

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

JULY 16, 2019

The Planning & Zoning Commission of the Town of Southington held a public hearing and a regular meeting on Tuesday, July 16, 2019 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DeSanto, Chair, called the meeting to order at 7:01 pm.

The following Commissioners were in attendance:

Dagmara Scalise	Paul Chaplinsky
James Morelli	Susan Locks
Robert Hammersley	Michael DeSanto, Chair

Alternates: Peter Santago, Stuart Savelkoul & Val Guarino

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

Absent: Jennifer Clock, Commissioner
Joe Coviello, Alternate

The Chair seated Mr. Santago for Ms. Clock for this evenings meeting.

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 June 18, 2019

Mr. Chaplinsky made a motion to approve. Mr. Hammersley seconded. Motion passed on a majority voice vote with Ms. Locks abstaining although she did read the Minutes.

B. Special meeting of June 26, 2019

Mr. Hammersley made a motion to approve. Ms. Locks seconded. Motion passed on a majority voice vote with Mr. Santago, Mr. Chaplinsky & Ms. Scalise abstaining.

Mr. Phillips read the legal notice into the record.

PUBLIC HEARING

Minutes are prepared summary style and you may refer to the video on line to hear the full commentary by each speaker.

A. Special Permit Application of Lovley Development to construct an age restricted housing development on property located at 792 South End Road, in an ARCHZ zone (SPU #622)

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant. At the last meeting we presented this 15 homes ARCHZ project which in our opinion meets all the ARCHZ regulations.

The property is surrounded by some commercial uses, a church and then public open space to the south and a few residential homes along South End Road.

We have received engineering and planning comments. We have addressed them. Engineering dealt with drainage, grading, building locations, et cetera. Planning comments dealt with erosion controls, landscaping, open space.

Our proposed density is 2.7 units per acre and allowed density in this zone is 5 per acre. We cut one unit from our initial presentation a year ago.

Some grades are 6:1 which is a very workable grade in our opinion and easy to maintain.

We are proposing stone pillars and split rail fence at the entrance, also fencing on the south side next to our neighbor, Mr. Curtis.

Street trees are proposed all throughout the project and individual unit landscaping around the units.

The minimum area required for greenspace in this zone is 20% and we are providing 34.8%. We also are conveying to the town a certain amount of open space which starts here (indicating) and comes around to about here (indicating) which abuts the current town open space. The rest was suggested to be kept with a conservation easement and managed by the association. That's what we are doing.

Under special permit regulations, Section 8, there is a requirement you find the proposed use is appropriate for this parcel and we believe that it is. It is in harmony with the area and will not be detrimental to the area.

We have addressed all the comments and I will entertain any questions at this point.

Mr. Hammersley asked about the separation on some of the properties to the west side. Is it just natural vegetation? Mr. Bovino responded we are leaving whatever vegetation that exists along this strip, it's about 20' strip there. There is green space on the other property which we do not control.

Mr. Chaplinsky noted the historical area that is going to be town open space. The rest will be deeded to the development as a conservation easement for the association to manage. (Indicating)

As to the historical area, is there any type of monument or marking or pathway to that? Mr. Bovino said Mr. Lovley offered to place a marker there. Mr. Chaplinsky suggested working with staff on that.

Discussion.

Mr. Guarino brought up the street trees on the print is the same boilerplate for the town. Do you have the actual trees you are going to plant? We discussed before the pear as not being a good tree and it's still on the list. Mr. Bovino said the Ass't Planner had a comment regarding the trees. We had to substitute certain trees. It's boilerplate because that is what the town has as a recommendation. But we can plant anything you desire. Normally, we plant flowering trees, sugar maples. Mr. Guarino suggested sticking with the natives. No pears.

Discussion.

(The Chair asked for those speaking in favor of the application.)

Paula Burton, realtor in Southington, spoke in favor of the application. The area is just wonderful and we have a great need for it. Two floors don't work and they want living space all on one floor for full accessibility. This is the beginning of a wonderful new phase in our town, hopefully.

Keep our residents in town. The choice is to leave and that would be a shame.

Good! Thank you very much.

Address: 117 North Main Street.

Tom Curtis, 821 South End Road, the property that abuts the open space. Questions about the foundation, I can answer those. Mr. Chaplinsky asked: since this was part of the site, would we memorialize that area as it is a historical significance. Monument or placard and it is accessible?

Mr. Curtis noted it will be accessible from the open space area. Explained the underneath part of the barn that was used as part of the underground railroad. That's the historical significance. We'll come up with some wording on a plaque for that area. It'll be viewed from up above the actual pit because that is actually on my property. Explained.

