

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON

FEBRUARY 4, 2020

MINUTES

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, February 4, 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 & Peter Santago

Alternates: Theresa Albanese & Caleb Cowles

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

Absent: Jeff Gworek, Commissioner  
Stuart Savelkoul, Alternate

The Chair seated Theresa Albanese for Jeff Gworek 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 resident Sharon Kupiack.

A Moment of Silence was observed by everyone in attendance.

APPROVAL OF MINUTES

A. Regular meeting of January 21, 2020

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

PUBLIC HEARINGS:

(Minutes are prepared summary style. You may refer to the video on line to hear the full 3-hour 30-minute discussion.)

PUBLIC HEARING ITEMS

A. 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) applicant has requested a continuation of the hearing to February 4<sup>th</sup>.

And

B. 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) applicant has requested a continuation of the hearing to February 4<sup>th</sup>.

And

C. 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) applicant has requested a continuation of the hearing to February 4<sup>th</sup>.

Upon a request by the Chair, Town Attorney Jeremy Taylor reminded the commissioners and the public on what we are allowed to consider on 8-30g’s which all of these are. When you are considering an 8-30g, under this statute the commission must judge the application on the basis of whether the overall plan and location is in any way adverse to the public interest in regard to possible health and safety concerns. And, these interests clearly outweigh the need for affordable housing. That’s what you should be looking at tonight as a guideline.

I have to make a quick statement for the record, continued Attorney Taylor. One of our commissioners, Jeffrey Gworek, who worked for Diversified Environmental Services, previously recused himself at the start of this hearing because he has done work in the past for Hunter Build and he has done an environmental study for them on this project. But he has recused himself and will not be able to influence this commission in any way. We want that statement out there before we start.

The Chair confirmed that from the beginning of these applications, Mr. Gworek has not sat for any of those.

The Chair asked Mr. Phillips for a clarification on the timeline for these applications. Mr. Phillips discussed the statutory timelines on this application. He advised the state statutes direct the commission to receive an application and start a public hearing within 65 days of official receipt which is at the next regularly scheduled meeting or 30 days, whichever is sooner. Once the hearing is opened, you have 35 days to close the hearing. Once the hearing is closed, you have 65 days to make a decision.

At this point in time, we are close to the end of the 35 days of the hearing being opened. It is like day 33. If the hearing was to remain open after this evening, you’d have to get an extension from the applicant and approved by the commission. You can get up to 65 days of extension time. If the hearing is closed and nothing happens, you can take up to 65 days to make a decision.

The Chair invited Attorney Smith up to give a brief presentation on things that have occurred since you were before us last on January 27<sup>th</sup>.

Attorney Chris Smith, a land use attorney with the law firm of Alter and Pearson. I'm here before you on behalf of the applicant Hunter Build, LLC. Relative to the timing, the town planner conferred with me concerning this site plan application. There is a zone text amendment, a zone change and then a site plan application. Typically, when you have a site plan application there would be a 65 day time period within which to act, but I did confer with Mr. Phillips and it is my position that the time period for this site plan would run with the text amendment and the change of zone because you can't have the site plan until were you to have the zone text amendment creating the zone and then the change of zone to rezone the property. I was asked to make that clear on the record that we recognize that and we would not take the position at any point in time that there was some sort of automatic approval after 65 days relative to the site plan. The time period for the site plan we recognize is 65 to open, 35 to close and then 65 days for the decision. We are waiting any potential claim relative to the 65-day rule.

The Chair added he appreciated that. Dealing with something like this gets lengthy in time. I appreciate the buffer and hopefully we can move this forward in the not so distance future.

Attorney Chris Smith added an 8-30g does change the rules to a degree and the first time it is experienced, I can assure you it is a little confusing just to try to determine what the standards are relative to how we normally as a commission deal with a zone text amendment or zone change. I think Town Attorney Taylor and your Town Planner, Mr. Phillips, have done a good job of explaining that to you.

With that, for the record on behalf of the team, tonight we do have our planning consultant, Brian Miller, our licensed land surveyor from Cole Engineering, Mr. Giudice, our traffic engineer, Scott Hesketh and our fire expert, Joseph Versteeg. They are here to respond to any questions you may have going through this evening.

We were asked to look into a couple of things at the first hearing. I do have a handout to put into the record if I may and I'll walk you through some of the responses. (Packet on file in the planning department.)

Regarding the adequate sewer capacity for this project refer to Exhibit A of this packet.

Regarding to the availability of water for this project, refer to Exhibit B of this packet.

