

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
APRIL 21, 2020

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, April 2, 2020 via WebEx teleconference. Robert Hammersley, Chair, called the meeting to order at 7:00 pm.

The following participated:

Robert Salka, Jeff Gworek, Susan Locks, James Macchia, Christina Volpe & Peter Santago

Alternates: Theresa Albanese, Cale Cowles and Joe Coviello

Absent: Alternate Stuart Savelkoul

Staff:

Robert Phillips, Director of Planning & Community Development

James Grappone, Ass't Town Engineer

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 for First Responders

APPROVAL OF MINUTES

Regular meeting of March 3, 2020

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

Mr. Phillips explained to the procedure to be following during this teleconference meeting.

PUBLIC HEARINGS

(Minutes are prepared summary style. You may refer to the meeting on line to hear the full 3.20-hour presentation and commentary.)

A. Special Permit Application of Briarwood Real Estate Limited Partnership for a Master Plan of Individual Uses allowed under Section 3-01.2 – Special Permit uses in a Residential 80/40 zones, property located at 2279 Mount Vernon Road, in an R-40 Zone (SPU #629)

Sev Bovino, Planner and Andrew Quirk, PE from Kratzert, Jones & Associates were here representing the applicant.

The property is located at 2279 Mount Vernon Road at the intersection with Welch Road. With the application we submitted a 500' radius map with names & addresses of property owners in addition to the property location and how they relate to the subject site.

We also submitted an A-2 survey map with the existing buildings, parking areas and driveways, et cetera.

We also submitted a campus map with the buildings numbered and a description of the proposed uses.

And, the special permit application form referencing the various sections under which the proposed uses are allowed in this R-40 zone with an attachment describing the uses in more detail.

We have provided most if not all of these maps and forms to the neighbors via mail.

We have provided proof of the mailing and the remailing due to the change in the meeting format. We provided that to the planning department.

The property is a sprawling complex, the old Briarwood College, most recently Lincoln College, now closed which occupies 33+/- acres of land served by public water and septic system. The total square footage of buildings on the property is 113,000 square feet. The current lot coverage is 7.8% and 20% is allowed.

The property is bounded north by Welch Road, east by the former Pine Valley Golf Course and the Eight Mile River, south by Mountain Pond Road subdivision, west by Mount Vernon Road and two residences in the southwest corner of the property on our side of the street which is the east side of Mount Vernon.

(Pause, pause)

Aerial photo of the property was on the screen and Mr. Bovino indicated the boundaries.

The property has two curb cuts on Welch Road which are the main entrances to the property. Two additional entrances are on Mount Vernon Road, one of which is gated and is an emergency access or access to the south portion of the property where the recreation area.

Most of the existing development is in the north and central portion of the property.

The campus gives you a sense of space as the structures are far apart from each other. There is plenty of parking and green spaces.

Most of the south portion of the property is dedicated to recreation facilities. The southwest corner is wooded. Mount Vernon and Welch Roads are 33' wide in pavement with a 30-mph speed limit. Mount Vernon Road was rebuilt by the state a few years back. There are four major road

classifications: interstate, arterial roads, collector roads and local roads. Mount Vernon Road is a collector because of local streets joining into it, but it also an arterial road because it connects towns like Wolcott and Cheshire to Bristol going through Southington.

Properties to the north are Lake Compounce and the Tilcon Industrial area.

This used to be a center of learning and now it doesn't exist anymore. It is closed. And, it is no longer possible to continue in the form it was operating years ago. In the paper the other day it described colleges in Vermont and Massachusetts that they are thinking of closing.

The owners have marketed this property extensively with the help of the town and on their own to schools with no success. The potential buyers would like to know what they can use the property for. We and the owners have looked at the regulations and found that some of the allowed uses under the special permit are possible and very fitting for the property with existing improvements.

We are here to ask you to consider approving the uses contemplated in Section 3-01.2. E: medical facilities for inpatient / outpatient treatment of alcoholism and drug addiction including detox and sober living and other mental health offices for the care and treatment of mental and other nervous disorders on an outpatient basis.

Section 3-01.2. F.1: permanent daycare services or nursery school.

Section 3-01.2. F.7: vet hospitals, cancer units, physical therapy, hospice, surgical center operated by a hospital are allowed.

Section 3-01.2. F.7a: convalescent homes, nursing homes and managed residential communities operated by a licensed assisted living service agency.

Mr. Bovino described the campus map which is up on the screen:

Building #1 at the northeast/northwest corner of the property where the most parking is, called the LeConche Hall, 10,000 sf is contemplated to be used for property management, mental health outpatient offices, drug and alcohol treatment offices.

Building #2 is in the same area. LeConche Hall Annex, 2,500 sf contemplated to be used for drug/alcohol group meetings room.

Building #3, Founders Hall, 10,000 sf, one of the larger buildings will be used for a vet hospital, physical therapy or wellness center or a combination thereof.

Building #4, Founders Hall, 2,500 sf and can be used for an adult daycare or nursery school type of use.

Building #5 is a maintenance garage.

Building #6 is a small structure for the security personnel of the campus.

Building #7 is called Legory (sp) 9,600 sf. Contemplated to be used for classroom space and kitchen/office space.

Building #8 is the recreation area, swimming pool, 1800 sf just south of Building #7.

Building #9 is Brooke Hall consists of buildings like a residential community, townhouse type of construction, 3,308 sf. These units will be used for educational housing, sober living facility and for classrooms for teaching.

We are maintaining some school type of operation on this property which is contemplated to be in Building #9.

Building #10, Divineere (sp) Hall, a 3-story building is one of the newer buildings you can see from Mount Vernon Road. It is 17,100 sf which could be used for a hospice facility, cardiac rehab center or orthopedic rehab and cancer care unit center. Plenty of parking, plenty of green space around this building.

