

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

JANUARY 7, 2020

MINUTES

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, January 7, 2020 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Robert Hammersley, Chair, called the meeting to order at 7:00, p.m.

The following Commissioners were present:

Robert Salka, Susan Locks, James Macchio & Christina Volpe

Alternates: Theresa Albanese, Caleb Cowles & Joseph Coviello

Staff: Robert Phillips, Director of Planning & Community Development
James Grappone, Ass't Town Engineer
Jeremy Taylor, Town Attorney

Absent: Jeff Gworek & Peter Santago, Commissioners
Stuart Savelkoul, Alternate

The Chair seated Theresa Albanese for Jeff Gworek and Caleb Cowles for Peter Santago for this evening's meeting.

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance being led by Stephen Giudice.

A Moment of Silence was observed by everyone in attendance.

APPROVAL OF MINUTES

A. Regular meeting of December 3, 2019

Mr. Salka made a motion to approve as submitted which was seconded by Ms. Locks. Motion passed unanimously on a voice vote.

PUBLIC HEARING ITEMS

Mr. Phillips read the legal notice into the record at this time.

Minutes are prepared summary style. Please refer to the video on line to hear the full 45-minute presentation.)

A. Mark Lovley, proposed zone boundary change from I-2 to R-12, property located at 136 Curtiss Street (parcel size 21+/- acres) ZC #562, public hearing extended from December 3, 2019

Sev Bovino, Kratzert, Jones & Associates, presented on behalf of the applicant. He noted the subject property is located at 136 Curtis Street and is served by public water and sewer. The property is indicated on the screen. (Explained)

The request tonight is to rezone the 21 +/- acres to an R-12 zone which will match the neighboring properties to the south and to the west. (Indicated)

This will bring the zone line to a more appropriate location, in my opinion, which is along the rails to trails heading north towards Plainville. The reasons for the request are:

- There has been a change in conditions on this property. The railroad is now a recreation area which is to the east of our property. Mr. Delahunty has the right to build a rail spur on this property to use the railroad which is no longer possible. There has been a change in the use of the railroad and the fact that he was planning at one time when he wanted to develop the property to a rail spur is now longer possible.

- The neighborhood is a very dense residential area.

- The industrial subdivision is not feasible as discussed previously.

- The additional traffic will be unsafe because of the existing road geometry and the bridge is not designed for heavy truck traffic.

— The request for a zone change is not considered spot zoning as it is 21+/- acres of property.

- It is an opportunity to create R-12 zoning in this town which is always recommended in the previous plans of development over the years. We don't have a lot of R-12 zone.

The Commission at the last meeting requested we look at alternative layouts. We did and I'll show them to you on the slide. We have two.

Alternative 1: Contemplates the property being developed on the south side with the industrial. There is an existing building there and we are planning to retain that building and then add a couple of buildings which that property equals about 3.95 acres of land which we would develop as an I-2 zone. The buildings – this is an approximate layout --- are about 14,000 sf each. Then we have the residential coming off of Ivy Drive and stopping before the zone change. Then to the north, the property would be planned to be developed as I-2. We would access the property through the neighbor and eventually leading to Lazy Lane through this other neighbor. Mark Lovely has spoken to both of them and they're willing to work with him on that. The number of acres of residential zone we would be asking for in that case we would be 8.28 in this area here in the center (indicating). The industrial zone would be on the south side and north side.

Alternative 2: The proposal is to have the residential subdivision start on Curtis Street, proceed north as originally proposed and have the balance of the property (indicating) be developed as industrial. Leading the same way to Lazy Lane and to this property over here (indicating).

This will have 8.4 acres of industrial zone to be developed. And, the 12.2 acres would be developed as residential in this location (indicating) which is abutting against the existing neighborhood.

I'll answer questions.

The Chair asked about housing units in the first option. Mr. Bovino said 25 or 26.

The Chair asked about the second one and Mr. Bovino said 32.

The Chair asked in the second one, how many acres are converted to R-12. Mr. Bovino said 12.2 acres. We would include the house here (indicating) which is existing which is not under our control but we would include that and it would be about 12.7 acres. That right now is a nonconforming use as it is a residential use in an industrial zone.

The Chair asked about the buildings to the north, they look to be the same size and what is that size? Mr. Bovino said one is 22,500 sf and the other is almost 11,000 sf. Total of about 34,000 sf. This is a preliminary layout and we can always modify that. Explained.

Mr. Bovino added that based on what you decide, I have a description of the boundaries of the two different alternatives for the record. Explained.

No commissioner questions.

(Those speaking in favor of this application)

1. Mark Lovely, President of Lovely Development at 710 Main Street, Plantsville, CT noted the two alternatives. He has spoken to both neighbors to the north about coming through their property and both of them are interested. Explained.

What we still plan on doing is the R-12, 55 and up, and the private road as we talked about. It is a tax benefit for the town. That's still our plan.

Mr. Macchio asked about the access coming with a cul de sac at the end on one proposal and on the other one the access is the other way. Is there way to have an access to go out? Mr. Lovely said we can do an emergency access through there. This is all going to be a private road network but we can do a private access or we talked about even bringing a walkway down to the trails. Mr. Macchio noted problems with cul de sacs and access in/out for emergency services. Even snow removal. That becomes very cumbersome even if they are private. With another access it might be a little bit easier. Mr. Lovely said he could definitely do that.

The Chair reminded everyone this is the third date for a public hearing. Prior comments are in the record so there is no need to repeat those.

2. Mark Berardi, 160 Curtis Street, advocated for the first proposal presented. The second plan negates a lot of the stuff we covered in terms of safety, more trucks. And, the plan is aesthetically

disturbing to have R-12 sandwiched in between two industrial areas. From our standpoint, the hundred people that came out and signed the petition, this is much more feasible of an option. Economic growth without an investment in our neighborhoods is unsustainable and unethical. I encourage you to strongly consider the first proposal. Thank you.

