Sakoncheck advised this is a net benefit for the town certainly from a public service need and tax generation.

Discussion.

Hearing no further questions/comments, the Chair closed this public hearing item.

(Whereupon, the meeting was recessed at 10:00 o'clock, p.m.)

(Whereupon, the meeting was resumed at 10:07 o'clock, p.m.)

MICHAEL DEL SANTO, presiding:

BUSINESS MEETING

A. Dennis Dombroski, special permit application to expand an existing commercial horse stable, 553 Laning Street, property of Paul T. Greenleaf, in an R-80 zone (SPU #614)

Mr. Phillips noted two stipulations by the fire department:

- A 20' unobstructed fire department access road designed and maintained to support the enclosed loads of the fire apparatus and shall be an all-weather driving surface.
- Fire Department access road shall be within 150' of exterior wall measured from the farthest portion of the building.

There is a concern over erosion and sedimentation control with the all-weather driving surface. Mr. Grappone brought up this issue which may be related more to having a portion of a gravel driveway and only a portion of it being paved. The question is whether or not the applicant would entertain

paving a certain portion of the gravel drive and extending the pavement of the driveway to at least the proposed horse barn, handicapped area.

Mr. Phillips added the commission was interested in the lighting detail be submitted during the zoning permit process.

The applicant agreed to the stipulations if this is approved.

Mr. Grappone further stipulated both the engineering and planning checklists. Jim Jones addressed most of the staff comment in the plan revision, but not all of them. It looks like we will need revised plans to address our comments, so if we could stipulate both engineering and planning comments.

Discussion.

Mr. Grappone went over the outstanding comments on the engineering checklist. He noted it is just some minor revisions to the plan.

Discussion about whether gravel is considered an all-weather driving surface.

Mr. Phillips noted the SPU is ready for action tonight. He would prefer if the conditions of approval were attached to the SPU.

Discussion.

Mr. Dombroski said he spoke to the fire marshal today and he was interested in knowing the density of the gravel. Mr. Grappone said it sound like there is an erosion issue, so is it coming from the driveway or other areas of the site? Mr. Dombroski said it is coming from further up based on the fact no one has been attending to it for 15 + years. Mr. Grappone said is it ruts or is it from where the horses are going? Mr. Dombroski said where the horses are going which has created ruts in the last 15+ years. It is not rutting in the driveway. The dirt on the apron is actually asphalt. You have to shovel down. Both aprons are paved already.

Mr. Morelli said if the issue is safety, could you pave the whole way for an ambulance? To the arena, at least. Mr. Dombroski said there is one side which is a paved entrance, the west. The far side access which would be the 20' width for --- east side next to Roger's – which the deputy fire marshal requested.

The Chair asked staff if they were comfortable stipulating these things? Mr. Grappone said staff would work with the applicant. Mr. Phillips said the 11<sup>th</sup> hour with these revisions and we are reacting on the fly here. It's not an ideal situation. Mr. Dombroski said they would work with staff whenever they have to.

Stipulations:

- Fire Marshall's suggested stipulations noted earlier.
- Engineering and Planning memos.
- Lighting details complying with dark sky at the time of zoning permit.
- Disposition of the all-weather driving surface.

- Working with staff.

Mr. Chaplinsky made a motion to approve with those stipulations. This is for the SPU. Ms. Clock seconded.

Mr. Hammersley commented this is a long-standing family that has owned this piece of property and I trust they have the best interest in the town and that specific part of the town at heart. I'm sure they'll work in light of that with the town. I think it's good to move forward.

Mr. Morelli was shocked to see how much work has been done at the site. And, the Rogers Family, too, the orchard looks fantastic. Time is of the essence and in approving this you are not going to impact the neighborhood. I agree with the stipulations and working with staff it's good for the town to approve this.

The Chair noted the value of the properties and how important they are to this town and how important farm land is to this town. We don't diminish that. This is a fantastic proposal and will be a successful part of that town.

Motion passed 7 to 0 on a roll call vote.

B. Dennis Dombroski, site plan application for addition to existing barns for purpose of housing all existing horses and removal of all sheds, 553 Laning Street, property of Paul T. Greenleaf, in an R-80- zone (SPR #1766)

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

C. Paul Indomenico, agent, special permit application for parent/grandparent apartment, 137 Knight's Court, property owned by Emily Indomenico, in an R-2025 zone (SPU #616)

Ready for action. Mr. Hammersley made a motion to approve. Mr. Morelli seconded. Motion passed 7 to 0 on a roll call vote.

