

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHLINGTON

July 21, 2020

MINUTES

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, July 21, 2020 via WebEx call. Robert Hammersley, Chair, called the meeting to order at 7:00, p.m.

The following Commissioners participated:

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

Alternates: Joseph Coviello

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

Absent: James Macchio, Commissioner  
Theresa Albanese, Caleb Cowles & Stuart Savelkoul, Alternate

The Chair seated Joe Coviello for James Macchio for this evening's meeting.

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by all participants.

A Moment of Silent Reflection was observed.

(Silent, silent)

ROBERT HAMMERSLEY, Chair, presiding:

APPROVAL OF MINUTES

A. Regular Meeting of June 16, 2020

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

MINUTES ARE PREPARED SUMMARY STYLE AND YOU MAY REFER TO THE ONLINE ITEM TO HEAR THE FULL COMMENTARY.

PUBLIC HEARINGS:

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), continued from June 16

Mr. Phillips advised the applicant has requested a continuance of the public hearing to the August 18<sup>th</sup> meeting. The original public hearing was opened on March 17<sup>th</sup> but by way of statutory extension time and the Governor's Executive Order 7-I, that allows 90 extra additional days for extension, if necessary. They can extend all the way to September 15<sup>th</sup>, if need be.

They are at this time requesting the extension to the August 18<sup>th</sup> meeting.

There may be folks here who want to speak for or against and you can allow that opportunity.

The Chair said that was fine. They're still trying to work out where they're going. That's a little bit of what is behind this continuance.

The Chair called for anyone wishing to speak for or against the application at this time.

(No response)

Mr. Phillips advised he had an email which he read into the record at this time. It is an email in opposition. It is from Robert Calabrese. (On file in the town planner's office for review.)

The Chair advised this will be continued to August 18<sup>th</sup> per the applicant's request.

B. Lovley Development, Inc., Zone Change application to change the zone from R-20/25 to ARCHZ (Age Restricted Cluster Housing Zone), property located at 45 Pacer Lane, owned by Dennis Crispino, parcel size 5.75 acres (ZC #564)

Sev Bovino, Planner with Kratzert, Jones & Associates representing the applicant presented.

This property is located at 45 Pacer Lane in an R-20/25 zoned, served by public water and sewer. It is surrounded by single family residences. The entrance is a few hundred feet north of Marion Avenue. There's a small neighborhood commercial use at the corner of Marion Avenue & Pacer Lane.

An additional access is from Southfork Circle to the northwest of the property. The property slope is moderate and gently slopes from the north to the south and southwest where a drainage ditch collects the runoff.

The property area is 5.75 acres covered with some underbrush and trees along the south and west property lines. The center of the property is mostly brush and open areas.

There are wetlands associated with the drainage ditch along the west property line.

In addition to the application, the area map and property map of properties within 500' were submitted. Notifications were sent to the owners as required and a certificate of mailing was provided with the application.

From a development standpoint, the land could be developed by extending Southfork Circle with an 8-lot single family version or with an age restricted development known as ARCHZ which will cluster the homes with a loop road system within itself and back to Pacer Lane as indicated by the map on the screen.

Discussion.

The proposal before you is to request an overlay zone for the age restricted use. This property meets all of the bulk requirements for it in terms of acreage, setbacks, frontages, et cetera.

As required, we have provided a conceptual site plan (on the screen) showing the layout. Current regulations allow up to 25 units. We have laid out one for 18 units, similar to this one. We finally decided to submit the layout in front of you for 15 units.

The purpose of the ARCHZ zone is the types of available housing and to achieve goals of the POCD in providing housing opportunities for the aging population.

Lovley Development has a project like this under construction and close to completion on South End Road. Very successful.

This kind of development allows the developer to design a project which provides more open space and buffers compared to a conventional subdivision.

