

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON

FEBRUARY 18, 2020

MINUTES

The Planning & Zoning Commission of the Town of Southington held a regular meeting on Tuesday, February 18, 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, Joe Coviello & Caleb Cowles*

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

Absent: Jeff Gworek, Commissioner
Stuart Savelkoul, Alternate

(* Arrived with meeting in progress.)

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.

A Moment of Silence was observed by everyone in attendance.

APPROVAL OF MINUTES

A. Regular meeting of February 4, 2020

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

7. BUSINESS MEETING

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) tabled from February 4th.

Mr. Salka motioned that the Southington Planning & Zoning Commission meeting on February 18, 2020, I moved and I have this Resolution to read into the record:

RESOLUTION

WHEREAS, THE PLANNING AND ZONING COMMISSION met on February 18th, 2020 and made the following findings:

1. The applicant is seeking a zone text amendment to add a VRZD – Village Residential Zone District, a zone change to VRZD. The Village Residential Zone District and site plan approval to construct a multi-family housing project pursuant to Connecticut General Statutes (CGS) 8-30g for a 30-unit housing project and 65 parking spaces with nine affordable housing units on 1.98 acres.

2. The site is located in a Residential Zoned R-12 area within residential dwellings on west, Center Street to the north, Liberty Street to the east, Eden Avenue to the south and Bristol Street to the west.

3. The applicant has submitted a Site Plan proposal with the following elements:

- A new two story 16,425 sf building with 30 dwelling units, six one-bedroom units and twenty-four two-bedroom units. Nine of the units will be affordable dwelling units.
- Sixty-five parking spaces within the northeast corner the property.
- A main means of egress on Liberty Street.
- An emergency egress within an easement over private property to West Center Street.
- Connection to public water and public sewer.

4. The submitted proposal includes a traffic generation analysis, site plan, sedimentation and erosion control plan, Planning Analysis and an Affordability Plan.

5. The applicant has taken a position that all zoning regulations are not applicable and thus the proposed plans do not comply with any elements of permitted developments within the Residential R-12 Zoning District.

6. The applicant submitted an Affordability Plan pursuant to Section 8-30g, identifying fifteen percent of the dwelling units to be affordable and will be offered to families whose income is less than or equal to sixty percent of the area or statewide median income, which is less and fifteen percent of the dwelling units will be affordable and will be offered to families whose income is less than or equal to eighty percent of the area or statewide median income, whichever is less.

7. The Affordability Plan describes the rental amounts and they appear to be consistent with Section 8-30g requirements.

8. This project is considered an Affordable Housing Set-aside Development which means it is a development where not less than thirty percent of the dwelling units will be conveyed by deed containing covenants or restrictions which shall require that for at least forty years after the initial

occupation of the development, such dwelling units will be sold or rented at, or below prices which are thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the state or area median income, whichever is less. According to the 2019 figures, the state median income is \$104,000 and the area median income is \$97,000. Therefore, the area median income would be used for these purposes.

- Of the thirty percent affordable units, at least fifteen percent of the dwelling units shall be sold or rented to families whose income is less than or equal to sixty percent of the area median income (\$97,000), or no more than \$43,560, adjusted for family size.

- In addition, the remainder of the dwelling units shall be sold or rented to families whose income is less than eighty percent of the area median income or no more than \$58,200, adjusted for family size.

9. A public hearing was held January 7, 2020, January 21, 2020 and February 4, 2020 to receive comments from the public. That included:

1. Fire Safety Findings:

- a. Based upon the evidence and the testimony presented to it, the Commission finds that there is a substantial public interest in the preservation of life and property by minimizing the threat from fire and similar catastrophes.

- b. The Commission further finds that the need to protect the lives and the property of the residents of the Town of Southington and the requirement to provide adequate means to accomplish such need clearly outweighs the need for affordable housing. With limited means of ingress/egress, should the main entrance be obstructed, it would be difficult and time costly for effective Fire Department response.