D. Town of Southington, proposed zoning test change to Section 3-07 of the Zoning Regulations, Flexible Preservation Subdivision Design (ZA #596)

Withdrawn.

E. Kratzert, Jones & Associates, Inc., Petition to Enact a Zoning Regulation Amendment of Text for a proposed Elderly Housing Opportunity District (EHOD) regulations 9ZA #595) continued from November 20<sup>th</sup>.

Mr. Phillips said technically it is ready for action if the commission is interested in doing something with it. Again, I have some concerns over no maximum density requirement for units per

acre. The public hearing is closed. You have 65 days to make a decision if you choose to table the decision.

Mr. Hammersley had some questions he would like to confer with the Town Attorney about. I'll make a motion to table on this. Ms. Clock seconded. Motion passed unanimously on a voice vote.

F. Chris Matusik, site plan modification to expand parking lot and drive thru lanes, 1731 Meriden Waterbury Turnpike, in a B zone (SPR #1769)

Stephen Giudice with Harry Cole & Son represented the application. This is really not ready for action tonight. We have not addressed the comments we received but I wanted to give you a brief look at what we are proposing.

This is the Dairy Queen site on 1731 Meriden Waterbury Turnpike. It's a business zone and it is approximately .65 acres.

The property is proposing to lease a portion from the abutting parcel and expand the parking drive thru lane and the parking area here (indicating). No changes to the front of the building or the side parking lot. Everything is going to be happening to the rear and modifications to the property to the side --- east and north.

We did receive some comments and we have to address them. I don't believe there are any deal breakers but I think we will get those squared away by the next meeting in January and ready for action at that point.

Mr. Chaplinsky raised the issue if there would be any consideration to shaving the corners off a little bit at the drive thru. The radius is tight when you have a truck. Mr. Giudice said they would take a look at it.

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

G. Southington Development Partners, LLC, site plan for proposed one story Dunkin restaurant with drive-thru window service, 1825 Meriden Waterbury Turnpike, in a B zone (SPR #1770)

Jim Cassidy, professional engineer, 630 Main Street, Cromwell, CT, represented the applicant. They actually own two parcels of land at 1825 Meriden Waterbury Turnpike which we are here talking about this evening and an additional one at 1799 Meriden Waterbury Turnpike.

He showed and explained an existing site photo. The parcels we are talking about this evening are actually two pieces of land subdivided out of the AMC Starplex Movie Theater. The parcel to the left of the access drive is known as Lot #1 or 1825 Meriden Waterbury Turnpike. The second piece is Lot # 2 on the right-hand side of the access driveway known as 1799 Meriden Waterbury Turnpike.

Both sites are accessed by the access driveway that goes to the movie theater. Explained you come out to a signal-controlled intersection.

We are seeking a site plan approval to develop the left-hand parcel, #1, with a new Dunkin brands restaurant. Presently there is a Dunkin located just to the west of the site (indicating). Dunkin is requiring all franchisees to update their facilities. If they're not, then Dunkin is actually going in and building new facilities and the franchisees have to rent from them. They're trying to bring their new branding up to current standards, improving operations with the way the drive thru works.

The existing Dunkin to the west would be closed and this Dunkin would be the new location on this site.

The property is about 8.81 acres, 51,660 sf of B zoned land. About 100' of frontage on Meriden Waterbury Road (indicating).

The site topography was discussed.

The landscaping on the current property was described.

There is presently a sidewalk along the entire frontage of both parcels.

Site drainage was explained.

We are proposing to develop this parcel with a new one-story structure that would meet the new criteria of Dunkin brands for the new restaurant. The building would have a footprint of 2,016 sf in the center of the property. Access would come through the main access drive that presently serves the movie theater. That is approximately 135' back from the edge of Meriden Waterbury Turnpike. One lane in, one lane out. This would provide access to a parking area to the east or front of the building. We are proposing a total of 22 parking spaces.

He explained the way the parking space requirement was determined. It was not based on the typical requirement for a restaurant. They used the ITE Traffic Generation Manual for a coffee shop. Discussion.

Dumpster is located at the far back corner.

Access to the new drive thru lane was discussed. The first lane will be for the actual drive thru operation. The second lane to the north is an On the Go lane. Explained.

The bypass lane was explained.

The loading area was noted.

A sidewalk is all the way along the front of the building (indicating).