A fact sheet was provided for comparisons. Under the 8-lot single family development, no open space or buffers. Size of the homes will be between 2,500 and 3,000 sf. Larger carbon footprint. Generate 12 children for the school system. Estimated tax revenue of \$84,000. Costs associated with the road maintenance long term.

The 15 ARCHZ units will provide 1.7 acres of open space which works out to be 29% of the total property. The regulation requires 20%, so we've provided 9% more than required. Homes will be smaller. No school children. Generate approximately \$106,000 with the extras people put in the homes. The association will maintain the roads. And, a 20' minimum buffer.

After the zone change and conceptual site plan approval, we'll have to apply for a final site plan and special permit to gain the final approval which will require an additional public hearing under Section 8 of the regulations.

I will be glad to answer questions.

Questions by the Commissioners:

Mr. Gworek asked on the entrance to the proposed 15-unit development, to the north where it enters in, is there a row of arborvitaes and is that in that proposed entrance? They going to stay? Mr. Bovino explained that is on private property and they're not touching that.

And, the open space on there, the darker green shade, is that all going to remain wooded or is that to be planted with buffer after? What is the plan? Mr. Bovino said there are some wooded areas in

the area along the boundary, so we would not be planting new trees unless there was a gap in the trees where we can add additional ones.

Are these one story, ranch style houses? Mr. Bovino said one story ranch style similar to those on South End Road.

Mr. Coviello asked if any thought went into a connection point at Southfork and the reasoning behind maybe why we wouldn't do that? Mr. Bovino responded they were thinking not to prevent traffic coming through this development and also the existing residential developments to the north, they'd probably prefer not to have additional traffic. We could provide, if you desire that, an emergency access which would be gated at the cul de sac. A stone driveway which overtime would grow grass on it and gated at the cul de sac.

Ms. Volpe agreed there are things that pertain to needing a development like this in the POCD. She was concerned with applying a zone like this to such a small parcel of land surrounding residential. Can you tell me in a few words how this will, beyond providing additional age restricted housing, how it will contribute to the overall POCD and does it fit with the residential properties of this area? Understanding that we have been allowing for quite a few age restricted housing developments in zones like this in our town and also understanding that each of us tends to speak about over development and not favoring spot zoning. I just need in a few words how this parcel is different and why it should be zoned like this within such a small parcel surrounded by so many residential properties. If I may?

Mr. Bovino responded. There are not too many large parcels left in town. That's what you are going to see before you, these infill parcels throughout the town. It's good because it doesn't concentrate the development and it spreads it throughout the town.

As far as the POCD, one of the goals was provide more open space to the town without having to purchase open space. We are providing open space, buffer requirements and the normal buffers which in a normal subdivision it is not required to do.

We're reducing the traffic through the neighborhood and reduce the number of children in the school system which reduces the overall cost to the town. And, the area is privately maintained which long term it bodes well for the quality because the people together can afford to maintain the area properly. That's the main thing for this.

Ms. Volpe brought up the POCD again. Two things to bring to your attention, it was approved around 2015-16 and one thing it indicates is many of our older population residents are people who've been here for a long time and are aging with our community. Meanwhile the 15 to 30 range is declining. While we have many of these parcels already with similar zoning, I wonder if this particular area, being such a small parcel and having the age restriction with it, if we are not offering a bit too much by way of age restricted housing and not allowing for the growth of that 15 to 30 longevity age group that will sustain our economic base over time.

I understand the argument about the taxes and the children, I am concerned about putting such a permanent and formidable change on this small parcel. I bring that to each commissioner's attention. Our constituents are concerned about over development, so let's keep that in mind.

Mr. Bovino further added so far as age restricted development, the one on South End Road currently under construction is the only one I know. And, a larger one behind Walmart off of Queen Street. Spring Lake Village has been in town forever. This is the second one on acreage of 5 plus acres.  
Discussion.

Mr. Santago explained the ARCHZ was created to get more green space and open space without buying it.  
Discussion.

In this one, I don't know necessarily if we gain that much from an open space perspective. But we would gain is tax revenue and save on services he further noted.  
Discussion.

