

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

SEPTEMBER 17, 2019

MINUTES

The Planning & Zoning Commission of the Town of Southington held a public hearing and a regular meeting on Tuesday, September 17, 2019 at the John Weichsel Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Michael DeSanto, Chair, called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

James Morelli	Susan Locks
Robert Hammersley	Michael DeSanto, Chair

Alternates: Peter Santago & Stuart Savelkoul

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

Absent: Paul Chaplinsky, Jennifer Clock & Dagmara Scalise, Commissioners
Val Guarino & Joe Coviello, Alternates

The Chair seated Mr. Santago for Ms. Clock and Mr. Savelkoul for Mr. Chaplinsky.

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 – Regular Meeting of September 3, 2019

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

Public Hearing

A. My Little Rascals, modification of special permit approval to allow for additional children, 805 West Queen Street, property owned by A & K woodworking, LLC, in the WSB zone (SPU 570.1)

Mr. Phillips advised this is a table. We are not even going to open it this evening. The applicant failed to mail out the required notices to abutters in the amount of time necessary. They'll renote the public hearing for October 1st.

Business Meeting

A. My Little Rascals, modification of special permit approval to allow for additional children, 805 West Queen Street, property owned by A & K woodworking, LLC, in the WSB zone (SPU 570.1)

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

B. Release of \$3,450 E & S Bond, Sav-Mor Cooling and Heating, Inc., 231 Captain Lewis Drive (SPR #1761)

Ready for action. Ms. Locks moved for approval. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

C. Road acceptance: Golden Russet Way from Wonx Spring Road to its terminus, a total distance of 380 feet (0.07 mi)

Ready for action. Ms. Locks moved for approval. Mr. Hammersley seconded. Motion passed unanimously on a voice vote.

D. Road acceptance: Oakmont Way, from Whistling Straits to Whistling Straits (loop road), a total distance of 1,400 feet (0.26 mi)

Ready for action. Ms. Locks moved for approval. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

E. Road acceptance: Pinehurst Crossing, from Oakmont Way to North Ridge Court, a total distance of 700 feet (0.14 mi)

Ready for action. Ms. Locks so moved the motion. Mr. Santago seconded. Motion passed unanimously on a voice vote.

F. Road acceptance: North Ridge Court, from Welch Road to its terminus, a total distance of 3,080 feet (0.53 mi)

Ready for action. Ms. Locks so moved the motion. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

G. Release of \$2,500 E & S bond, Napoli Associates, 12 and 30 Knotter Drive (SPR 1688)

Ready for action. Ms. Locks so moved the motion. Mr. Savelkoul. Motion passed unanimously on a voice vote.

H. Release of \$5,350 E & S bond, Ultimate Real Estate, 146 Industrial Drive (SPR #1730)

Ready for action. Ms. Locks so moved the motion. Mr. Morelli seconded. Motion passed unanimously on a voice vote.

7. Administrative Items

A. Open Space and Land Acquisition Report

Mr. Chaplinsky is not present this evening. We'll pass on this.

B. RPC Liaison Report

Mr. Hammersley reported there has been no meeting but there is one scheduled for Thursday at 7:00 pm in West Hartford. He will not be able to attend, but will get the Minutes from the meeting and report on them.

C. Heritage Committee Update

Ms. Clock is not present this evening to report. We'll pass on this.

D. Decal Window Signs

Mr. Phillips reported on a conversation he had with Mr. Chaplinsky regarding this. Our definition of signage is anything used to draw attention, advertising from a public ROW, street. The attached signage that our regulations allow is up to three separate attached signs and all of the square footage of the signs has to be no greater than the lineal frontage of the tenant space or building that the tenant may occupy. Many times, they put decals in the windows and it can get out of hand.

Commissioner Chaplinsky has concerns that maybe we are a little bit too strict in interpretation with window decal signage. He is going to send an email to the commission to layout his concerns and for folks to think about it before the next meeting.

He wanted me to open it up since he wasn't here.

8. Items to Schedule for Public Hearing

- Lovley Development, Special Permit Application for 7 lot open space subdivision, property located at 61 Westwood Road, owned by the Estate of Barbara Jagielski, in a B & R-40 zone. SPU #627. October 1st
- Lovley Development Resubdivision Application for a 7-lot open space subdivision, property located at 61 Westwood Road, owned by the Estate of Barbara Jagielski, in a B & R-40 zone (S #1325) October 1st
- Special permit application of Joseph Baczewski to construct a 30' x 56' garage which will bring the total number of garage space allowed in excess of three, property located at 267 North Star Drive, in an R-40 zone (SPU #628) October 1st
- Sunrise Southington, LLC, request for zoning text amendment to Section 5-02.2. D of the Town of Southington Zoning Regulations (ZA #602) October 15

After Mr. Phillips explained each application, the Chair advised all can be scheduled.

Receipt of New Applications

- Frank and Mary Fragola, site plan application to construct an age restricted affordable housing development under Connecticut General Statute Section 8-30g, et seq. property located at 295 Laning Street, in an R-80 zone (SPR #1791)

Mr. Phillips said this submittal is for 295 Laning Street, 31 unit multifamily on a single site. Without getting into all the details behind the 8-30g process, I have this as a formal receipt at this meeting. I want to have it on the agenda so we can keep track of the time clock because we have 65 days before a potential automatic approval. It's just a site plan.

Is there enough interest at the commission level to entertain a public hearing, informational session? If so, I need to know that tonight because we need three weeks to plan ahead to do the notices necessary. It would be on for October 15th.

The Chair advised we have had a couple of these in the past. They're very strict. They're very governed by regulation. Our Town Attorney should be here at those meetings. Attorney Bedard is the land use town attorney.

I want to hear whether or not we should have public input on this application from the commission.

Mr. Phillips explained with an 8-30g, usually the applicant has the burden to prove everything they're proposing meets the regulations and is in conformance with the comprehensive plan of zoning. In the case of an 8-30g, they can come in and propose what they want and as long as they supply a modification to our existing regulations or a new set of regulations governing the project they are proposing, and then the burden shifts to where the commission has to basically --- an intention to deny something has to be based on the public health and safety, only. It can't be based on anything else. It is

a substantial significant burden shift where the commission has to prove that that project in that location is unsafe to the public health and safety.

That is the commission's job to do that noted the Chair. So, public input would be broad as well. People will come out and speak in favor or against it, but that is our job to say that this application does not those two criteria: public safety and health.

After discussion, it was decided to have a public hearing. The commission felt it would be a disservice to the community not to have one. The Town Attorney should be present if for no reason but to keep us on track.

Mr. Phillips explained it will take three weeks to get the notices done and we will have the public hearing on October 15th. You only get 65-days as it still remains a site plan time line. The 65 days runs out two days after your November meeting. You don't meet the 1st Tuesday as it is Election Day. You meet the second one. You get the 15th for the public hearing and then the last meeting you can possibly do anything with.

The applicant needs to supply a number of items as part of the application, statutory requirements. They haven't done that, yet. If we do hold the public hearing, I will ask them to submit all the information as we need to base everything off the testimony at the hearing. If everything is supplied for the commission, at the November meeting you are in good shape.

They do have the opportunity to extend it for 65 days, but they have to request it and you have to accept it.

October 15th for the public hearing.

Adjournment

Mr. Savelkoul made a motion to adjourn. Mr. Santago seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:15 o'clock, p.m.)