

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

NOVEMBER 19, 2019

MINUTES

The Planning & Zoning Commission of the Town of Southington held an organizational and a public hearing & regular meeting on Tuesday, November 19, 2019 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Mark J. Sciota, Town Manager & Acting Clerk, introduced himself and called the meeting to order at 7:00, p.m.

The following Councilperson were present:

Robert Hammersley, Susan Locks, Robert Salka, Peter Santago & Christina Volpe

Absent: Stuart Savelkoul, Alternate

ORGANIZATIONAL MEETING OF THE PLANNING & ZONING COMMISSION

MARK J. SCIOTA, Acting Clerk, Presiding:

A. Swearing in of the Planning & Zoning Commission

Mr. Sciota congratulated the Commissioners on their election. (Christina Volpe, Robert Salka & Peter Santago) All members of the Planning & Zoning Commission were sworn in at this time.

B. Election of Chairperson

Mr. Sciota called for nominations for Chairman. Mr. Salka submitted the name of Robert Hammersley for Chairperson of the PZC. Mr. Santago seconded

Hearing no further nominations, the nomination passed unanimously on a roll call vote.

(Applause)

ROBERT HAMMERSLEY, Assuming the Chair:

VICE CHAIR

Mr. Santago nominated Robert Salka to the position of Vice Chair. Ms. Locks seconded.

Hearing no further nominations, the nomination passed unanimously on a roll call vote.

(Applause)

SECRETARY

Mr. Salka nominated Peter Santago to the position of Secretary. Ms. Locks seconded.

Hearing no further nominations, the nomination passed unanimously on a roll call vote.

(Applause)

NOMINATIONS AND APPOINTMENTS TO FILL VACANCIES

Mr. Sciota advised the Charter requires at this point the Board fill its own vacancies. You can accept nominations for two vacancies.

Mr. Santago nominated Jim Macchio to replace the term that was held by Mike DeSanto. He is a former PZC member and well qualified to serve on the board. Ms. Locks seconded.

Hearing no further nominations, the nomination passed on a roll call vote.

(Applause)

Mr. Salka nominated Jeffrey Gworek to replace the term that was held by Paul Chaplinsky. Mr. Santago seconded.

Hearing no further nominations, the nomination passed on a roll call vote.

(Applause)

Mr. Macchio & Mr. Gworek were sworn in as PZC members by Mr. Sciota at this time.

(Sworn, sworn)

Congratulations. Please take your seats at the dais.

(Applause)

SWEARING IN OF ALTERNATES

Mr. Santago nominated Joe Coviello to again serve as an alternate on this commission. Ms. Locks seconded.

Hearing no further nominations, the nomination passed on a roll call vote.

Congratulations.

Mr. Salka nominated Theresa Albanese to serve as an alternate on the commission. Mr. Santago seconded.

Hearing no further nominations, the nomination passed on a roll call vote.

Ms. Locks nominated Caleb Cowles to serve as an alternate on the commission. Ms. Volpe seconded.

Hearing no further nominations, the nomination passed on a roll call vote.

Ms. Albanese & Mr. Coviello were sworn in as PZC members by Mr. Sciota at this time.

(Sworn, sworn)

Congratulations. Please take your seats at the dais.

(Applause)

(Mr. Cowles not present and will be sworn in at a later date.)

Mr. Sciota, on behalf of Victoria Triano, Chair, of the Town Council, handed out the official Town of Southington pins to those who do not already have one.

(Mr. Sciota left the meeting at this time.)

DETERMINATION OF QUORUM

The Chair determined a full quorum at this time.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by everyone in attendance being led by any Veterans in attendance this evening.

A Moment of Silence Reflection was observed.

The Chair recognized former Chair Michael DeSanto. He noted he had the honor and privilege to work with over the last several years. I want to use this occasion to recognize all the work he has done. He was the Chair of this Commission for a decade. He did a lot of great things. I only hope that I fill his shoes well enough to be associated with him. I recognize Mike DeSanto for all the work he did.

He then presented Mr. DeSanto with his gavel.

(Applause, applause)

He further recognized Paul Chaplinsky, who is in the audience. He was Vice Chair for a number of years on the PZC and worked well. I only hope we can continue the good work they did which was promoting economic development, encouraging and looking for opportunities to increase our open space in town as well as maintaining the character that we all love about this town.

That really is my mission and my goal for the next couple of years and any future years moving forward from that.

APPROVAL OF MINUTES

Regular Meeting of October 15, 2019

Ms. Locks so moved the motion for approval of the Minutes. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

PUBLIC HEARINGS

(Mr. Phillips read the legal notice for the public hearings into the record.)

A. 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) applicant requests to withdraw

This item is requested to be withdrawn tonight and not included in the notice.

A consensus to accept the withdrawal on Item A 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) applicant requests to withdraw was asked for by the Chair.

Minutes are prepared summary style and you may refer to the video on line to hear the full one hour thirty-five-minute presentation.

B. Mark Lovley, proposed zone boundary change from I-2 to R-12, property located at 136 Curtiss Street, (parcel size 21 +/- acres) (ZC #562)

Mr. Gworek recused himself as he has a conflict of interest. The Chair seated Theresa Albanese.

Andrew Quirk, professional engineer, principle with Kratzert, Jones & Associates presented on behalf of the applicant on this matter.

On the screen is the plan that was submitted with the zone change map identifying the properties and the 500’ radius with the certified letter, stamped, mailed to each property owner within the 500’.