Building #11, Palmisano Hall, a 3-story building 16,666 sf with five-bedroom apartments and large common areas on each floor. This is contemplated to be a third-floor drug and alcohol detox facility with ten bedrooms and the first and second floor will be a managed assisted living community managed by a licensed agency.

The areas marked 12 to 14 are dedicated to recreation facilities like fields, basketball courts and volley ball courts.

(Pause)

For the record, we contacted various town departments:

- Water department submitted a letter indicating the water service is able to handle the proposed uses.
- Fire department visited the facility with the owner and found that fire extinguisher tags were outdated and there was an agreement they need to be upgraded. I believe it was done after the meeting.
- Traffic generation study was submitted indicating the total trips for this facility would be less or equal to when the property was used fully operational for 800 students.
- There is an opinion letter provided in regard to property values.

We believe that allowing this property to be partially converted to other allowed uses would not be injurious to the neighbors because the roadway was properly designed by the state with plenty of capacity.

This existing facility does not preclude the orderly development of the other areas around it.

We are the largest parcel in this part of town. The 10 acres across the street was purchased by Lake Compounce a few years ago.

There is plenty of buffers and distance to the individual homes. Enumerated the distances to surrounding closest structures in the area.

Allowing this conversion will allow the facility to be maintained, provide jobs, flourish, be a service to the community, and be a good source of income to the town for years to come.

The options are to abandon the property and let it deteriorate or the alternative is to apply under 8-30g, this is not a threat, we could apply for an affordable housing development which could comfortably fit 300 to 400 units. Even under the HOD regulations on the books, we will meet those because the minimum acreage is 30 and we have 33 and 264 units could be built there with your permission.

At this point, I would like Dennis Terwilliger, owner of the facility who has extensive experience with these types of facilities, to add to the conversation and the commission will find it useful.

Dennis Terwilliger, President of Briarwood Realty, went over the uses he has experience with in the past when running these types of facilities. He enlightened the commission regarding the detox, drug and alcohol treatment center.

Dennis Terwilliger, 240 Eagletown Lake Blvd, Palm Beach, FL 32418. We have a home here in Florida and we also have lived forever in Cheshire where we have a home. This is our domicile.

We have quite a bit of experience in the use of the property in the several ways we've suggested. We understand that more of the sensitive issues here is the use of this facility to treat people who suffer from drug and alcohol addiction. We care greatly about the safety of the facility, of the neighbors, of the tenants here and we also care greatly about property values to make sure there is not a problem.

There are a number of different approaches to drug and alcohol treatment.

For the record: There are no buyers for the property.

We would be very selective in seeking a proper operator for drug and alcohol treatment. We're not interested in having an operator come in who is focused on people who need treatment who are being forced into treatment through court order. Treatment doesn't work well that way. Treatment works best when people are there on a voluntary basis and that's the only way it really works effectively. So, our plan is to seek operators who would operate that aspect of the property in a proper way. People who have good credentials, a good following, who are accredited to prove their competence in their excellence in what they do. That area is sensitive to us, too. We want to make sure that particular use is done properly with capable, excellent operators.

Related to that is the idea of the detoxification center. That is really a medical facility. It doesn't deal in the treatment in the sense of trying to move people away from drugs or alcohol addiction. What it does simply is to allow people who are in trouble, physically, either through alcohol or drugs, to be able to come off of those drugs without the risk of them dying. It is simply a facility which is staffed by medical personnel, doctors and nurses, and people typically are in that medical facility about a week or so. When they leave there, they're discharged back to their treatment center, wherever it happens to be. It is a very specialized medical operation.

The third aspect of this is the idea of the sober living facility. That is managed in a very careful way by a set of very strict rules. People cannot be residents of a sober living facility unless they are drug free and alcohol free. Those are two basic conditions of residency in those facilities. That policy is backed up by frequent testing of the residents to make sure there isn't a problem. If there is, they are removed from the community. The rules and regulations that follow that particular aspect to bring

people back into society through a sober living facility really starts with great discipline and lots of rules. People are not invited to come to the facility to visit anybody. We understand how to vet anyone who would want to be involved in these types of activities and we think we can do a really good job at selecting quality people to operate these things in the proper way. Accreditation is part of this. He explained accreditation commissions.

The other uses for this property are driven by what the special permit rules allow. I.E. A hospice operation. He explained why Divinere (sp) Hall could do a great job as a hospice. It has an elevator of hospital quality and it once housed the college's medical programs.

We can also see orthopedic care or cardiac care being done there. Anything that is specialized medical work.

The building we would look to house assisted living. That building has six 5-bedroom apartments. It's beautifully laid out to provide for service in the middle of the building for a nurse's station and doctors station and for everything on one floor for people who would be involved with assisted living on that floor.

Each use was designed to fit with what the buildings were made to do and what we can do there.

We would like to maintain the idea of having education there of different types. Some sort of a technical education and trying to invite people to the campus to provide services to meet the needs of the community and we certainly classrooms and dormitory space for that group of people.

We don't see any one operation being there that could really take over the property. We see it as being a number of uses.

(Pause, pause)

Other features of the buildings allow for other things. Because of the open spaces we have, a 3600-sf space, we can see that being used easily for adult daycare, for example.

We were trying to work within the special permit uses and looking at the best possible use of each building to fit those purposes. That's what we tried to do.

Any questions?

Mr. Bovino also indicated he would be taking questions at this point.

Commissioner questions:

Ms. Volpe asked for clarification on whether the parcel would be split at any time to allow half of it to be a rehab facility and half to be a hospice? Is that on the table or is all these different uses just being thrown out there to get the consensus of the commission of what is submitted in the overview of the property?

Mr. Terwilliger responded: As we contemplated the use for the drug and alcohol treatment what we envisioned were three different sections of the property. Explained the top floor of one building would be for the detoxification which involves ten bedrooms for a maximum total of about eighteen people.

We envision about 5,000 sf in LeConche Hall for the business offices and therapy offices and meeting room.

