

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHLINGTON  
AUGUST 18, 2020

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, August 18, 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.

(\* Mr. Coviello joined the meeting in progress.)

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

A Moment of Silence was observed by everyone.

ROBERT HAMMERSLEY, Chair, presiding:

APPROVAL OF MINUTES

A. Regular meeting of July 21, 2020

Mr. Salka made a motion to approve which Mr. Santago seconded.

Mr. Gworek noted Ms. Locks just went off, do we want to wait? The Chair seated Ms. Cowles while Ms. Locks is off. Motion passed unanimously on a voice vote.

PUBLIC HEARING

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 July 21

The Chair advised the applicant wishes to withdraw the application at his time. Mr. Bovino, from Kratzert, Jones & Associates, representing the applicant, officially, on their behalf requested a withdrawal of the application without prejudice.

Mr. Cowles made a motion to accept the withdrawal of the application by the applicant. Ms. Locks seconded.

Mr. Cowles withdrew his motion. Ms. Locks withdrew her second.

Ms. Volpe made a motion to withdraw the application. Mr. Salka seconded the motion. Motion passed unanimously on a voice vote.

B. 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)

Sev Bovino, Planner, with Kratzert, Jones & Associates presented on behalf of the applicant. The property is located at 11 Marion Avenue next to the on ramp to I-84 East. It is zoned I-2. Land area is .61 acres. It's served by public water and sewer. The facility is a gas station with a convenience store with a floor area of 1,960 sf (+/-). Four pumps. Currently serving sandwiches and coffee to people that walk into the facility.

To the west we have on the on ramp to 84 and property owned by the State of Connecticut. To the north and east we have property owned by factory which is across from us on the other side of the Eight Mile River. To the south, we have Marion Avenue.

The facility needs to update and modernize their model to meet current business standards in the industry and the need to accommodate current clients in this world of social distancing and added safety measure due to the COVID-19 virus concerns to hopefully maintain their current client base and not lose customers.

Our proposal is:

- (1) Increase the floor space to 3,228 sf.
- (2) Increase the number of pumps to eight.
- (3) Add a drive thru for coffee and sandwiches to give the option of not having to come into the store to be served.

The menu board is about 220 ft from the edge of Marion Avenue.

- (4) Planning to have a second floor for office space and storage.

The total number of spaces required is 24. We are providing 26. There was a question regarding the 3 spaces along the Eight Mile River. The property is not owned by us, but the parking spaces were allowed to be there since the 70's. The property owner to east, the factory, at one time

flipped this property from their property and to avoid getting a variance, they created an unusual property line, zigzag, that included that paved area.

The required landscape area is 520 sf and we are providing 1,000 sf. We are proposing to add trees, flowering shrubs and perennials on the property.

The number of curb cuts will be the same, with no change to the size of the curb cuts.

We are improving the concrete aprons to prevent bottoming out of the cars coming in. Smaller cars sometimes have a problem hitting the bottom.

The improvements are proposed based on Section 5-02.2j which of the zoning regulations which allows expansion to an existing nonconforming gas station, convenience store within 1500 ft of an interchange by special permit.

The allowed lot coverage is 50%. We are proposing 24.56%.

The proposed building is within the setback required, however the canopy needed variances which were granted by the ZBA.

We received and responded to planning comments. We forwarded new plans reflecting the revisions and provided the answers in writing.

With the application we submitted copies of the existing conditions, A-2 & T-2 surveys with certification for the topography. We submitted development plans, the 500' radius map showing properties within that radius and the owners names and addresses. We notified the owners as required and provided proof of mailing to the planning department.

We believe the proposed expansion is in keeping with the intent of Section 5-02. j. It is in harmony with the surrounding properties, does not hinder or discourage their development, does not impact their property values.

Part of the application was a building elevation that was submitted late today. I don't know if it has been uploaded. You can see the elevation shows that the building is going to be two story, similar to the one there, but embellished with new features.

The existing buildings will be removed and the canopy will be removed and everything will be brand new.

I'll take questions at this time.