The proposal for the subject property consisting of 21 acres that is presently zoned I-2. Served by public water and sewer. The zone change request is to R-12.

The property is bounded to the north and east by industrial zones. Just to the east is the rails to trail. Curtis Street is here to the south (indicating). There is R-12 presently to the south and west abutting the subject property.

Land generally slopes from west to east and is currently used for heavy industry.

The history of the property being zoned industrial was associated when this was an active rail line. This has been converted to recreational use, the rails to trails (indicating) and no longer has that rail access to the property.

For today's industry, the truck access, with the reconstruction of the intersection of Curtis Street here (indicating) access to this property by trucks is really limited to only from the east. The truck turning movement to come through here to the left (indicating) is not really possible for large tractor trailers. So, truck access is limited to the property from the west.

It is just not as conducive to industrial type development and what you are seeing there is a lot of just outside of trucks and things like that as opposed to a true industrial development.

Also, given the amount of residential development to the west and the south and now a more natural barrier being the recreational rails to trails, it seemed more conducive and in harmony with the surrounding properties that it be residential and that the rails to trails would be the transition from residential to industrial to the east.

The zone change is proposed for the following reasons:

- The zone doesn't make sense any longer given the elimination of the railroad.
- Trucks are limited in their access in serving the property. That limits the type of industrial development you would see.
- The neighborhood now, residential development is in close proximity to the property.
- It would be more harmonious for the development of the property to be residential rather than industrial adjacent to the homes that exist there today.
- In our opinion it would not be considered spot zoning since this is all R-12 to the west. It's the extension of that to a more natural barrier being the rails to trails as the limit rather than the property line which is a little bit more arbitrary as a transition from residential to industrial.
- Having the new zone limit line at the rails to trail would be more of a buffer type area between the two uses given the space and the vegetation and the separation along the rails to trails ROW.

We did look at some potential developments – not part of the application, but to see what the developments would look like if there was a zone change to R-12.

This one has north to the right with an R-12 development. With residential developments, open space would be required to be deeded as part of the subdivision. Between the CL&P easement and potential wetlands, we're looking at probably around 7 acres of the 20 acres that would at minimum be deeded or preserved as open space as part of a residential development. Industrial subdivisions do not require any open space. There is an opportunity to connect that open space area to the rails to trails and make it more recreational and preserve the wetlands better than would be done with an industrial development.

The second layout would have a cul de sac, but same type of scenario where there would be deeded, permanent and protected open space. You don't have that opportunity with industrial development.

That concludes my presentation at this time.

The Chair referred to the POCD developed about 5 years ago, classified this as an I-2 zone for now and future years. What are your thoughts on that and why we should go against that which is a guiding document for us?

Mr. Quirk stated anytime there is a loss of industrial space it is a concern as it ties into the POCD. I think this more of a unique situation here given the close proximity to the homes and the natural transition that's there. Also, there was recent zone change on Queen Street which had a loss of R-12 and a generation of a B zone albeit not an industrial zone, there was a net loss in R-12. We're looking at the equation of a balance of zones. This is bringing back R-12 that was lost in the transition to a B zone. Also, as part of the POCD, we're trying to provide affordable or more reasonably priced homes rather than focusing on the R-40 and R-80 zones. This provides an opportunity for R-12 type development in town. I was trying to think of how many R-12 undeveloped properties there in town, so this fill a void for the smaller lot size and home size.

Ms. Volpe asked of this approximate 21 acreage, how much is going to be impacted by the Algonquian gas transmission line that runs through it understanding the development cannot probably occur on top of that. Is that what you are referencing to be part of the open space allocation?

Mr. Quirk responded the Algonquin easement is adjacent to the CL& P easement. (Indicating) There are equations as part of the R-12 development with the minimum square and easement and we did take that into account with the conceptual layouts shown.

Ms. Volpe advised that gas transmission directly to residential properties in Andover, MA, within our region had an issue with residents so close to their gas transmission line, Algonquian, specifically. So, considering the safety of our citizenry and having residential properties near that when it was developed in Southington in 1954, I would be interested to see what kind of maintenance or oversight has been done on that gas transmission line to know that those properties wouldn't affect any citizens in the future. In accordance with our POCD.

Mr. Quirk said in addition to the easement area calculations, there is a particular set back from structures to the pipe line even outside of the easement. Ms. Volpe offered it is 500 to 800 feet.

Mr. Salka noted the layout up near the cul de sac, the properties are running right over the gas line and you said in your presentation that trucks couldn't enter there if we left it as an industrial zone because of the turning. Is there any change that if that was to stay as an industrial zone that we couldn't have access from Lazy Lane to the north? There are two homes north of the cul de sac. What is in the center? Mr. Quirk said it was a ROW that exists. It's not built and developed as a road. Mr. Salka said that would allow access, if this was to remain industrial, that would allow access for the trucks that you are saying can't make the turns because of Curtis Street.

Mr. Quirk referred to the overall map. That ROW is here (indicating). That would involve having truck traffic right through this entire residential development and I don't think that would be advisable. The issue is, with Curtis Street, coming out from 84 and connecting over, trucks down more arterial streets can't make that left turn with the changes that were made at the rails to trails crossing. They no longer can make that left turn with a tractor trailer. This truck traffic is coming from this direction (indicating). The truck traffic can get to the site, but only in that one direction.