Then we would be devoting ten of the apartments for the sober living facility.

That is all we're looking for for that. That is less than 20% of the total use of the property.

Ms. Volpe brought up the hospice and cancer care unit (Building #10) those would be considered separate but also in operation with the rehab facility? Mr. Terwilliger said Building #10 stands on its own. It is the medical building of all the buildings. We would envision there that the hospice center as well as orthopedic rehab and cancer care and that sort of thing would all happen in that building. It is self-contained. Has its own parking. Its own entrances. It would be operating separately from everything else on the campus as we envision it.

There may be an administrative office in Building #1 and it would be offices for several of the businesses and it would make sense for people to come into that as the administrative building. But then actual operations for that would all be contained in that one building.

What we're not sure of is when we start looking at prospective people to run the operation here, it could be the hospice operation wants more space in the building and they could take over the whole building, actually. In which case, that is all we would have there.

It depends on how things turn out. It is a Catch-22. Without the approvals it is hard to attract anybody because there is nothing really, we can talk about. Once we have approvals, then we can look to prospective tenants who may find these properties attractive for their operation.

Ms. Volpe brought up public concerns about safety. In the property condition report, there was no mention of infrastructure upgrades at this time. Would there be any additional plans should a rehab facility eventually go in, to reinforce some of the safety understanding it was a local public concern.

Mr. Terwilliger said safety is an important issue in all of this. As part of the joint commission accreditation process, there are protocols that are established in the drug and alcohol rehab facilities to make sure that they have a means of dealing with any issue that arises. Explained their yearly review process. He noted they would also certify the detoxification medical facility which has a whole set of protocols for safety. The sober living facility has a whole set of rules and regulations, as well.

Discussion.

Ms. Volpe stated with the rising opioid use in our town it is something to think about and the amount that the town spends on curtailing that rising use. I do appreciate the thought. I also appreciate the thought of the hospice center.

Ms. Locks asked if there would-be full-time security at the facility to be sure people aren't wandering around and heading towards the roads and things like that? Mr. Terwilliger responded yes. The normal way these facilities are secured is through the use of behavior health technicians. They are responsible for managing the movement of clients and managing what happens to them from session to session. Keep in mind these clients in this facility are there voluntarily.

We are only interested in operators that have accreditation and geared to those types of clients. We are not interested in seeing clients who are court ordered to be there against their will. You can't

force someone to do something they don't want to do. The best way for someone to recover is to want to. Explained they are watched carefully by the therapist, the clinical director, and the medical director.

Discussion.

We are limiting this to a 5,000-sf facility which means this particular treatment center would be small. People will know everybody. All professionals will know all the clients. That's a good thing. And, this group is not dangerous people because they are not forced to be there.

Ms. Locks asked about the access road to Mount Vernon Road, is that still going to be closed off like that? Mr. Terwilliger said that road is not really used at all. That was used as more of a construction entrance at the time. We don't see that as egress/ingress, at all. We'll use the ingress/egress at the north side of the property. Mr. Bovino added that access is gated and locked.

Ms. Locks asked about the property at the back which is closest to Mountain Pond Road. Is there any time fencing or buffer there so people cannot walk through? Mr. Bovino said there is no fence there now, but we can provide a fence. Ms. Locks felt it would be more secure with a fence there.

Mr. Salka asked: How do we assure ourselves --- you talk about this being a very small facility -- if we approve it, how do we know it stays that small and doesn't grow because that may be your primary usage. Number two, how do we assure ourselves that these are all voluntary commitments and not court directed people coming in?

Mr. Terwilliger said he is as concerned about the safety and security of the neighborhood and our property and our other tenants as you are. I don't have a problem with this concept that as we get people to provide those services on the property to actually sit down with the town planners to review that. In the spirit of cooperation, we want to make sure we have the right people. It's important to use to make sure there are no issues here that could affect the neighborhood or other tenants on the property. We don't want people in treatment who don't want to be there. We are going to be very careful about who comes in here to operate the facility.

He discussed the Florida standards versus the Connecticut standards. He spoke about the National Accreditation Commission which is a very high standard. We would be looking for that as an important aspect of considering them to do this.

As far as the facility becoming bigger, I don't see that as we are not interested in having someone come in to take over the entire facility or take over some large part of it. We think it has to be small because we have so many other uses and we don't the drug and alcohol facility to dominate. I'm thinking it will be less than 20% of the whole operation including the sober living and detox center.

We will keep apartments available for educational purposes. That's important and we want hat back on that campus.

We will sit down with the town when we have candidates and discuss what we are looking at. We are as interested as you are in the safety and protecting property and everything here for everyone including our other tenants here.

Mr. Bovino asked if Mr. Terwilliger would be willing to stipulate a certain percentage so the commission can be comfortable with it. Mr. Terwilliger said he would think so. In looking at our plans,

giving the square footage devoted to the space for sober living, and the square footage of Palmisano Hall, he would say 20% of the facility, that is very workable.

Mr. Salka asked: Are you going to lease out areas to various people, i.e.: drug rehab would be leased one part and the education would be leased out to someone else or would you sell portions of the property to each of these various uses you are talking about? How would that work?

Mr. Terwilliger said the only way it would work would be leasing to individual parties who want to perform the services. I don't think you could break it up like into a condominium type. There are going to be central services that everyone needs provided by us, i.e. snow removal or site lighting.

Mr. Santiago stated the more he listens to this, the more issue he has mainly because we are talking about these things like it is a done deal when in reality none of it is. This is a speculative conversation. There is a lot of would be, could be. You don't have a buyer. This is a if you build it, they will come type of thing.

Discussion.

Some of the uses one can make the argument they are in keeping with the spirit and intent of what is already there which is an educational facility. Other things, a tenant, to say, yes go ahead.