Mr. Phillips added he received a correspondence from 143 Curtis Street, Amanda Stern, in favor of this.

(Those speaking in opposition to this application)

None.

The Chair advised staff was asked to do a historical background on this piece of property as it seems to be unique. Rob put together a little packet for us and he'll read that into the record.

Mr. Phillips summarized the packet. (On file in the town planner's office. Also, copies forwarded to each commissioner.)

Ongoing enforcement actions on the site for the current tenant were discussed.

Lou Perillo, Economic Development Director for the Town of Southington spoke opposed to the application. As far as a compromise goes, I am not so sure how losing 12 acres or more of industrial land is a compromise. The land we're getting is under the easement for industrial use. Nothing says that once it is R-12 it doesn't go into a higher density. On one plan we are losing an industrial building, too. Another 3.9 acres.

You have to look into how is that a compromise? To sandwich in an R-12 in the middle of an I-2 is inappropriate.

There are several choices: allow it to remain industrial. It doesn't have to be one of the plans that were shown. It has been a linear trail for a long time. The bridge I don't think is an issue. Bridges have to handle what they have to handle. As staff uncovered, it is an a pre-1957 use because there were zone changes in there. We are missing the 28 reasons as referenced. That's quite a bit. I think it's time to reflect by the commission on how are we going to make up 12 to 20 acres of industrial lane? Where are we going to make it up? And, quite frankly, I am concerned about setting a dangerous precedent with our other zones. Explained.

I think the compromise comes in with the enforcement actions. But to forever to lose that industrial land, what's going to stop the next piece? Previous testimony, for 19 years no issues on this property. Is it really the zone or is it the current use that might be able to have a compromise for people to use the zone effectively and in good harmony with the neighborhood?

The Chair discussed people's testimony that they have a problem with the current person who is there. What efforts has the town made or are you going to make to try to market that and replace that tenant and try to get something in there a little more conducive with a friendly neighbor situation.

Mr. Perillo didn't feel the tenant had to be replaced. You have to find a balance ---harmony. That's where a compromise comes in. I-2 land is very valuable. The use is important for our

community.

Discussion.

The Chair reminded everyone the zone change goes with the property and not the owner.

The Chair asked the Town Attorney to talk about what precedent is going to be set if we decide to approve one of the three options that change this zone.

Attorney Taylor explained if you approve this under the conditions you have here today, you really can't turn down future projects that have similar conditions, similar situations. You cannot discriminate based on different industrial locations if they have the same general specifications. I guess you can look at it as you are setting a precedent if you change something. You have to look at every situation independently, of course. But if you do it this time, obviously, that is something that can move forward with other applications.

Discussion.

Mr. Perillo advised if you look at the POCD, the number one thing is open space and less housing. How do you explain to me how changing from the POCD, adding more dense housing on this land, people would be happier? If you approve this, what do you think people living in these new homes are going to think about the other side of this land?

Thank you.

(Rebuttal)

Mr. Bovino responded to some of the comments. Zone changes over the years have been done and they are taken on a case by case basis. They can use some examples but the property considered in the future would have to have the same general conditions. There was a major change in use of the area, the rails to trails used to be a railroad, the need of the community. I see this as being an opportunity to have a developer that is willing to come in and put in an over 55 community which doesn't cost the town money --- the town makes money on that --- and the industrial zone if left the way it is, will always be used as a one site – not as a subdivision. It doesn't make sense to put a road in. Explained the tax numbers.

It doesn't tie your hands or other commission's hands because you look at it on a case by case basis.

Mr. Lovely restated you have a use there right now and if I don't do something with this property, that is going to stay there. You are talking about economic development. Spoke about tax benefit for the industrial and the housing. I'm here trying to help the neighbors and satisfy the town's problems.

Discussion.

I know we don't like to lose industrial land. If you look at the subdivision we tried to create here, you can't put a road in and feasibly do it for the cost of the property. It doesn't make sense. It has to be a one user and this is your one user. You'll end up still dealing with the problems. He'll purchase it. That's how it is.

Mr. Cowles asked if there was a feasible way to address the concerns of the neighbors through code enforcement. Mr. Phillips said all that is remaining is a resolution to the vegetative buffer that was removed. In his opinion, it has been a storage type of land use going back to the 1960's. That's an allowable use in an I-2 zone. If there is a use that is in plain sight that hasn't received enforcement --- I don't even think this is a use that is not allowable in the zoning regulations --- you really don't have much of a case against it. If you feel there needs to be something done, we can always try something. There's no site plan on record for this use because the type of use is so old. The regs did call for site plan approval back then but as I understand there are many uses in town that didn't receive a site plan back in the 60's. It's one of those things where it has been there. I don't see a compelling reason of a substantial change in use over there, in my opinion. You have the final authority on that.

Mr. Cowles asked about work after hours, is there any regulatory authority? Mr. Phillips responded we don't have any rules relating to that in the zoning regulations. Noise is an issue that some people speak of, but we have no effective noise ordinance. We have a construction noise ordinance for construction activities associated with building something but in this case, if there is noise coming from the site late at night, it is not something this zoning enforcement officer could take care of. If it's an impact to the peace and quiet of the neighborhood, they could contact the police department and maybe there is something they could do about it. From a zoning standpoint, no.

Mr. Cowles asked about public health nuisance laws. Have they circled in on the problem? Mr. Phillips said their scope would be a little too narrow for the land use unless there is vector or vermin some sort that's coming from the site or being attracted to the site. I don't see they would have any jurisdiction there.

There may be a blight issue we could take care of, but that's just a couple of vehicles. The activity of a storage facility of materials is an allowable use in an I-2 zone. There are no area requirements in I-2. It's your heaviest industrial zone.

