

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
JUNE16, 2020

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, June 16, 2020 via WebEx teleconference. Robert Hammersley, Chair, called the meeting to order at 7:01 pm.

The following participated:

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

Alternates: Theresa Albanese, Joe Coviello & Caleb Cowles

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 being led by the Phillips' children.

A Moment of Silence was observed by everyone.

ROBERT HAMMERSLEY, Chair, presiding:

Approval of Minutes

Regular meeting of May 19, 2020

Mr. Salka made a motion to approve the Minutes as submitted. Gracchi seconded. Motion passed unanimously on a voice vote.

Public Hearings

A. Lovley Development, Petition to Enact a Zoning Regulations Amendment of Text, Section 3-09.3A and modify Section 3.09.6, Age Restricted Cluster Housing Zone (ARCHZ) regulations (ZA #604.)

Sev Bovino, Planner with Kratzert, Jones & Associates presented on behalf of the applicant, Lovley Development. The ARCHZ is an age restricted cluster housing zone now currently allowed under Section 3-09 of your regulations. This is a floating zone eligible to be designated on the zoning map over existing R-40, R-20/25 & R-12 zoned parcels of five acres or more of property. This zone addresses

the housing needs of the aging population, provides housing choices for existing residents so they don't have to move, offers more housing choices for moderate income seniors. This was approved for a site on South End Road and has been very successful.

The current requirement is the property eligible shall be served by public water/public sewers. To allow more flexibility in land development, the proposal is to amend the text to add Section 3-09.3.A under permitted uses which would allow properties of 20 acres or more to be developed if they have public water and septic system for single family residences, thirty percent of which could be attached duplexes.

Also, we modified Section 3-09.6.C to reflect that change. The allowed density in this case would allow 3.5 units per acre maximum versus the current allowed of 5 units per acre.

The applicant will have to go through multiple stages of the application process. There will be a preliminary layout and zone change requiring a public hearing per Section 8, Special Permit and final site plan require a public hearing and notification. During those applications landscaping, drainage, lighting, buffers, property layout, architectural plans and greenspace will have to be addressed to the commission's satisfaction.

I'll take any questions.

Mr. Macchio asked is there are specific areas right now in mind as to why they could like to do this change. Mr. Bovino responded there are parcels we are looking at, yes.

The Chair advised that Mr. Santago had asked Rob which properties could be potentially affected by this and Rob did some research on this. Mr. Phillips answered with the assistance of the engineering department, Dominic and many thanks to them, they quickly produced a table. I asked for a quick analysis or listing of properties that met the criteria subject to this amendment which would be properties in the R-12, R-20/25 & R-40 zones that are at least 20 acres or more. From that list I pared it down to properties either are vacant, close to vacant or have a use that potentially could be easily converted to another use. That list came out to be 12 properties. We did not do any further analysis to analyze wetlands coverage, steep slopes or inadequate soils for septic systems. All considerations. We didn't look at lot geometry. If public sewer is available to these properties, they could develop under the regulation on the books right now without this text change.

Mr. Macchio said his concern was if there were only one or two properties, it would be like a spot zone. As long as there are multiples, it was encouraging looking into it.

Mr. Santago wondered where we would do this, so he thanked Rob for his research. I thought about the spot zone thing, too. Now I hear there are twelve properties it gives me more pause because I wonder if we want this all over town for those eligible because now it is opening up more development where there might not have been any in the first place. Am I doing a regulation change because it's good or because it is opportunistic to fit a particular circumstance.

The changes here proposed, one is the sewer to septic.

Are we increasing density with this? Mr. Bovino answered we are reducing density from 5 per acre to 3.5 per acre. We feel we need more space to have a septic system. We are conservative in these approaches.

Mr. Bovino continued that the number of parcels we found, purely based on this text change proposal, which means you don't have sewers, it's probably like 4 or 5. The 12 parcels Rob is talking about, that includes the parcels that could be developed under the current regulations with the sewers.

Mr. Santago said the big difference is this includes septic, and if you include septic, density goes down because you need more space to accommodate the septic. Mr. Bovino agreed. And, it also creates more of an open space area because of the additional acreage pointed out Mr. Bovino.

Mr. Santago asked Mr. Bovino how this would give us more open space. Mr. Bovino said requirement is exactly the same as the other, even if the other is denser, it requires 20 percent open space, greenspace. The same requirement.

Mr. Coviello is the mix of single family and attached duplex staying the same as well. Mr. Bovino said the other one is just single. This allows more flexibility because you want to work with the land and try to fit things, if you join two into one, it gives you more space to fit them in. Proper siting.

Mr. Cowles noted with the flexibility of being able to utilize the septic systems there, you are going to expand the likelihood of all those parcels being developed. Mr. Bovino that is the intent. This would allow a development like this in an area which otherwise could not be done unless you extended the sewers.

The Chair added it is subject to the state health and DEEP approval process, as well.

Ms. Albanese asked if feasibility assessments would be done on the suitability of the soils for septic and if that needs to happen, engineering would take care of that. I like the idea of an age restricted development which is needed in town and would serve that growing population in this area. I guess regarding the text change, it says: water. Would that mean extension of the water main to this area or the water would have to be at the street. I'm confused. Mr. Bovino answered for the septic system they would have to do soil testing in cooperation with the health department. The approval would have to be granted by the health department which we normally do for septic systems. Explained two or three test pits are done for each home and we done or two perc tests for each site. The soils are analyzed and the percolation rates get analyzed and then we get an approval.