My other issue has to do with residential. When it was the college, some halls were dormitories. A dormitory at a college in an R-40/80 zone, I get it. Now, we have apartments at that dormitory. Would we be setting a precedent by saying I now have an apartment in an R-40/80 zone. That is a big step.

With the application before us, I am going to have issue, I guess, right now I know I need more time to think about this. Some aspects of it, okay, go ahead. But the medical ones, the residential aspect of it, I really have, absent a tenant, am reluctant to say go ahead, blindly, without something.

The things you propose we need: alcohol, hospice, orthopedic, cancer. I get it. However, a carte blanche, go ahead, and hopefully you get someone --- I am going to need a bit with that.

Discussion.

Mr. Terwilliger said this is an interesting situation because right now we're only approved for one use and that is a school. I can't go anywhere and talk to anybody seriously about a lease for anything when I don't have any right to offer the property in that way. This is why we ended up with a master plan saying okay, we're operating within the special use guidelines because that is what we need to do in this zone. These are the things that fit the property. Assuming the commission approves the uses, our intention would be to say to tenants, okay. We do have a facility we'd like you to look at. We believe it will serve these needs very well.

Discussion.

On the dormitory question, dormitories were always built as apartments. Brooks Hall is 20 3-bedroom townhouse apartments. Full kitchen, living rooms and dining rooms. In the newest building, those apartments are all on one floor, no stairway which makes it amenable to the assisted living concept. The use of it in the sober living facility is really a medial thing going on as we are helping people transition back into their normal lives.

Discussion.

We only have so long to be able to bring a tenant to the property or we lose this special permit. And, that's fine. I don't mind the pressure. We will work hard to find proper tenants to come in here and do justice to the property.

Discussion of how he could solicit the tenants.

Mr. Bovino added the owners have been marketing this property for the last year or so locally and nationally as a unit and they have had no success. Everyone asks: What can we do with the property. Right now, it is approved for a school and nothing else. That is why we are here to ask for the multiple uses contemplated under the regulations. We are an R-40 zone. Once you agree to the uses under certain scenarios, then we can get people and they can rely on something.

Discussion.

Mr. Macchio asked about the people coming and being forced by court order for drug or alcohol rehab, how do we get assurance that no one is coming there from a court order? Mr. Terwilliger explained the court has relationships with certain centers to accept folks on court order. If we find you are in the business of serving the courts, you are not a candidate for our property. That would represent a risk to everybody and we don't want that type of client or risk.

Discussion.

We will sit down with town officials on this because we understand how important and sensitive this matter is. I have no problem with staff reviewing it. So, everyone is comfortable before we make commitments to anybody. That is how we will protect everybody.

Testing of the clients on a frequent basis was explained by Mr. Terwilliger in response to a query by Mr. Macchio. When it comes to the sober living facility, the tests are done about every three days. Folks there are expected to do a number of things in a structured way to move themselves back into a normal society or back home. They're expected to work, to keep their room neat and tidy. Much like a military operation, if you will. Expected to go to meetings. And, they're tested. No guests on the property. Family can come and get them on the weekend to come off the campus for a little while and when they return, they're tested.

Discussion.

Mr. Terwilliger discussed the out patient treatment center. Testing is done on the spot.

Discussion.

Mr. Macchio asked about safety. Mr. Terwilliger spoke about the procedure in the detox facility noting safety is not an issue because of the sedation they receive.

Discussion.

Mr. Gworek stated a lot of the safety and security issues were raised by the other commissioners. Some other thoughts revolved around possible stipulations that could be put in place:

- 20% of the square footage of the facility was thrown out there for drug and rehab.
- Possible buffer or fencing on the southern border.

Mr. Terwilliger said he had no problem with either of those.

Discussion.

Mr. Gworek brought up concerns with safety and the drug and alcohol rehab for the neighboring area. Have you heard or seen in your other facilities or locations of increased police activity or calls? Can you attest to anything about that?

Mr. Terwilliger again responded. No. I think there have been times where you have people who will argue over something, but calling the police is not something that happens often. It could happen. The behavior health techs are always there on staff/duty to make sure that intervention takes place. They're always with their therapist or clinical director or both in dealing with whatever it is they are dealing with. It is to teach people how to deal with their issues in a different way.

Discussion.

Mr. Gworek noted the other properties owned by Mr. Terwilliger. He asked if he was directly involved with the treatment or does, he just leases the properties out to the companies and you have no other direct involvement? Mr. Terwilliger said in Florida he has been directly involved with drug and alcohol with two partners. My role is more administrative and the other partners operated these facilities. I've learned everything about it being close to this. That's why I know so much about how all of it works.

Mr. Coviello echoed all the questions and concerns that have come up. One statement I will make is the challenge I have with it is I get the chicken and egg nature of this. I am trying to place myself in the seat we're in as a commission and it is almost the reverse. If we just from a blanket just authorize a bunch of uses on a property, I think we give up a little bit of control on what can be there. To me, this is a little bit hypothetical. We are not really seeing a real thing in front of us. This is what could be. That's the concern I have. I would have to really understand it a little more prior to being able to weigh in on it.

Mr. Terwilliger said in the planning they identified where each activity was going to go. We'd be working closely with the planning department on this going forward. We would come back to the commission to discuss anything that might change.

Discussion.

Ms. Albanese said a major question she has it appears to be that this might be developed as a phased facility based on commitments and potential clients you get with the understanding you do get a special permit for this project. That being said, I'm assuming there might be times when certain uses would be leased to operator tenants and then there'd be other buildings still vacant. What is the life of a special use permit? Mr. Phillips explained special permit approvals run with the land, in perpetuity. The only caveat is an earth excavation permit with a time line.

Discussion.

My other concern is that there was correspondence from the Board of Health regarding the water and septic. There is no feasibility study done regarding the qualifications needed or septic. That would be a large study that needs to be done to assess what the conditions existing are for the septic facilities. Systems in place for the various buildings and what would need to be done and that would come as this gets further along. That is a concern of mine and should be a concern for the commission.