Regarding confirmation from the Police Chief that he would not be opposed to making the area around the entrances at the Liberty Street site, No Parking, to accommodate traffic in/out of this area, especially the flow of emergency vehicles, refer to Exhibit C of this packet.

Regarding there being no wetlands on the property, refer to Exhibit D of this packet. A report was submitted from Soil Sciences, Inc., confirming no wetlands or watercourses located on the property.

Regarding the fact an oil company had been located on the property with some above ground tanks, the owner provided a letter from the old DES, in 1992, when the tanks were removed and there was some soil remediation and groundwater testing. Exhibit E indicates everything came up clean and remediation was done consistent with state laws. (Read the letter into the record.)

He noted a Phase I was ordered from DES and that was submitted to this commission. It states that they didn't find anything on this property. (On file in the planning department.)

One last thing, everything will be ADA complaint. Explained.

The Chair called on Ass't Fire Chief James Paul, Jr., to come up and talk about the site visit he did, the test he did and the equipment used. Ass't Chief Paul, along with others, went out with the Chief, the fire marshal and my deputy fire marshal with the ladder crew assigned to Ladder 1 that day. We actually did several attempts to make access into the driveway from the north and the south.

First were coming from Columbus, turning left on to Liberty and there is a telephone pole we wanted to be sure we could clear and we cleared it with no problem.

Then we made attempts from Eden Avenue, the south. No telephone pole there, so it was even easier.

My thoughts that day were the tree covers on both sides including the canopy, because the ladder is 8' wide, approximately 47' long and it's 11.6' for height, so there will have to be some tree work which was noted on the plan.

Another concern noted on the plan is not to increase the level or inclination going into the access on the driveway because of the outriggers on the truck. Those were noted.

I also saw on the plan recently that there are two telephone poles as you make your way to the driveway which those were also going to be removed, as well.

The ladder truck is the largest apparatus but not the heaviest, all others are engines that are smaller than that, and I don't have any concern getting a ladder in there if the work is done.

Discussion.

Discussion of the canopy of the trees were covering the driveway so we had stop. Not able to get all of the way up the driveway. The Chair asked whose responsibility it was to clear the trees. Do you have that authority to enforce the clearing of those trees? Ass't Chief Paul said it is notated on the plans. Throughout the process we will make sure that that is enforced and cleared. That's a concern.

Discussion of the access off the main driveway on Liberty Street and there being a jog to the left at the top. Is that an impediment to access the site? Ass't Chief Paul couldn't answer that at this point. The plans show the poles are going to be removed --- both of them --- I'm more satisfied that I can get the ladder in there.

Discussion of the location of fire hydrants. The Chair asked if he felt in his professional opinion that is enough or do you need more hydrants on the site to successfully fight a fire there? Ass't Chief Paul said he had the site plan and not the building plan, but that might be something considered. It is a loop system. We'll look at that as the plans progress.

He noted two hydrants on the west side of Liberty Street that are within reach. Not certain of the fire hydrants on West Center Street.

Discussion of the two means of egress. Did you look at the accessway from West Center Street to see if you can access the site? Ass't Chief Paul said he couldn't get a ladder truck down there. At this point, I can't answer that question.

Discussion of No Parking signs being put up prior to the entrance. Were there any cars parked on the roadway on either side when you were out there performing the test? Ass't Chief Paul said there were not. But after the first test, to see if we could position the ladder in the access drive from the north, after those tests were made, we parked our cars on each side of the telephone pole and we were still able to make the swing from Columbus on the north.

Discussion.

Coming from Eden Avenue, it is easier than entering from Columbus noted Ass't Chief Paul. The drive is not that much longer.

Discussion.

Would it be a challenge if both sides of the street were covered with cars for you to get into that site and maneuver around the site? Ass't Chief Paul said it would certainly be more of a challenge if cars were parked there, but with the help of Chief Daly not opposing No Parking signs, that'll help.

The Chair said he was talking about the whole street parking on both sides. The Chair asked about the ability to get into either driveway and maneuver around to deal with what is up there. Would you feel comfortable that you would be able to do that? Ass't Chief Paul responded they did not perform that test. I can't answer that.

The Chair asked about access to the rear and side yards of the proposed building. Where it is an L-shape, do you need access there to the rear front in the event the front entrance is blocked or you can't get in? Ass't Chief Paul said if there is an emergency with a fire, we'd be able to get our apparatus up to the turn around of the access driveway, but with the handlines and portable nozzles that we have, we would need to have access to the back, yes, and sides.