He compared the two plans noting the greenery is about equal on both and we have to decide if we want a regular development or an ARCH development. I could go either way. But the ARCHZ is for this type of property. We did it for smaller properties.  
Discussion.

Discussion of the location of the greenery in this project which is what the gain is. Totally different than a subdivision.

Discussion of the homes in the area (north, south, east & west) and the distances between.

Discussion of Southfork Circle and how it will stay the same with no modifications. The cul de sac will stay there.

Mr. Salka liked the 15 homes proposal. We talk about the open space. I like the idea there is no through traffic and it's not a standard development. I like the way it's laid out. From a safety standpoint, I think this is appropriate for an age restricted development. I would not want a cut through to another area.

Mark Lovely, President of Lovely Development with offices at 710 Main Street, Plantsville, added his comments. He reiterated the arborvitaes there will stay and we're planning on planting them on the left side to block the whole entrance on the way in. We plan on doing stone pillars like we did at the entrance of Kingsridge when we get into the site plan and development.

The size of the homes to be exact are 1444 sf to 1610. Price range starts at \$359,900 to \$388,900. Same as Kingsridge. Explained the need for this in town and he had a waiting list.

We reached out to the neighbors before coming in with this application. A lot of them said they didn't want to see a road go through, thus the loop.

Discussion of no trees being left with an 8-lot subdivision.

A conservation easement over the ARCHZ development was explained. The trees never get cut.  
Discussion.

Discussion of this layout as opposed to the development on South End Road.

The letter was sent out to those within a 500' radius. A lot of people called. More people liked the 55 and up. Less traffic than with the subdivision. A lot only have one car. A lot go to Florida in the

wintertime. Single family houses have more drivers. A lot of people looking to buy in here are selling their home to residents and they're staying in Southington. That opens up their home for younger families to be able to buy and bring more into our economy, too.

Discussion of the response he received from the letter. About 70-75% in favor of the over 55 and 25% interested in the 8-lot subdivision.

(Those wishing to speak in favor of the application)

Mr. Phillips mentioned the letters received in support:

- Stan Slipski (no address).
- Peter & Rachel Boucher, 57 Pacer Lane.
- Paula Burton, Realtor in Southington.

(Those wishing to speak in opposition to the application)

- (1) Kelsey Tuthil and Joshua Bill, 39 Mount Vernon Road. (Read a prepared statement.)

Commissioner questions to the applicant regarding comments by the speaker included:

- Wanting to know a little bit more about Mark Lovely's tree removal and the concern with the neighbors in that area.
- Wanting clarification on the construction in April/May.
- The POCD references actual usable open space. Is it open space or land just called open space? Is this going to be usable open space?

- (2) Catherine Lukonis & husband Wayne, own the property at 23 Mount Vernon Road. (Read a prepared statement.)

(3) Ed Cyr, 161 Mount Vernon Road spoke in opposition. He was curious about the impact on the south side of the project, and the impact to the residents bordering the west side where the stormwater areas are and what kind of construction are, we looking at over there.

Mr. Salka asked what specifically would be in the covenant regarding pools in the backyards. Concerns have been about close encroachment to other properties. Subdivision development allows for pools in the backyards. Would the 55 and over covenant preclude pools in the backyard which could help buffer versus the standard development with pools 10' from the property line. That's a concern that I would have.

Hearing no further speakers, the Chair asked Mr. Lovley and Mr. Bovino to response to some of the questions.

Mr. Bovino answered the concerns. In regard to the dozer being there in the spring, I was there doing soil testing as we do before any development.

Discussion.

Note that on the single lots you can cut trees to the property line and they don't have to provide a buffer.

The property line concern that we are past the property line, it's not going to happen. We'll stake the property line and we have surveys submitted with the application. The neighbor can see where the line is when it is staked. She can calculate the distance to the homes.