Policing and security are a concern of hers. I would like to know more about that. With various types of uses that would be a major concern and issue that needs to be addressed and formalized with the town.

Considering this might be a facility that would potentially have so many uses, has there been any interaction with the applicant with any of the regional or county organizations (CRCOG or RPA)? So, we could have a better understanding of what needs to happen with a facility like this.

Mr. Terwilliger said they haven't pursued any type of interaction like that right now. We thought we'd have to wait until we have something to talk about.

Mr. Phillips said as far as referrals to the CRCOG or RPA, it doesn't meet any of the qualifications to send a review to them. They wouldn't be involved here.

As for the septic availability for these uses, with the flow that would come from the site, individually or entirely, they will be subject to the DPH or DEEP. Our health department did review files on this property and there is some of the ages of the structures are incomplete. They have concerns and questions on this that need to be resolved.

Mr. Cowles stated his concern with regard to a facility like this, especially the sober house aspect of it, and a lot of the business models I've seen have required that dormitory style occupancy be compacted in order to get enough clients to pay the bill. Because individuals undergoing treatment for addictions often are considered a special class under the constitution, a lot of local laws are overridden. What assurances can you give us to say that the spaces you have, apartments or dormitories, wouldn't be over occupied? If we put too many people in these buildings to pay the bills, it does fall in with the last question about the septic system and the design capacity for those buildings is my concern. We might have septic failure with no reserve space.

Mr. Terwilliger stated right now we have 26 apartments and 90 bedrooms on the campus. When operated as a school, those 90 bedrooms were occupied by as many as 220 students. What we would envision here for the ten units devoted to the sober living facility, they have a total of 30 bedrooms with not more than 2 people per bedroom. The total is not more than 60 residents. We don't plan to expand beyond the ten units.

We will devote another ten units to students as far as an educational program on the other side of the property.

Discussion.

Mr. Terwilliger said that would be one of the conditions of an operator coming in. Accreditation was discussed to make sure this runs correctly.

Mr. Bovino interjected. In regard to the septic system, when the users come forward, we will be comparing the data to the data we gathered years ago for the college when we did multiple additions to this facility. Once the analysis is done, it will be determined if there is a need for an additional septic system and fields. There is a lot of land area to the south of the property which we could use to expand the system. The existing conditions map shows multiple septic systems to the property. (Indicated on the screen.)

Mr. Salka said we have spent most of the time basically talking about the drug rehab portion of this complex. I am just wondering as part of an application aren't we allowed to say out of the list of the uses that can be held in this kind of facility with a special permit, what would be the option of saying that I like all of the other items he's got on the list but can we exclude the drug rehab portion of this proposal going forward? We didn't talk about any of the educational, the nursery, the adult day care, the orthopedics, et cetera.

I have a concern with regards to the drug rehab in its entirety, I'm wondering could we not eliminate that portion and can you still market the property with that excluded as an option.

The Chair answered we have a lot of latitude with regards to this application. A special permit probably provides the most latitude the commission has. Yes, we can eliminate the drug rehab from the application as part of our approval or eliminate any other portion of the application that we see fit. I think as long as we base our reasoning within the confines of Section 8 of the regulations, I think that we're pretty safe to do that. Mr. Phillips confirmed that is correct. You can approve as is or you can modify based on whether the proposal fits in with Section 8 as far as compatibility with the surrounding area and/or intercompatibility between the uses.

Mr. Salka said unless there are additional questions and I know we have a number of people that want to talk, but what I'd like to do is propose a motion that we continue the public hearing until June 16th at 7:00 pm. Hopefully, by that time we will have it opened where we will be able to do a face to face meeting. There are an awful lot of questions and documents and people that I think want to voice their opinion and it is difficult to do it in this kind of presentation.

I would like to propose we continue the public hearing until June 16th at 7:00 pm our next meeting.

Mr. Phillips advised we still have to allow the public to speak that is here.

The Chair felt that was an excellent idea. I think this format really doesn't lend itself to being the best format the public to speak their opinions. I appreciate the applicants patience and having forgone a public hearing over the last month and a half or so, I think that allowing the commission the opportunity to vet a couple of things, frankly I think a lot of the conversation we've heard so far there are a lot of things out there that need to be beefed up a little bit. We are talking about the septic system as one, the traffic study is another one, a question about the security and those types of things, the real estate evaluation that was just dropped off today. We are required to have that 24 hours a head of time. Even if we wanted to, we couldn't act on it for that fact.

I think that putting the public hearing out per the Governors Executive Order which is May 20th, our second meeting in May is before May 20th. So, I think giving it some time for the applicant to gather information from the comments commissioners made and comments raised by the public, I think it is a good idea to probably continue the public hearing.

Unless any other commissioner has objection to that, I think that at the end that is probably what we will do after giving the public the opportunity to state their support or opposition to this application. Point well taken, Commissioner Salka.

Before opening it to the public, the Chair stated some things he was concerned about. One is the issue of the septic tank and septic service there. I think we'd like to get a little bit more clarification on that. From a commission standpoint it is difficult to approve an application without a lot of certainty being provided. I understand the position the applicant is in and I think you all appreciate the position we're in. We are here to represent the residents of the Town to make sure that whatever ends up happening here is done in the best interest of all residents of the town.

We've got to be careful because the approval or anything that goes with this application goes with the property. If they decided to sell the property the day after an approval was given, those approvals go to the next seller. Dennis's comments and concerns really don't mean much because you are asking us to approve something for that piece of property. We have an obligation and a responsibility to do that as best as we can.

The POCD is another thing that is important. It is a guide for our decisions. The most recent was adopted in 2016. I'm not sure given the proposal I'm looking at right now with the high use it would generate is something that is fitting with that type of zone. I'll put that on the record.