The Chair advised the zone change application requests a 10' buffer, minimum rear setback, minimum side yard setback. Ten feet is pretty slim. Is the grade sufficient for you to get down there and have good footing to do what you need to do? The Ass't Fire Chief had not reviewed it.

Thank you for coming out tonight. Appreciate your time and responses.

Thank you for your service, as well, for all that you do.

(Those wishing to speak in favor of the application)

None this evening.

(Those wishing to speak in opposition to the application)

The following nine speakers spoke in opposition to the application asking the commission to deny the application. Issue with fire truck being able to make the turn into the driveway to access the property in case of emergency. 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. Safety of children walking to/from school. Accidents on Eden Avenue and Liberty Street. Traffic impact to the surrounding streets. No recreation area for play, Affordable units should be put in a more appropriate location. Maintenance of the units. Precedent setting. Spot

zoning. 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. Age of the tests done in 1992. Traffic speeds on Eden Avenue.

1. Jacob Parsons, 99 Eden Avenue. Slide presentation of visuals on traffic and concerns in the area.
2. Mary Parsons, 99 Eden Avenue.
3. Sharon Kupiak, 25 Bristol Street.
4. Frank Izzo, 415 Rockwood Drive, co-owner of 25 Bristol Street.
5. Mario Izzo, 44 Pebble Drive, co-owner of 25 Bristol Street.
6. Roxanne Mirando, 18 West Center Street.
7. Dave Mamula, 265 Frost Street.
8. Elaine Anderson, 102 Carey Street, owner of 32 West Center Street.
9. Joe Della Porta, 99 Eden Avenue.

The Chair at this time called for a recess.

(Whereupon, the meeting was recessed at 8:40 o'clock, p.m.)

(Whereupon, the meeting was resumed at 8:47 o'clock, p.m.)

ROBERT HAMMERSLEY, resuming the Chair:

Attorney Chris Smith called on Mr. Versteeg to come up and address comments that are fire safety related. Then Mr. Giudice can talk about the stormwater and the secondary access that came up. Then I'll finish up with some of the statutory items.

The Chair advised he hopefully intends to close to the public hearing this evening. I have some questions to ask and so do other commissioners. Everyone will have an opportunity to speak.

Attorney Smith asked Mr. Versteeg to comment on questions that were asked:

- Reference to a code provision requiring two accessways.
- Comment relative to a 10-foot buffer. The building is actually 10 feet from the property line.
- Do we even need a ladder truck to fight a fire at the site.
- Reference to trees which would be cut back as noted on the plans.

Joe Versteeg, fire safety consultant, representing the applicants. The requirement was referenced for two vehicle ways to access this site. That is incorrect. The regulations adopted by the state fire marshal through the Connecticut state assembly, the fire safety code and the fire prevention code regulate this. The Chair said he wasn't referencing the state regulation but rather the town

regulation. I believe that we require there be two means of egress, in/out, of a piece of property. Mr. Phillips said no. The property owner is entitled to have a single means of egress. The Chair said that clarifies that.

Mr. Versteeg said the fire safety code and the fire prevention code only require one way in to a property. There is a provision for a second way in which under certain conditions might be required such as coastal flooding, river overflowing, landslides that block the primary or railroad tracks. Those are impediments to a primary way in. None of those exist in Connecticut.

As to the question of the 10' clearance at the back of the building, the building code allows for zero clearance. A building to be built exactly on the lot line. That has not been done here. There is a setback. The regulation is providing for 10' and the closest we are to the lot line is 12'. The significance of that is that provides clearance between the building and the adjoining property or any other structure for the fire department to maneuver around the sides of the buildings with their hose lines or ladders.

For the height of the building, the highest windowsill, ladders on an engine company, the engines carry 24' ladders. What firefighters are trained to do is to take one quarter of the height of the ladders and that's how far the base of the ladder has to be placed off the building to give the proper working angle for a firefighter on a ladder.

It is important to note that these buildings are fully sprinklered and the building code and the fire code do not require windows. The reason for that is the effectiveness of the automatic sprinkler system. Sprinklers, in residential occupancies, 97% of the fires are put out by one sprinkler and many are put out by another two to three sprinklers. Extremely effective.

There is plenty of working room around the back. The fact the fire chief said he could get the ladder truck in and thus all the others can fit in. The primary search for the fire department is to gain access to the site and these units are side by side separated by one-hour fire resistance rated assembly. He then explained how the fire would be attacked.

Attorney Smith noted it is always beneficial to hear how a fire would be attacked. It was demonstrated the turning radii allows the ladder to get in. As far as clearing the trees, we can do that. You don't need a ladder truck to come in, more importantly, as these are 2.5 story buildings. If you did, it would be able to get in.