Questions by Commissioners:

Mr. Cowles referenced the proposed food service expansion for the drive thru, was the plan submitted to the health district? Mr. Bovino said it was not submitted at this point. But within the department, we submit 7 sets of plans and the planning department distributes the plans to the appropriate departments, so they may have actually sent it to the health department. Because we have public sewers, it would be a matter of inspection the food area at the time of building construction.

As far as potential contamination on the site, are there provisions for clean up of that. Mr. Bovino said the planning comments addressed providing the containment area around the pumps, spill

kits and also a plan to implement to take care of any pollutants that may spill from the pumping of gas during the pumping operation. It is self-contained and we are going to have hoods on the catch basing to prevent oils from migrating to the river. Any spill would be able to be pumped out from, the catch basin.

The Chair clarified the application was sent to the health department as part of the packet and they replied they have no problems and will review again when the special permit has been approved.

Mossville was concerned about the location of the dumpster. It does seem a little close to the river. If not moving the dumpster to the left hand side, it seems as the lane is wider there for exiting the drive thru and the dumpster being so close to the guardrail and the Eight Mile River, I'm nervous I'll shoot my own trash in there and it might tumble into the river. Mr. Bovino said there is a quick drop about 10 feet away into the river as mentioned. We were trying to get the two lanes from the drive thru, to continue the two lanes there on the west side by the highway, we can look at that and see if we can throttle it down to a single lane from the pickup window, but that might be a problem. We can look at that during the site plan process.

Mr. Gworek referred to the fire department's notes. Are they still planning on selling propane? Mr. Bovino said if they are selling it now, they most likely will. Mr. Gworek said they commented they'd have to relocate the propane cage and I didn't see it on any of the drawings. Mr. Bovino said he did not receive those comments so he did not react. We can address that with the site plan.

And, the underground storage tanks are going to be removed and relocated, do you know to where they'll be relocated? Mr. Bovino said to the west. There is a note on the plan they'll be to the west of the property. If you look at the current conditions map, they are in that concrete pad, almost in the center of the property with the covers. We'll remove and rebuild all that. They may be close to that area, yes, you are right.

Mr. Gworek asked about response to staff comments. Mr. Bovino said he did not get Jim Grappone's additional comments. He was on a short vacation.

Mr. Gworek asked Mr. Phillips to see the rendering of the building. Mr. Phillips said he was trying to share that right now.

(Pause, pause, pause)

Ms. Albanese asked if any of the materials from the demo of the building contaminated and need to be handled appropriately or reported to the DEEP regarding asbestos, et cetera? Mr. Bovino said the demo will be done according to a demolition permit. If anything is found, it will be addressed.

Are they maintaining the two accesses? Ingress and egress locations? Mr. Bovino said no change at all.

She seconded Ms. Volpe's request for the dumpster to be relocated. Get as much as we can away from the Eight Mile river.

Do we need to coordinate at all with the DOT considering the ROW right there? Mr. Bovino confirmed Marion Avenue is a town road at this location and we are working with the engineering department to address any concerns. It is no longer a state road at this location.

Mr. Grappone confirmed that Marion Avenue is a town road and it would just be the on ramp that would be DOT.

Mr. Salka asked if the parking has been formalized that is owned by the factory to the east. One stipulation I'd like to have if we do pass this would be that we formalize the three parking spaces with the company to the east. Mr. Bovino said there is no formal agreement, but if that's what you would like to see, we will definitely contact them to see what we can do about it.

(Mr. Coviello entered the meeting.)

Members of the public would like to speak in favor of the application:

(None this evening)

Members of the public would like to speak in opposition to the application:

(None this evening)

Mr. Gworek said he would really like to see the rendering before we close the public hearing or vote on it. Mr. Santago and Ms. Volpe agreed they would like to see a rendering of the building.

Mr. Phillips said he would try to share the screen one more time.

Mr. Santago said as a point of order, we have in the public hearing a special permit application which is a separate motion from the site plan. The site plan is under the business section of the agenda, so we can close the public hearing for the special permit and then the rendering would fall under the site plan later on.

Mr. Phillips clarified: the rendering is helpful, but you have no regulations to dictate if one rendering is better than the other for aesthetic purposes. It's really just an understanding based upon what you see.