2. Public Safety Findings:

- a. The record contains substantial evidence that the specific location of the affordable housing development and density could have a catastrophic adverse impact on children and pedestrians in the development and the surrounding area and the risk of increased traffic associated with the proposed density would far surpass the limited value of the affordable units.

THEREFORE, for the reasons stated above, which the Commission adopts as a collective basis for its action, the Commission adopts the following Resolutions:

Mr. Salka made a motion to approve the zone text change amendment stating he would like to go through those as amended.

Ms. Albanese seconded.

Mr. Salka referred to text change ZA#603, as amended. He only read the amended changes that are being submitted. Looking at zoning amendment 3-10.4, area and bulk requirements. We are looking at changing 3-10.4, Item B from ten feet to twenty feet.

Under 3-10.4, Item C, Minimum Building Side Yard Setback from ten to fifteen feet.

Under 3-10.4, Item E, Maximum Building Height from two and a half stories to thirty-five feet.

Under 3-10.5, Other Site Requirements, Item C, no residential or accessory building shall exceed thirty-five feet in height.

Under 3-10.5, Item G, A Traffic Study is required. Traffic associated with the proposal shall be consistent with 8-30g, as amended.

That's all the changes.

Mr. Santago felt it was important for everyone to understand that this particular application is under 8-30g which is a state statute and we must operate differently on this than we would on other things that would normally come to us. We cannot ignore a state statute. We are bound by the state law to make a decision. Any decision we make or say has to only be in regard to safety or health concerns. Thus, the fire safety finding and public safety finding is written as they are. Those are the things we can say so that any action we have is in regards to that rather than other zoning regulations that we might normally have here. An 8-30g is unique compared to the local regulations. It is a separate category and we have to follow that rather than regular operations.

Mr. Phillips added the state law allows an exception under affordable housing to create or at least modify any existing zoning regulations to fit the project they are trying to build. The leverage shifts from the applicant trying to prove to the commission that it meets the regulations or it is a good fit subject to the case of a special permit, what have you. In this case the applicant has the right to do what they propose unless the Commission finds there is a substantial public interest of concern.

The Chair stated that with regard to the text amendment portion that most of this was discussed at the public hearings and some of it was brought up by the Fire Chief who was here at our last hearing.

On the height restrictions, that was something that the applicant, when questioned, agreed to. They had two and a half stories and thirty-five feet interchangeably and I asked them which one is preferred and they said thirty-five feet. That's why that is what it is.

There is a lot of clarification on this.

Motion passed 7 to 0 on a roll call vote.

Effective Date is March 15, 2020. Both Mr. Salka and Ms. Albanese agreed to include that in the motion.

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) tabled from February 4th.

Mr. Salka made a motion to approve the zone change, #563. Mr. Macchio seconded.

Mr. Salka noted that is what was submitted by the applicant. Where it is going to be located, et cetera. Nothing really to talk about on that one.

Motion passed 7 to 0 on a roll call vote.

Effective Date is March 15, 2020.

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 (SPR 1792) tabled from February 4th.

Mr. Salka made a motion to modify and approve the site plan, SPR 1792, subject to the following restrictions:

1. Density reduction: A maximum of twenty-two units with a minimum of sixty-five parking spaces.
2. Removal of telephone and lighting poles as identified on Sheet C-1, submitted by the applicant.
3. Reduce and maintain tree canopy to allow for unrestricted access of emergency vehicle access.
4. Perform a Phase 2 Environmental Investigation on site to ensure potential environmental issues from previous petroleum tanks stored on site are adequately addressed.

Effective Date is March 15, 2020.

Mr. Macchio seconded.

Mr. Santiago said that some of these the applicant has already said they would do. He felt the environmental investigation is something that he finds needed. We had a letter from 1992. When I asked is home heating oil a hazardous substance, I was told yes, it is. A lot can happen from 1992 to now. For me, I think it would be vital for us to ask for another soil check of that site to ensure public health and safety. I would want to be sure. I think that is a good thing for us to do and we are well within our rights to ask for that. What was submitted to us by DES simply refers to the letter. I hope we could do another one to ensure public safety in regard to that.

Ms. Locks totally agreed. I wanted that soil study done from the beginning.