Two issues: it is promoting truck traffic through a residential neighborhood if they come from the other direction which is part of the complaints about the existing uses there today. And, it is not as marketable for a type of typical industrial development knowing that there is more limited access.

Certainly, I think between the grades and trying to access through the middle of a neighborhood, I wouldn't advise having the access to an industrial subdivision through a residential neighborhood. I don't think it would be advisable.

Mark Lovley, 710 Main Street, Suite 11, Plantsville, CT., applicant, said a few words. I've been developing properties for 34 years in this town. If the railroad was still there, I wouldn't even consider coming in for this application because I would want to save it for industrial.

The railroad and the waterways are wide so the I-2 was put where it was back when zoning was created. Now, with the rails to trails, this makes a natural buffer.

With I-2 you could not save any open space. In my last developments in town, I've saved 200 acres of open space which is my quest since I started developing and it is going to be my quest going forward with anything, I bring in to you.

Right now, with this parcel, we would be saving about 30% of the land for open space. In I-2, you'd have nothing for open space. Nothing is required. They can clear almost right up to the houses.

I know there has been complaints to the town about the active trucking company there now with trucks running at 3:00 am and sewage smells, et cetera. Neighbors have reached out to me and told me what is going on at that site.

The renter there now said he plans to clear as much as he can to fit in as much as he can.

The reason for this is to try and see what we can do and save something. People tell me there's nothing in town where I can buy a smaller house, a ranch, take care of my own yard and have a garden. That's really the reason we're looking at doing this.

Mr. Santago stated it is tough to give up industrial land. That's a very, very tough call. And, if we do, it doesn't negate the issue you talked about. That doesn't go away, that stays. Whatever is happening will remain there whether or not you get a zone change, or not. It's tough to make a zone change because of an adverse situation that could change over time. It's a hard call. Mr. Lovley agreed. You thing to think of what is best for the area for the development of the land at this time.

The rails to trail down by the corner wasn't built for truck traffic. It's tight to get around in that area. And, kids are walking down there to go to the buses and you have trucks coming by commented Mr. Lovley. And, the buses, too. Our design on this development will be putting a park in the middle of it that'll attach to the rails to trails. Explained.

Ms. Albanese asked if an impact assessment has been done on the loss of financial from the loss of the industrial site, if it goes that way. And, secondly, with the industrial zone, would we require a landscape buffer on that zone so they wouldn't be allowed to clear the entire land. Mr. Lovley said there would be a landscape buffer but they could develop the whole site. No requirement for open space. We can look and get back to you on some tax benefits of the difference from industrial to R-12.

(Those wishing to speak in favor of this application.)

The minutes are prepared summary style and you may refer to the video on line to hear the full commentary. The following seven speakers spoke in favor of the application noting the following issues: Classic nuisance property at 136 Curtis Street and all that entails, many municipal and state laws are not enforceable (noise, idling and non-traditional operating hours). Work at the site 24-hours a day, 365 days/year. No willingness to discuss our concerns. Compromise of our quality of life.

Natural vegetative buffer was destroyed to make room for additional storage, site is admittedly operating as a truck stop and rest area. People are loitering and sleeping there, urinating in public and littering. The noise is intolerable from the vibrations, truck idling for hours, back up alerts heard in the middle of the night, compressors and air guns being used without any form of abatement.

In the summer can't have windows or doors open because of exhaust fume smell. A honey wagon was stored on the property that reeked of decay for two months. Spotlights angled at our home by industrial lighting and tractor trailer headlights

Outdoor structures were erected without proper permits. It is also used as a lumber yard, storage for carnival rides, boats, golf carts and industrial compressors. Unregistered carwash operating on this site which is always open. No oil water separator and waste water simply flows into town sewers.

There has been an Avon sales person's office on the site, tag sales out of box trucks, cranes suspended in the air.

The property remains unsightly despite promises of beautification. Littered with jersey barriers, dormant vehicles and most consider it blight.

Tractor trailers travel morning, noon and night directly through the neighborhood. We've had to spend several hundred thousand dollars to survey our property and plant a new privacy screen.

People have spent significant time living in trucks and campers on the property. Dogs have made their way off leash on to Curtis Street and across the way onto Riverside Court. Alcohol is consumed regularly on the property. Tenants drive up/down recklessly on Curtis Street.

The primary tenant has also decimated the natural landscape which now presents erosion problems on the rails to trails.

They're still expanding. There are two people welding in the dark at 8:00 and 9:00 pm.

These issues present very serious safety concerns for the entire neighborhood. Many homes cornering 136 have children. Our biggest fear is the situation at 136 getting even worse.

A new buyer invites the potential for a mill, a forging plant, a factory or yet another trucking terminal. Our quality of life depends entirely on the tenants' good will and human decency rather than town regulations.

We ask the commission to consider the compatibility matrix of this area. This includes a decrease in property values, noise, light glare and the psychological factors of living next to this property. There is no harmony. There is no synergy.

All the neighbors are in favor of open space coupled with smart sensible strategic growth townside. This proposed development is the right project in the right place at the right time. It's innovative, communal and most importantly suits the current landscape. We're in favor of the zoning change from I-2 to R-12. We have the right to live in a peaceful, safe, healthy, thriving neighborhood. And, I-2 does not belong in any residential area.