The real estate evaluation I really haven't had a chance to review it. We probably got it an hour before the meeting started. It's not on the website right now and members of the public haven't had a chance to look at that, either.

The traffic report. I'm not a huge fan of traffic reports and if you look at my comments with regards to other applications since I've been here you can see that. I am a little bit concerned there are a lot of assumptions that seem to be made regarding the traffic report. Those things need to be cleared up.

The fact that whatever is approved goes with the property, I am not comfortable with basing the approval on assumptions being made to provide an assumption to the traffic study. If we approve this, I don't think that this would be a minor traffic generator for that part of town.

I think with regards to its proximity to West Street, I'm less than comfortable with feeling okay that it's not going to have some detrimental effect to some degree on the West Street corridor which is something I've been on the record pretty consistently being concerned about.

I think that the applicant needs to go back and get additional information and try to provide us with some sense of certainty even though there is a level of uncertainty in what they are asking us to do and then with that we'll take the appropriate action.

With that, unless a commissioner has anything to add, I'll open it up to any member of the public who is in favor initially and then we will do the people who are opposed to the application.

We will be continuing this public hearing to June 16th which hopefully will be in a forum more conducive to a one on one conversation and deliberation.

Mr. Phillips advised continuing the public hearing to June 16th is possible because it is a number of days out --- 35 days you have to close the public hearing and you could extend the time, as well. The Governor's executive order does allow up to 90 days extra on top of that because of the public emergency. It is totally within the timeframe and we could potentially continue the hearing out to that date.

The procedure to be followed with the public being recognized to speak was explained by Mr. Phillips (phone call and video call in).

You can also email me at Phillipsr@southington.org and I will be checking that during the meeting as best I can.

(Pause, pause)

(Those speaking in support of the application)

No response.

Mr. Phillips advised there were letters of support posted on the website.

(Those speaking in opposition to the application)

Following 18 people spoke in opposition to the application citing safety, property values, traffic, compatibility and harmony with the neighborhood and zone, uses suggested are not compatible, business use in a residential zone, poor condition of the connecting streets, major objection to the drug and alcohol rehabilitation center and sober living facility on the site.

- | | | |
|-----|---|------------------------|
| 1. | Meagan McNamana & Cody McNamana | 20 Boulder Ridge |
| 2. | Lisa Marshall | 77 Mountain Pond Road |
| 3. | Jerome Ballesteros & Jennifer Ballesteros | North Ridge Estates |
| 4. | Eniko Hunyadi | Mount Vernon Road |
| 5. | Brian Decrizenzo & Diana Decrizenzo | North Ridge Estates |
| 6. | Jay & Janice (Inaudible) | 132 Mountain Pond Road |
| 7. | Steve Fournier | 70 Mountain Pond |
| 8. | Ronda Merriman | 10 Panthorn Trail |
| 9. | Paul DiPietro | 69 Panthorn Trail |
| 10. | Kimberly Kanner & Mark Kanner | Mountain Pond Road |
| 11. | Kent McClun | 175 Mountain Pond Road |
| 12. | Jonathan Lee | 102 Mountain Pond Road |
| 13. | Jonathan Potter | 176 Mountain Pond Road |
| 14. | Jeff Monte | 53 Mountain Pond Road |

15. Dawn McKerny (read a prepared report/statement) 87 Mountain Pond Road
16. Brian Whitford 118 Mountain Pond Road
17. Maura Maloney 2242 Mount Vernon Road
18. Stephanie Germain – inaudible telephone comments

The Chair advised everybody will get the opportunity when we continue the public hearing. I feel comfortable we've allowed the residents to speak.

Mr. Phillips added anybody who wanted to speak and didn't get an opportunity, you can certainly submit your comments in writing to my email at the town website and we will be sure to include them on the next meeting.

The Chair allowed the applicant to respond to comments made. You do have the opportunity to come back later on and address the things brought up. There is still a lot of information out there that we don't have that I think all of us are looking for.

(Applicant rebuttal)

Mr. Bovino said since you are considering tabling the application, we don't have any additional input at this time and I'll defer to Dennis if he has any comments.

Mr. Terwilliger added the discussion has been very enlightening. I wanted to let everyone know that what we looked at were the potential uses under the special permit applications. It seems clear to me that the idea of ever approving drug or alcohol in a residential zone would seem unlikely. One suggestion I have for the commission is to simply remove that option. I don't know where it would ever be found to be acceptable in any residential community. Even though it works in other towns, maybe it just can't work in Southington.

None the less, we are more than happy to have the commission take out of the application the things it does not want us to do. Our objective is to try to utilize the property in productive ways that help the town and help everybody and not cause controversy. We see there is a great deal of that tonight and that wasn't our intention.

A commissioner talked about the fact you could approve pieces of this and we would be very welcome to have you do that so that we can get on with having the property no longer be vacant and empty. The situation today is not good for the neighborhood and not good for anybody. The property will ultimately end up going into ruin. We all know that.

I wanted to make that comment. Very enlightening discussions today. We are happy to accept whatever approvals the commission feels it could give us given the different things we've proposed.

The Chair clarified what was said. What you are saying is you are amenable to removing the drug and alcohol rehabilitation from your application. Is that accurate? Mr. Terwilliger said yes. Because it seems like the idea of the drug and alcohol rehab, the idea of the sober living facility and even the idea of the detoxification facility, I think that is very upsetting to people. Fine. Let's not do those.

We're happy to do the other things that are in favor with the town's folks. Maybe you can change that special permit section of the code and simply take those options out. So, you don't have to deal with this again.

The Chair said with no objection to continuing this along the lines that Commissioner Salka suggested to June 16th, I am inclined to do that. Is there any problem with that idea?

Mr. Phillips added it is 7:00 o'clock, p.m. on June 16th.

(No response)

The public hearing will be continued to June 16th at 7:00 o'clock, p.m.