Ms. Albanese noted it was one of the first things she mentioned as well. There is a significant importance to having that done for peace of mind and to really understand what is going on on the property.

Mr. Phillips had a clarification. On the condition for the removal of telephone and lighting poles as identified on Sheet C-1, are we talking about the ones to be removed. The Chair responded yes. It just reiterates what they have on the site plan. It was brought up and I thought it was a good idea to highlight it and it is important to be sure it gets done.

Mr. Macchio pointed out we have to follow up on the tree canopy. As we stated, as far as safety with the fire, they told us they had a little trouble getting in there, but once the trees are cut back, it would be fine. We need to ensure on going to make sure those trees stay cut back so there will not be any problems in the future. We need to follow up on that.

The Chair said the comment by the fire chief was he was not able to get up to the site because the tree canopy prevented him from doing that. The applicant agreed they would maintain that and I thought it was important for the commission to support it to make sure it is done. So, it is in the motion.

Ms. Locks stated that making the density down to twenty-two will at least minimize a little less traffic, a little less concern in that area especially for the children. It's quite a busy area as it is and I think this will at least help reduce that.

Mr. Santago followed up on that point. The parking spaces have not been reduced, but we reduced density and have seen that parking for that density increased when we talked about needing more spaces there. By reducing the overall footprint hopefully, we arrive at that for safety reasons. They're reasonable things.

Mr. Salka expanded on that point. With what the applicant had proposed and the number of parking spaces, once that was utilized – a couple of birthdays and people would be parking on the side of the road which is already a safety issue. That concerned me. I think the reduction to twenty-two units makes sense.

Motion passed 6 to 1 with Ms. Volpe opposed.

(Minutes are prepared summary style and you may refer to the video on line to hear the full 15-minute presentation and commentary.)

D. 8-24 Referral for the Ordinance appropriating \$10,000,000 for costs related to the 2020-21 road and bridge improvement program, and authorizing the issue of \$10,000,000 bonds and notes to finance the appropriation (MR #528)

Mr. Salka made a motion to approve. Ms. Volpe seconded.

Attorney Taylor reviewed the 8-24 referral requirement. This governs municipal improvements. Anytime you put a bond from the town out for any kind of municipal improvements, it has to go in front of the planning & zoning commission. Your guideline is to make sure that it is in harmony with the planning & zoning, conservation and development of the town. Obviously, improving the roads and highways is definitely within that purview.

Assistant Town Engineer Jim Grappone gave a brief presentation for the 8-24 referral. (Hard copy of the slide presentation available in the town planning office.)

He noted the average PCI (pavement condition index) of roads in town is 76. This is a pretty good rating for the town road average. He noted through referendum in the past we had authorized spending for \$12.5 million. We did do two bridges.

This is proposing a third referendum to continue work on the roads.

The reason for the 8-24 referral is back in the fall the town hired Streetscan, a consultant to perform another detailed survey of 210 miles of roadway. The report came back with an average PCI of 76. Roads over time deteriorate and with maintenance they maintain the PCI. Over the eight-year period the PCI remained the same because we maintained the roads. In our opinion, the program works.

Having a good transportation is important to the life of the community, visitors and businesses, as well as being an important component of a town's character and image.

He explained Streetlogics, the software that was used. (Refer to video on line or the hard copy.)

This program deals with town roads only.

The project for Plan B restaurant road improvements comes out of last year's money. The manager will find that money in the current budget.

Ms. Volpe asked if some of the monies from our last money went to some of this. I'm trying to get an idea where some of the last monies went to. You said it maintained that PCI of 76. But the money coming forward, how does that conform with "complete streets are ones in which you can bicycle, walk and drive."

Mr. Grappone said that is a concept. We have not gotten on board with that. The state is working with municipalities on creating that image. We created a bike lane on Berlin Street. That's the extent of bicycle and auto component. We are looking into mass transit. There has been a study. We have the bike path and feeder lines going to the multi-use trail. That's kind of a streetscape project.