Mr. Cowles asked Mr. Perillo: You mentioned the I-2 zone, if we were to lose that, it would be lost forever. What is the marketability of a location like that? If we were to keep this as I-2 zone and the current tenant in 20 or 50 years left, would somebody replace them and what kind of potential could that be? I'm trying to be forward thinking for the town for the next decades. What could we expect if it were to remain an I-2 zone?

Mr. Perillo said you are always going to need some sort of industrial use to service the town. Marketability? From what I understand, I-2 is rare because it's hard. Nobody wants to be near them. Where are you going to park triaxles? Dump trucks? Buses? That's where the inventory is. He talked about the "Last Mile" and mobility.

I do know there is always going to be a need for trash, recycling, et cetera.
Discussion.

It's nice to have the inventory because of 50 years down the road. If they're houses, they're houses. Explained the POCD's meaning about housing references.

For me, I would want to hold the land in inventory for the future.

Sev Bovino added now I hear about continuing the use as industrial, even if the current situation gets rectified, I want to refresh your memory on the uses there in this zone:

Building materials, sales and storage yards and building, storage of construction materials including pipes, storage and repair of construction equipment, storage of well drilling equipment, trucking terminals. These uses are not conducive to be carried out in this area for the issues brought up in terms of the road geometry and the roads are not designed for this truck traffic.

The Chair closed the public hearing on this item.

The Chair advised the next three Items, B, C & D will all be taken together in one public hearing as they all pertain to the same property.

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

B. Hunter Build, LLC, proposed zone text amendment for a proposed new Section 3.10 entitled “Village Residential Zone District (VRZD)” to provide for new Zone District that allows for an inclusionary village residential community use, with an affordable or workforce housing component, as provided by Section 8-30g of the Connecticut General Statute, “Affordable Housing Land Use Appeals Procedure” and revision to Section 7A-00 (ZA #603)

And

C. Hunter Build, LLC, proposed zoning boundary change from R-23 to Village Residential Zone District (VRZD) to provide for more diverse housing opportunities in the Town of Southington consistent with and in compliance with Section 8-30g of the Connecticut General Statutes. “Affordable Housing Land Use Appeals Procedure” property located at 136 Liberty Street, owned by Giammatteo, Inc., parcel size approximately 1.9 acres (ZC #563)

And

D. Hunter Build, LLC, site plan application to permit a thirty (30) unit multifamily residential community development, with an affordable or workforce housing opportunity component. Consistent with and in compliance with Section 8-30g of the Connecticut General Statutes. “Affordable Housing Land Use Appeals Procedure” property located at 136 Liberty Street, owned by Giammatteo, Inc., parcel size approximately 1.9 acres (ZC #563)

The Chair asked the Town Attorney to frame the conversation tonight because we are bound by things contained in the general statute as to what we can talk about because this pertain to Section 8-30g. It’s different than what we typically would do.

Attorney Taylor stated in an effort to keep this process moving quickly and smoothly as the commission will be hearing the three part application concerning the affordable housing land use governed by General Statute 8-30g, just a little bit of guidelines for the commission and/or the general public that may not be familiar with this statute. Under the statute, the test put forth to the

commission tonight is to judge the application on the basis of whether the overall plan and the location is in any way adverse to the public interest in regards to possible public health or safety concerns. Those are the guidelines you should be looking at with this application today.

Attorney Chris Smith, a land use attorney with the law firm of Alter & Pearson. Two housekeeping matters: (1) Happy and a healthy New Year to you and your families and (2) I have a copy of the receipts that I sent of the notice of the filing of this application to the Connecticut DPH as well as to the Southington Water Department. Under Statute 8-3i, if you are potentially in a watershed, which I don't believe we are, you are supposed to notify both the DPH and the water company that may have a watershed under the property. It's our understanding we don't, but just as a matter of course, I always send notices to everybody. (Submitted for part of the record.)

I am here before you on behalf of Hunter Build, LLC concerning three different applications as noted in the legal notice that are associated with a proposed 30 -dwelling residential community known as Center Pointe Crossing for real property that is known as 136 Liberty Street.

Specifically, we have three applications that are related. The first is a zone text amendment and that is to create a new section, 3-10, that is entitled Village Residential Zone District (VRZD).

The second is a request to change the zone district designation of the subject property on Liberty Street from its current zone designation of R-12 to the new VRZD.

The third application is a site plan application that has the site development proposal consistent with the zone text amendment proposed to the commission for the 30-dwelling multifamily residential community.

As the Chair indicated and was discussed by Town Attorney Taylor, I'd like to state on the record, as it is one of the requirements, this residential community will have a workforce or affordable component as provided or required by Section 30-g of the CT General Statutes.

I would like to introduce the members of the team that are here this evening. We have representatives of Hunter Build, LLC. Our planning consultant, Brian Miller. He is AICP certified and will be speaking shortly. Our licensed surveyor is Steve Giudice and our professional civil engineer is Michael Lambert both of Harry Cole & Son with offices here in Southington. Our traffic engineer is Scott Hesketh and our fire safety expert is Joseph Versteeg.

I'll be providing an overview of what is before you this evening. I will be walking through the summary cover letter that was submitted with the application that is dated November 18, 2019. Then we'll hear from the planning consultant, Brian Miller about the zone text amendment and the affordability plan that was submitted with the applications as required. He will walk you through that and explain what is mean by an affordable component. We'll then hear from Steve Giudice who will walk you through the site plan application and the specifics with regard to that. After that we'll hear from Scott Hesketh, our traffic engineer, who will address the traffic study and report that was submitted as part of the application. Then we'll hear from Joseph Versteeg who is the fire safety expert, well respected throughout the State of Connecticut. And, then we'll circle back to Brian Miller who will walk you through and provide you a summary of his planning analysis that was submitted with the application.