Mr. Bovino described it as having brick treatment, columns, et cetera.

Mr. Phillips advised you don't have aesthetic requirements for a special permit as far as the rendering. You really don't have any authority there.

The Chair again stated he would like it up there so commission members can see it.

(Pause, pause)

The Chair suggested leaving this open and moving to Item C.

Mr. Bovino had no problem with that.

C. Home occupation application of Stephanie Albert for a Cottage Food License to deliver chocolate covered pretzels, Oreos and strawberries that are made and designed from the residence, property located at 11 Whipoorwill Road, owned by Daniel Dupuis, in an R-12 zone (HO #75)

Stephanie Albert, applicant, explained she wanted this home occupation application passed so she could submit a Cottage Food application with the health department.

I'm going to culinary school right now and I was doing these for family and friends and this kind of took off. It is a great way for me to be able to work from home. I offer good prices. I would like to pursue this. It is a great thing while I'm going to school, too.

Questions from the Commissioners:

Mr. Gworek asked about quantity, pickup and delivery. Ms. Albert said she'd like to deliver as much as possible with pickup as a last resort, to minimize traffic. As far as quantity, I only go up to three dozen, unless you let me know ahead of time. I'm only thinking I'd take two to three orders a day, if it came to that. I am going to school. This is more of a side job so I can work from home during this pandemic. It helps me.

Mr. Gworek asked about the health department. The Chair advised this is regulated by the Department of Consumer Protection at the state level.

Mr. Macchio asked about the delivery hours. Ms. Albert said she would want to operate normal business hours, nothing before 8:00 am and nothing after 9:00 pm.

Mr. Salka asked about pickup. Can we stipulate that it will be for delivery, only and would the applicant be okay with that? Ms. Albert said that'd be fine with her.

(Those wanting to speak in favor of the application)

None this evening.

(Those wanting to speak in opposition to the application)

None this evening.

The Chair closed the public hearing on this item.

\*\*\*\* Resuming discussion on this item after hearing Item 7-C below.

The Chair reminded everyone we are waiting for the rendering to be put on the screen.

Mr. Bovino added the building is basically a contemporary building. It doesn't have a pitched roof on it. Its two story with a top to it. Windows. Typical retail space type of windows with a main entrance with some treatments such as an overhang made of metal and a brick façade with other features. It's not a colonial looking building.

The Chair asked the Commissioners for their thoughts on this. Mr. Gworek said he'd like to see it but is fine with hearing the description. The rendering doesn't apply to the SPU but to the site plan. He was good.

Ms. Volpe agreed. She'll pay more attention when we talk about it in the site plan portion. I do think it is important and I do want to see it. I want to ensure we are putting buildings that conform and look nice over there. I'll look at it later on.

Discussion of the rendering being emailed to the commissioners so they can see it and put it on the website post meeting.

Discussion on the commission's authority on aesthetics at the SPU level.

Ms. Albanese shared her screen and showed the rendering. Mr. Gworek, Ms. Albanese and Mr. Santago said they were fine with it.

Mr. Cowles asked about the direction of the drive thru. Mr. Bovino said it enters from the curb cut to the east (closest to West Street) and goes straight in by the pumps and then goes to the right of the building, goes to the rear and comes out on the west side and comes back out to the second curb cut.

Ms. Albanese pointed out it looks industrial, but it is a good match. It blends a little bit with the historic feature on the opposite side of the river.

Ms. Volpe said it is nice. She liked some mid-century industrial vibes going with it. It would be something more progressive for development of that area because of the historic structure that do surround it. I like the brick; I like the black. It's a go for me. I feel better I saw that and can say the uniformity of the historic district will be retained. The windows are nice. It does look huge.

Hearing no further questions, the Chair closed the public hearing on this item.

## BUSINESS MEETING

The Chair moved Item D up on the Agenda at this time.