We easily meet and exceed all zoning requirements. Minimum lot area is 20,000 sf and we're at 680. Minimum frontage is 100 and we are at 100. The front yard setback requirement is 40'. You find the property is narrow along the frontage and we couldn't bring the building much closer to the front building line. The building is about 111.75' from the street line. Side yards are going to be 55.2' and 30.29' and 10' is required. We are left with about 103.7' to the rear yard where 20' is required.

The building height is one story of 17'. The building coverage is 4% of the overall property.

The majority of the back of the property will remain as a wooded area and lawn.

The landscaping plan was discussed.

Public water and sewer to the site.

Storm drainage for the site was discussed. A stormwater management report was submitted for the record. Storm water quality was discussed. Post development would not see an increase in flow going to the existing catch basin at the southwest corner.

Final elevations were not available. The new prototypical by Dunkin has just been released. This is the rendering of the new release. One story building. Drive thru lane was noted. Materials to be used were explained.

Another major change on the drive thru side is two windows. They are introducing a window for a customer who has a large order. Explained operation of that window.

We had prepared a traffic study as part of our application. Colleen Burns of Sully Engineering is here to answer any questions. (On file in the Planner's Office.)

We did receive comments from staff. I wrote up a quick response letter today and I can say of the 19 comments, we are able to solve a majority of them. He spoke to the commission about Comment # 5, and comments above it, explaining their response.

He spoke about Comment # 8 indicating their response which meets or exceeds the requirement.

Comment # 9 deals with street trees as per the regulations. He indicated their response saying they would like the commission to consider to maybe do something that's lower plantings such as a hedgerow of 42" high along the frontage in lieu of the two street trees.

Comment #18 deals with calculating the parking lot. He reiterated his calculation was based upon the Parking Generation Manual which is allowed. He explained again why this was used for the calculation. Your regulation says that if the parking is increased by more than 10% (10 spaces) those additional spaces need to be of a pervious surface. This is an issue with Dunkin because of maintenance and installation of the pervious pavement. I think it is very reasonable to for a Dunkin to have 22 spaces. And, it is important we don't do the pervious pavement for this application.

I'm glad to answer any questions.

Mr. Hammersley asked about the sign detail. Mr. Cassidy noted there has been a request we handle the signs as a separate application. We submitted the sign detail at the last minute. We need to work with staff to make sure we comply with all areas, thus the request to handle it as a separate item.

The lighting plan for the site was discussed noting no lighting levels over .1-foot candles going beyond the property lines. Two 20' pole lights are proposed (indicating). Double headed fixtures, dark sky compliant, full cut off fixtures with LED lights in them. There are a couple of wall mounted lights in the back. Same requirements.

Queueing on site was discussed. (Approximately 8 spaces)

Mobile pick up was discussed.

Engineering has not sent out their review comments, yet.

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

H. Quinn Christopher, 2 lot subdivision application, 350 Town Line Road, in an R-40 zone (S#1322)

Stephen Giudice represented the application. This is a property on Town line Road and we are proposing to subdivide one lot off of this piece. It is a rather large piece of property --- approximately 6 acres. We're proposing to cut one acre off of it. It will be served by private well and septic system.

It is pretty straight forward. House and septic system and well.

We did receive comments from staff --- minor in nature. We did address those and I did submit a PDF and Mr. Phillips is looking at it. I think we're ready.

Mr. Phillips said this is a situation where they had to enlarge the lot to comply with a zoning regulation, we probably should get rid of it. With no sewer and water, the lot has to be 43,560 sf. Full acre. They've done that.

Engineering is just asking for a street address.

It's ready for action with the stipulation for the street number.

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

I. Shant Madjarian, 2 lot subdivision application, 2 lot subdivision application 115 Water Street, property of 115 Water Street, LLC, in an I-1 zone, S#1323

Sev Bovino, Planner with Kratzert, Jones, represented the applicant. The property is 2.57 acres of land zoned I-1. The westerly boundary is the Quinnipiac River and the southerly boundary is Center Street. There are two existing buildings on the property. It's owned by Mr. Piteo.

The northerly building has been used for years by the Florian's. They were manufacturing Florian Tools at this location. They are planning to sell this building so we are proposing a lot line between the southerly building and the northerly building.

During the process, they discovered that if this building land area exceeds a certain amount of area which is 50% more than this, they would have to go through a procedure: The Transfer Act. They think there may be some pollutants at this location.

Our client has a Phase I that shows that this property (indicating) there is no concerns. No pollutants.