Attorney Smith reviewed the six-page letter submitted to the commission on November 18th, 2019. (On file in the town planner's office.)

Brian Miller, principle with a planning consulting firm of Turner Miller Group of New England in Wallingford, CT, addressed the text amendment and the affordability component.

In support of this application I was asked to do a couple of things: assist in writing the regulation, prepare the affordability plan as required, and to do a planning analysis. (All documents on file in the town planner's office.)

We think this application is very beneficial to the town even without the affordable component. I'll use the word affordable but Chris used the word work force. That's how it is referred to in the statutes.

He explained a slide on the screen showing a zoning map denoting the subject property.

We tried to write the regulation in the style that you have in your regulations with restrictions on location, it has to be in an existing R-12 zone within one half mile radius of the intersection of Main and Columbus. That's really to keep it in that core area.

The intent and purpose is to provide housing that's appropriate in the core of the community as well as affordability. The permitted uses are really down to just multifamily. The only thing that is going to happen here is multifamily.

It is tied to the site plan. So, there is a requirement to come in and get this linked to a certain site plan.

One of the site requirements and there are quite a few of them, but we tried to make it as restrictive as we can in conformance with this proposal. This zoning will pretty much eliminate anything from happening other than what we are presenting to you in this application.

Only one- and two-bedroom units.

Cost of school children is a concern. There will be six one-bedroom apartments. Almost no children in that situation statistically. And, the two-bedroom apartments, statistically it's about one for four apartments. On the average there is possibly seven school children from here.

Requirements for affordable housing is part of the statute. And, the application procedures require a zone change and a site plan as part of the 8-30g application.

I've also been asked to do the housing affordability plan. That had to be prepared in accordance with Section 830g. The affordability plan is basically the way to implement this. The regulations were put forward by the Department of Economic and Community Development and the Department of Housing is the one that administers it. That is put forward here and included in the plan. This is in conformance and I want to stress that with 8-30g. It was tailored towards this proposal in the fact that many proposals include or may include a For Sale component. This one does not do it. It's strictly for rental. The pricing of the maximum affordable is subject to a series of facts and some are quite variable.

There are 15% of the units for the 60% income level and another 15% at the 80% income level.

Slides:

- Income Eligibility is based on Median Income.

Income eligibility is based on the median family income for the State of Connecticut and the Greater Hartford Region which Southington is part of. Explained.

The median family income for a family of four is \$97,000, 80% of the median income for a family of four is \$77,600; 60% of that is \$46,560. The formulas that have to be used were explained for the two-bedroom apartment. The maximum rent would be \$1,514 plus electricity.

One bedroom in the 60% range is \$1,091. For the two bedroom at 60% it is \$1,310. For the one bedroom at 60%, it's \$1,276 and for the two bedroom at 80%, \$1,572.

(Please refer to the presentation on line to hear the presentation for each of the following slides.)

- Examples of Eligibility & Rental Costs
- Maximum Monthly Housing Costs
- Who is going to live here?
- Teachers, firefighters, police and municipal employees
- Affordable Units Characteristics

Attorney Smith stated what affordability or workforce means with an 8-30g application. It is not Section 8 housing. The income for the maximum rates for rents noted here would have to be met. Clearly, many of the BOE folks and teachers here in town and a lot of municipal employees would qualify. It might not be a problem here in Southington as it is in other towns, but applications come before you and people talk about younger people moving in without kids or older people who might be scaling down --- those are the people that will qualify for these rents.

Secondly, with the zone change, we have created a zone district that really has been designed for this site development on this parcel. It is not spot zoning. This three-part application process is used throughout the state with 8-30g. It is going to create a new zone district. If someone wants to use this zone district somewhere else to get the increased density, well the likelihood of that happening is almost zero.

(Audience outburst)

The Chair reminded everyone that everyone is to be treated with respect and decorum must be maintained.

Attorney Smith continued. The point being that if somebody wanted to use 8-30g somewhere else in town, they'll develop their own zoning regulations that would work for whatever they want to do with the property. The precedent as far as this proposal being utilized somewhere else is --- if you want to use the 8-30g, design your own regulations for what you want to do.

Discussion.

I'll defer to the town attorney going over spot zoning with you later if it is still a question and relative to the precedent being used elsewhere.

Stephen Giudice, professional land surveyor licensed by the State of Connecticut and the owner of Harry Cole & Son located at 876 South Main Street in Plantsville, CT, presented. (Please refer to the video on line to hear the full presentation. _

He reviewed the site plan and the storm water management report for the site. (On file in the town planner's office.)

The existing conditions plan slide was discussed. It is a 1.9-acre parcel located in an R-12 zone. This has been used historically for recreational purposes. There is a swimming pool and a pavilion on site. Parking lot. A majority of the site is paved. (Indicated)

Frontage on Liberty and West Center Street. It is accessed by two paved access strips (indicated).

It abuts residential properties to the north, south, east & west. Most are multifamily structures. Explained.

The topography of the site is it generally slopes to the north and east. No drainage systems on site. It drains through sheet flow off site on abutting properties and on to Liberty and West Center Streets.

Our application for tonight is a 30-unit two story multifamily residential building. (Showed rendering)

It will have sprinklers for fire suppression. Decks to the rear or patios to the rear of each unit. Building height and site materials are consistent with surrounding buildings. A two-story building approximately 32 feet in height. Each unit has a washer and dryer. (Showed elevation view)

First floor plan and second floor plan were shown and discussed. (See on line.)

We are proposing a new zone called the VRZD. Bulk requirements:

It will require 1.5 acres and our site has 1.9 acres.

Minimum rear yards are 10 feet required and our proposal is for 25 feet.

Minimum side yards are 10 feet and we are proposing 12.8 feet.

Minimum separation between building is 20'. We only have one building.