D. Home occupation application of Stephanie Albert for a Cottage Food License to deliver chocolate covered pretzels, Oreos and strawberries that are made and designed from the residence, property located at 11 Whipoorwill Road, owned by Daniel Dupuis, in an R-12 zone (HO #75)

Mr. Salka made a motion to approve the home occupation #75 with the stipulation that it is for delivery, only. Mr. Macchio seconded.

The Chair commented this is small business, it's a great thing the legislature did.

Motion passed 7 to 0 on a roll call vote.

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 July 21

This item has been withdrawn. We just need a consensus accepting the withdrawal advised Mr. Phillips.

Mr. Salka made a motion to accept. Mr. Santiago seconded. Motion passed unanimously on a voice vote.

B. 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)

Mr. Salka made a motion to approve SPU #638 with the stipulation that they formalize the permission from the property owner for that parking area. Mr. Santiago seconded.

Mr. Bovino asked, if there is a problem with the neighbor where he doesn't want to put something in writing, I don't want to be in a situation where the special permit is void because of that. If there is a way to introduce this without the stipulation, it would be appreciated.

Mr. Phillips said that is the whole point. If there is a problem with the property owner, we want to make sure the parking is not going to become a problem. The Chair added part of the concern is, say ten years down the line, somebody goes in there and there is some type of a problem and they say Sunrise Southington can't park there, then we have a situation where it doesn't have enough parking spaces and we're scrambling trying to figure out what to do then. Mr. Bovino responded there are two extra spaces right now and we would have to make up one, which we can do by looking somewhere else or reducing some of the square footage. I'm trying to save a problem in terms of the special permit. The Chair said you cannot shave the square footage of the building after it's been constructed, however. It could be five years, a year or ten years from now noted the Chair. He further commented we are trying to incentivize everybody to get together and work out something so that those three parking spaces can become part of this site plan. Mr. Salka confirmed that is what he is looking for with this motion.

Mr. Bovino said he would approach the property owner but wanted to avoid coming back to the commission for the special permit if it doesn't work out. If we lose the parking spaces, what do we have as an option? We would have to reduce the proposal or find another spot for a parking spot and as long as we can do that within the site plan procedure, we are open to that.

Mr. Phillips said these are existing parking spaces we're make sure we memorialize these. You are not going to lose them. It's just putting it on the land records. Mr. Bovino said he understood the person has not created a problem by saying get off my property, but he has not been willing to put something in writing. I don't know why. That's where we are.

Mr. Salka said the options are to formalize the parking agreement or come back with a plan that calls for less parking. Make the building smaller, et cetera. That's the options.

Discussion.

Mr. Bovino pointed out, in case we are not successful, the square footage does not approve the square footage, but it approves the use. Correct? If we have to reduce the square footage or find it somewhere else, that's what we will have to do. It will be done before construction at the site plan time.

Discussion.

Mr. Gworek asked if that could be amended. He has two extra spaces now with the three spaces. If we want him to move the dumpster, he could potentially put a parking space there and have the required parking spaces. Is that accurate? I don't want this to hang up the entire project just because he can't get it in writing. Can we say as long as he has the required parking spaces on his property then things can go forward? Is that an option?

Mr. Phillips stated there is a historical agreement with the parking from the neighboring property. I just think it's probably in everybody's best interest to have a memorialized parking agreement. If the property is transferred in any way, there may be a problem. And, to meet the parking requirements for this property, they need to have those spaces which lie on a different property.

The Chair pointed out whether it is one or three parking spaces, we still have to have a memorialization they have enough parking spaces. As to moving the dumpster, I thought Mr. Bovino said he would look at it but wasn't sure it would be feasible. Looking at the site plan, I don't know where you can move that other than where it is there.

Mr. Bovino said isn't the town protected if you stipulate, we have the appropriate parking without going into the private issue between the two property owners? If we don't have the appropriate parking, we have to reduce the scope of the project or find it somewhere else on the property. There is a little space at the back of the drive thru where maybe we can fit one or two spaces back there. The Chair said if you do that, you have to come back with a revised site plan.

Mr. Bovino wanted action on the SPU and table the site plan since we have to wait for staff's comments. That gives us an opportunity to work on the parking issue. The Chair said the preference is to have this on the SPU and not on the site plan. We can table this because you have to come back anyway with the site plan.