To facilitate the Transfer Act, we have created another lot, Parcel C, which will be owned by Mr. Piteo thereby reducing this lot area to comply with the Transfer Act which requires less than 50%.

That's what is in front of you. Actually a 3-lot subdivision versus a 2-lot subdivision. We received staff comments. They are requesting that Parcel C be "not a building lot". The applicant has no objection to that.

So far, the contamination, we are not sure there is one, but it is in this area here (indicating).

The FEMA Flood Plain information is on the map. Explained elevation are on each section. And, the floodplain limit is indicated on a hard copy that I have highlighted. (Handed in.)

We will work with the engineering department regarding the address. Right now, it is 115 for two buildings. We have to create a number for this one (indicating). The engineering department establishes the street numbers.

The Chair noted comments from the engineering department and asked Mr. Bovino if he was okay with the comments with no objection. Mr. Bovino replied in the affirmative.

Mr. Phillips said it is ready for action with the stipulations by engineering.

Mr. Chaplinsky made a motion to approve with stipulations set forth by engineering. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

J. Zoning use determination – 2156 Meriden Waterbury Road

Ron Cassolino, 20 Manilla Street, Oakville, CT. We are here to request a zoning determination. We have a piece of property on 2156 Meriden Waterbury Road that we are looking to put up a building on. This was approved for a 4,000-sf building a few years back and nothing was ever done with it. That expired. We purchased about a year ago. What we are looking to do is put up a building and move a fertilizing company into half of the building.

Before we go through the whole architects, fees, et cetera, it was suggested that we come and just make sure it is approved for the business zone and that's why we are here tonight.

The fertilizer is all dry, granular.

This is not retail. Just a place to hang our hat, basically. A building with an office and we'll have a garage, a storage area in the back.

Lou Perillo, Economic Development, explained the applicant came in to our office and we reviewed it with the Planner and we're not really sure how to move forward and that's why we requested him to come before the commission for a determination.

It is a seasonal type business with an office. We were thinking you could stipulate where trucks could be parked to the rear. The area on Meriden Waterbury Turnpike has trailers outside, an RV across the street, storage. And, you also have the locksmith shop that Gil has.

It's more of a service business. Seasonal. It's dry. No retail. They don't even stockpile material. They get the material as they need it. It stays on the trucks. It's one of those things like a plumbing business that kind of overlaps B and Industrial. We don't have much industrial stuff. That's why we ask for the determination.

The Chair asked staff if they had any concerns with this application. Mr. Phillips referred to Section 4-03.11. I – the commission has the where with all to determine a use that is similar to other uses that may be permitted in that zone. It appears as though a portion of it could be considered business and a portion was a little bit more questionable. Given the circumstances around the seasonal use they are and on Meriden Waterbury Turnpike there is room for improvement in some areas, we didn't feel as though we could make the call for you.

Mr. Chaplinsky asked for an explanation of the activity that is going to occur. You said not retail, but you are going to store fertilizer there? The applicant said fertilizer comes in a 50-pound bag. The trucks will hold – two small box trucks – a pallet with a spreader and whatnot. We'll keep at least a pallet or two inside the shop for extra. On a normal day, the truck will go out, fertilize runs, come back and park the truck. Load up for the next day.

Depending on what area we'll be in, the vender warehouse is local, so we'll just pick up daily.

Mr. Chaplinsky compared this to the use by Winterberry Gardens on the Southington/Bristol line. He said his opinion was it could be a logical extension.

Nobody had a strong objection. A site plan will be coming in. Work closely with staff and Lou to bring it forward.

K. Request for release of \$4,000 E & S bond, 158 Industrial drive SPR #1718

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

#### ADMINISTRATIVE ITEMS

A. Sign Subcommittee Report

Passed for tonight.

B. Cannabis Committee Report

It was decided that everyone would take the time between now and the next meeting to review this and think about it. It will be brought up again in January.

#### ITEMS TO SCHEDULE FOR PUBLIC HEARING

None.

RECEIPT OF NEW APPLICATIONS

Nothing that was not on the agenda.

The Chair said this is the last meeting of the year. The next meeting day would be New Years Day and he didn't feel it necessary to disrupt someone's Wednesday for a Special Meeting on a different night. Our next regularly scheduled meeting is January 15<sup>th</sup>, 2019.

The Chair wished everyone a Merry Christmas and Happy Holiday going forward with a Great New Year!

ADJOURNMENT

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

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