During construction there'll be limited clearing. The map will show it. It will be staked and not encroached upon. Orange construction fence and silt fence will delineate the area.

The setback distance from this development is 25'. And, per R 20/25, the rear yard is the same.

The two closest homes, # 10 and 11, one corner of the home is probably at 40' or so from the property line. We have to keep in mind the 20' buffer is mandatory. The property line going north will have a property line of 20' plus some space between the buffer and the homes. All the other ones are further away.

Tree removal, in the open space area there will not be any tree removal. The center there is not too many trees, but if there some that can be saved, we will be glad to do so. Explained the 8-configuration and if we can incorporate the trees within the green spaces, we'll do that.

Usable open space versus passive. Some open space is usable which means you can walk or play ball and be active on it. Some dedicate the open space so wildlife can take advantage of it and it does not have to be used by people. In the center of this project, it will be open space that can be used. On the periphery we will let it grow, keep it wild and maintained by the association.

If you have anything in mind that you would like to see an area dedicated to active open space, we'll look. Maybe in the northeast corner some room.

As far as drainage, we are required to do ZIRO. Explained no additional water will be going to the property owners abutting us. Our land does not drain to the property owners on the south on Mount Vernon Road. Actually, their land drains on to ours. He explained the drainage system.

As to impact to the west side properties, the open space is larger than in other areas and there will be no tree cutting or clearing of that area. It will remain. Drainage will not be going upstream.

Mr. Lovely commented on the list he had. The 2300 sf homes would go for about \$450,000 which is \$195 s/f. The 1440 sf homes, ranches, three bedrooms, 2 full bathrooms, 2 car garages are going to sell for \$249 s/f. These are custom built. Property values, these would not hurt the property values in the neighbor, at all.

Street lighting, all are full cut off. Explained.

Discussed the timing for about two years' time.

No rentals. Are units are For Sale. There is a need for more affordable units. There is no difference from the other units. They can't be different by state law.

With an 8-lot subdivision, we clear cut and don't leave a tree. We build right to the property line from day one.

With 55, the engineer flags the buffer zone and we cut to the buffer zone and if there is not enough vegetation in an area, we would install it. We do it at the end.

There are no pools allowed in the over 55 community. The association takes care of the yards, the garbage, plowing, et cetera.

With a single family residential, somebody could put a pool 10' from the property line.

The Chair asked him to speak to how enforceable the 55 and over requirement is. Mr. Lovely explained the association documents, the procedure for review and filing. It says there can be no children under 18 years old living there. And, they cannot have anybody owning the home that is not 55 years old reside there. That's filed on the land records.

Mr. Phillips explained in response to a query by Ms. Volpe, assuming this approved for zone change, following would be a special permit which requires another public hearing along with a site plan. That allows the commission a little discretion as to the layout, buffering or anything that is subject to a modification to the proposal.

Discussion.

Mr. Phillips explained if this was denied and the single-family homes proposal came forward, you would only be looking at a subdivision application. That is not a public hearing requirement. If it meets the regulations, it must be approved.

Ms. Volpe asked to have this public hearing tabled to get more information on how this would affect the overall character of the neighborhood based on comments received. Also, the Marion Avenue historic district, does it abut this parcel? How close is it to this? That would significantly contribute to my understanding of the character of the neighborhood. I want to know this community would remain in the character it has been historically.

Mr. Lovely said that Marion historic district is probably about just under a half mile south of this.

Discussion on if this property was a subdivision or a resubdivision, which would require a public hearing. Mr. Phillips will confirm.

Discussion of Units 10, 11 & 12 with regard to units abutting property and maybe that could be rearranged.

Cluster versus single family is the reason for the ARCHZ was discussed for open / green space and the town gains by not having to provide town services. That's the whole point. And, it's for property, small like this, in a neighborhood like this. That's why we did it, pointed out Mr. Santago. Design wise, they did a nice job. It is in keeping with the spirit of the zone. Tonight, is whether we want to make a change to this 5-acre parcel.