Maximum height is 35 feet and our proposing building is approximately 33 feet.

The maximum building coverage is 25% and our proposed building coverage for this site is 23%.

Minimum lot are per unit is 2,000 sf. We come in at 2583 sf per unit.

Parking required is 59 spots. We are proposing 65 spots. Three will be handicapped accessible spaces. (Indicated)

The planting schedule has been incorporated. Explained. The requirement is for 1300 sf of landscaped area and we have 1379 sf. One tree for every ten spaces is required and we are proposing seven shade trees.

Site is serviced by public water and sewer. Explained connection.

We are proposing a hydrant at this location on the property (indicated). That's for safety purposes.

Emergency access is through the main driveway. We have another paved driveway to the north for emergency purposes.

The storm water management system was described. Meets or exceed requirements for ZIRO up to a 100-year storm event. Low impact design features are incorporated to address storm water quality management.

Fenced and screened concrete dumpster pad was indicated on the plan.

Site lighting with full cut off fixtures with no spillage over the property lines.

Bike racks and benches will be incorporated in some of the islands for recreational purposes.

A detailed erosion and sedimentation control plan has been submitted with details and a narrative to address possible erosion during construction.

We've met with staff and got some comments we're working on.

Scott Hesketh, Licensed engineer in the State of Connecticut with the firm of F.A. Hesketh & Associates, East Granby, CT. I'm the author of the traffic impact report dated November 15, 2019 which is part of this application and I'll review at this time. (On file in the town planner's office.)

Based on the findings, it is my professional opinion that the streets providing access to the proposed use have adequate grade, alignment and visibility and have adequate capacity to accommodate the traffic volumes from the proposed use.

In addition, it is further my opinion that the proposed development will not negatively impact the safety of the traveling public as a result of traffic volumes to be generated.

Joseph Versteeg, principle of Versteeg Associates in Torrington, CT stated he was hired by the applicant to review the building code and fire safety code and fire prevention code implications of this project. (Please refer to the video on line to hear the full presentation.)

He reviewed his resume and the formal resume will be submitted to the Town Planner to be part of this application.

Brian Miller reviewed the planning analysis. (On file in the Town Planner's Office.)

- Conformance to the POCD.
- POCD Policies & Strategies
- Land Use Planning Factor – Residential Density

This is a really beneficial use, affordable or not, to the town. Density is comparable to other developments in town (explained.)

It is an important component to the revitalization of Southington. It's a short walk to downtown. You need people to revitalize the downtown. People on the street, people with disposable income. This site is ideal for that.

Conclusions:

This conforms to the POCD.

No negative environmental impacts.

You're creating investment in the core of the town and that's an important component of any community center area revitalization. If you discourage investment, your downtown is not going to thrive.

No burden or stress.

In my professional opinion it would be a very beneficial component of the revitalization of downtown Southington.

Attorney Smith advised that concludes the presentation. We look forward to responding to any questions there are. On behalf of the entire team, we thank you for your indulgence in letting us get through the presentation.

(Whereupon, the meeting was recessed at 9:08 o'clock, p.m.)

(Whereupon, the meeting was resumed at 9:16 o'clock, p.m.)

ROBERT HAMMERSLEY, resuming the Chair:

The Chair asked Mr. Phillips if there were any outstanding issues on this? Are we waiting for any town commissions or departments to get back to us on this application? Mr. Phillips said they are awaiting response from the fire marshal's office on the plan showing the turning movements, the exiting and entrance turning movements. We are also waiting for a response from the water department after the Board of Water Commissioners meets. We do have a response to planning comments that went out and the applicant submitted. The plans still need to be revised as I know the engineering comments are still out and we are respecting a response to those, as well. That's what is outstanding at this point in time.

The Chair explained that means the public hearing will not be closed at the end of this meeting this evening. It will be continued to the next meeting on January 21st at 7:00 pm. If you don't get to talk tonight you will have an opportunity on the 21st.

Attorney Taylor and I had a conversation and we have asked him to look into the issue of spot zoning so we have information on that. I want to be sure the commission members have the benefit of having that before rendering a decision. I'll open it up to commissioners for any questions that they may have of the applicant.

No questions at this time by the commissioners.

(Those speaking in support of this application)

None this evening.

(Those speaking against the application)

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

The following eight speakers spoke in opposition to the application asking the commission to deny the application. They cited to request a zone change for a specific piece of property that sits in the backyard of over 20 existing properties with only a sliver of access to any roadway is unacceptable. Nonconformity with the rest of the neighborhood. No adequate access for emergency vehicles. Thirty units with 65 parking spaces on 1.9 acres of property which is now an R-12 zone is not appropriate. Impact on the local school system. Traffic impact to the surrounding streets. No recreation area for play for the children. Negative impact on property values in the neighborhood. Very little frontage. Affordable units should be put in a more appropriate location. Plenty of other property in town would support this type of development. Maintenance of the units. Precedent setting. Not in harmony with the neighborhood. Inadequate parking. Increased traffic in a congested traffic in the area already. Wondering about the land being tested because of the oil company that was there. Traffic speeds on Eden Avenue.

A Petition with signatures of those against the application will be submitted for the record.

- (1) Mario Izzo, 44 Pebble Drive (owns property at 25-27 Bristol Street)
- (2) Frank Izzo, 416 Rockwood Drive (owns property at 25-27 Bristol Street)
- (3) Joe DellaPorta, 99 Eden Avenue
- (4) Linda Holian, 112 Eden Avenue (submitted email)
- (5) Mary Parsons, 90 Eden Avenue
- (6) Jacob Parsons, 90 Eden Avenue
- (7) Margaret Andersen, 102 Cary Street (owns rental property at 32 West Center Street)
- (8) Roxanne Mirando, 18 West Center Street.

