

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

APRIL 2, 2019

The Planning & Zoning Commission of the Town of Southington held a regular meeting on Tuesday, April 2, 2019 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DeSanto, Chair, called the meeting to order at 7:05 pm.

The following Commissioners were in attendance:

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

Alternates: Joe Coviello, Peter Santago, Stuart Savelkoul & Val Guarino

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

Absent: Dagmara Scalise, Commissioner

The Chair seated Mr. Guarino for Ms. Scalise for tonight's meeting. 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 March 19, 2019

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

5. PUBLIC HEARINGS

Mr. Phillips read the legal notice into the record.

A. Rebecca and Brett Graham, special permit application for parent/grandparent apartment, property owned by Fral, LLC, located at 55 Fral Court, in an R-20/25 zone (SPU #620).

Stephen Giudice, Harry E. Cole & Son, 876 South Main Street, Plantsville, represented the applicant. Attorney Brian Meccariello, 200 Executive Boulevard, Southington, also represented the applicant.

Attorney Bryan Meccariello advised Fral, LLC are the owners of the parcel that is subject to the application. It is 55 Fral Court. Rebecca and Brett Graham are also here. They're the buyers.

The application is under Section 11-22 of the zoning regulations. I believe all subsections, 1 thru 14 have been or will be met. Number 15 has been met. That's the notification to the 250' abutting property owners and Rob has all the information that.

This property is connected with Fragola Drive and a similar approved was received by this commission probably about two years ago.

Mr. Chaplinsky noted the apartment is ground level. He questioned the access. Is it just through the house or is there going to be an outside access? Mr. Giudice answered there is a doorway on the side of the house. There will be outside access, but it won't be visible from the front.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair asked if there was anything outstanding on this application. Mr. Phillips said it's all set.

The Chair closed the public hearing.

B. JonNic Enterprises, LLC, special permit application for garage in excess of 3 spaces, property owned by Matt and Sue Mikosz, located at 86 Lady Slipper Lane in an R-20/25 zone (SPU #621)

Richard Rusky (sp) JonNic Enterprises. We are seeking a permit of special circumstances for a detached two garage on 86 Lady Slipper Lane. The property currently has a three-car garage attached. We are seeking to add two more detached to house tractor and yard utility vehicles used on the premises.

As to the question on mailings, I do have the form for mailings. (Handed in)

There will probably be a bathroom inside for the pool house area. We'll pull the utilities off the house.

The garage is 10' from the property line which is allowed in the rear yard clarified Mr. Phillips.

Mr. Rusky explained the garage is in the rear of the property itself, so it sits 10' off the line and extends toward the back of the house.

Mr. Chaplinsky clarified one side facing the pool will double as a pool house having access to the pool area.

Outside material will exactly match the house.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed the public hearing item.

C. Town of Southington, Amendment to Section 13 (signs) of the Zoning Regulations (ZA #599), continued from March 19

Mr. Phillips advised we received all of our RPA referral reports back. Nothing significant of regional concern.

A couple of items brought up at the last public hearing that the commission should consider:

- The sign height we have proposed to be 15' and increased that up to the original which 24' and anywhere in between that.
- Concern about having detached signs be in a zone between 10' behind the street line or the property line, which is closer, and 20' back into the property.
- Corner lot proposal that could have multiple signs up to 10' high. The concern was that was inconsistent with the height for a regular detached sign not on a corner lot. I do agree that it should be consistent.
- Concern about the sign enhancement language. Because it states we have encouraged them to be creative and that could be open-ended and not sure what you are going to get for an outcome there. The commission had this concern originally when this language was proposed four years ago. Certainly, I don't see that this would be utilized often. It might be good for one or two property owners to go ahead and update their sign, come in with a better-looking sign. Would it be a pervasive problem, I don't think so. It is really the commission's comfortability on that.
- Other concerns were based on language we already have in the regulations that we are not proposing to modify so I won't address those.

Discussion was had on the corner lot. It should be the same height for corner lots, noted the Chair. Mr. Hammersley said from his perspective, he would like to discourage corner lots getting more than one sign. Explained of the corner lots we have, the only one that has more than one sign is the Staples/Chili's on the corner of Spring and Queen. He enumerated many other businesses on corner lots that each only have one sign. He didn't want corner lots to get more than one sign and he didn't see the value. It adds to distraction. The ten foot was a way of discouraging them from getting more than one sign and they would have to adhere to the ten foot if they wanted more than one sign. And, he felt ten foot was a reasonable height.

Discussion.

Mr. Hammersley explained his research on other peer towns and their sign regulations. Glastonbury is at 15' and he didn't feel that was an unreasonable height. Above that height, it is a distraction. Detracts away from the aesthetics of our town. I think it's reasonable.