- (1) Mark Berardi, 160 Curtis Street (read a prepared statement)
- (2) Joan Hurley, 123 Curtis Street
- (3) Heather Carreiro, 160 Curtis Street (read a prepared statement)
- (4) Steve Kowal, 196 Curtis Street
- (5) Erin Wood, 10 Riverside Court
- (6) David Washer, 18 Riverside Court
- (7) Chuck Chapman, 79 Curtis Street

Discussion of the property being an industrial use long before zoning and subdivision regulations. There really isn't anything in the zoning tool box we can go in and try to --- the town has met with the tenant and tried to re-establish the vegetative buffer removed. As far as the items that are stored there, the town has no control, regulations over that. From our standpoint it is very difficult advised Mr. Phillips.

Letters of support submitted to the town and on file as part of the record in the planner's office:

- Amanda Stern and Anthony Guererra, 143 Curtis Street.
- Jennifer Montone, 25 Riverside Court
- Renee Resparto, 11 Riverside Court.

(Those wishing to speak in opposition to the application.)

Lou Perillo, Economic Development Director for the Town of Southington, addressed the commission. I am somewhat of a steward of our commercial and industrial properties, as well.

He noted he really feels for the residents who spoke and the enforcement issues in the area.

This land was vetted by the POCD four or five years ago as was stated. At that time, they considered every parcel of property and it was not changed. It was brought up but it was not changed. No one really wants to live near an I-2, but the way the property is, we've look at many of them.

As far as the railroad goes, I don't know if the railroad ever serviced that area. At least not in my lifetime. There were properties where the railroad was abandoned and they operate quite well and they're I-2 pieces. You don't abandon a use for I-2 just because the rail is gone. When you talk about the rail being gone as a reason to change the zone, I would disagree. Ice House, LaForge Fitness, Cross Fit and then you have F & F Concrete which is an I-2 use which borders the trail and has permission to cross it.

As far as truck traffic not being able to make the turn, it is a town road. I can guarantee you how're we going to build homes on that property without having a tri-axle go in there for some other services. It's a town road and a tractor trailer should make it. These are facts.

New house construction in town has been active for several years. Reflecting back on the POCD, the two strongest things was planning and conservation of development was open space and starting to reduce some of our housing.

Discussion of there being plenty of R-12 developments and redevelopments. The overlay district was discussed. (ARCHD)

You have over 500 units of housing approved but not yet built. Enumerated the sites. There is a wide array of housing types from R-80 to R-40 to R-12.

Southington has lost industrial property. We lost 33 acres on Wonx Spring Road. We have industrial need in town. We just sold out Industrial Drive.

I heard the residents' complaints. We don't know how to rectify it. It is not the I-2, it's the current tenancy of the I-2. One way to control that is with the ownership and how they enforce the tenants.

Discussion.

My concern for this commission is you hear the people who've moved in since --- it was an I-2 always and probably rezoning. The people coming in don't like the existing use. No one should have to put up that. However, it was an amenable use. We have issues with our industrial. We talked to the owners about dust, et cetera. We usually rectify them.

We've had issue with residential, too.

As far as the tax question, a study was done by our previous town planner, the town breaks even on R-40, we lose money on anything greater than that, generally speaking. You make a little bit of money on the commercial but you really make your money on the industrial.

Most of the I-2 pieces of property now are up against residential whether off Aircraft Road and Mastrianni Place, Canal Street where the condos are. If this becomes residential with 40 homes here, to the north, one of them is the Yorski property, I-2, undeveloped. The other one to the west of that is Southington Industrial, 22-unit storage facility that's pretty much full. We had issues with neighbors but they were contained.

Discussion.

Mr. Perillo suggested putting our heads together and coming up with a better solution on the managing of this property rather than forever losing it to residential.

If you approve this as residential, what happens with Don Stevens' Tires when an application wants to come to I-2? And, those residents say the trail is there and it's no longer fit for I-2. Then we'll lose another batch of I-2. The issue is you have to look at the town's maintenance.

Discussion.

Another curious observation is people are always complaining about Queen Street. Explained the redevelopment on Queen Street.

Do we really need more residential growth at this time and in this specific location? There is a better solution. Is it the property that for the last 67 years didn't have an issue or is it the current use of the property? How do we correct that, if possible?

Discussion.

The Chair asked about efforts made to try to engage this owner to get them to stop affecting the quality of life of the people who live there. I drove and looked at the site. It's a mess. I'm too cautious because when we make a zone change it goes to the land so it doesn't matter.

Discussion.

Mr. Perillo said he hasn't reached out to the owner since he listed it. The price was over a million and if the town had any interested, we'd have to go to referendum. I don't know the price now. I would refer to the town planner or the zoning enforcement officer for what actions were taken. I believe it was mentioned it was pre-57 for some of the uses which I'm as frustrated as they are.

Discussion.

Mr. Salka said his concern is he doesn't want to give up an I-2 zone, if we can help it. I sympathize with everyone who spoke. I would like to go to the town and say what can we do before we have to make the decision of sympathizing with the folks and give up an I-2 zone. That's a big step for us to do that especially talking about economic development and that kind of thing. That's where I am coming from.

Discussion.

Mr. Perillo said if you direct us to contact, I'll do whatever. That's what I'm for. A liaison to help solve problems.

Discussion.

Mr. Santago spoke about industrial sites in town. What is being described is not typical of an industrial occupant, I don't think. Please describe the types of businesses we try to get for industrial zoned uses. Mr. Perillo explained heavy industrial users, I-2. And, light industrial is our I-1. He described the Westfield Drive subdivision (heavy industrial) and Aircraft Road. Industrial Drive has one lot left.