The Chair noted staff is not waiting on anything for the zone change application from a procedural standpoint.

Discussion about Ms. Volpe's comments to keep the public hearing open.

The Chair closed the public hearing at this time.

C. David Posadas, Home Occupation application to conduct mostly online sales of firearms and will be accepting transfers which will be conducted on premises with the parties involved. Property located at 258 Jude Lane in an R-20/25 zone (HO 74)

The Chair asked Mr. Phillips to discuss the home occupation section and why this application is here in front of the commission. Mr. Phillips read Section 2-08 into the record. The applicant is before you because they're trying to conduct a business. They have to register with the town clerk and in this case, they have a licensing process with the state and they may need a local approval in order to file the paperwork. The applicant can explain a little bit more about the proposal.

David Posadas, 258 Jude Lane, applicant explained his application. I'm applying for a federal firearms license through the ATF which will allow me to transfer firearms whether they are purchased by somebody else on line and need to be transferred or I purchase them and sell them out of state or to local people.

In order to get the federal firearms license, I have to approval of the planning & zoning the town I am going to operate in.

In response to commissioner questions if this were granted, it was noted:

- No additional odor would occur at the property.
- No increase in property or pedestrian traffic.
- No additional outside storage being created as a result of this business.
- The business will be conducted in the basement of the home and not in the garage.
- No target practice or allowing people to fire guns on the property as a means of testing the product they're buying.
- No ammunition sales.
- No classes or lessons at the property.
- The number of firearms to be stored on site will be more than ten.
- Security in the basement as to how the firearms would be kept was discussed.
- Inspection by the ATF of storage on site with sign off.
- Transfer of a firearm in state from someone outside the state was discussed. No testing of the firearm. No ammunition sold with the firearm.
- More sales would be done outside the home where I am transferring it to another dealer outside of the state. Discussion.
- In house transfers would be limited to law enforcement, et cetera.
- Items I receive are shipped with no more traffic at the house than what is already here between Amazon, FedEx & UPS.
- Whatever is legal to purchase in Connecticut for in sale to Connecticut.

- If out of state, it would be whatever is legal in that state.
- What is sole is governed by Connecticut state laws.
- There is an online website, like eBay for guns was discussed and the procedure for when somebody out of state purchases a gun was explained. Vetting is done by the receiver as to their state laws.
- No signage outside of the home about this business. Everything is done on line.
- Neighbors have been consulted and there are no problems with it.

Comparison of this application and how it relates to the Cottage Industry regulation. It is totally different as this is a typical home occupation. Discussion of previous applications approved under the Cottage Industry regulation. Similar uses have been approved.

Discussion of the exact process the applicant will be following in response to a query by Mr. Santago.

- Inventory at any one time was discussed. Whatever inventory I have, I have to have a safe large enough to keep it in and it is open to inspection at any time by the ATF on an unannounced spot check. Probably I would have a safe to hold a certain amount of hand guns and a couple of long guns.
- No advertising other than on the internet. Eventually, my own website.
- No weapon modification on site. It would be sales.
- The amount of inspections by the ATF (annually, semi-annually, monthly, etc.) was not known by the applicant. He will find that out when he puts this application in.
- The Southington police department is aware, as part of the application process, of what is going on at my house and the ATF does the inspection.
- Subject to federal and State of Connecticut laws when it comes to the sale of firearms.
- Prohibition from selling certain firearms that the State of Connecticut prohibits the sale of and or the transfer of those firearms. They can be transferred out of state if the state laws in that state allow it legally. That's under the federal rules or guidelines.
- Applicant has a pistol permit now. And, he has had this one currently for 8 or 9 years and prior to that 10 years. There's a gap in-between when it lapsed. Explained in law enforcement you are not required to have a pistol permit and it lapsed. Then the laws changed and it was safer for me to have a pistol permit and a law enforcement. No permit has ever been revoked, suspended or had action taken against.