He didn't feel that 10' was an unreasonable height for corner lot signage as demonstrated by the regulations in the other peer towns. That's his opinion and it was shared by the sign subcommittee and that's why the recommendations we did.

Ms. Clock said she agreed with Bob. We have to get away from the clutter. It looks messy, it's redundant and unnecessary. If they really want that sign, I guess they'll conform to the 10'.

The Chair asked if there was any more discussion on what Rob presented earlier.

(No response)

(Those speaking in favor of the application)

None.

(Those speaking against this application)

None.

The Chair closed this public hearing item. And, the public hearing portion of the meeting.

BUSINESS MEETING

A. Rebecca and Brett Graham, special permit application for parent/grandparent apartment, property owned by Fral, LLC, located at 55 Fral Court, in an R-20/25 zone (SPU #620).

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

B. JonNic Enterprises, LLC, special permit application for garage in excess of 3 spaces, property owned by Matt and Sue Mikosz, located at 86 Lady Slipper Lane in an R-20/25 zone (SPU #621)

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

Mr. Chaplinsky said he loved to see these things coming in. I'm glad people are using their property. I'm excited to see this continue to be a popular thing for the folks in town to expand the use of their property. I am very much in favor of it.

Mr. Hammersley said the way this building is designed; I think it is pleasing to the eye and complimentary to the neighborhood and the residents. I'm excited to see this go forward.

The Chair echoed those comments. Noting this property is very nicely decorated at Christmastime.

Motion passed 7 to 0 on a roll call vote.

C. Town of Southington, Amendment to Section 13 (signs) of the Zoning Regulations (ZA #599), continued from March 19

The Chair said we have to trust the work the subcommittee did. If anyone has any further input or discussion? Mr. Chaplinsky said we have had a lot of bites at the apple on this one. He appreciated the work the subcommittee did. I think at this point I am very supportive of it. If something comes up in the future, we can address it at that time. This is a step in the right direction.

The Chair pointed out the problem is we didn't have a clean slate. I think with businesses, often times it is overkill with the signs. I do appreciate the work the subcommittee put in.

Mr. Hammersley made a motion to approve. Mr. Morelli seconded.

Mr. Hammersley thanked the subcommittee for their work and the help from the staff with their input. Two years ago, I ran on an idea of encouraging economic development while improving the aesthetics of our town. This to me is an example of us having an opportunity to stand up for the aesthetics of our town to make sure that our town has the look that we want it to have and maintains the kind of feel residents want. I happy to see this move forward. I appreciate all the input. I'm excited to see this move forward in a proactive way as we continue to develop in our town.

Motion passed 7 to 0 on a roll call vote.

D. John J. Roncaioli, floodplain filling application, for a proposed addition to house, 62 Echo Valley Road, in an R-2025 zone (FF #259, tabled from March 19th).

Mr. Phillips advised the applicant is currently looking at a revised plan and they may not move forward at this time. I'm waiting to hear back from them. In the meantime, I would recommend a table. There is no timeframe on this.

Mr. Chaplinsky so moved the motion to table. Ms. Locks seconded. Motion passed unanimously on a voice vote.

E. GLS, LLC, floodplain filling application to construct a retail building & stormwater management facility, property located at 2110 Meriden Waterbury Turnpike in an R 20/25 zone.

George Andrews, Louriero Engineering Associates. Unfortunately, we've stepped back a little bit in our progress. We are working right now with FEMA with regards to some FEMA flood elevations. There appears to be a discrepancy between the base flood elevations mapped and the base flood elevations on the profile in the flood insurance study. We're working through it.

Unfortunately, we are unable to make some of the final revisions needed for engineering.

We ask that you table any further conversation until the next meeting when we will have a resolution and a final site plan.

No timeline issues. They have until the end of May noted Mr. Phillips before they need an extension.

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

F. GLS, LLC, site plan application to construct a retail building, property located at 2110 Meriden Waterbury Turnpike, in a B zone (SPR #1775), tabled from March 19.

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

G. F & F Concrete, site plan application for a 2,555-sf building addition, property located at 110 West Main Street, in an I-2 zone, (SPR #1774) tabled from March 19.

Stephen Giudice represented the applicant. We are proposing a small addition to the offices at F & F Concrete. Our addition is set back quite a way from West Main Street and you can't see this building from West Main. It is behind the concrete plant.

We are proposing to put an addition on this building. About 2500 sf. We were required to get a ZBA variance for proximity to the property line and we had a favorable vote.

The site is currently all paved. Our impervious surface is being swapped from parking lot to rooftop. Not a lot of change in runoff or anything like that.

The building will have a much nicer façade compared to what is there right now. Explained windows around the perimeter roofline (showed picture on the screen).

The interior will have a higher roofline with small offices.