The Chair offered on Woodruff Street they added sidewalk a few years ago down from Pleasant Street. That's part of the complete streets program. Zoning regulations for business districts, that's where we have the sidewalk requirement. That is to go towards a complete street with pedestrian and bicycle opportunity which requires sidewalks to be installed when a site plan is done in a business zone absent a waiver from this commission.

Ms. Volpe wanted to ensure there is an approach to distributing these funds.

Discussion of the POCD and noting the action items and seeing what we can do to get them implemented.

Discussion of the addition of the multi-use trail into Plainville.

Mr. Maccio brought up the concern of as we are doing these roads, we are in coordination with Eversource. The whole idea of fixing roads and a month later they're ripping roads up. Is that coordination still built into this and we are using all of our funds to the best rather than redoing it and redoing it. Mr. Grappone responded there is very good utility coordination and cooperation. We get a list of the roads out to the utility company and they have the list ahead of time. Discussion about Plantsville Center. Water has done their work. Gas company is finishing up.

On occasion you do get a cut in the road for an emergency.

Ms. Albanese said the study is from 2011 to now. Is there going to be another study done in the next four years? Is that pressure to do the follow up scan? Mr. Grappone explained staff will input information into the software on what is done every year. Every four or five years you have to resurvey

the roads. Generally speaking, we can work with what we have for at least three to four years and then a resurvey.

Ms. Albanese further asked if there is a prioritization of when certain funds get utilized for whatever roads. Mr. Grappone said staff is getting into the program now, but at this point we are thinking about doing the worst roads first. But then you don't want the good roads to get worse. There is degradation every couple of years. We will concentrate on the worst roads now.

Ms. Locks asked how the chip seal is working now. There was controversy with that. Everybody in our neighborhood likes it. Mr. Grappone explained it has worked out very well. Those that were done now have a rating of a low to the mid-80's. They've held up.

Discussion.

Motion passed 7 to 0 on a roll call vote.

8. ADMINISTRATIVE ITEMS

Mr. Phillips updated the commission on the West Street consultant interviews a week ago Friday. We had ten initial submittals and they were all very good. We interviewed five of the top scoring. We did come forward with one and I can't acknowledge it at this point. We're moving right along.

On Curtis Street, we sent out a notice of violation to the tenant. I've been in contact with the property owner, Patrick Delahunty, so he's in on everything. The notice of violation was returned to us without being accepted. We moved to a cease & desist and had it delivered by a marshal. I haven't touched base with Matt on the status at this point. We're moving forward. I expect to have what I requested, a detailed replanting plan by a design professional by the end of March. Then the planting can begin in April. That's the expectation.

The Chair thanked Mr. Phillips and his staff for their efforts on following through on this and making sure everyone is adhering to our regulations, especially with the plight of the neighbors in that area which they brought to our attention. Keep us up to date on that.

9. ITEMS TO SCHEDULE FOR PUBLIC HEARING

- Briarwood Real Estate Limited Partnership, special permit application to allow permitted uses described in Sections 3-01.2F1, 3-01.2D, 3-01.27F of the Zoning Regulations, while retaining the educational historical use, property located at 2279 Mount Vernon Road, in an R-40 zone (parcel size 32.75 acres), SPU #629, March 17

Mr. Phillips commented this is a follow up to the informal discussion conducted in January. I don't know what it is, but it sounds like they'll be showing a special permit application for the different types of uses discussed.

Mr. Salka asked if they were going to come in with a firm plan for that entire property or are they coming in for one of the buildings? Mr. Phillips said he'd have to review the plans.

Discussion.

Mr. Phillips said they have met with them several times to talk about what they can do given what the zoning regulations allows. It will be interesting to see what they are proposing.

10. RECEIPT OF NEW APPLICATIONS

- Torrey S. Crane Co., site plan modification to construct a 3,206 sq.ft. addition, property located at 480 Summer Street, in an I-2 zone (parcel size .75 acres), SPR #1771.1

This came in late last week. One more came in today. Target is going to do a remodel and they want to place trailers on site. They've done this before. We require a bond in those cases with site plan approval.

11. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 7:48 o'clock, p.m.)