Mr. Santago spoke of the lines going through as well as wetlands and environmental concerns on this property. Regardless if we put in houses, we've got a problem there. If I keep it industrial, I've got a bad tenant. That's not going to go away regardless of what I do. Unless somebody buys it for industrial hopefully. I still have the environment thing and the gas line thing but maybe we get quieter people. There isn't a good solution here or one to me that isn't obvious this evening, for me.

I think the points are valid as to industrial uses, the tenant thing. The points are valid as to the gas line and those types of things. Either way, we've got a tough call here. I think Mr. Salka's thoughts as to a more reasoned approach or discussion about what do we do here. To do want to do right by the residents and the town in general.

Discussion about what would happen if someone buys this property.

(Rebuttal)

The Chair asked for discussion on the statement that it's a bad tenant versus a bad zone designation. There's a concern about the tax benefits for industrial zones being amongst the highest.

Mr. Lovley advised he did bid against the owner that's there now. What will happen if we don't get the zone change, he is going to purchase it. We can do a little thing for the next meeting, if you do decide to table tonight, the problem is the property is too skinny. You almost have to one use, one long building. If it made sense for industrial, I think it would be an okay area to do it but I don't think it does at this day and age.

Discussion.

He discussed the tax base on residential. You'll see overflow of over 55 and up buy here. Explained they don't want a condo. No kids in the school system. Not a lot of services of the town. They'll build ranches which are a lot more tax base than a colonial, et cetera. Explained the taxation on a ranch versus a colonial, et cetera. You'll see more tax benefit.

Discussion.

Ms. Albanese asked about a comparison analysis on the traffic or a traffic analysis with the incoming number of homes coming in with the proposed use and the current conditions. And, access to Queen Street and West Street. It would be important to know the projection. The Chair explained this is not the time for a traffic analysis and it is typically done when we have a development proposed. With a zone change like this we wouldn't do a traffic analysis. Discussion of the procedure going forward and the traffic analysis requirement.

Mr. Lovley said he could do a layout of how many tractors trailers you could put on the site --- it would end up being a trucking terminal – and there would be 32 garages with 32 homes with 64 cars. I can do that. I bet right now I could fit 300 tractor trailers in there easily, if not more. But we can look at that.

Discussion.

Further discussion of the requirement for a traffic study.

Andrew Quirk added a few things. He addressed this property development and the impact that would be on some of the nuisances. Almost all nuisances brought up here were specific to this property. Just to be clear, if this is changed to R-12, the nuisances obviously will go away. Industrial parks is where we want the industrial use not near residential properties to that. It's different than this situation with this all being there. I don't think those are the same. Not all industrial zones are going to have the ideal type of developments. If this property is developed as an industrial park, coming off a less than ideal access to it as opposed coming off of state highways with proper access to an industrial park, you're coming through a residential area to even get to the industrial park. Even if you can make the turn from Hart to Curtis Street, again, it's travelling all the way across Hart Street through residential neighborhoods to get to it. The particulars don't seem to serve for an industrial park. You see the use that's there because of the constraints on the property.

We heard that overall there are a number of public health and safety concerns that just cannot be addressed with it being zoned as I-2. The only way to address that is for it to be rezoned to R-12. They can't be addressed under the current regulations.

The Chair asked for any other questions.

The Chair felt we should leave this public hearing and there is some information we will look from staff to get.

- I heard what's the tax benefit of the industrial zone vs a residential development in this area similar to what was shown to us tonight. About 32 single family units up there.

- I'd like to see if we have a potential to get an enumeration of the efforts made by town staff to try to address this issue and make things better for the people in this area. That's something I am interested in looking at.

Mr. Salka wanted to see if the town can work with Mr. Perillo to see if this was to stay an industrial zone, what could we put there. It is irregularly shaped. Setbacks. This is kind of broken up a little bit and what kind of industrial building could we put in there or how many. That'd be good input, I think for us to look at.

Mr. Santago noted it is usually we are getting people saying there's too much housing. It's odd for us to say: put more houses. It's a tough thing for us. I think taking a breath to see what we can do for the best solution for everybody.

Mr. Macchio said when the previous owners (Delahunty) were there, everything was fine. It's really a matter of who the tenant is, not that it's a residential zone or an industrial zone. A bad tenant. If we change from industrial to residential, the tenant will still be there for a while. Mr. Lovley pointed out in his contract it says if we do get the zone change or a subdivision approved, he has to vacate the property in 90-days. If the zone doesn't change, the tenant will probably buy the property as he was bidding against me for the property. Mr. Macchio pointed out there is the possibility that somebody else may come in and purchase it. It does exist.

Discussion.

Mr. Macchio stated we only have so much land and we want to leave some of it as industrial.

Discussion.

The Chair left the public hearing open directing Rob to work with Lou and Mark and gather some of that information. Our next meeting is on December 3rd.

The Chair reminded everyone about the rules of public hearing and discussion outside of the public hearing.

Mr. Salka made a motion to continue the public hearing. Mr. Santago seconded. Motion passed on a voice vote.

C. Lori Holm, Special Permit Application for multiple buildings on one lot and a modification of previous special permit approval, property located at 223 Meriden Waterbury Turnpike, in an R-80 zone (parcel size app. 2.51 acres) (SPU #546.1)

Minutes are prepared summary style and you may refer to the video on line to hear the full one hour fifteen-minute presentation.