Regarding the public water, it is existing or extendable within a responsible distance. In town if you are within 200 feet of the water line you are supposed to extend it. And, the extension would have to be approved by the water department.

Mr. Salka said he agreed with a number of comments made by the commissioners about needing more 55 and older because of the demographics of Southington, but where did the magic number, 20, come from and if 20 acres or more identifies 4 or 5 properties, what is magic about the 20 acres versus 30 acres? I would rather see fewer parcels being available for this type of change. How did they come up with 20? Mr. Bovino responded they just looked at parcels that could be developed in the 20 to 30-acre range. The commission would have to approve these sites. And, the smaller parcels more likely would have public sewers --- like the five-acre parcels.

Mr. Salka asked the commission to consider increasing the 20 acres to 30 acres. I'd like to see fewer areas with this type of development. The change would limit it to 4 or fewer parcels.

Discussion.

Mr. Bovino said if you stay at 20 it gives us more flexibility to develop different parcels. If it goes to 30 it restricts the number of parcels. It's your call.

Discussion of increasing it to a 30-acre parcel and how that would affect the thirty percent for duplex units and the 3.5 units per acre requirement. Mr. Bovino said 30 percent of the units would be attached units and that remains the same.

Mark Lovley, President of Lovley Development, 710 Main Street, Plantsville interjected he would not have a problem if you want to go to the 30 acres.

Ms. Volpe thanked Rob because that information needed to be brought to our attention. It does feel like this is catering to the developer in this instance knowing there are so many limited parcels and it seems that we would be touching upon something that would cater to just this specific reason when as Rob pointed out earlier there are already things in place for that. I do agree to increase the parcel size to 30 but then I do question what that would look like. In our POCD age restricted housing is important in our community, however some concerns over the larger parcel sizes and over development concern me, as well. I want to make sure we are not just doing something that is so specific in this instance.

(Minutes are prepared summary style and you may refer to the video/audio on line to hear the full commentary.)

Those in the public who would like to speak in favor of the application:

(No response)

Those in the public who would like to speak in opposition to the application:

Two speakers:

1. Val Guarino, 1432 East Street, read a prepared statement, a copy of which was sent in, in opposition. (Written statement on file in the planning office.)

His concerns were over development, this proposal has no benefit to the town and is not in the best interest of Southington.

2. Dawn McNerney, 87 Mountain Pond Road read a prepared statement in opposition. (Please refer to the video on line to hear the full statement.)

Her concerns were destruction of wetlands and open space, increased air and noise pollution, increased traffic and deforestation of trees, contamination of rivers.

Think hard about this text change and how it can have a negative affect on Southington. The proposed change looks minor but it has a major impact to the town. It opens the door for any other type of cluster housing no age restricted.

She was concerned with septic waste water systems for cluster housing.

The Chair responded to some comments in her statement. (Refer to the on line posting.)

In response to a comment by the Chair, Mr. Phillips responded if this amendment is approved, the next steps would be an application for a zone change on any particular property, which requires a public hearing and also an application for a special permit and site plan. The special permit requires a public hearing. Multi-step process. In this case, three public hearings if this were to be approved on any particular change to a property.

Discussion.

Ms. Volpe also responded to some of the speaker's comments. (Refer to the on line posting.)

Rebuttal:

Mr. Bovino said this proposal and current regulation does not allow development in the R-80 zones. Wetlands and floodplains of this town are protected by current regulations and would be protected under this regulation. Over the years we've come to basically zero impact to wetlands, zero filling of wetlands. We try to avoid wetlands impact at all cost all the time with projects.

The existing ARCHZ regulations and this one, has a workforce housing component. We have to meet the purpose of the regulation (five items) otherwise you could deny the application.

It is a floating zone. The property comes forward, you review it multiple times.

The septic system would have to have suitable soils and be approved. There is no abuse of that regulation.

Sales have to do with what the public wants and needs. This regulation is trying to meet that. This is a single-family development.

Mark Lovley stated we worked closely with the PZC on this regulation as our goal was always to do development that was smart and would leave more open space. He discussed the South End Road development which created taxes to the town, no services to town for roads, education, et cetera. We did not want to tax the town infrastructure and still create open space. In my last five developments I have saved almost 200 acres of open space. The reason for this development was to be able to do that.

Discussion.

Mr. Santago wanted to know which parcels we are talking about that would be impacted by this that otherwise would not have been. I agree totally with the commitment to open space.

Mr. Phillips put on the screen the listing. He went through it. The list assumes public water access.

This list is property that could be developed with the proposed regulation change:

1011 West Center Street, 891 Queen Street, 1091 Mount Vernon Road, Connecticut Advent, 1012 East Street (property subject to the solar array), 433 Churchill Street (Forestville Fishing Club), 1268 West Street, 960 Johnson Avenue, 1316 West Street, 90 Welch Road & 510 Churchill Street.

Discussion.

If you approve with the modification to be 30 acres minimum:

1011 West Center Street, 1012 East Street (subject to solar array), 433 Churchill Street, 1268 West Street, 960 Johnson Avenue, 1316 West street.

Discussion.

Mr. Phillips pointed out that the limitation, wetlands, steep slopes, inadequate soil, lot geometry specifics and the caveat is if there is public sewer available, some of these properties would automatically be developable as it stands today if the zone change and special permits were approved for a specific proposal.