(Anyone in favor of this application)

Mr. Phillips read an email from Lucille & Robert Cusano at 284 Jude Lane in favor. (On file in the Planning Department.)

(Anyone speaking against the application)

- (1) Megan Schmitt, 137 Masters Drive spoke in opposition. (Read a statement)

The Chair asked about Section 2-08. J. (Read the section) And, does that apply to the transfer piece of this application? Mr. Phillips explained home occupation applications are not unique to Southington. What you are trying to achieve is control over maintaining the residential aesthetics, look and feel activity consistently expected as an accessory type thing in a residential zone. Employees or high traffic with regard to deliveries, any other safety and objectional noise type of concerns, anything that will appear to not be consistent with a residential neighborhood.

There are occasional deliveries or pickups. Mostly you will not see constant activity. Our regulations don't allow any employees at all, I don't think. It's a test of the presentation, the nature of the business and whether or not you believe it could be hidden in the background of the residential character of the neighborhood.

- There are no employees planned by the applicant.
- Sales at the location will be kept to a very small group of people. Mostly other law enforcement officers looking to do transfers and sales where I would be shipping to other FFLs.
- Most done based on the online sales.

The applicant noted several FFL's currently registered to a Southington address currently and their locations. Many are around condo associations and residential houses. That's why he put the application in to begin with as it had already been done. Traffic will be minimal. On line sales done by state and federal laws here in Connecticut or whatever the state laws are where it would be shipped.

Ms. Volpe noted the occupations enumerated in our HO regulation. It does say this shall not include those activities conducted as principle use within a principle structure. We don't currently have anything in our regulations and if we are interested in this, I would recommend we consider that. I go away from doing it not having anything already in our regulations.

Similar towns seem to put alcohol and firearms sale in residential zones together and I don't think that is a poor thing to say right now, but other towns have something in their regulations regarding firearms in residential zones. We need to kind of understand our residential zones which should be protected in that sense. We did hear concerns from our constituents we need to take into account.

Hearing no further comments, the Chair closed the public hearing.

MINUTES ARE PREPARED SUMMARY STYLE. YOU MAY REFER TO THE ITEM ON LINE TO HEAR THE FULL COMMENTARY BY THE COMMISSIONERS.

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 Vernon Road, in an R-40 zone (SPU #629), continued from June 16

This application is by passed by consensus. The public hearing is still open. The Chair tabled 8-A given the public hearing is still open.

B. Lovley Development, Inc., Zone Change application to change the zone from R-20/25 to ARCHZ (Age Restricted Cluster Housing Zone), property located at 45 Pacer Lane, owned by Dennis Crispino, parcel size 5.75 acres (ZC #564)

Mr. Salka made a motion to approve Item B, ZC #564. Ms. Locks seconded. Mr. Salka offered the reason for his motion to approve is that I think that with the zone change that we have, I think we have more flexibility with the building to make sure the concerns of our constituents are met.

For example: the buffer. The ability to move the buildings around to give them a bigger buffer versus the alternative where they go in and strip the land put the houses 10' from the property line, allowing pools, et cetera that can happen with an individual home.

I think this is appropriate for the area and gives us some greater flexibility when it comes before us for approval.

Ms. Locks said she felt it will go in and match into the neighborhood and not devalue the surrounding homes. Also, I feel that it is not a burden to our town to maintain the roads, etc. Even the grounds are going to be kept uniform, all nice and tidy. I feel it is a good move on our end.

Mr. Coviello said this is the intent of what we were looking at when we did put this overlay in place. In my mind it creates a community within a community and I think they'll do a nice job to be sure it is properly buffered and taking the residents into consideration.

I'd like to consider that we stick to spirit and they don't come back with 18 or 20 homes. I know they'll do the right think and we'll land with something good. I don't want my decision dictated on what I saw today and see something drastically different when it comes to site plan. Just throwing it out there.

The Chair said we still have to see a site plan at some point that dictates what they will look like in a more detailed fashion.