As far as the fencing or barrier on the property line, my question is: The family prefers a natural barrier as to a fence. And, also like at a minimum of 6'. Where would that planting go; on the back line of our property or in the middle of that area or on the backline of the housing lots?

I also had a question about the street lights. Will the units be allowed to be lit highlighting the houses?

That's it. Thank you.

(Those speaking against the application)

None.

(Rebuttal)

Mr. Bovino explained the fencing is proposed here on South End Road which runs easterly and then southerly (indicating). Mr. Lovley talked to Mr. Curtis and is amenable to replacing that with arborvitaes to give the natural barrier he is looking for. You can stipulate that.

As to the lighting, there is no plan to light the homes. There will be street lights.

Discussion.

The Chair closed the public hearing.

B. Application of Stephen M. Giudice for a Zoning Regular Amendment to Section 7A-00 of the Zoning Regulations (ZA #601)

AND

C. Application of Stephen M. Giudice for a Subdivision Regulation Amendment to Section 3-00 of the Subdivision Regulations (SA #27)

Stephen Giudice, Harry Cole & Son, 876 South Main Street, Plantsville, CT consolidated his presentation for both items.

The zoning regulation is Section 7-A-00. (Read verbatim.)

And, the subdivision regulation is Section 3-06. (Read verbatim.)

In the zoning regulation, we are proposing to remove that paragraph in its entirety. It's really a footnote that is not referenced in the old standard of above. It got removed but the definition was still in the zoning regulations.

In the subdivision regulations, we are just proposing to eliminate the sentence: The minimum lot area requirement shall be no less than 43,560 sf. But still keep the requirement for potable water.

The regulation has been on the books for a long time and it is kind of a forgotten regulation and hasn't been enforced for a long time. I think it was originally created to protect public health so the proposed lots had enough room for adequate septic systems and wells.

Described septic systems of the past as being large.

The state health code regulates private wells and septic systems and has continuously been updated yearly. They study the function and design and failure rates. That's really the code that protects public health when it comes to onsite wells and onsite septic systems. They are on top of what works and what doesn't work. And, their design is according to technical experience.

We think this regulation has become archaic. Septic system technology is better than it was even 20 or 30 years ago.

We are proposing to modify these regulations to bring it up to date with the current health code and allow the health department to really define what is acceptable for lot designation and not. This doesn't change what is required in zoning. There is not this specific one acre, 43,560 sf requirement.

You will see a small change but not a big influx of applications regarding this change. Explained.

We think it is a proactive change.

Questions?

Mr. Guarino asked what the health department says is adequate for square footage. Mr. Giudice said they have requirements for separation. The biggest is separation from a septic system to a property line, to a house and most importantly to a well. (Minimum of 75') They look at each lot individually to make sure the septic and well proposed meets all the separation requirements. If not, it is not a viable lot.

Discussion.

Mr. Santiago asked if these were the only references to septic systems in our regulations? If we're going to alter one are, we inconsistent elsewhere and does this have unintended consequences somewhere else because we haven't done a thorough due diligence across the board? Mr. Giudice said these are the only two specific to the one-acre requirement. Mr. Phillips said he didn't believe there was anything else that should be looked at in regards to septic.

Mr. Hammersley asked if there were some kind of a map of those areas that would be affected by this change. Mr. Giudice explained it was very difficult to place it on a map. You have to look at it on an individual lot basis. A very small percentage.

Discussion.

Discussion of health department standards with the zoning regulations and if this were eliminated would it still be covered by other health department standards. Mr. Phillips said he confirmed with the health department their standards or requirements are sufficient and this is something else that is another regulatory burden.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

Phil Pomposi, 1215 Pleasant Street stated he was not in favor or against. I'm here to get information was to what this will mean to the rest of the community so far as this change is concerned.

Does anyone know about how much property this will affect?

Discussion.

It is my understanding that right now if you have property that is a one-half acre zone and you don't have water and sewer, then you can't build on that lot. That's correct I assume. My basic concern is this a way of getting in the future of getting a higher density in a certain zone by taking out that 40,560 sf requirement? Will this increase density?

Discussion.

I am concerned about more and more approvals of more units on land that was not intended for the high density in our town. All it does is create a need for more services. The original zoning map

was intended as stated. Over the years, many things have been changed. It is to the point where we are in one- and two-acre zones where people will come before you and ask for X number of units even though it is not zoned for that. That's what concerns me.

This will change the character of the town I think in a bad way.

(Rebuttal)

Mr. Giudice responded with his interpretation of zoning which is the zones created identify the density acceptable for that portion of town. This regulation adds above and beyond that density requirement. Removing this regulation does not increase the density of what the zone would permit.