The Chair reseated Mr. Gworek thanking Ms. Albanese.

Stephen Giudice, Harry Cole & Son of 876 South Main Street presented on behalf of the applicant, Lori Holm.

This property was the subject of a 2015 special permit for a private school for the arts. (SPU 546). This was approved on March 17, 2015. The property is known as Assessor's Map 15, Parcel 53. It's an R- 80 zone located in the southwest part of town. There is an existing home that Lori lives in and at that time she had interest from students (she's a teacher) to start doing some theater work and art classes and things like that. She came before this commission and she did her best to present the application. We came up with a schedule for classes. We had some input from abutting property owners who were concerned about the property being zoned to a business use and it is a residential zone. I think a lot of the concerns from the abutting property owners that they didn't want this property zoned business and to have a McDonald's move in at some point.

Through residential regulations, they do allow for private schools and that is how this application was submitted. At that time, she submitted a Schedule of Activities and we did submit this with your paperwork. I'll go through that quickly. We've proposed a change to that schedule.

The reason we are here tonight is for two different reasons:

- We are proposing to make some modifications to the Schedule based on what you originally approved but
- We also have this barn that's here (indicating). That building started out as an open structure/pavilion that was used at certain times. But through the course of operation, Lori's been working with the building department to enclose that and make it an enclosed structure. That kind of kicked it into --- it wasn't an accessory use any more and now it is also a primary use. Your regulations require us also to have an approval for multiple buildings on one parcel.

We are here for modifications to the original special permit and we have the multiple buildings on one site which is Section 1-09. We'll hear the application together for the public hearing in that regard.

Lori was working on the barn with the building department thinking this was the only thing she had to do. At some point, the building department said let's go talk to zoning and that is kind of how we got involved. The first step was to do an A-2 survey. We did that and this is a result of that and that's how we ended up here today.

You do have the Schedule of Activities and you'll notice on the proposed schedule; the major changes are in the individual or group music lessons. Original was one to five students and now we're proposing one to fifteen students. We varied the times for those activities.

The coffee house recitals went from thirty to one to seventy-five average.

The annual day of arts stays at 50 to 80 students.

The theater productions changed from 30 to 50 to 30 to 80.

And, the special events went from 30 to 50 to 30 to 80.

Those are the major changes. Lori will get up and talk about her operation and what she has done there.

We'll hear from the public and answer any questions.

This has been very successful.

The use of the barn is seasonal but the intent is to use it for plays and shows, et cetera.

Mr. Santago clarified the new structure, barn if you will, is the new structure on the property which will be used in keeping with the modified schedule that we got. You got new people and you need more space. Mr. Giudice confirmed. He also stated because we have the new building, we can have more people.

Lori Holm, 223 Meriden Waterbury Turnpike, read a prepared statement outlining her operation and successes to date. (Please refer to the video on line.)

Mr. Phillips advised per the file; the barn is 1,666 square feet. He further advised there are no garage doors so it can't be used as a garage space. We met with the applicant before the application and we discussed all of the intricacies of the proposal and the impact to the regulations. Technically, it doesn't really fit with the oversized garage regulation, so we looked at it as a separate principle building because it is rather large associated with that existing home. It's a public assembly use.

Discussion.

Mr. Giudice wanted on the record he did have a conversation with one of the neighbors on the property line. As Lori expanded and put in landscaping and fencing, she did – when we surveyed it, we realized there is an encroachment of our fence along this property line (indicating) and some light poles. Rob spoke to the neighbor as well. I spoke to Lori and she has retained an electrician to move the light poles over and the fence we're aware of and she tells me she's working on it.

No water or sewer to the barn. The property is on septic. This new building will have electricity, that's it advised Mr. Giudice.

Discussion of the hours of the theater production to be changed to 7:00 to 10:00 pm as opposed to 7:00 to 9:00 presently. Mr. Santago stated he felt 9:00 pm is better than 10:00 pm. The applicant agreed. Mr. Salka said it should be clarified to say the production must be over between 7:00 and 9:00 pm. If we say 10:00 and the production runs to 10:00 then it is 10:30 or 11:00. I think we should leave it at 9:00 offered Mr. Salka. Mr. Phillips agreed. Mr. Giudice said that works for his client.

(Those speaking in favor of the application)

(As the Minutes are prepared summary style, please refer to the video on line to hear the commentary of the speakers both for and against the application.)

The following speakers spoke in favor of the application stating the benefits of this facility providing theater opportunity for residents in town, her accommodations for the residents near the facility such as soft lighting and noise reduction, volunteerism, et cetera.

1. Colleen Clark, 612 South End Road (read a prepared statement)
2. Tony Lamberto, Village Gate Drive
3. Taylor McGloin, West Street, #16.
4. Chris Zajak, 24 Church Street, Plantsville
5. Renee Andrezak
6. Emilia Nemitz, 79 Carter Lane
7. Dorothy Barnhart, 550 Darling Street
8. Scott Houser, 21 Jennifer Lyn Drive
9. Peter Picone, 157 Meriden Waterbury Road

Mr. Phillips added the following letters in support which were sent to the town planner's office, forwarded to the commissioners, and are on file in the planning office.

1. Tony Leone, 163 Gannet Drive, Southington, CT
2. Elise LaChapelle, 2 Park Avenue, Unit 2, Wolcott, C T
3. Rob Girardin, 456 Atwater Street, # 19 Plantsville, CT
4. Kim Turrett, 356 Wallingford Road, Cheshire, Ct
5. Jennifer Stroop, 412 West Center Street, Southington, CT

(Those speaking against the application)

Christopher and Christine Ward, 209 Meriden Waterbury Turnpike, both offered comments in opposition to the application.