(Rebuttal)

Questions:

Emergency vehicle access to the property. That is one of the things that is outstanding that staff is waiting to hear back from the fire marshal on.

Maintenance of the units.

Attorney Smith answered the questions on behalf of his client. It is his understanding they are under contract to purchase the property and if they purchase it, they will own it. They will construct what is being proposed with the proposed development and they will operate it. I would assume my client would take care of their property especially if they want to rent them. Under the affordability plan, they will be administering it or they'll have someone who qualifies administer it. There are various restrictions with the affordability plan. If this is approved, they would apply to the restrictions. Yearly reports have to be made to confirm the units are being rented to people who qualify at the percentage of median income. An annual report is filed with the commission, your professional staff or the housing authority. That's how that gets done typically. There is a monitoring process to ensure that the rents are rented as required under Section 8-30g.

What would stop somebody from renting any of these units at a lesser amount, i.e.: \$600 a month? There is nothing to stop that. It is my understanding people try to maximize the rent in a building they have. The market rate is a little higher than what is qualifying at the 80% or 60%. I'm not sure how to respond to that but the idea is to make money.

The CTDOH 10% list is not Section 8 housing. There's a list of different types of units and housing that qualify and get counted towards the 10%. Discussion of percentages in other towns.

Rusty Rogers signed the application form on behalf of Hunter Building, LLC. He is a member of the LLC and is authorized to do that.

As to the specific question with traffic, when the studies were done and Route 10 was decreasing within a certain time period, maybe Scott can address that. Scott Hesketh, traffic engineer for the applicant. Reference to traffic on Route 10 was a comparison of the CTDOT traffic volume counts between 2015-2006 which represented a decrease in traffic over that period of time.

Discussion.

He explained the traffic numbers he experienced during peak hours on Liberty Street, Eden Avenue, East of Liberty Street and on Columbus Avenue. The numbers compared to the DOT almost identical (Table 1 in the report.)

Discussion.

He noted if the town decides as a traffic control measure or a safety measure to make the intersection of Liberty Street and Eden Avenue an all way stop controlled intersection. You can do that. It is not part of our proposal. We would probably accept it as a condition of approval.

As to the children walking to the school down the street, the school board website indicates that the students going to that school from Liberty Street are to be bused.

Mr. Macchio said he found it hard to believe the traffic on Route 10 has decreased. What portion of Route 10 are you talking about? Mr. Hesketh responded it is Route 10, north of Route 120 just south of Eden Avenue.

Discussion.

Discussion of the age of the report and when the next one would be done. Mr. Macchio disagreed with some of the study facts.

Ms. Volpe brought up cultural and environmental impacts of this proposed project area. It was deemed that Eden Avenue was eligible to be listed on the National Register of Historic Places of the 19th vernacular architecture there (beautiful). It was there because of the business, Southington Cutlery Company, which was there back in the day. It was working housing.

When was the last time an environmental/cultural review like a Phase 1A has been done in this area and can we see some of that possibly for our next meeting? It sounds like that was a cultural place for the community which would be in conjunction with the National Register listing. I'm concerned about that.

I'm concerned about oil. It sounds like there needs to be some sort of an environmental review done and cultural review done at this phase. Have we looked into that?

Discussion.

Attorney Smith responded that is not an issue for an 8-30g application. It is not a substantial public interest under the statute. If this were located in a historic district with municipal, we would have to get a certificate of appropriateness.

Discussion.

I am not aware and neither are you of it being located in a national historic district.

Discussion.

The Chair asked Attorney Taylor to comment on the relevancy of this discussion on the consideration of this application. Attorney Taylor said he wouldn't believe this has anything to do with the application here. It doesn't benefit for the applicant to look into whether it can be deemed a historical site or not and I don't believe it is now. So, I don't know why he would do that proactively. If that is something the town wanted to pursue, that's something they can look into. I don't know how that works towards this applicant here.

Discussion.

Ms. Volpe didn't see what would be wrong with working with the public to see what the benefit would be of seeing this area culturally for them. Many residents have been there for a very long time and have an idea of what the town looks like. With the POCD, we do need to think about what that area is going to look like. I'm not against this. I just want to be sure that it's fitting with the POCD and ensure that we are putting the mind of the people into this place that has been a cultural place of significance for them for what seems like 40 years. Over 50 years make it significant. Just want to clear those things out there. Maybe we can see some of that.

Attorney Smith with all due respect respectively declined and they won't be looking into those issues as they are not relevant to an 8-30g application.

Discussion.

Attorney Smith said whether this complies with the POCD or not relevant under 8-30g. Student impact, not relevant. Look at the case law. There are a limited number of issues that can serve as a basis for denying the application. That is not one of them, so we respectfully decline that invite.

Ms. Albanese asked if an evaluation has been done on any kind of hazardous contamination or any kind of remediation that has been done. Some brought up the oil company utilized that property at one point. Attorney Smith will look into that before the next meeting, but it is my client's understanding there is no environmental issue there. Ms. Albanese said it is the applicant's responsibility to bring us information on that before the next meeting.

Attorney Smith respectfully said an applicant is not obligated to provide that information to a commission unless there is a known issue there.

Ms. Volpe said our part in this is to see the substantial public interests of health, safety and other matters to which are not outlined. The other matters in this case is the cultural significance of that area. I do believe that is part of health, safety and other matters. That is within 8-30g.

Attorney Smith said there is a lot of litigation over that. I am saying to you that I am not aware of what you are suggesting is constituting or other matters that may be considered as a substantial public interest under 8-30g any more than a number of other items towns have used as a basis for denial.

Impacts of adjacent property values, cultural whatever you want to call it, impacts to the school system --- not valid reasons for denying it.

Ms. Volpe felt there might be a reason to go for it.

The public hearing will be left open until January 21st at 7:00 pm. Any comments said tonight will be a matter of record. You can testify again on the 21st if you want to but there is no need if you spoke tonight to do so.