We did revise plans based on some staff comments.

Mr. Grappone had review comments, minor engineering comments. He felt if you choose, the recommendation would be to approve it subject to the engineering comments. He went over the comments:

- The addition is on an impervious surface, so there shouldn't be any ZIRO requirements. We just wanted to confirm that through written responses to comments.
- Want to confirm there will be no openings below the 100-year flood elevation.
- Assuming slab on grade construction.
- Method of disposal for the roof drainage. We need clarification on that. We can work that out at the time of the building permit.
- Extending any utilities to the addition. I saw something on the sanitary sewer but wasn't sure on the other utilities.
- The datum is assumed to be (inaudible) because this is floodplain, but I didn't see anything in it.

- The final design for the sewer service be approved prior to the issuance of a (inaudible) permit.

Mr. Giudice responded those were acceptable to the applicant.

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

H. Maier Properties, LLC, floodplain filling application to construct a new home, driveway & septic system, property located at Parcel C, 221 East Street, in an R-20/25 zone (FF #214.1)

(Minutes are prepared summary style. Please refer to the video on line to hear the full 20-minute commentary.)

Stephen Giudice represented the applicant. This property is something that we had started quite some time ago on East Street. Dr. D'Angelo's house is in this location (indicating). And, this was originally part of that yard. The tree line is along the edge of the wetland and there is a watercourse that runs through this wetland. We started this project about six years ago. We did go to the wetland commission and we did get wetland approval and a favorable FF. At that point we stopped and didn't move forward with it.

The applicant has now asked to come forward. We did forward the application now to this commission for your review.

Unfortunately, I took the original application and I kind of changed names and I sent it in. I looked at the numbers today and said gees, those are out of whack. So, the floodplain filling amount is actually 17 cy and not 27 cy. And, the compensation is 45 cy. The numbers are much smaller than presented on the application.

Discussion.

We have a little bit of floodplain filling around the driveway. This floodplain line actually comes around the house and comes up into the driveway. We're filling here (indicating) and we are doing a little excavation in the back to compensate. As I mentioned, 17 yards of fill and 45 yards of compensation, so we are more than double on the increase of floodplain storage on site.

That's pretty much the gist of it. Any questions for me?

Mr. Chaplinsky brought up the fact that get got a call from the neighbor next door, the old Dr. D'Angelo's house, about a month ago. She asked me who to contact because she was having a problem with her septic tank.

It was explained that there were three or four septic tanks on the property to the west. I'm not sure if the owner of this parcel was the owner after Dr. D'Angelo who purchased the entire parcel. It included D'Angelo's home, this parcel and some other land which over the years we've developed.

At the time that was purchased, it's my understanding Dr. D'Angelo had a number of septic systems of which one of them was probably close to where the house is that you are proposing and/or close to the property line. He was using that septic because it was the better of the few that were there.

Unfortunately, when it was brought to the town for subdivision, the subdivision line was drawn close to Mr. D'Angelo's house and on the town records, at least, it didn't show there was a septic system there in use for the property.

So, when it got divided, the D'Angelo septic system exists on the proposed parcel you are coming to us for.

I talked to staff after one of the meetings and asked them to look into this. I instructed the person to contact the health department --- I wasn't sure exactly what was going on.

My question is because the owner owned this property, this entire entity including the D'Angelo property and had filed the subdivision --- I am not sure who knew there was a septic system there or not, but unfortunately, that property was being used for many years after the subdivision was done with that septic system intact.

The caller just purchased this property six months ago, or less. They said to me that upon purchase of the home, the previous owner turned the septic system off --- the one on this parcel and the one primarily working. The other three were backing up into the house.

Discussion.

Mr. Chaplinsky felt the biggest issue is it doesn't exist on the records. It's not shown on any town map that it was there. The health department shows it as part of the D'Angelo property originally. Do you have flexibility and contact the owner and can you work together to redraw the lot line so it includes the septic tank on theirs and she gives up property to you for this application?

I have a hard time moving forward on this knowing when it was subdivided, we didn't have all the information for the subdivision in forethought to ensure that lot line was drawn properly.

Extensive discussion followed.

Mr. Giudice asked for a table on the matter.

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

I. R-24 Referral for the donation of 156 Woodruff Street to the Town in lieu of taxes (MR#524).

Mr. Phillips advised maps and information was sent out via email. It was information from Dave Lavalley, Ass't Town Planner. This would be donated to the town in lieu of taxes. Not open space, but just town property. Very wet. Certainly, doesn't seem to be a big issue here.