Mr. Bovino wanted action the SPU, thus the suggestion of the language that protects the town and gives us a chance to get the SPU and work on the site plan in terms of meeting the parking requirements, assuming that area cannot be used. We are obligated to meet the parking requirement.  
Discussion.

Mr. Phillips said if this is going to impact the size of the building, I am not sure what the problem is as far as getting an agreement with the adjacent property owner for the parking, if that's a problem and you have to reduce the size of the building, that's all part of the special permit. It is about the impact.  
Discussion.

The Chair said he is leaning towards tabling this item and the next one and coming back in two weeks so your client can have a conversation with the owner of those three spaces.  
Discussion.

The Chair asked if the existing building can remain operational when the new building is being constructed. Mr. Bovino said he'd have to check with the owner but most likely if you are going to demo the pumps, remove the tanks, I don't think it is going to happen. I can provide the construction schedule but I don't have it now.  
Discussion.

Mr. Bovino pointed out it is such a larger undertaking, safety is important. We'll have to see if the convenience store can operate without the pumps and vice a versa.

Mr. Gworek said his question was: if for some reason they can't get that in writing, the two landowners, will that completely void out the SPU and he's got to come back with a new SPU?

Mr. Phillips responded: no. At this point in time, what we are trying to do here is memorialize an existing agreement. It's the best thing to do. If we move forward without having that, it is what it is. It becomes a private property issue between the two of them. They are using the parking spaces as part of the parking count and it is based on historical agreement. It's better to have something memorialized for the next potential property owner, however, it is what it is. It would be a third-party issue.

Discussion.

Mr. Bovino clarified his understanding: We receive the SPU with the understanding we resolve the parking issue. If the parking with the property owner cannot be resolved, we have to address it somehow in the site plan portion of this. The Chair agreed that was his understanding, as well.

Motion passed 7 to 0 on a roll call vote.

C. Kratzert, Jones & Associates, site plan application for 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 (SPR #1801)

Mr. Bovino presented on behalf of the applicant. This is a 3,228-sf convenience store building, with a drive thru and eight fuel pumps. The property curb cuts would be left as they are. We will improve on landscaping and the landscaping plan was submitted. We are proposing flowering shrubs and trees with some perennials. Lighting will be full cut off lighting. All E & S control notes and details are on the plan. I believe that the turning movements for the delivery of fuel is shown on the plans. We'll look at the dumpster situation to see what we can do. We will look at the parking requirements. Excavation will be required to remove the pumps and underground storage tanks. If dewatering is necessary, there will filter bags used. The discharge will be clean water before it enters the drainage system.

Based on the discussion during the SPU, I believe Jim Grappone will have additional comments and we need to receive those and address his concerns before there is any action.

Mr. Grappone said some comments are minor. He didn't get an opportunity to review the revised plans sent in today. I had some duplicate comments with Dave Lavallee.

On the dewatering, do you know how old the underground tanks are or if there is leaking in any way? Mr. Bovino said he didn't believe they were leaking. We have monitoring wells everywhere. (Some were removed as a matter of fact.)

Mr. Grappone spoke with Scott Hesketh. Are you submitting a statement for the drive thru? It appears that based on the location of the message board, there is not a lot of queueing of traffic that could be stored on the driveway before the traffic to the pump area could be affected. Is he going to address that? Mr. Bovino said they'd look into that. There is a 14-car queue to the menu board starting

at the entrance to stay in line to get to the menu board. The curb cut is quite wide. Cars can still go to the pumps without interfering with the drive thru queue.

Mr. Grappone stated it is in a floodplain elevation area. Is the site balanced with cuts and fills? Do you know? Mr. Bovino said he didn't know, but we are above the floodplain. Explained.

Mr. Grappone has more work with this applicant and looks forward to resolving any issues.

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

#### ADMINISTRATIVE ITEMS

##### 1. Discussion – Regulation Review Committee Update

Mr. Santago provided an update. The committee is made up of myself, Sue Locks and Joe Coviello. Mr. Steve Giudice has attended meetings, as well as Sev Bovino, along with Rob. We met pre-COVID and post-COVID recently. The idea was to look at the regulations and a way to continually review them and add some additional structure to the regs in a review way.