Discussion.

Mr. Phillips brought up the Briarwood Property, a targeted property, that is included either in the 20- or 30-acre proposal.

Mr. Bovino commented on the developability of each of the parcels noted. (Refer to the on line posting.)

The Chair closed the public hearing.

B. 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) continued from 21 and the applicant has reused a continuance of the public hearing to the July 21st meeting.

The Chair said even though a continuance is being requested, he would still allow any member of the public to provided testimony for or against the application to speak at this time.

Mr. Bovino stated that on behalf of the owners we request a tabling of this application. There were a lot of questions and comments we are taking our time to look at to see what we can do. We request a table.

The Chair said he still wanted to let people speak tonight if they have anything to add. But we won't close the public hearing.

(Those speaking in favor of the application)

No response.

(Those speaking in opposition to the application)

No response.

The Chair stated the public hearing would be continued to July 21st per the request of the applicant without objection from the commission.

C. Louis Gianacopolos, special permit use application for a garage in excess of 3 spaces, property located at 924 Old Turnpike Road, in an R-20/25 zone, parcel size 1.07 acres (SPU #635)

Louis Gianacopolos, 924 Old Turnpike Road, applicant, presented the application. He explained the property goes back 436'. They would like to put up a garage to store an RV and a boat and it doesn't make sense for them to sit outside financially and deteriorate. We want to put a garage in the back. There is plenty of room.

There was no mention of wetlands before, but one staff suggestion --- which by the way, the communication in the planning & zoning office has been phenomenal dealing with Karen, Dave and Jim and Rob. All were easy to work with.

So, we want to put a garage in the back. We are going to have a steel frame with an exterior of vinyl siding and everything to match the house. I was asked by the town to hire a soil scientist because there was a question of whether these homes were all built on wetlands because the maps showed this is possible wetland area. The soil scientist came out and tested the property where the blue showed there was wetlands but there wasn't. There was a strip coming across our property in the back that has a very high-water table and they're deeming it wetlands. He dug down 4' and got water. It's tough this time of year, but as the season moves on, it dries out. I've never had a problem back there. There is grass growing back there. I've mowed it.

We want the garage 200' off the back of the house which will be a minimum of 40' from the neighbor's house at #914, next door. It'll be 60' from the other neighbor's home to the south side. It will be 114' from the end of our property line there.

A couple of questions were asked about how I would go about building it and where and they helped with some suggestions. They suggested gutters and where to run the water. I'm open to any suggestion from the professionals to let us know what and where we need to do things.

There was a question of crossing the property where what they deemed high water and the wetlands. There is a section to the south side where it is only 20' and we tend to cross there. The town suggested putting gravel down to help protect that. But honestly, hours after it rains, you walk through. There's no mud back there.

A question of disturbance was asked and the recommendation was we had to put in a foundation of 42" to the frost line for this building. That would have to be disturbed and dug up but it is not on any of the designated wetland area. Or, the deemed high-water table.

Ms. Volpe said on the wetland map there is a small shed on the property. What is the size of that and are you planning on keeping it in addition to the structure you are requesting? Mr. Gianacopolo said the shed will be removed. It's 12 x 20.

Mr. Cowles asked how are you going to get back there while crossing that high water/wetlands swath that goes across your property? I believe there was not going to be a driveway installed. You have to get a big RV back there. I have a concern about crossing that filled in area. How will that affect the surrounding area? The applicant said this is seasonal. We use the RV a few times a year. No traffic other than seasonal. I talked with our neighbor and her question was are you going to put a driveway

between our houses and my intention was not to put in a driveway. If we have to put gravel to a certain point, we could. I am open to suggestions on that.

Mr. Cowles asked why they wanted to put the structure so far in the back as opposed to closer to the house so it would be more on the reservation so to speak. The applicant said that is an alternative location. But this is more of an ideal situation because we have so much property that we want to utilize. Putting it closer to the house would be too close for the size of the structure. It could be. If have to, it will be unfortunate to go that route. If you put it closer up --- the suggestion is 50' from the marked line of the high-water line – that is getting close. That's why I moved it further back. I originally wasn't going to go that far back.

Discussion.

Mr. Cowles asked lastly if this was on sewer or septic. The applicant said on sewer. Mr. Cowles wanted to make sure he was not driving over the septic.

Mr. Phillips interjected the wetlands related issues and questions and concerns are going to be covered by Dave Lavalley, Ass't Planner under an agent review and approval by regulation. Through a permitting process, assuming this approved, he will be able to take care of any and all concerns related to that as he normally would.

M. Gworek asked the roof height at the peak of the proposed garage? The applicant clarified it is a travel trailer and not a motor vehicle going back there. The height is 4/12 pitch with a 16' door. So, mid 20's. I wanted to get approval first before doing the final blueprints.

Are you still going to use the garage for your personal vehicles? The applicant said his wife would be able to park in it now.

To see it from the road, you would have to position yourself in a strategic place to see it from the road, so no, it won't be visible.

Mr. Gworek asked about the pipes currently going through the intermittent watercourse or is it a plan to put pipes in? The applicant said there is some N-12 perforated pipe there now.

Discussion.

Ms. Albanese asked about IW review. Mr. Phillips explained this falls under agent review according to the regulations. Mr. Lavalley has been and will continue to work with the applicant on any wetlands accommodations that need to be made assuming this is approved and it moves on to zoning and building permits.