Discussion.

Stephen Giudice will address the commission regarding the question of why is the stormwater treated the way it is proposed to be treated, advised Attorney Smith. He further noted the emergency access is there, his clients own it, it is 15-foot wide and he will talk about getting an emergency vehicle up there. He further discusses the improvements to be made to the main driveway coming in.

Stephen Giudice, office of Harry Cole & Son, 876 South Main Street in Plantsville addressed the commission. When we have a proposal like this before the commission, we don't have the luxury of a driveway being the location of our proposed driveway. The driveway there is substandard. It's 10 to 12 feet wide. It's steeper in grade than we like to see. The fact the fire department took the ladder truck out and turned it into the site, I heard the testimony here tonight, they were able to drive it into the site, into the entrance. That's an added benefit for us. He explained usually they just enter it into the computer and produce a map for review. We know now that even without any of the improvements we are proposing for this driveway such as making it 20' wide, reducing the grade from 6% to 4% at the

very beginning and then 5%. A gentle slope. We are adding mountable curbing. I know it looks tight right now with trees growing over it, but the way it is being designed, it will function properly and provide adequate safety for vehicle ingress/egress.

The secondary access is a 15' strip of land that is paved and has provided access to this site. We felt as it was there, why not at least have it. We put a note there for a sign for residents not to use the access, but it was just there for emergency purposes.

Discussion.

From a setback perspective, when we created the VRZD, we proposed setbacks for front yard, rear yard and side yards. We propose 25' for the front and 10' for the rear and 10' for the side yard. What we propose as part of the site plan is a 12' side yard on the north end of the building and the rest of the side yards and rear yards are proposed at 25'.

Discussion.

The grade along the westerly side, the Bristol Street side, is relatively level. As you come around the back side of the building, the topography raises and this has a retaining wall approximately 10' of the building on the southerly side to reduce the amount of grading/cutting we needed to do. That building is going to be sunk down in that area a little bit.

As you go along the easterly side, we have a cut with another 10' retaining wall.

Discussion.

There is flat access all the way around the building for a minimum of 10'. The retaining wall varies in height from 3.5' up to 10'. Over a certain height would require a safety fence.

The site does have some existing chain link fences around the north and northeast corner. We don't have existing vegetation along the west and the north so we are proposing a white vinyl privacy fence.

From a storm drainage standpoint, in the center island that is depressed, 2 to 3 feet and the parking lot is graded to put water into the center section, almost identical to what was done here at the Municipal Center. ZIRO is achieved. We don't negatively impact abutting property owners. Explained how it functions.

The detention area would not be fenced as it is not that deep.

When snow melts, it goes through the system.

Discussion of the driveway that is going to be widened to 20' in response to a query by Mr. Santago. The telephone poles come out and the tree comes out, as well.

The Liberty Street access drive was discussed in response to a query by Mr. Cowles. He noted the property to the south is not involved in the ROW, as it is on its own property.

Mr. Cowles asked if the height of a 10' retaining wall would impact the proper angle for the ladder to get to the building. Mr. Giudice said it was explained the area they need for that height would be about 5 to 6 feet. They'd have 4 to 5 feet to operate in that area.

Discussion.

The Chair noted the site plan calls for 65 parking spaces. Three are handicapped and 62 for non-handicapped. Any of those designated visitor spaces? Mr. Giudice said they did not designate visitor spaces. The Chair said there are only three visitor spaces available after doing the math.

Discussion.

Attorney Smith interjected that with parking with multifamily buildings, the rule of thumb is 1.25 spaces for each unit. When this was being designed, I suggested we go 1.5 which works. This is actually almost a 2 per unit. The Chair restated he was only trying to find out what the accommodation is for visitors. If you have none, that's fine, but I want to understand it.

Discussion.

Attorney Smith explained the procedure when doing an 8-30g with a zone text amendment and a site plan. He then explained the 8-2j regulation which is totally separate.

More discussion on the calculations for parking in a project like this.

We think this is over parked in the sense that this is providing for essentially 2 per unit.

More discussion and explanation on the procedure followed when applying for a zone text amendment, zone change and site plan application for a specific site.

This is not spot zoning. Explained this is a flexible tool for planning.

Review of the zoning statutes and discretion.

Discussion on the reference to the moratorium for affordable units involving the state.

This is not Section 8 housing. He noted the rental prices and income qualifications. (Please refer to the affordability plan on file.)