B. Carlos and Maureen Vargas, special permit application for parent/grandparent apartment, property located at 91 Whistling Straits, owned by Lovley Development, Inc., in an R-40 zone (SPU #630)

And

C. Carlos and Maureen Vargas, special permit application for garage in excess of three garage spaces, property located at 91Whistling Straits, owned by Lovley Development, Inc., in an R-40 Zone (SPU #6311)

Mark Lovely, President of Lovley Development, Inc. 710 Main Street, Plantsville presented. The Vargases have gone into purchase a lot on 91 Whistling Straits Drive. Kratzert, Jones has done the plot plan. The applicants have filed all the paperwork with the notarized affidavit that one of their parents will live there. (Showed plot plan) The front door faces Whistling Straits. This fits in within the neighborhood. Houses are larger and smaller are within that neighborhood.

Mr. Salka noted based on the comments from the staff about removing the two doors, that will be incorporated in the plan. The two interior doors will be removed was confirmed.

Mr. Santago confirmed with the applicants for the record that no business would be run from this house.

(Those speaking in favor of the application)

Mr. Phillips noted one letter in favor posted on linen in favor of the application. (On file in the Planning office.)

Brian Whitford, Mountain Pond Drive wanted to see this approved as he went through the same thing and wanted to support them.

(Those speaking against the application)

None.

The Chair closed the public hearings on Items B & C.

BUSINESS MEETING

A. Special Permit Application of Briarwood Real Estate Limited Partnership for a Master Plan of Individual Uses allowed under Section 3-01.2 – Special Permit uses in a Residential 80/40 zones, property located at 2279 Mount Ver non-Road, in an R-40 Zone (SPU #629)

Mr. Salka made a motion to continue the public hearing until June 16th, 2020 at 7:00 pm. Ms. Volpe seconded. Motion passed 7 to on a roll call vote.

B. Carlos and Maureen Vargas, special permit application for parent/grandparent apartment, property located at 91 Whistling Straits, owned by Lovley Development, Inc., in an R-40 zone (SPU #630)

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

Mr. Phillips noted the required affidavit is on file and it does meet the regulations.

Mr. Salka revised his motion to remove the two interior doors per staff notes that were given and shown the Planning and Zoning Department website. Ms. Locks seconded the revised motion. Motion passed 7 to 0 on a roll call vote.

C. Carlos and Maureen Vargas, special permit application for garage in excess of three garage spaces, property located at 91Whistling Straits, owned by Lovley Development, Inc., in an R-40 Zone (SPU #6311)

Mr. Phillips advised this is ready for action. Mr. Salka made a motion to approve. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

D. Torrey S. Crane Co., site plan modification application to construct a 3,206-sf addition on property located at 480 Summer Street, owned by 492 Summer LLC, et al, located in an I-2 zone, parcel size .75 acres (SPR #1711.1), tabled from March 3

Mr. Salka made a motion to approve with based on the February 24th memo from Mr. Phillips and responded to by Kratzert, Jones. As long as those items are approved. Mr. Macchio seconded.

Ms. Locks wanted to be sure all the drainage issues are okay. Mr. Grappone advised all engineering comments have been met concerning the drainage.

Motion passed 7 to 0 on a roll call vote.

E. Site plan application of Olive Branch Enterprises, LLC, to construct a 16'6" x 19'9" outside patio with columns and pergola roof, property located at 1217 South Main Street (Sliders), owned by Olivia Marina, LLC, in a B zone, parcel size .76 acres (SPR #1796)

Jeff Carbone of Olive Branch Enterprises, LLC presented on behalf of the applicant, Sliders. This is for adding an outdoor patio area located at the front left side of the existing building which would border the package store. The patio is for outdoor dining. It will have approximately seating for around 16. The Chair noted that is tight seating on that patio for 16 people.

(Pause)

Mr. Salka commented he had a copy of layout but there is no seating arrangement or detail to it. It says it is 326 sf. I'd like to see more detail.

(Pause)

Mr. Carbone explained the plot plan on the screen. There was an architectural rendering which really doesn't show any more detail. Just a cut through to the patio and then a bird's eye view of the pergola.

The Chair asked for more detail on the seating arrangement. I'm wondering how you will fit 16 people on that small patio. I think if we can see a little bit of a layout, that would help us.

Mr. Carbone is meeting with the owner tomorrow and will mention that to him. Perhaps the architect can do a scaled rendering of the seating arrangement.

Mr. Santago asked about the parking. Does this take away any front parking? Parking is tight there anywhere. Mr. Carbon noted on the plan, the notch is part of the existing building and that is just a space there now anyway. It's a fire exit there on the side.

Discussion of the parking on the corner of the plan.

Mr. Santago wanted to be sure this doesn't affect their overall parking requirements. Mr. Carbone said they would have to eliminate that one parking spot closest to the proposed patio.

Discussion.

Mr. Phillips said there is shared parking available within the area and not an issue. We can make sure there is no issue at the zoning permit level.

Discussion of existing sidewalks on all parts of this property.

Mr. Gworek noted the 3' high concrete wall to be put in there and is there going to be access directly to the parking lot from the patio where patrons could feasibly just walk right out in the parking lot. Mr. Carbone said there needs to be a fire exit that would be only accessible from inside the patio and not from the parking lot. We are trying to figure out the best location for that. In looking at the site, it seems to me it would be better suited along the abutting property side instead of the parking lot side. The owner, I don't think location would really matter to him. Whatever is decided. It would not be accessible from the parking lot side.

Mr. Gworek didn't want people wandering from the parking in with drinks and the opposite coming to the parking lot with drinks.

Mr. Carbone discussed putting a small fence on top of the wall on the sections to add another level of barrier.

Ms. Volpe said in review, this says it is about 36' from the road. We spoke about the parking space and it is not advantageous to have it about this. Is there anything for public safety that might be presented at the next hearing? I'm concerned with accidents at this intersection. I hope we can hear a little bit more about how residents will be protected while on the patio. Just in case.