Discussion.

My position is that this regulation was a safeguard at some point from a septic system perspective and it is not warranted. The health department reviews every single septic system designed.

It is less than 1% that would be affected.

The Chair closed the public hearing.

BUSINESS MEETING

A. Special Permit Application of Lovley Development to construct an age restricted housing development on property located at 792 South End Road, in an ARCHZ zone (SPU #622)

Ready for action with maybe some stipulations about the arborvitae and the trees. Mr. Hammersley made a motion to approve with the aforementioned stipulations about native trees and the arborvitae in lieu of a fence southeast of the site. Ms. Scalise seconded.

Mr. Hammersley commented about over development and this development is a great example of the type of development we should be having in town. Thanks to the developer for getting this done. I look forward to seeing this developed. It is worth noting the time Mark has taken to work with the Curtis family to address their concerns as well as the concerns with the historical site and efforts for that. Lastly, the open space in this is much more than what the regulation requires. All positive. Great job and thank you.

The Chair said Jen is part of the Heritage Committee and she seemed last meeting as though she were satisfied with the work the developer did with this delicate area that so much history.

Motion passed 7 to 0 on a roll call vote.

B. Site plan application of Lovley Development, Inc., to construct 15 units of age restricted homes, property located at 792 South End Road, in an ARCHZ zone (SPR #1780) tabled from June 18

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

C. Application of Stephen M. Giudice for a Zoning Regular Amendment to Section 7A-00 of the Zoning Regulations (ZA #601)

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

Mr. Morellis said Mr. Giudice described very well the reasons for the change and the fact that he speaks as an expert in this area. It is redundant. I think the health department will govern whether to develop or not. It makes sense. Concerns about the gate opening up and the horses getting out, that can be perceived, but that is not the case.

The town negotiates with the developer on the density of the development and the open space and the less restriction we have on our books for requirements I think is better. It seems this is outdated and this seems to be a simple change. I second the motion.

Mr. Chaplinsky echoed those comments. For me, redundancy is not a good thing for owners and it exposes us to legal areas as well. The footnote not referring back to anything is a big issue. Cleaning up the regulations is a good thing.

Motion passed 6 to 1 on a roll call vote with Ms. Scalise opposed.

D. Application of Stephen M. Giudice for a Subdivision Regulation Amendment to Section 3-00 of the Subdivision Regulations (SA #27)

Mr. Morelli made a motion to approve with comments as above. Mr. Hammersley seconded. Motion passed 6 to 1 on a roll call vote with Ms. Scalise opposed.

E. Town of Southington, floodplain filling application for various bridge repair work at 9 locations (FF #265)

James Grappone, Ass't Town Engineer, presented. In the packet was a memo from Keith Hayden, Director of Public Works. Last year the DOT made a courtesy inspection for all 169 towns who have bridges less than 20' in length. DOT identified these nine bridges requiring maintenance. The last page in the packet is the location on a town wide made for various locations of the bridges for maintenance.

We brought this before the IW Commission and had an on-site with them. Walked two bridges in question out of the nine to review because most of them are the same. Replacing guardrail, repair headwalls, cracked concrete and things of that maintenance nature. They agreed with making a favorable recommendation.

It's just keeping our bridges intact. Maintenance item. We have a contractor in mind and the cost is approximately \$100,000.

Ms. Locks made a motion to approve. Mr. Hammersley seconded. Motion passed 7 to 0 on a roll call vote.

F. Lewis Realty, LLC, site plan application for proposed 6,000 s.f. building for retail, office and preparations, 919 Queen Street in a B zone (SPR #1786)

Sev Bovino, presented the application. He noted it is a 2.12-acre parcel. Public sewer and water. Business zone. The proposal is for a 6,000-sf building here (indicating) which we presented to you a few months back.

The access will be from the same curb cut on Queen Street at this location. The uses for this building will be a small office area, retail and preparation for the same business that is conducted at this over here (indicating).

Appropriate parking is proposed on the west side of the property as shown. There is an existing parking we'll keep and expand the parking in this area.

We propose a connection to the existing pass way to the south which takes you to the light on Queen Street as requested by the commission.

We also propose an easement to allow this property owner, the corner lot, to access our property and exit to the light. This is one-way scenario. Only out to Queen Street at that location.

All notes and details are on the plan.

The landscaping detail was discussed.

We have received and addressed staff comments and changed plans to accommodate the comments.

If you have any questions?

Mr. Chaplinsky addressed the easement. That would be all the way to the north side. Discussion.

Mr. Chaplinsky recognized the benefits of the easement. Mr. Morelli was pleased to see this was done. Appreciate it.