Mr. Salka stated his concern was what is to keep it that way, ten years from now say, that it doesn't transition into Section 8 housing? What is in place to circumvent that? Attorney Smith responded: probably nothing. But to ensure the rents are kept at the maximum levels, it's all in the affordability plan. An annual report has to be filed.

Discussion.

Brian Miller, planning consultant, further explained the different Section 8 designations.

The owners would want to maintain the complex.

As to distance on the aisles, Mr. Giudice said the aisles and the parking spaces are designed per your regulations, 18' spaces with 24' aisles.

As to two-way traffic out of the site, Mr. Giudice confirmed the driveway has two-way traffic, in/out, and the sidewalk.

There are no takings of any properties to expand the driveway. All improvements within our property will allow accommodation of two-way traffic. And, pedestrians. There is a sidewalk on one side of the driveway.

The Chair asked for clarification on the maximum building height. Within the zone change, two different sections, one sites a maximum building height of 2.5 stories or 35'. Below that, it says: 3 stories or 35'. In the context of the planning analysis, it says 30'. Where are you trying to go with that?

Attorney Smith responded: 2.5 / 35'. Apologize for the inconsistencies.

The HOD was established in 2007 noted the Chair. There are a couple of pieces within that I'd like to have you respond to.

- Minimum setback from the road of 25'. Does this adhere to that roadway setback? Mr. Giudice explained the background for the regulation. This wouldn't apply here as we have a sidewalk around the building. That situation would have a sidewalk along the road to allow pedestrian --- it's hard to describe. It's more for like an individual type unit condominium scenario.

- The building structure, is that setback 25' from the roadway? Do you know? Mr. Giudice said in this situation, I would call the roadway Liberty Street. So, I would say yes, it is.

- Are there any plans to include any recreational facilities in this project? Mr. Giudice said there wasn't. In speaking with the applicant, we felt the downtown area has to rails to trails and we would provide back racks and a sidewalk to the road to access one of the recreational facilities in the area.

- Are there any plans to include decks or patios as part of the structure? Mr. Giudice said there are patios on the lower level and decks on the back side of the building. They are 8 by 12 feet.

The Chair went on to the planning analysis. On Page 7, you have a section entitled land use compatibility/density. There is a little chart where you site a number of different locations throughout our town, one being this one, and it states that the acreage on this one is 1.97 acres. Proposed unit dwellings are 30. Density rate at 15.23. That is probably the highest density of any piece of real estate in our town. Can you confirm? Mr. Miller said it is not. He said the Liberty Station development is a higher density. He said he took a view of the densities of the surrounding properties. Explained on the north side there is some relatively high density tiny little clusters of property. Some of the individual properties with a four-family house have a higher density. Compatibility was noted. Density is not a bad thing; it is just how it fits in based on the impact.

Discussion.

Attorney Smith advised they thought in this matter as it is more of an infill situation, that it would be important to convey to the commission with the analysis so you could see some of the comparisons in this neighborhood to other development that has occurred.

Discussion.

The Chair had questions on the traffic report which Scott Hesketh answered.

Reference is to the report that Mr. Hesketh authored and submitted dated November 15, 2019.

- On Page 3, talking about site generated traffic. The Chair quoted, "by the ITE rates, the proposed 30-unit housing development yields a total of 286 trips on a daily basis with AM peak hours of 23 trips made up of 6 entering / exiting and at the PM peak hour 31 trips of 20 entering and 11 exiting."

You further say that based on your professional opinion the traffic volumes associated with the proposed 30-unit housing development can readily be accommodated by the existing roadway network.

I think you are saying we are going to be putting 300 more cars on the road every day and that won't make a difference.

Mr. Hesketh clarified. What I am saying is we are going to generate 286 trips based on this proposed use and the roadway has sufficient capacity to accommodate that. Will there be more traffic on the roadway? There certainly will be. But when you look at the level of service calculations at the two adjacent intersections, all movements operate at level of service A and B during the morning and afternoon peak hours, I would say those intersections have sufficient excess capacity to accommodate the additional volume of traffic.

Discussion.

ITE: Institute of Transportation Engineers.

Discussion and clarification of what Table 3 is saying. What does the 38% represent? Mr. Hesketh said we took the site generated traffic volumes from the ITE and we are distributing those volumes to the roadway number based on these percentages. The percentages are based on the background volume traffic we observed during the intersection counts at those two intersections.

Discussion.

Now, the capacity analysis. In that section you say the results of the analysis are presented in Table 4. What does this mean? Mr. Hesketh explained three intersections were looked at to do a capacity analysis at: Intersection of Liberty Street and Eden Avenue, Liberty Street at West Center Street and Columbus Avenue and Liberty Street at the site driveway. These are calculations of the movements at each of those locations. It shows excellent level of service and more than enough capacity to accommodate the vehicles projected through those intersections.