Ms. Albanese asked would the applicant need to go before the Corp of Engineers to get approval from the federal agency. Mr. Phillips will follow up with Mr. Lavalley on that. You know, 5,000 sf of impact is the threshold, but they do sometimes look at it less than that.

Ms. Albanese asked about tree removal. The applicant said no tree removal. Ms. Albanese confirmed this is a non-forested wetland and just an open area. The applicant said it is open, yes.

The goal is not to pave this area. I'll take the town recommendation. I was asked to put gravel in the areas the soil scientist marked out.

Ms. Locks asked if there was an intent to use this for any type of a business of any kind or is this just for your toys? The applicant responded: just toys.

No further questions from the commissioners.

(Those speaking in favor of the application)

1. Kathy Fortier, 914 Old Turnpike Road, neighbor said when we got the notice about the meeting I did meet with Lou and walk the property back there as I had similar questions to those you guys asked about the wetlands and how he would get back there. If they were to drive back there frequently, they'd be right on our property line, pretty much.

It is pretty much going to be seasonal when they take the boat and trailer out. I don't see a lot of traffic in between our properties.

If a gravel or paved area were to be required, I might like to have a fence or something for privacy. I'm happy it is far back. I don't think I can see it when the trees are out. Great.

If they take the shed down, it'll be all grass. It will look nice.

I am in favor of it as long as everything is up to par.

2. Anne Marie Mullett, 904 Old Turnpike Road said she is not opposed to this. I do have some concerns as I live on wetlands, also. My land gets wet and I don't want it to get further wet.

I know it is going to be a large structure which is fine with me as long as it is for personal storage, only. No repairs and the like going on.

I was worried about the driveway.

I want to make sure the wetlands are tested by the town, also.

The Chair asked if the applicant had talked to the neighbors on this. He said when he and Kathy talked, he showed out back what we're going to do and we want to make sure that is out in the open right away. Happy neighbors.

The Chair was hopeful there was a conversation going on about the driveway and what that'll look like and how it plays out. The applicant will work with the town on what they need and we'll go from there.

The Chair closed the public hearing.

D. Tracy Dube, special permit application for a parent/grandparent apartment, property located at 250 Pin Oak Drive, in an R-40 zone, parcel size .84 acres (SPU #636)

Mr. Phillips posted the plan on screen share. Without anybody being able to speak at the moment for whatever reason, I'll inform you that we have a proposed accessory apartment located off the rear of the garage with the connection to the main structure and also a connection to the existing exterior deck. It does meet the regulations. That's all I can offer at this time.

(Pause, pause)

The Chair asked if anybody to speak on this matter.

Tracy Dube and David Dube, 250 Pin Oak Drive, were on the telephone. Tracy Dube explained this is an in-law apartment for my mother on the back of our garage. The square footage is about 1,000 square feet and the in-law apartment would be less than 400 square feet. We will share a game room and we'll have a second kitchen and the rest is for my mother. That's it.

Mr. Cowles asked if there would be a bathroom added to that part of the building. Ms. Dube answered: yes. Ms. Dube indicated they were on sewer and not septic. Mr. Cowles asked how close the addition would be from the property line. Ms. Dube said over 20 feet away. And, have you spoken to your neighbors to get their feedback? Ms. Dube responded neighbors on both sides have been spoken to.

Mr. Gworek stated he saw the affidavit about this not being a rental and only for exclusive use of the mother. He had no further questions.

Ms. Albanese said she encouraged these types of improvements to bring elderly parents in to assist with them. This seems like a minor addition in the expansion of a home more so than just an apartment. And, 400 square feet is not very large. I'd like to see this work.

Mr. Macchio commented he looked through most of the documentation and it's a nice plan and fits with all the regulations. I am happy about it. Good luck with it.

Mr. Salka asked if it had a separate entrance into the structure. Ms. Dube replied: no. It is going to have an entrance on the back of our deck. She'll come in through our garage and our door and then into the apartment. Mr. Salka confirmed if the home is locked, there is no separate entrance where they can just go straight into this apartment. Ms. Dube confirmed that.

As to the affidavit, if the applicant decides to sell their home, what does that mean that they can't rent out that area for an Air B & B. Mr. Phillips explained it is an interesting thing. They sign an affidavit and it continues with the property. When selling, you can list it as available with a grandparent apartment and the new owner has to reapply and get the approval for the specific arrangement. It's a situation where it's kind of an extension of the house and we have those clearly defined rules & regulations that if we ever find there is a violation, we have an enforcement issue. It is difficult, but it is covered. Interesting someday if somebody can't sell the house because they have an attached grandparent apartment that they can't use. I haven't seen really any issues so far.

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

No response.

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

No response.

The Chair closed the public hearing.

E. David P. Teichman, Special Permit application for garage in excess of 3 spaces, property located at 73 Hamilton Avenue, in an R-40 zone, parcel size .88 acres (SPU #637)

David Teichman, 73 Hamilton Avenue, applicant, presented. I want to echo the comments that you guys are really easy to work with, really good communication lines.

When we both the property there was no external structure for storage. The back edge of the property with the way the tree line kind of comes, it's a good corner for a structure like this. I plan on housing about a third of this with outdoor tractor, snow blower, lawn care and that kind of stuff for upkeep. I've got two young girls and I plan on keeping a lot of their toys, bikes, et cetera in there as well.