They noted the following issues: you approved her for a special permit for an art studio and now it's become a theater, dinner theater at times, and we have all the things that go with that. A good portion of the woods was cut down and made into a parking lot. With that comes the traffic and garbage from the cars, et cetera.

In addition, there was a parking lot lighting issue and trees on my property were screwed into for lights. They're still there now.

The fence is actually on my property and not her's.

Issues from the day she moved in. Explained.

The barn is there and what happens if you don't approve this? She put that up with no approval.

The encroachments with the fence and the lighting. Lights on 24 hours a day, seven days a week.

It's more of a dinner theater than a school. It's an event driven facility. It's more of a business now than a school.

Mr. Phillips advised the barn was originally an open-air facility. So, if you focus on the building and didn't support that aspect of it and you modified the approval saying that wasn't included, they would have to remove what they did as far as enclosing the structure and it would have to go back to what it was. An open-air pavilion accessory structure. The public assembly aspect really triggered this. Discussion.

Years and years of back up alarms, construction, trees plowed down added Mr. and Mrs. Ward.

Discussion of the encroachments on the next-door property.

Mr. Salka asked what kind of feed back they got when they contacted the ZEO. Mr. Ward said they said it is not our problem. We don't deal with encroachments. Now it is a civil matter. Discussion.

Mr. Phillips said staff is not licensed surveyors. You can ask questions but if at the end of the day there are encroachments or property line issues, it is an entirely a civil matter between the property owners.

Mr. Ward pointed out her own surveyor knows it is an encroachment. She knew where the line was. I see a habit of do this first, get what I want and then figure out what I got to do to make it right.

Right now, there is no civil matter pending.

Mr. Ward said there is a property value issue, too. This has been going on for over 20 years.

Ms. Volpe asked what about the barn is causing more impact to them. Mr. Ward said it is more traffic, more cars, more garbage. More wrappers from snacks blow to his property. It's like living next to Cumberland Farms, Dairy Queen or whatever. Just it's bad and now it's going to be bad more.

Ms. Ward said it sets precedence for what she's got the permit for and we feel she's outside of that permit. Now she'll go more and more outside. Like an Oakdale right next door.

Mr. Gworek asked if they needed a variance for the original pavilion of 30 by 40? Or is it allowed on that property? Mr. Phillips didn't believe there was a variance necessary.

Discussion of how this application came to come before the PZC for the two principle buildings on one lot.

(Rebuttal)

The Chair asked for discussion on traffic and parking with the increased activities. And, we sort of having an MO of encouraging people to reach across the fence and have a conversation and it doesn't sound like that happened.

Mr. Giudice said it did happen. He is the land surveyor and we did survey the property. That's how we became aware of the encroachment. Ms. Holm did explain to Mr. Ward what was encroaching and Mr. Giudice had a conversation with Mr. Ward on the phone about the encroachments. I did tell him it is a civil issue. This commission likes to see neighbors work together. I explained that the to applicant, as well, that it was in her best interest to find someone to address the encroachments ASAP.

From a traffic perspective, we don't believe that's going to change from what is happening right now.

Mr. Giudice explained the chain of events once it was determined she needed a survey from staff. We then notified the neighbor of the encroachments. The whole point of us coming here and giving you the schedule was to go through the proper channels so things are done properly.

There is a parking area and she had been using it previously. The area in question is along this property line here (indicating). A foot and a half to two-foot encroachment of two lights and a fence. The fence will cost money to relocate it and it wasn't put on the wrong property on purpose.

We don't anticipate parking or traffic to change significantly from what we have. You look at this area and we don't have a huge access of people coming in/out. It's a small site, small parking area and we don't see it changing much.

The parking lot is gravel. So, it doesn't have marked spaces said Ms. Holm.
Discussion.

School versus theater was discussed. Mr. Giudice said the original schedule had theater productions. Four to six performances with various dates and the location was indoors. It was a permitted use at the approval. This is increasing the participants so you need more space.
Discussion.

Mr. Santiago said the use of the property has remained the same and what has changed today is an enclosed structure on that property as well as an increased amount of participants for the already approved use of that property. Mr. Giudice said we are asking for an increased use for increased participants and asking for the enclosed barn to be used for something which sounds like it was enclosed before you were supposed to enclose it.

Ms. Holm explained the whole enclosing process she followed and why.

Mr. Santiago asked for a rendering of the building.

The Chair advised he was looking for a motion to continue to the public hearing to the next meeting. Mr. Salka made a motion to continue the public hearing and Mr. Santiago seconded. Motion passed unanimously on a voice vote.

BUSINESS MEETING

A. 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) applicant requests to withdraw

Mr. Salka made a motion to accept the withdrawal of this application. Ms. Locks seconded. Motion passed unanimously on a voice vote.

B. Sunrise Southington, LLC request for zoning text amendment to Section 5-02.2. D of the Town of Southington Zoning Regulations (ZA #602), tabled from October 15

The Chair advised there was additional information requested on this item. Staff forwarded the information from the previous hearing. It was opened one night and testimony was gathered and closed that evening. The commission membership has changed but the information Karen sent out included the minutes and the link to video. As long as those who are seated have reviewed that material they are qualified to act upon the application. Nothing else in the file of any substance.