Discussion.

In the same report, Accident Experience, is the three-year accident history which is 29 accidents. Mr. Hesketh said they looked at the accidents on Liberty Street for the entire length of Liberty Street over a three-year period. Accidents are listed separately in the appendix on the last page of the report.

Discussion.

The Chair brought up the elementary school within a block of this development which is K-5. There are kids either bused or they walk to/from this area to the school. That is a recreational area that is accessible to these residents. When you did the traffic study, did you take into consideration the location of institutions or facilities such as this? Or is that not something that registers in the context of a traffic engineer as to what level the roadway safety is affected by the increase in traffic. Mr. Hesketh said it is located on Route 10 which has significant volumes of traffic all hours of the day. A minor residential development on a side street, in proximity to Route 10, I don't believe will have a significant impact. Many roadways in the area have sidewalks on one or both sides for pedestrians to access to go to/from the playground or school. They are low speed and volume roadways, other than Route 10. Stop sign control at many locations. We did not do a rigorous analysis of that.

Discussion.

Questions posed by the commissioners.

Mr. Cowles asked about the driveway and the trips in/out of the driveway in the morning. Mr. Hesketh clarified 23 trips during the morning peak hour (17 exiting and 6 entering). Students would have to traverse down Liberty Street to the corner of Liberty/Eden to get to the bus stop going past the driveway. My concern is that the driveway is about 133 feet. A car can get up a pretty good speed going 133 feet and my concern is at the end, if a small child is walking on the sidewalk, that driver might be going too fast to be able to stop before striking the child.

The property at 134 Liberty Street appears to be pretty close to the sidewalk which might (inaudible) line of sight from the driveway or pedestrian traffic going south towards the bus stop.

Mr. Giudice said it is very common with this type of development and what we propose is a stop sign and a stop bar at the end of the driveway to alert the drivers they need to stop. Most living here will be aware of what they're driving into. I wouldn't look at this any different than any other intersection we propose.

No speed bumps are proposed in the parking lot. Mr. Hesketh continued it is a driveway to a residential use. It is controlled by a stop bar. Vehicles are traveling in a forward direction other than backing out of a driveway as people are crossing behind them. Moving forward is a safer situation than a single-family residential home, perhaps.

Sidewalks are adjacent to the street. Every driveway having access to the street has to cross the sidewalk. I don't see it as a safety issue. People should know how to access driveways and pedestrians should be paying attention. We have sufficient sight distance for vehicles coming in/out of the site driveway. They should be able to see and be seen by approaching pedestrians.

Mr. Cowles said his concern is that most driveways are not 133 feet long. Accidents happen. That was my biggest concern.

Ms. Volpe asked about the capacity analysis. What are the morning and afternoon peak hours? While Derynoski is on Route 10, Eden Avenue is the entry and exit point for parents dropping off their children into the rear lot. Does this reflect the commute times where the many people dropping off at the largest elementary school? Mr. Hesketh reviewed the peak hours.

Columbus Avenue -	8:00 am	5:00 pm
Route 10	8:00 am	4:00 or 5:00 pm
Eden Avenue	8:00 am	4:30 pm

Ms. Volpe noted it would be just about the time people living in the development would be going to school or coming home from work at those peak hours. Mr. Hesketh explained choosing the busiest times for the roadways for study.

Discussion.

Lack of crosswalks in the area were discussed.

Ms. Locks asked if the impact of the traffic coming out of this area going up Columbus Avenue to that light and the impact right between the Shell and Citgo at Eden going out to Route 10? Explained the traffic back up and impossibility of turning left on to Route 10. Mr. Hesketh said they did not

extend the traffic study out to the intersection of Route 10. You look at intersections where you have an impact on a certain volume of traffic. By the time our traffic gets out to Route 20 in two different directions, we are below the thresholds. Ms. Locks stated it is very, very busy in the afternoon. She is very concerned with more children walking in the area with no crosswalks, no safety provisions.

Mr. Santago noted this is not a 55 and up, no children development. It is expected to have children in this development. Your position is for recreation of small children, what we're proposing walk down West Center Street to rails to trails or walk down Liberty Street, cross Eden Avenue and go to the school playground? My point is if it was an adult only place, the logic would follow. For me, I'm wondering why we wouldn't on a site plan have some degree of green, an area to play to mitigate that risk. To me, without that, I am putting children at risk.

Discussion.