The other side, I enjoy woodworking. I've got a lot of tools. A table saw, lathe, et cetera. I build furniture for my kids. I'm looking to use some of this as a workshop, as well.

It's a 40 by 24 garage on the back side of the property. We put a bunch of garage doors to get things in and out depending on the weather and what project is in use. Purely woodworking and shed storage out there.

The side yard distance at the back corner is 11 feet. There is a small shrub that we didn't want to have to pull out. And, the east edge of the property in line with the proposed building we just put up a swing set. It's kind of towards the west edge.

No driveway going back to it. The existing driveway stays in place.

Mr. Cowles commented that there is no extension of the driveway, but there is going to be garage door bay there, is that accurate? The applicant responded yes to get the tractor and that kind of stuff in/out. And, getting a piece of plywood through the door. Mr. Cowles asked if there would be water service to the building. The applicant replied no. The plans provided are piers and slab and I've contacted people in town about the concrete and they said the building department knows best here. There may be a foundation but I haven't gotten there yet, obviously.

Mr. Cowles said his concern about a building like this in a residential neighborhood is the size and its relative distance from the other properties within the neighborhood. The applicant said he had no problem moving this a little bit into the middle of the property. As far as tree line and tree scape there are shrubs & bushes that currently seclude the back yard. There's a good deal of trees and bushes that line the property line.

Mr. Gworek noted the no commercial use affidavit has been signed. My other question is it going to look like your house with the same siding, roof color and all of that? Mr. Teichman said that was correct. White on white with black roof.

Mr. Santago said his thing was the proximity to Mr. Leahy's property line. It does seem a little close there. I'd be in favor of moving it inward a little bit. Have you spoken to Mr. Leahy about the structure so close to this property? The applicant said he had. I have talked to a good number of people on the street about this project. All seem indifferent and the comments have been positive.

Mr. Salka asked if the garage is moved more central on the property, how far will the nearest point be to another house, next door neighbor? The applicant said the other houses on the street are

actually in line with the current house itself. I think that is a good hundred feet from the front corner to my current garage. You're probably talking about the same.

Mr. Salka noted the woodworking he is planning on doing. If you start using your power saws and table saws, et cetera, they generate quite a bit of noise. I am asking you have the concerns of the neighbors when you're working and not work at 10:00 to 11:00 at night with your table saw. The applicant said no, he has two small girls that would be in bed. That's not an issue.

(Those wishing to speak in favor of the application)

Ed Leahy, 83 Hamilton Avenue, neighbor, spoke in favor of the application. He has no problem with him putting that structure on the property line. Because of shrubs there, if he puts it there, I won't even see it. No problem.

Discussion.

(Those wishing to speak in opposition to the application)

No response.

Mr. Phillips had one letter to share (put on the screen) in opposition from Ann Laporte, 719 East Street, as it is excessive in size and not in harmony with the neighborhood. It is too close to the side yard. (Letter on file in the planning department.)

The applicant said he is open to moving the structure in from the side yard. The structure is tilted into the yard and it is really just the back corner that is the closest part. I'm good with moving it in.

The Chair closed the public hearing.

Business Meeting

A. Lovley Development, Petition to Enact a Zoning Regulations Amendment of Text, Section 3-09.3A and modify Section 3.09.6, Age Restricted Cluster Housing Zone (ARCHZ) regulations (ZA #604.)

Mr. Salka made a motion to approve ZA #604 with the wording change from twenty acres to thirty acres or more. Mr. Macchio seconded with the word change recommended.

Discussion:

Mr. Salka felt with the change from 20 to 30 we've limited the amount of property that is available for this kind of zone. As we review each of the possible locations, I think we narrowed it down to three or four at the most that would be available. That's the reason for submitting the motion.

Mr. Santago said he was skeptical of this when he saw it originally and wondered how many parcels this is and is it spot zoning? If we are talking about a lot of parcels in town that would be developable that wouldn't have been, et cetera. I think Rob's research helped me with that and coming to grips with what it is saying. This kind of development was created to get open space or green space

within a development that you wouldn't normally.

Discussion.

I think I changed my mind on this and I am more slated to go along with it than I was previously based upon the data shown to me in regard to the impact and where things would in reality take place. I guess I'm okay with this if indeed, with the target to be the Briarwood property, maybe that's the best we can hope for there.

Discussion.

From a regulation standpoint and a text change given Mr. Salka's recommended increase from 20 to 30 acres, an astute thing to do, I am okay with it.

Ms. Volpe commented that zoning was created to protect our land. I'm a little concerned that even though 30 acres does afford less properties to choose from, it's still some of the larger parcels left in our town. I also want to reaffirm the fact that if we allow this to happen or we let this happen that we will be allowing a change in landscape to our town that could further be used in other situations. And, also reaffirm the fact that we do already have things in place within the zoning regulations that cater to this idea. I'm kind of left with why specifically just this one if there are other areas on a case by case basis to which we could discuss this matter. I wanted to bring that to everyone's attention and be sure we're being cognizant of that.

Mr. Santago responded this could still be developed today, but this change brings less density versus more which is good. As well as the septic in there. Your point is well taken. When I went through all the stuff, I kind of came out on the other side of it, I guess.