Mr. Santago liked the point about flexibility. He compared this development to a single home development. As commission members, we are trying to preserve some kind of green space which is why we did the ARCHZ zone. The flexibility comments about buffer and greenspace and just in general as to how these things are put in, I think I'm sold on that. I'm okay with it.

Ms. Volpe reminded everyone in regards to the public comments we heard, there hasn't been much flexibility between the developer and the proposal and the residents that about the proposal area. Moving forward, I would like to see some sort of homogeny in how this goes. We're talking about

preserving trees and we've been told they've been torn down. We heard from people about their concerns with the trees that've already been taken down.

The open space thing is great until it is tangibly used as outlined in the POCD. It should be able to be used by people in the town for a purpose and not just to have trees that are green there. We saw that on both plans. The only difference is one said: open space.

I would like to see on a final site plan some sort of concrete use for that, otherwise say we give the town open space while we overdevelop, is not what people wanted to hear.

Discussion.

On behalf of the people, there were concerns brought up tonight that countered what was presented in what's being said in this vision for the parcel. I digress.

Mr. Salka commented about green space, et cetera and what concerns me is a developer buys a piece of property and can do just about anything he wants within our regulations. When we talk about over development, it's up to the owner of the property and we can't control that. We need to focus on what we can do versus what we cannot do. We can get involved and do the best we can for the residents of the town taking into consideration comments that were made tonight. We are the buffer between the residents and the building to make sure they're doing the right thing.

This Chair pointed out this is an application for a zone change. The real meat of what this looks like will be the site plan forthcoming. That's really where we have the opportunity to make sure residents' comments are addressed by the developer.

I agree this is probably the best thing to do with this property given the options that we have.

Ms. Volpe offered further comments about conformance with the POCD and she's concerned about that. I.e.: open space connectivity.

Discussion.

Mr. Santago pointed out the green space just had to be green. It did not have to be usable. Space we wouldn't normally get. This conforms to what the ARCHZ was supposed to be.

Discussion.

Ms. Volpe commented that in her opinion, she didn't know if this conforms to the POCD as to open space / green space.

Mr. Phillips further clarified for the commission why this zone was created and supported. He explained it is a floating zone over three residential zones. There are minimum requirements. I think the important take away in my professional standpoint is that we're always trying constantly to make sure we provide housing diversity. And, I think that was the overall riding goal here. But there are other concerns such as providing and connecting open space. In this case, the open space is privately held, so it is not necessarily public access, but it provides more green space, not developable. There are things to consider. The reason for this zone was to provide housing opportunities. If you find that doesn't work in this area, that is exactly what this process would be for.

Mr. Gworek said they are saying 20% of the land as open space and some people're taking it as a walking trail or bike path, a field to play ball or a park. But there is a concern about wildlife, too. If you

build that stuff where are the wildlife going to go with no natural habitat. In this case, the open space is more like a buffer for the wildlife to live.

Motion passed 6 to 1 with Ms. Volpe opposed.

C. David Posadas, Home Occupation application to conduct mostly online sales of firearms and will be accepting transfers which will be conducted on premises with the parties involved. Property located at 258 Jude Lane in an R-20/25 zone (HO #74)

Mr. Salka made a motion to approve HO#74. Mr. Santago seconded.

Ms. Volpe said there are legitimate concerns here about having this in such a residential area. I understand the necessity of and I respect the mission of that business. I am concerned about the resident's comments about having this business there especially with the fact the applicant said he intends to conduct out state sales. Understanding the process and everything that goes with it, I am concerned about having such a business in a residential basement surrounded by so many residential properties that have children.

I question the framework of our town without any other zoning regulations to discuss this issue. We are setting a precedent here for approval without anything in our regulations for it. We could be opening up something.

I think it is a formidable allowance with little with no governance without regulations. We have nothing to go off of and I am uncomfortable with that. I think it should be taken more seriously than that.