There was a question asked about if there are any other locations in town where this proposed amendment could potentially impact. Mr. Phillip explained the way it is written, after looking at the GIS, it says “existing nonconforming gas stations/convenience stores. Gas stations and convenience stores are not allowed in an industrial zone and that’s where this particular location is that they’re going to be looking at for modification.

In essence, there is no other existing gas station/convenience zone in an industrial zone. Therefore, there is no other area where this could possibly become an impact at this point in time.

Any regulation can always be modified and we don’t know about a modification in the future. I usually don’t say to make changes to a regulation proposal after the hearing is closed, but I do have a recommendation on the modification to the language in the sense all I am asking is that we enforce the actual meaning and description of what they’re proposing to be clearer.

My suggestion would be to propose 5-02. D is to add:

Any drive thru and expansion to an existing nonconforming gas station/convenience store within 1500 feet of an interstate highway interchange ramp terminus.

It makes it very clear where we are measuring this from. If left the way it was, you could argue you could measure any portion length of the ramp on any interchange in town. I want that clear.

Mr. Santiago said the concern was how pervasive was it. I think he added that. His words are good with regards to clarification and I appreciate the good language. I think Mr. Anderson made a great point when he said what is your process to do stuff and are we doing stuff just to do stuff? What is the process to change regulations and thing like that? I think that was a really, really good thing to say.

Personally, I don’t have a problem helping this business out because it’s really for one specific business. I think it does put in a situation where I think we should be more proactive on how we look at

regulations, look at them in total and not be reactive and specific. If somebody has a thing they want to do, we're always doing one liners or things like that for a specific purpose. I take that advice to heart and I think that is a process we should start to undertake.

In regards to this particular application, I have no issue with it and move to approve. Ms. Locks seconded.

Ms. Volpe commented and agreed that we need to update our regulations. The Chair said based on comments tonight, one of our initiatives over the near term is going to be to take a wholistic look at the regulations so we don't find ourselves in this situation as much as we found ourselves in the situation over the last couple of months, especially. I heard you say you want to volunteer to be on that committee, so that's great. Ms. Volpe said she would be happy to do that.

We want to look at all the regulations and update them and look for instances such as this where maybe we can get a little more proactive about the way we approach stuff. I think Peter for brining that to our attention and look forward to seeing how that goes.

Mr. Gworek confirmed that the motion to approve was for how Rob recommended the changes to wording.

Mr. Santago amended his motion saying move to approve given staff change and recommendations as so documented. Ms. Locks seconded.

Motion passed 7 to 0 on a roll call vote.

Effective date: December 4, 2019.

C. Mark Lovley, proposed zone boundary change from I-2 to R-12, property located at 36 Curtiss Street, (parcel size 21 +/- acres) (ZC #562)

Mr. Salka made a motion to table which Mr. Santago seconded. Motion passed on a majority voice vote. (Note: Ms. Albanese was seated on this item for Mr. Gworek)

D. Lori Holm, Special Permit Application for multiple buildings on one lot and a modification of previous special permit approval, property located at 223 Meriden Waterbury Turnpike, in an R-80 zone (parcel size app. 2.51 acres) (SPU #546.1)

Mr. Salka made a motion to table. Mr. Macchio. Motion passed unanimously on a voice vote.

E. Request for release of \$6,000 E & S bond, 270 Spring Street (SPR #1776)

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

F. Reduction of \$70,000 subdivision bond to \$15,000 maintenance bond to be held for a period of 12 months, Old Orchard Estates (S #1296)

Ready for action. Motion to approve by Mr. Macchio. Mr. Salka seconded. Motion passed unanimously on a voice vote.

ADMINISTRATIVE ITEMS

A. RPC Liaison Appointment

Mr. Macchio volunteered to take this position.

- Schedule of PZC Meetings for 2020 for re-review.

This was approved a few meetings ago. We meet on the 1st & 3rd Tuesday at 7:00.

Ms. Volpe might have an issue on December 3rd. She was advised that is why we have alternates. Just let the Chair know.

One meeting in December, July and August.

If a meeting needs to be cancelled, we can cancel or reschedule a special meeting or arrange applications around it, advised Mr. Phillips.

- Subcommittees

Regulations Review

Looking at POCD to put implementation behind that and review so that becomes a living and breathing document instead one developed and never changed. If you are interested in that, please let me know. Some have expressed interest already.

Window signage and maybe a regulation on that. Maybe a percentage of the window. Are you going to look at that? The Chair felt that would be included in the regulations review committee.

The Chair asked Peter and Christina to work on membership for their committees. We can also have members besides the commission allowed.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

Mr. Phillips noted two are continued from tonight to the next meeting.

RECEIPT OF NEW APPLICATIONS

At the January meeting, the 7th, we have three new applications all part of the same 8-30g proposal for Giammatteo which is at 136 Liberty Street. It is an infill development. There is a zone text amendment and a boundary change. State statute 8-30g requires an applicant to when they submit an application for site plan under that statute that they have to provide a modification to existing regulations associated with zone change or they supply their own zone change and regulations. In this case they are proposing a whole new zone with regulations to fit the site plan for the development on that one parcel up there.

The next 8-30g will probably be Laning Street as it will come back again.

ADJOURNMENT

Mr. Salka made a motion to adjourn. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

(Whereupon the meeting was adjourned at 10:15 o'clock, p.m.)