Mr. Giudice suggested the green area can be used for recreational uses. Have a catch with a ball or frisbee. Sometimes there'll be water in the center and sometimes it will be grass. He noted many projects approved in the past with play areas have come back and asked to remove the area as it is not used. There is a precedence the area hasn't been utilized.

Discussion.

Ms. Albanese asked about signage. Is there going to be signage in the development for like Children at Play so people know that children could be anywhere. Mr. Giudice said he had not thought of it, but we can discuss it.

She further asked about the traffic generation data that was done on April 10, 11 & 12. She wanted to know if school was in session. And, do you ever, for trip generation data, use a weekend date? Mr. Hesketh said school was in session. This is a residential development and typically you look at the morning and afternoon peaks. Saturdays are generally not an area of study because typically background traffic volumes are lower than the commuter peaks.

Discussion.

The Chair had one final question on the traffic generation numbers. In your report on the current traffic volumes you talk about a couple of different locations. This includes traffic counts done in 2013. Those are presented in Tables 1 and 2. Part of that includes Route 10. So, the numbers listed on Table 2 for September 21 show traffic count of just south of 15,000. Likewise, on September 22, traffic count of 15,244. Those numbers are obtained by the CTDOT engineers doing traffic counts.

Now, on Table 2, going to Figures 3 and 4 which are the am and pm peak hours for that area. You show numbers going in a westerly direction on Liberty Street for am peak of 59. Going the other way, 35.

The observed traffic for pm peak hour you show 60 and 62, respectively. Then you use CTDOT ADTs. Mr. Hesketh explained they do the manual (inaudible) movement counts and present the data in the report. Then we add a growth rate to the traffic. Explained the project is to be completed in 2022, so we have to grow the background traffic.

Discussion.

He stated traffic volumes have been decreasing so there is no reason to grow the traffic volumes. That says we counted in 2019 and based on the CTDOT volumes in the nearest location, traffic volumes are decreasing. Therefore, we used a growth rate of zero. But we are representing this

as the 2020 background traffic for the intersections.

Discussion.

They are traffic counts taken on Route 10.

Discussion of the hourly volume which we will add 31 additional vehicles of which some will go right and some will go left, noted Mr. Hesketh.

During the afternoon peak hour, we're projecting 31 new vehicles. (Figure 6) Fifteen are projected to the right of the driveway and 16 to the left. If I add 16 to 60, I'll have 76 vehicles on the roadway during peak hour. If I had 16 to the 62, I'll get 78 vehicles. From 120-something to 150 vehicles during peak hours. The 286 is a daily traffic volume.

Hearing no further questions, the Chair asked for Mr. Smith to conclude.

Attorney Smith said the DES environmental from 1992 they make reference to 4 West Center Street which was the address that was sent to the general counsel for the family. It is all part of the same property. I refer you to the Phase I, on Page 13, there is reference to the historic use and the tanks being removed in 1986 to 1992. That's by DES.

I have resumes from our experts to put into the record. (Submitted and on file in the planning office.)

Ms. Volpe interjected a question. You are referencing the DES report and on Page 8 of the Phase I-A you provided, the closing sentence in the second paragraph states that the original letter was not able to be recovered nor was any of the data. Can you expand on that? Attorney Smith responded he could not speak for the author but he guesses the original letter, a copy of which was provided, it is my understanding by my clients purchasing the property the Giammatteo's provided us with a copy of that letter. I don't know if they have the original from 1992. There are no records of the groundwater testing that was done but in 1992 DES indicated they had looked at it and there is no contamination indicated.

Ms. Volpe continued. Just to be sure, the only evidence we have that that 1992 analysis of that was carried out is this Exhibit E which doesn't have any attributing survey that can be located at this time? Attorney Smith stated that is correct. His client will be purchasing the property based on this Phase I done from 1992 since if they purchase it, they will be the ones at risk. That's the result from 1992. There are no other records at DEEP or on file. If there was a spill, those things get recorded in the town and the fire marshal would be aware of it. The tanks were removed as stated 1986-1992. In 1992, the soils were clean and the groundwater shows no evidence of contamination. That's what we are presenting to you and I presume a copy is what people work off of these days if there is no original.

Discussion.

Attorney Smith concluded that based on the evidence, he would submit this proposed residential community does not result in an adverse impact to the substantial public interest and we think in all honesty that the planning report and everything else that you've heard it is a nice infill proposal for this area of your town. Understand people literally in their back yard don't want to see it here. We all understand that. But we respectfully submit that this is a nice proposal that would be a nice residential use in an infill development in an area of town where you seem to have this occurring

and we would respectfully request that the commission consider approving the applications. We thank you for your time and consideration.