Motion passed 6 to 1 with Ms. Volpe opposed.

D. Hillcrest Homes, LLC, request for 5-year extension of site plan approval, 508 & 544 Meriden Waterbury Turnpike (SPR #1485)

Mr. Salka made a motion to approve SPR #1485. Ms. Locks seconded.

Mr. Phillips explained the history on this request. He explained a site plan approval that predated 2011 was good for nine years instead of five. This was an 8-30g application and it did go legal settlement and what came out of the settlement was approved by the commission per court direction.

Move forward to 2014, they submitted a request for a 5-year extension. I had written a letter saying it was premature as they were under the 9-year original approval.

They were supposed to come back last year or the year before, and they didn't come back. We discovered recently they're operating without the 5-year extension.

In my experience, retroactively approving a 5-year extension is not a problem and especially in this case you have an ongoing development they're trying to complete. It was subject to a court settlement. I would highly recommend we approve this extension just to keep it clean.

Mr. Grappone explained some concern about some sediment runoff. He concluded by stating it has been under control lately as he towards tail end of the development. Explained.

The Chair stated that it sounds like the town is monitoring it and working with the developer to make sure any runoff or sediment problems out there are minimized and addressed as quickly as possible. Mr. Grappone confirmed that is fair to say and correct.

Motion passed 7 to 0 on a roll call vote.

E. Request for 65-day extension application of Bryan F. Meccariello to enact a zoning regulations text amendment proposing a new section 3.10 "Village Residential Zone District" (ZA #605)

F. Request for 65-day extension application of Bryan F. Meccariello to change the zone on property located at 34 Williams Street from R-12 too Village Residential Zone District (VRZD) (ZC #565)

G. Request for 65 day extension, site plan application of Bryan F. Meccariello to permit a single family dwelling residential with affordable or workplace housing opportunity component consistent and in accordance with Section 8-30g of the Connecticut General Statutes "Affordable Housing Land Use Appeals Procedure" on property located at 34 William Street, owned by Ryle Builders, LLC, parcel size .49 acres (SPR#1800)

The Chair noted these items all deal with the same thing. He asked Mr. Phillips to explain.

Mr. Phillips said this was an 8-30g application that was filed back in May. It was officially received by the commission at the second meeting in May. With an 8-30g statute there is are certain requirements that need to be submitted as far as the application including a zoning amendment, zoning change and site plan along with other materials.

I will say that the applicant has requested an extension to provide more information. But certainly, as I report today, it is an incomplete application. We do not have a fee for any of the applications as this point in time. That's the status.

I think you can take them as a group. That's fine. They're all part and parcel of each other and one can't stand without the other.

Discussion.

Mr. Salka made a motion for Items E, F & G to deny each of those applications without prejudice. Mr. Santago seconded. Motion passed 7 to 0 on a roll call vote to deny without prejudice.

H. Release of \$5,2250 Erosion and Sedimentation bond, The ARC of Southington, 201 West Main Street (SPR #1728)

The project is complete and ready for action. The site is stable. Motion to approve was made by Mr. Salka. Mr. Santago seconded. Motion passed unanimously on a voice vote.

I. Release of \$1,350 Erosion and Sedimentation bond, 8334 Mount Vernon Road (S #1260/ZP #13167)

This is ready for action. Mr. Salka made a motion to approve the release. Mr. Santago seconded. Motion passed unanimously on a voice vote.

#### ADMINISTRATIVE ITEMS

Nothing this evening.

#### ITEMS TO SCHEDULE FOR PUBLIC HEARING

Kratzert, Jones & Associates, special permit application for modification of existing gas station/convenience store, and to expand the building size, add a drive thru and increasing the number of pumps, property owned by Sunrise Southington, LLC, located at 11 Marion Avenue, in an I-2 zone, parcel size .61 acres (SPU #638), August 18

#### RECEIPT OF NEW APPLICATIONS

Nothing to add.

#### ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 9:46 o'clock, p.m.)