Mr. Chaplinsky made a motion to send back a favorable 8-24. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

J. 8-24 Referral for the donation of 900 South Main Street to the Town n lieu of taxes (MR #525).

Same type of situation, different property. Mr. Chaplinsky made a motion to send back a favorable 8-24. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

ADMINISTRATIVE ITEMS

A. Subdivision Modification to #1280 to eliminate future right of way from Brookfield Court
(Minutes are prepared summary style. Please refer to the video on line to hear the full 20-minute commentary.)

Attorney Bryan Meccariello, 200 Executive Boulevard, represented two clients: One is Bagno, LLC and they own the properties at 75 Brookfield Court and 95 Brookfield Court also Bagno Farms, which is the owner of the property at 1316 West Street. Bagno Farms property is located on West Street and it is to the east of the two properties on Brookfield Court.

Staff is looking for some guidance and I do have property information if you need it.

Mr. Phillips said this is not a formal application. This is what I would call a subdivision modification. It does not meet the definition of a subdivision or a resubdivision. It is a modification of a previously approved subdivision where they are proposing to eliminate a future connection to the property to the east. My feeling is I was a little uncomfortable making a staff call on this and I'd rather have the PZC weigh in on this because it is a planning related motion.

Attorney Meccariello continued Bagno, LLC owns the property on Brookfield Court. There are two lots and they are separated by what is a future road, not a deeded road, but just proposed on a subdivision plan which this commission approved.

At one point, the properties under Bagno, LLC were owned in common with Bagno Farms. There is no longer a common ownership, no unity of interest between the two property owners. Bagno Farms which was the subject property this was going to benefit is no longer interested in having a connection go through to Brookfield Court.

Looking at past commission meetings, October 6, 2009, there was earth excavation with the West Pines Subdivision and that owner, DRF, LLC, was encouraged by this board to find another access way out instead of hauling material up West Pines. He contacted Mr. Fragola and he agreed to provide a secondary access. And, 1316 West Street has its own curb cut.

We advised staff we need to eliminate the future accessway because these two properties are now for sale and there are two contracts recently. I went through and I have the modification of the CL& P easement which is on the map. I asked staff to sign off or not before its recorded. This is where it's at.

(Attorney Meccariello passed around a paper handout.)

Extensive discussion around the future ROW to be eliminated with history of the site being provided by Mr. Giudice. There are two stubs to the same property and we are asking to eliminate one of them.

Mr. Phillips said his concern was there is an existing curb cut with some frontage on West Street. The intersection with Curtis, downhill. At first glance, looking at this, it looks like a natural connection if you ran from here to here (indicating) and put a stub out this way (indicating). Then you wouldn't have to have access to West Street and everything would be internal to this area (indicating). That's my main concern. And, eliminating this for the reason being property owners that doesn't have the ROW between them seems short sighted. That's my concern. If you feel otherwise, so be it. I didn't want to make that decision without your input.

Discussion.

Connection of West Pines Drive to Churchill Street was discussed.

Wetlands were discussed.

Hearing no one feeling strongly against this occurring, the Chair advised it was okay.

B. Open Space and Land Acquisition Report

Mr. Chaplinsky advised there is nothing to report tonight.

C. RPC Liaison Report

Mr. Hammersley reported there was a meeting last week and nothing significant occurred. A lot of talk.

Discussion was had about changing the way they're going to run the meetings. They may have travelling meetings.

Discussion.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

(None)

RECEIPT OF NEW APPLICATIONS

- Tilcon Connecticut, Inc., request for two-year extension for Earth Excavation approval, West Queen Street & Welch Road, in an I-1 zone (EE 24.16)

COMMISSIONER COMMENTS

Mr. Chaplinsky brought up the idea of cross easements in the business zone and trying to encourage business owners on Queen Street, West Street and the Meriden Waterbury Turnpike by proactively reaching out to them as part of a planning action.

If this board is supportive of it, I had a discussion with staff today and we thought it was a very good idea from an economic perspective and from a planning perspective it would be good to proactively reach out to the business owners and say we'd love for you to consider a cross easement between your property and your neighbor's property to the right or left and would you be interested in working with the town to get those cross easements on the record so that we get the connection.

Discussion.

Maybe we could get a program together that if they need to come for a site plan, we could waive the site plan fee to encourage them to do it. Give them a parking space waiver if appropriate and staff agreed.

The ask is: If you guys are supportive of it we'd like to put that in writing in the form of a memo and ask a few folks from this commission to meet with staff and go through the list of business parcels along some of the major corridors and identify some of the ones we think might be right for reaching out to, sending letters and contacting to ask if they'd be willing to put cross easements on the record.

Everyone agreed with the concept. It makes perfect sense added the Chair.

Jenn Clock is willing to help out. And, maybe Sue could ask someone from their side to join us. And, the three of us can get together with staff and Lou and come up with some ideas on where the best places might be concluded Mr. Chaplinsky.

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 8:16 o'clock, p.m.)

Next meeting: May 7, 2019