Ms. Volpe from the most basic standpoint it seems to allow this particular amendment to only serve such few parcels when there are other things already in place, seems a little bit too serving to an idea that we have yet to be presented with. If and when that did come up, we could be having this conversation again. That was made clear to me. Making such a formidable change, even though we have done great work with the POCD in making more housing available to our 55+ community, I just think to do something so specific for such few parcels is catering a little bit too much to building these specific units and not allowing more diverse means for those parcels. There are things already there and that's what is making me question such few parcels and to make such a prolific change to our regulations is concerning. I wanted to bring that forward.

The Chair said he tends to be leery when zoning text amendments are brought before us, especially when brought by developers and I look at that with a special microscope to make sure it is not doing something that has an unintended consequence to us. I'm comforted with the fact that if something were to happen with a project as a result of this that that comes back to us to look at the specifics of the project and gives us the opportunity to weigh in at that time. We have another couple of bites at the apple should this go in. I think that Christina raises a good point and that is that providing housing for people over the age of 55 is part of the POCD which we adopted four years ago. That is still a relevant goal and objective that we want to achieve. This provides opportunity towards that. As for the Briarwood property mentioned, I agree this might be the best use of that property that we can hope for at this point. That's a good thing.

Motion passed 6 to 1 with Ms. Volpe opposed.

B. 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) continued from 21 and the applicant has reused a continuance of the public hearing to the July 21st meeting.

Mr. Santago made a motion to table SPU#629. Ms. Locks seconded. Motion passed unanimously on a voice vote.

C. Louis Gianacopolos, special permit use application for a garage in excess of 3 spaces, property located at 924 Old Turnpike Road, in an R-20/25 zone, parcel size 1.07 acres (SPU #635)

Mr. Salka made a motion to approve SPU #635 as submitted with the stipulation that the shed on the property gets removed by the end of the project. Ms. Locks seconded.

Ms. Locks stated that all of this would be through the advice of Dave Lavallee as it proceeds.

Motion passed 7 to 0 on a roll call vote.

D. Tracy Dube, special permit application for a parent/grandparent apartment, property located at 250 Pin Oak Drive, in an R-40 zone, parcel size .84 acres (SPU #636)

Mr. Salka made a motion to approve SPU #636. Mr. Santago seconded.

Mr. Gworek asked about a stipulation that it be for the parents only and not a rental unit. Mr. Phillips said we have the normal stipulations as part of the regulations we attach to the plan. If you want to just state the standard requirements. Mr. Gworek said he was all set.

Motion passed 7 to 0 on a roll call vote.

E. David P. Teichman, Special Permit application for garage in excess of 3 spaces, property located at 73 Hamilton Avenue, in an R-40 zone, parcel size .88 acres (SPU #637)

Mr. Salka made a motion to approve SPU #637 with the stipulation that the applicant work with the building department to move the building further off the property line up to 24 feet. Ms. Volpe seconded. She clarified it should be 25 feet from the line.

Mr. Salka amended his motion to make it 25 feet. Ms. Volpe seconded.

Discussion:

Mr. Gworek advised he is allowed to build within 10 feet away in the rear yard with a detached structure. Mr. Phillips answered the definition of rear yard is pretty clear and it is basically anything behind the actual back foundation of the home. In this case, that would be considered an accessory structure and could be located at most 10 feet from the property line. The opposition letter may not have been clear on that specific regulation and definition. I want to add that for you to consider. The Chair said it is an important point.

Mr. Gworek agreed he is allowed to build within 10 feet. It's up to him if he wants to move it. I don't want to force him to move if he doesn't have to and according to the regulations, he can move it a foot closer.

Mr. Salka commented the reason for the motion with the stipulation is that the applicant had agreed to move it off of the property line and I thought that with the size of the structure, being 10 feet to the property line was too close. That's why I stipulated the 25 feet.

Mr. Gworek questioned: You said up to 25 feet, correct? He has to move it 25 feet away? Mr. Salka said up to 25 feet, yes. Mr. Gworek agreed it is a large structure and it is close to the property line but his immediate abutting neighbor seems to be more than fine with it where it is. That's my reasoning for that.

Mr. Phillips, before calling the roll, wanted to be clear on the motion and distance from the property line. I'm not quite clear.

The Chair advised the way he heard the motion, and Bob and Christina if you want to correct me if I'm wrong here, but the way that I heard it was that the motion was to approve with the stipulation that the structure be moved further away from the side yard up to 25 feet away from that side yard. Mr. Salka advised that is correct. Ms. Volpe said that she felt 25 feet is more reasonable and wouldn't really affect the use of the building for the property owner. I'll stick with the 25 feet as the seconder.

Mr. Gworek corrected Ms. Volpe saying it is "up to 25 feet". It's not he has got to move it 25 feet. Are you still all right with that? Ms. Volpe said that was her understanding. I want to be sure we are making it up to 25 feet.

Mr. Phillips clarified: We are moving the structure 25 feet to the property line. The Chair reiterated: It is "up" to 25 feet.

Motion passed 6 to 1 on a roll call vote with Mr. Macchio opposed.

F. Town of Southington, Floodplain application for floodplain disturbance associated with bridge replacement, Marion Avenue (bridge over Humiston Brook), (FF #268)

Ms. Volpe recused herself from this item and recommended at the Chair's discretion Caleb be seated.

The Chair seated Caleb Cowles for Ms. Volpe on this item.