The Chair thanked them for the education and being patient with us. Before we close the public hearing, does staff have anything to add?

(No response)

The Chair continued this is the third or fourth date of the public hearing and I think we are prepared to close the public hearing. Is there any objection to that?

FROM THE AUDIENCE: I object. Excuse me.

Attorney Taylor stated it is up to the Chair, but I believe we have had three full sessions of public hearing unless somebody has something absolutely brand new to come up with. That's your decision.

(Undertone comments)

The Chair addressed the audience: The people who raised their hand, do you have anything that has not been spoken about in the last three public hearings? It is yes or no.

FROM THE AUDIENCE: Undertone comments.

Mario Izzo from the audience stated he has a different perspective. The Chair asked if there was new evidence to present. Mr. Izzo said yes. The Chair asked him to please be brief.

Mario Izzo, 44 Pebble Drive. I'm still a little confused on how there is no traffic issue and access to the property. Do you have a party at your house on weekends? People typically have guests at their house. If two families have three or four guests visiting them, isn't that more than the property can handle as far as the parking? They will start parking wherever they can. Limited access for safety reasons. That is where I am going with this. I want to reinforce that point. I think it is very important.

The Chair said that point has been drilled into pretty substantially over the hearings. What will happen now, with the commission's approval and the applicant is fine with this, is that we are going to close the public hearing and the commission will take the next two weeks to digest all the information that we have been provided with by all and come back on February 18<sup>th</sup> and take up the application for potential action. I don't know how it will go.

The Chair closed the public hearing with no objection by the members of the commission.

## NEW BUSINESS

A. 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) applicant has requested a continuation of the hearing to February 4<sup>th</sup>.

And

B. 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) applicant has requested a continuation of the hearing to February 4<sup>th</sup>.

And

C. 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) applicant has requested a continuation of the hearing to February 4<sup>th</sup>.

The Chair asked for a motion to table.

The Chair asked Attorney Smith to state he is okay with tabling these three items to the next meeting. Attorney Smith said absolutely. As indicated by Mr. Phillips, you are well within your statutory time period.

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

D. Request for 5-year extension of site plan approval, Eden Avenue and Main Street, Map 100, Parcel 017, (SPR #1711 and 1711.1)

Ready for approval. Mr. Macchio made a motion to approve the request. Mr. Salka seconded. Motion passed unanimously on a voice vote.

E. Request for release of \$15,250 E & S bond, Connecticut Self-Storage, 1588 Meriden Waterbury Turnpike (SPR #1742.2)

Ready for action. Ms. Albanese made a motion to approve. Ms. Volpe seconded. Motion passed unanimously on a voice vote.

#### ADMINISTRATIVE ITEMS

Land Use Academy session on Wednesday at 7:00 pm in this room. The Chair encouraged all members to come and be a part of this. It is very informative, especially for people who are new. There are about 16 or 17 that responded they will attend. (Conservation Commission, Zoning Board of Appeals and Planning & Zoning Commission members.)

The Chair referenced the Connecticut Federation of Planning & Zoning Agencies is having their annual conference on March 26<sup>th</sup> at the Aqua Turf. Registration is 5:00 pm and the main speaker is at 8:00 pm. Please respond back to Karen if you are planning on attending.

Mr. Phillips advised the West Street Transportation Corridor Study is gaining steam. This Friday, we have a consultant selection. Once that's done, then we'll put together a steering committee. Dave Nourse and Rob Phillips represent the town on this. Ten RFPs were reviewed --- all great. We narrowed it down to five to interview.

This is a study to look at the West Street Corridor all the way out to Bristol. And, part of that is something this commission adopted in 2017-ish or so. It is to look at the future development on that corridor and what type of smart planning policies can we implement to develop it in a considerate way. Discussion.

The Chair asked Attorney Taylor to review the commission's restrictions and that type of thing now that the 8-30g public hearing is closed. Attorney Taylor said you have to get together and decide what you want to do. You have to take what is on the record and feel free to communicate with each other. You can't engage in public conversation.

Mr. Santago interjected we really can't talk to folks about. Any conversation will be at the business meeting when we all have our conversation about which way we are going to vote.

Attorney Taylor said you are really not supposed to share your feeling or ruling on it with the public.

Ms. Volpe pointed out we can't speak to Commissioner Gworek about it since he has been recused from this. Attorney Taylor said that was correct.

#### RECEIPT OF NEW APPLICATIONS

- Site plan modification for a solar canopy carport at Close Harbor.

#### ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 10:40 o'clock, p.m.)