Mr. Carbone said bollards would be need to be placed around it. Beyond that, I don't know what else we could do for protection.

Ms. Volpe asked if the hours of the patio would be the same as the restaurant/bar. Mr. Carbone said the intent of the owner was to have it be open as the regular restaurant would be open.

Mr. Santiago made a motion to table and Ms. Volpe seconded. Motion passed unanimously on a voice vote.

Next meeting is May 5th.

F. Request for release of \$1,200 Erosion and Sedimentation bond, 447 North Main Street (FF #258)

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

G. Request for release of \$20,000 maintenance bond, Extension of Steeple Chase Drive, East Gate Meadows subdivision (S#1298)

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

H. Request for release of \$2,910 E & S bond, 791 South Main Street (SPR #1778)

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

I. 8-24 referral for Bond Ordinance appropriating \$2,500,000 for Costs Related to the Design and Construction of a Back-Up Well (Well #10) for the Southington Water Department's Well #9 and Authorizing the Issuance of \$2,500,000 Bonds, Notes, Temporary Notes and other Obligations to Finance the Appropriation (MR #552)

Bill Casarella of the Water Department explained the application. (Written notes on file in the Planning office)

Need for back up was noted for this well.

With back up well we can use both wells with a reduce rate of flow and increase the longevity of both of them.

Currently have a back up well for #2 and #7. There is a need for a backup well for #9.

Ms. Volpe made a motion to send a favorable referral to the Town Council. Mr. Salka seconded. Motion passed 7 to 0 on a roll call vote.

J. 8-24 referral for the purchase of 1954 Mount Vernon Road for Open Space in the amount of \$130,000 (FR #553)

Mr. Salka advised it is a total of about 16 acres with a lot of natural resources. A river running from the reservoir down the hill. Hiking available in that area. Close to the reservoir. It ties in closely and nicely with some undeveloped parcels the town currently owns. With \$130,000, we had three land assessments and we took the lowest at \$130,000. It is consistent with the POCD. I would make a motion to refer it to the town council. Ms. Locks seconded.

Mr. Phillips noted a couple of attributes from Dave Lavalley, Ass't Planner. He states that it has unique features like a waterfall, preserves a wildlife corridor, water quality and has a slope and brook running through it.

Motion passed 7 to 0 on a roll call vote.

ADMINISTRATIVE ITEMS

(1) Curtiss Street: Mr. Phillips said a cease & desist was issued to the tenant and property owner back in February for replacement of the buffer that was removed. They tried to replant and the specimens they tore out of the ground did not take. That, and there are a couple of zoning permits kind of rudimentary they need to meet as well. That needed to be delivered by Marshal.

The property owner, who is absentee, is working with us. Cooperative thus far.

We got a notice there was activity up there yesterday and the ZEO went out and witnessed there is a berm going in for 5' on the northwestern side north of where the vegetation was removed. They may be starting to plant there but our cease and desist clearly indicated I wanted to have planting plans submitted with the detail and nursery specimens instead of scrap trees. That is has not been done. We will have to revisit that again tomorrow.

We had another complaint about truck washing that went to engineering which ended up going to the DEEP and there was a response from the DEEP, so that might be part of the resolution of that, as well.

It is an ongoing situation. We'll go back again tomorrow. Ultimately if we don't have compliance, we can turn it over to the town attorney and we could issue fines, but it is not going to matter if they don't pay them. We're hoping to get some resolution on the buffer.

(2) Liberty Street application: Mr. Phillip said an appeal was sent in before the COVID-19 took over. That went to the court and we did receive notice of that. It is with the town attorney and because of the slow down in court activity now, they are trying to find a resolution which would lead to a settlement that could come back under executive session to be discussed by the PZC. I have no direction at this point in time.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

Mr. Phillips gave a brief review of the items scheduled.

A. Lee M. Levesque, Special Permit application to construct a garage in excess of 3 spaces, property located at 55 Paul Heights, in an R-20/25 zone, parcel size .35 acres (SPU #634) May 5

B. Ali and Kareme Philippou, Special Permit application for a parent/grandparent apartment, property located at 674 Meriden Waterbury Turnpike, in an R-20-25 and R-40 zone, parcel size 1.58 acres (SPU #632) May 5

C. Lovley Development, Inc., special permit application for multiple buildings on one site, property located at 318 North Main Street, owned by Beaton Corbin Mfg. Co., in a B zone, parcel size 1.65 acres (SPU#633) May 19

D. Senco, LLC, special permit application to construct multiple buildings on one lot to facilitate the development and operation of a source separated organics recycling facility, known as a volume reduction plant, using anaerobic digestion and aerobic composting to produce compost, renewable energy and heat for use in greenhouses that will grow premium quality vegetables, property located at 111 Spring Street, in an I-1 zone, parcel size 37.4 acres (SPU #537.1) previous approval expired – May 19

RECEIPT OF NEW APPLICLATIONS

Mr. Phillips briefly explained the following applications.

A. Lovley Development, Inc., Floodplain filling application for the construction of a new building to replace on destroyed by fire, property located at 318 North Main Street, owned by Beaton Corbin Mfg. Co., in a B zone, parcel size 1.65 acres (FF#267)

B. Lovley Development, Inc., Site plan application to construct two buildings to replace the ones destroyed by fire, property located at 318 North Main Street, owned by Beaton Corbin Mfg.Co., in a B zone, parcel size 1.65 acres (SPR #1797)

C. Senco, LLC, site plan application for the construction and operation of a source separated organics recycling facility using anaerobic digestion/aerobic composting to produce compost, renewable energy and heat for use in greenhouse to produce premium quality vegetables, property located at 111 Spring Street, in an I-1 zone, parcel size 37.4 acres (SPR#1672.1) (previous approval expired)

ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 11:12 o'clock, p.m.)