James Grappone, Ass't Town Engineer, presented on behalf of the Town of Southington. To go over the documents submitted:

- Project description
- Ninety percent project plans with assistance from Milone & MacBroom Engineering
- Hydraulic Report

The bridge is approximately 430' north of the intersection of School Street. There are two bridges within this section on Marion Avenue between School and Burritt Street. This is the southerly most bridge structure. Located between 1103 and 1077 Marion Avenue.

We submitted a LOCIP Grant and we were granted a 100% reimbursement on construction as long as the town prepares the bid spec and plans.

The original bridge was constructed in 1930 and widened in 1975. It consists of a steel bridge superstructure and 18" concrete reinforced slab. The most recent independent inspection done by the DOT rated the superstructure as: poor due to heavy rust and delamination of the existing undersized beams.

As part of the full replacement we are proposing to replace the structure with a four-sided box culvert to minimize closure at the maximum extent possible. The culvert bottom will be overlaid with a minimum of 1-foot supplemental stream bed material. The proposed culvert and channel design is to allow for year-round fish passage.

Extensive reviews as part of the LOCIP requirement with CTDOT and DEEP, we actually submitted an application to the US Army Corp of Engineers. Final design is submission in early September.

As part of the wetlands application we are using Best Management Practices to avoid temporary impacts on water quality during construction by the use of hay bales. We have a dewatering plan which incorporates a 48" diameter temporary by-pass pipe and temporary coffer dam to allow flow to go around the work area while the culvert is constructed.

This is in a floodplain area. We did an extensive hydraulic report which was submitted to CTDEEP and it entails there is no negative impact in the flood storage and compensatory flood storage is not required and we are complying with the requirements of the National Flood Insurance Program:

- It will pass the 100-year storm event with at least one foot of under clearance
- It will maintain the water surface elevation no higher than the existing condition water surface
- It will provide a minimum of 1-foot of freeboard from the hydraulic control.

Estimated construction cost is \$1.4 million.

This went before the State Historic Preservation Office because the entire project area is located within the National Register of Historic Places. (Marion Historic District)

History and artifacts will be collected and given to the local Historic District.

Mr. Salka asked about construction flow during construction. Are you going to close the road and do it quickly or are you going to have an alternate? Mr. Grappone answered they are going to do this within a 2-week period. We are going to do a route detour/closure. We worked this out with the Chief of Police after several meetings and the DOT is on board with a full closure.

This is a LOCIP Grant which is 100% construction. Design money was encompassed between capital money or LOCIP funding. It will not be bonded.

As part of the CHIPO review, we had to have a (inaudible) survey done by Heritage Associates. We did a Phase I survey which actually went in and around the disturbed area. There are a couple of relocated driveways on historic properties: 1103 Marion Avenue and 1108 Marion Avenue.

Discussion.

As part of the CHIPO requirements there will be an archaeological monitor to be present during construction. CHIPO gave the project the green light with monitors and artifact information in the specs for the benefit of the contractor. This is a culturally sensitive area.

Ms. Albanese asked time of year for construction. Mr. Grappone said it probably would be bid this winter for spring construction. It is in a sensitive area including the specs of the Natural Diversity Data Base Requirements. We envision box turtles, fauna and other wildlife as part of that. A silt fence will be put up so there will be turtle education, turtle sweeps, et cetera the contractor will have to abide by.

Tree removal minimized as much as practical. No stumping and no grubbing. All noted in the plans.

Verbal approval by the Conservation Inland Wetland Commission was received.

Mr. Phillips said he is all set.

Mr. Salka made a motion to approve FF #268. Mr. Cowles seconded. Motion passed 7 to 0 on a roll call vote.

The Chair reseated Ms. Volpe and thanked Mr. Cowles for his service.

G. 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 (FF #267), tabled from May 19th

Mr. Phillips noted this has been moved forward, ready for your action. Mr. Bovino, representing the applicant, advised we are doubling the storage. After the project is done, we will provide double the storage capability on this property by excavating some quantities on site and additional quantities on a property downstream at the Primus property which staff approved in terms of location.

Mr. Salka made a motion to approve FF #267. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

H. Lovley Development, Inc., Site plan application to construct two buildings to replace the one 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) tabled from May 19th

Ready for action. Mr. Bovino advised we received comments from staff and they were addressed and unless staff has comments, we are ready for action.

Mr. Salka made a motion to approve SPR 1797. Mr. Macchio seconded.

Ms. Locks said there were comments from neighbors about parking on the street and she wanted to be sure that is handled properly.

Discussion.

Mr. Phillips said their parking is compliant with the regulations. Any overflow would probably park across the street in that strip. Our requirements are typically more than are necessary in most cases. We've been trying to tighten that up a little bit.

The Chair commented this is a great day in Southington that this property gets repurposed the way it is being repurposed.

Motion passed 7 to 0 on a roll call vote.

I. Southington-Cheshire Community YMCA, site plan modification application to construct a new bathroom building and splash pad, property located at 1000 East Street, in an R-80 zone, parcel size 141 acres (SPR A#1798)

Bryan Panico, Harry Cole & Son presented on behalf of the applicant. He advised this is an R-80 zone. This is currently being used as a camp. It is 141 acres. The current area of development we are talking about where the splash pad is going to go sits on top of an existing sports court. It's kind of a multipurpose hardscape area that's fenced. So, the YMCA would like to repurpose this area and construct a splash pad and a restroom/changing facility.

It would be tied into the existing water service for the changing area and the splash pad. They are proposing to extend the sanitary sewers up to this building for the restrooms and wastewater from the splash pad, backwash, et cetera.