BUSINESS MEETING

A. Mark Lovley, proposed zone boundary change from I-2 to R-12, property located at 136 Curtiss Street (parcel size 21+/- acres) ZC #562, public hearing extended from December 3, 2019

Mr. Phillips started by saying it is ready for action. The commission can discuss as you have the evidence in the record to consider. As I said before the POCD does state to maintain and protect residential uses zoned, but it also says to retain your industrial and commercial corridors.

The Chair asked for a motion.

(Pause)

He advised you can either approve the application as submitted, deny the application as submitted or variations in between.

Mr. Salka made a motion to deny the application as submitted. Mr. Macchio seconded.

Mr. Salka said he was very concerned about giving up an I-2 zone. I understand exactly where the neighbors are coming from. With the additional information we had this evening with how far back this piece of property has gone, back into the 1960's, this property has pretty much been as it is today even with the zoning change, et cetera. Many of the neighbors moved into that property after that

period of time. They knew what was there. I don't think there has been a significant number of changes there other than perhaps the road pattern on Curtis Street. Other than that, it has been pretty much as it is today. I am reluctant to give up and I-2 zone at this point. Maybe in the future as we gather more information and perhaps Lou Perillo comes forward saying there's nothing we can do with that in an I-2 zone. It's too landlocked. Whatever he might come back with. I just to give up an I-2 zone at this point in time.

Mr. Macchio added he agreed with all the statements made. The one thing that has led me not to want to go forward is --- we talked about it tonight and it has to do with precedent. Again, once we turn this from I-2 to an R-12, the precedent gets set. Just north of this property is another industrial zone and what's to stop them from in the future coming in and saying I want to change that industrial land over to another residential as you did a couple of years ago. We talk about precedent. I think that is a big part of it. What Mr. Perillo said, I see this point of view. We need to keep that because once it is gone it is gone. Once houses are built there it is not going to go back to industrial. I will be voting to deny this application.

Mr. Cowles stated he felt with regard to the complaints from the neighbors there is still some hope for additional enforcement. As mentioned earlier, when the last site visit was conducted, some of the onsite conditions didn't warrant an order for an enforcement action. I believe that if future complaints do come in and they are warranted, I would strongly encourage our enforcement authority to execute with the greatest of vigor an order to direct that tenant to abate any of those violations found in zoning ordinances. I believe that with strong enforcement, if future issues do come up, I believe that the current use would be acceptable going into the future.

Mr. Salka agreed with that comment. But I want to make sure that we aggressively work with the ZEO and the zoning that we get this buffer put in place that is supposed to be in place. That 30' that's been torn out. I'd like to see that go back and we be aggressive about putting that back for the neighbors as part of this application.

Ms. Volpe also recommended possibly reviewing some of the complaints and see if there is something to be done in our review process of the zoning regulations in accordance with some of those complaints and see if we can integrate some of that into zoning knowing that --- it comes down to this: What do you want Southington to look like in 2040? What is that area going to look like. Some of those things were brought up. I don't disagree that it would probably be better suited as a residential community, but if we are going to leave it, we need to ensure that we are doing something for the citizens that came up here and told us about what was going on over there. I recommend if this happens, we'd be reviewing those regulations and we reach out to those people and other people abutting industrial zones and see what their issues are. That's the only way to go forward with this. If we do nothing, I'm worried that if we do nothing and say no, again what is our town going to look like it 2040? I'm a little nervous about that.

Ms. Locks said she felt totally opposite. I want to change this to residential. I feel for the neighbors. They're putting up with something that they shouldn't have to. In the 1960's to 1970's, that area was clean. Kept tidy. Now, look at it. We can't enforce anything.

Ms. Albanese commented all she was going to state has been said.

The Chair spoke about committees he has established. One is to look at the regulations to see they are consistent with what we are doing today and where we are going tomorrow.

I established the subcommittee on the Pondweed that was adopted, I don't believe that means we should live with that for the next 10 years necessarily until updating it. My hope was to say we'll be proactive about things as opposed to being reactive to certain things.

This piece of property, I think all of us agree after listening to the residents and receiving information over the last three meetings, there is an issue with the tenant. That really doesn't play into our decision-making process as far as I am concerned. I understand and am sympathetic to what they have to put up with. I hope that however this goes that at some point we are able to address it by enforcement action --- I've had several conversations with Rob and staff --- to make sure we do everything in our power to try to make sure there is conformity with the zoning regulations on that piece of property, as I would with any other piece of property in town.

I feel for the neighbors, the people who have to live there. I understand that.

I hear and listen to Lou Perillo and the town talk about the need for industrially zoned areas. It is something that I think we have not enough of. I know that if we let it go, it's not coming back. I also know we can do anything we want here and this site can stay as it is for the foreseeable future. And, it doesn't mean it will change tomorrow or in ten years.

We can vote to approve what was put forward and ten years from now nothing could've happened. The same guy is there doing the same stuff he's doing now. I am encouraged by Rob's comments that he is working with staff to be sure that the buffer gets restored to what it should be. I'm hopeful this neighbor occupying this property now is one who decides he'll be a friendly neighbor more than he seems to have been in the past.

I was hopeful we could reach some type of compromise. I know Mark worked earnestly to try to accomplish that. I didn't necessarily think that those were bad ideas but they're not perfect. I'm reminded not to let perfect get in the way of good.

I could go either way, really. But I think that in the interest of being hopeful that going forward there is some type of a solution that comes to us, I will side of caution and vote in favor of this motion.

| | |
|------------|---------------|
| Roll Call: | Locks: No |
| | Macchio: Yes |
| | Volpe: No |
| | Albanese: Yes |
| | Cowles: Yes |
| | Salka: Yes |
| | Chair: Yes |

Motion to deny passes 5 to 2.