Ready for action.

The Chair stated we appreciate when applicants come in and go above and beyond. Goodwill towards fellow business owners to the left and right. Very good job.

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

G. Release of \$25,200 public improvement bond, Connecticut Self-Storage, 1588 Meriden Waterbury Turnpike (SPR #1742.1)

Mr. Phillips advised staff recommends this item not be acted on this evening because since it was added to the agenda, the ZEO has inspected the site and found a number of noncompliant signage and we'd like to have it corrected.

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

H. Road acceptance, Glenwood Park Road from its present terminus to its new terminus, a total distance of 285 feet (.05 mi), Glenwood Park Estates, Subdivision (S#1301)

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

ADMINISTRATIVE ITEMS

A. Open Space and Land Acquisition Report

Mr. Chaplinsky said the Curtis property is all squared away. We are continuing to work on the pollinator garden and it's looking better. Mr. Guarino noted Mr. Chaplinsky waters it every other day in this heat. The Chair thanked all for their volunteer efforts.

The Chair felt it was important that folks need to know this is happening on their own time and sometimes on their own dime. I think the town needs to know that and we're very appreciative of that.

Mr. Chaplinsky said he can't say it enough but that property needs to be mowed. It continues to come up at the open space meeting but there is some issue with the Farm Heritage. I don't know who controls the budget but we do have input into open space and its part of our POCD that open space be considered and maintained. I don't think we should be idle and continue to watch that grow.

The Chair asked Mr. Grappone to speak to Keith to mention it to public works. Mr. Grappone said this is their busy season right now but he will put out the request.

Discussion.

B. RPC Liaison Report

Mr. Phillips has heard nothing. Mr. Hammersley said communication has died off.

Mr. Chaplinsky, after discussion on the West Street Study, asked for a formal report on the West Street Corridor Study with Bristol.

C. Heritage Committee Update

No report as Ms. Clock is absent this evening.

D. Administrative review authorization: Site plan application of Bell City Rifle Club to construct a parking lot, property located at 1774 Mount Vernon Road, in an R-80 zone (SPR #1785)

Mr. Phillips advised they are paving an area they are already parking in. It was substantial enough for us to call it a site plan but we believe that it's minimal enough not to even come to the commission.

E. Administrative review authorization: Site plan application of Central Baptist Church to construct a 30' x 50' picnic pavilion property located at 1505 West Street, in an R-40 zone (SPR #1786)

Mr. Phillips said this is the same reasoning. It was larger than we would issue a zoning permit for but again it's not too large to prompt a full blow commission site plan as far as we're concerned.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

A. Nutmeg Companies, Inc., special permit application for the construction of a truck wash facility, property located at 1300 South Main Street, owned by ZP Group, LLC, in a B zone (SPU 3623) August 20

B. Pearl Loika-Garbiel, special permit application for a dog grooming salon with no boarding, property located at 550 North Main Street, owned by King Shamrock, LLC in a B zone (SPU #624) August 20

Mr. Phillips said there is another item to be added to public hearings. Another dog grooming facility.

The Chair stated they could all be handled on the 20th of August.

The Chair brought up the idea of taking a look at our regulations, our tree list. Sit down with Mr. Guarino for an hour and we'd get a list and take some of these invasive trees off the list. Mr. Phillips agreed.

Discussion.

Mr. Chaplinsky again brought up the idea of cross easements and identifying some hot spots on our major corridors where cross easements would be desired. Staff has been working diligently to get the listed parcels and put together a plan for how we might reach out to the folks and proactively see if

we can get the cross easements even before they come with applications. If we spark the discussion it might accelerate some of the cross-easement activity and alleviate some traffic and safety issues.

Mr. Phillips responded with the assistance of engineering, we produced colored maps of Queen Street and West Street. We looked at the maps, figured out where they might make sense and I went out with our intern and went on site. With the help of the interns, she pulled out all of the information on property cards as far as contact information and we have that on the plan, as well.

We can have a follow up meeting on all the information. We prioritized based on what we believe would be the highest priority of those connections that we would work on first. The number one is Aldi's to Outback plaza connection. Lou has been working behind the scenes but we haven't had any progress on that.

We didn't do the Meriden Waterbury Turnpike because I didn't see a lot of opportunities at this point in time. A lot of mixed use on the road.

Discussion.

RECEIPT OF NEW APPLICATIONS

Mr. Phillips reviewed the new applications. With the three public hearings, we have a truck wash facility at 1300 South Main Street, special permit & site plan. We have a dog grooming place for special permit & site plan and then dog grooming service at a clinic.

ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:15 o'clock, p.m.)

Next Meeting: August 20, 2019