We are also proposing some extension through the existing other restroom facilities on the site. We have received some staff comments from Jim. We haven't addressed them but after review we see no issue with being able to address the comments.

I'll answer questions at this time.

Mr. Cowles asked if the splash pad would utilize 100% fresh water or is it going to be recycled water. Mr. Panico said he believed it was going to utilize a system to clean the water similar to a pool system, filter it. I don't think it is constantly using fresh water. You do have to add in water. There will be drains and such in the splash pad to collect the water, clean the water and recirculate it but there will be the addition of additional water because of the loss of water with kids running around in it and evaporation, et cetera.

Mr. Cowles asked about a pump house. Mr. Panico did not have the exact design for the mechanicals. They haven't gotten that far. I'm going to assume that is going to be inside of the building. Most needs to be locked up and out of harm's way.

Mr. Phillips said engineering had some comments. Mr. Grappone said he heard Bryan mention he had no issues with the engineering comments. I seem to recall nothing major. They have to get

DEEP requirements for the discharge of backwash and anything related to the pool discharge. I have no problem if you wish to approve it subject to engineering comments.

Mr. Phillips had nothing further.

Mr. Salka made a motion to approve SPR 1798 subject to engineering comments. Mr. Santiago seconded. Motion passed 7 to 0 on a roll call vote.

J. Keystone Novelties, site plan modification application for a 20 x 40 tent for sale of fireworks, property located at 235 Queen Street, in a B zone, parcel size 16.04 acres (SPR #1799)

Keith Lambert from Keystone Novelties presented. We are looking to set up a 24 by 40-foot tent on the property of Walmart. There is going to be a generator at least 20 foot from the tent. We will abide by all the fire marshal regulations. I'll have the No Smoking signs and the Exit lights for when guests come in.

The Chair asked the operating hours and what is the security system for making sure the product is locked down and not accessible while you are not there. Mr. Lambert said they are open from 9:00 am to 9:00 pm every day. The 3rd and the 4th we are open until 10:00 pm. After we close at night the side walls will come down on the tent and we will have someone there 24 hours a day watching to make sure everything is secure.

We'll operate from June 23rd to July 5th.

The only signs we have will be affixed to the tent. One that says: Open. One that says: Keystone Fireworks. And, then there will be two that says: Buy one, get one free. They're banners affixed to the tent. No flag type of signs.

Ms. Albanese asked if there were a requirement to get some sort of permit or license from the State Fire Marshal. Mr. Lambert responded there is not. Not in Connecticut. We do have to get a permit through the fire marshal's office in Southington. They come out and inspect the operation and make sure the flame retardant is on the tent material and they'll check to make sure the fire extinguisher tags are current. NFP1124 fire safety inspection.

Ms. Albanese asked about the 24/7 security. There will be no removal of the materials each day and stored somewhere else in a safe location? Mr. Lambert explained typically we have someone stay on site and watch the tent once it's closed and shut down, latched up there will be someone there 24 hours. That's typical.

Ms. Volpe noted the COVID-19 procedures included. She asked about the one-way customer traffic with arrows on the plan. Will they be marked on the ground or just one sign at the entrance about social distancing? I want to be sure there is signage to keep people flowing in the right direction especially if children are allowed with their parents. Mr. Lambert said there would be signage throughout the tent and cones that will indicate 6' apart and the manager will be trained to watch for that. A whole training program for that.

Discussion.

Mr. Lambert added the cones will be to keep people 6' apart moving through the different sections keeping the flow going. It's up to the manager to watch people coming through. There will be signs up with arrows pointing to keep people facing and moving in the correct direction.

Discussion.

In response to a query by Mr. Santiago, Mr. Phillips discussed why this application is in front of the PZC.

Mr. Santiago asked about the traffic pattern. It is tough going left out of there. I want to be sure what you have there does not impede the liquor store business that's there and we don't create traffic pattern issues because of where you are and where people are parking. Mr. Lambert didn't feel that would be an issue. Most of our business is on July 3rd & 4th. Liquor stores aren't open on July 4th.

Discussion.

Ready for action advised Mr. Phillips.

Mr. Salka made a motion to approve SPR#1799 as submitted to include the location of the signs as outlined by the applicant. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

K. Release of \$8,500 Bond in Lieu of Site Plan Compliance, 72 Industrial Drive (SPR #1765)

Ready for action. Mr. Salka made a motion to approve SPR #1765. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

L. Release of \$11,500 E & S bond, 72 Industrial Drive (SPR #1765)

Ready for action. Mr. Salka made a motion to approve SPR #1765.00. Mr. Santiago seconded. Motion passed unanimously on a voice vote.

Administrative items

Nothing this evening.

The Chair advised we are not getting back to in person meetings until September. We are in summer mode after this which means we meet only once a month and the next meeting is scheduled for July 21st. In August is one meeting. Back to two meetings in September.

Items to schedule for public hearing

Lovley Development, In., Zone Change application to change the zone from R20/25 to ARCHZ (Age Restricted cluster Housing Zone) property located at 45 Pacer Lane, owned by Dennis Crispino, parcel size 5.75 acres (ZC #564), July 21

Receipt of New Applications

Not many more new applications. On July 21st Briarwood is scheduled to be back on for public hearing.

The Chair wished everyone a happy summer!

Adjournment

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

(Whereupon, the meeting was adjourned at 10:03 o'clock, pm.)