B. Hunter Build, LLC, proposed zone text amendment for a proposed new Section 3.10 entitled “Village Residential Zone District (VRZD)” to provide for new Zone District that allows for an inclusionary village residential community use, with an affordable or workforce housing component, as provided by Section 8-30g of the Connecticut General Statute, “Affordable Housing Land Use Appeals Procedure” and revision to Section 7A-00 (ZA #603)

C. Hunter Build, LLC, proposed zoning boundary change from R-23 to Village Residential Zone District (VRZD) to provide for more diverse housing opportunities in the Town of Southington consistent with and in compliance with Section 8-30g of the Connecticut General Statutes. “Affordable Housing Land Use Appeals Procedure” property located at 136 Liberty Street, owned by Giammatteo, Inc., parcel size approximately 1.9 acres (ZC #563)

D. Hunter Build, LLC, site plan application to permit a thirty (30) unit multifamily residential community development, with an affordable or workforce housing opportunity component. Consistent with and in compliance with Section 8-30g of the Connecticut General Statutes. “Affordable Housing Land Use Appeals Procedure” property located at 136 Liberty Street, owned by Giammatteo, Inc., parcel size approximately 1.9 acres (ZC #563)

Ms. Albanese made a motion to table Items B, C & D Hunter Build, LLC. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

E. John Roncaioli, Jr., flood plain filling application for garage addition and driveway, property located at 62 Echo Valley Road, in an R-20/25 zone, parcel size approximately .54 acres (FF#266).

Mr. Phillips advised it has gone through the conservation commission and it’s now before the zoning commission. I have no concerns.

Mr. Grappone pointed out the effort of Mr. Roncaioli’s design professionals. They really worked hard with staff with many plan revisions that we could support. My only stipulation is there is a retaining wall they are proposing along the driveway that they’re modifying that will need to be designed by a Connecticut PE and a building permit applied for.

Mr. Macchio made a motion approve with the stipulation as stated by Mr. Grappone. Mr. Salka seconded.

Mr. Cowles asked about the annexed town land adjacent to his property by the applicant. It was observed. Is there an answer to such an intrusion to the town’s property? Mr. Grappone said it was brought up at the conservation level. Construction of the retaining wall and any improvements will be totally done on the applicant’s property.

Mr. Phillips advised we can find encroachments all over the place.

Mr. Grappone noted it does say: structures to be removed on the plan.

Mr. Cowles said he doubled his property size.

Mr. Phillips said we can take care of it with the zoning permit. The conservation commission does have the same stipulation on their recommendation.

Motion passed 7 to 0 on a roll call vote.

F. Release of \$9,500 E & S bond, Tradon, 168 Town Line Road (SPR #1721)

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

G. Release of \$10,100 E & S bond, Old Orchard Estates, 229 Wonx Spring Road (S#1296)

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

H. Reduction of E & S bond from \$10,000 to a new amount of \$2,500, 161 Birch Street (SPR #1768)

Mr. Salka made a motion to approve. Mr. Macchio seconded.

The reason for reduction is the applicant complied with the site plan and they have a CO. However, Mr. Lavallee probably had some concerns. He'll review it in the spring.

Motion passed 7 to 0 on a roll call vote.

I. Request for first 90-day extension to file mylar, Balmoral Estates subdivision, 61 Westwood Road (S#1325)

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

ADMINISTRATIVE ITEMS

The Chair noted the email that came to everybody from Karen advising about a land use academy they will be holding on the 5th of February, 2020, here at 7:00 pm. I urge everybody to be here. Even though you have been doing this for a while I think there is still stuff to learn. I think it helps the new people to this game to understand what we do, why we do it and how we do it. Very informative.

Mr. Phillips said the invitation has been extended to the conservation commission and the zoning board of appeals.

Just reply back to Karen for her to calculate a count.

The guide will be Bruce Hyde a former land use planner. He'll have a nice interactive remote-control question and answer type of thing. It won't be boring.

RECEIPT OF NEW APPLICATIONS

A. AutoZone Northeast, LLC, site plan application for a proposed 7,382 sf AutoZone building and associated parking lot, property located at 1776 and 1784 Meriden Waterbury Turnpike, owned by 249 South End Road, LLC, in a B zone (parcel size approximately +/- 1.6 acres). SPR #1793

B. Lineberry realty, LLC, site plan modification application for a proposed 2,835 s addition, property located at 1223 Meriden Waterbury Road in a B zone (parcel size approximately +/- .67 acres) SPR #1794

C. Oak Hill Cemetery Association, site plan application for expansion of cemetery plots, phase one, property located at 105 Flanders Street, in a B zone, (parcel size approximately +/- 48.19 acres) SPR #1795

EXECUTIVE SESSION – to discuss pending litigation

A motion to move into executive session including the commission, Town Attorney Taylor, Attorney Carolyn Futtner and Rob Phillips was made by Mr. Macchio. Mr. Salka seconded. Motion passed unanimously on a voice vote.

EXECUTIVE SESSION

The Planning & Zoning Commission of the Town of Southington entered into executive session immediately following their regularly scheduled meeting on Tuesday, January 7, 2020 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT in order to discuss pending litigation.

Present were:

The following Commissioners were present:

Robert Salka, Susan Locks, James Macchio & Christina Volpe

Alternates: Theresa Albanese, Caleb Cowles & Joseph Coviello

Staff: Robert Phillips, Director of Planning & Community Development
Jeremy Taylor, Town Attorney
Carolyn Futtner, Attorney

No motions or votes were taken.

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

(Whereupon, executive session was adjourned at 10:55 o'clock, p.m.)

REGULAR SESSION

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

(Whereupon, the meeting was adjourned at 10:56 o'clock, p.m.)

Robert A. Phillips
Acting Secretary