We reviewed Canton's website as their regulations look great. After review, we found there were some things we could do.

(Please refer to the video on line to hear and see the full presentation.)

A complete set of zoning regulations are here altogether. It's important because with a Control F, you can now do a word search over the whole document and see how often a certain word occurs. It will allow us from a review standpoint and when people come before us, for us to have a little more control for consistency in regulations and see more clearly where things are and things like that.

So, we don't have unintended consequences when we make a change somewhere which will impact adversely somewhere else. Or an inconsistent regulation somewhere else.

Discussion.

Doing this electronically will help this commission as well as future commissions.

We can also find out when the last time a certain regulation was changed and we can see the history of a regulation and changes.

Discussion.

All credit goes to Karen, Rob and Rob's summer intern.

(Refer to Excel spreadsheet on line)

This is a history of every regulation change since 1965, by date, by regulation.

Discussion.

Now we can do a systematic look at the regulations. There is consistency of language we may want to look at.

Also, checklists are being prepared. For example: what do we have to look at for a special permit or a simplified way to present to us to get a little more digital. This makes it easy for us as we move forward.

Mr. Phillips showed the Southington Home Page in his screen. He referred to the drop-down yellow menu: Land Use Development Handbook. This is everything we're trying to parrot out to everybody as much as we can. It gives people the guidebook on how to get approvals and the expectation level. (Refer to the video on line for the presentation.)

This is important to educate the public noted Mr. Phillips.

Many commissioners commented this is fantastic. Great! More modern.

Mr. Santago concluded by saying all the credit goes to the staff: Karen, Rob and the summer intern. They went for something and did it expediently and they did a great job. The staff has been fantastic and I can't say enough about them.

## 2. Discussion – Temp Outdoor Dining Permits

The Chair explained under the Governor's Executive Order 7NN, the process to obtain these outdoor dining permits during the COVID situation was more of an administrative process as opposed to one where they would have come to us and get the permits approved. That Executive Order is set to expire on September 9<sup>th</sup>. I want to get ahead of it and have a conversation and see what the commission's thoughts are for doing anything we can to help these people out.

Mr. Salka agreed. We need to do everything we can. A lot of the restaurants are not really going to remain open if we don't take care of them and we don't try to smoothe the way for some of the things that they want to do to stay open and stay healthy. We talked about taking it out of our hands and really making it administrative so we could cut through the red tape.

He introduced a motion for the commission to think about and if it is approved, it really turns it over to the planning group and let them cut through the red tape and approve some of the things that are happening for some of our restaurants.

I'll ready it to you and would like to get your comments on it:

"Authorize the director of planning to extend any temporary outdoor dining that has not been the subject of a zoning enforcement action which is operating with a permit issued pursuant to the 2020 Gubernatorial Executive Order 7NN, to be permitted to operate until January 1, 2021. Subject to the requirements of any additional executive order and provide that such extension not be interpreted to create any nonconforming rights under any local, state or federal authority."

The Chair said he liked where it goes. He would like this motion seconded so we can have a conversation.

Ms. Locks seconded the motion.

Mr. Santago asked for clarity on the motion. Mr. Salka said right now the Governor's Order will end in September. We've got a lot of outdoor dining and it doesn't really change any of that. Basically, it extends it to January 1<sup>st</sup> from the September deadline. And, instead of coming before the board, they can bring it right to planning and they can make the determination. It doesn't change any of any of the details. We are not going to put up a new structure.

The Chair said in this time, we've had like 30 different restaurants around town apply for and get permission to put this outdoor dining. There is a level of uncertainty that is happening out there right now. They don't know if this executive order issued is going to be extended. We're just trying to say for the Town of Southington we are willing to extend that in deference to our restaurants and make sure that the people severely hit by this pandemic have every opportunity to make a go for it and be successful. We are looking at a situation where many of the restaurants we frequent may not be there at the other end of 2021.

Mr. Santago agreed with this. He offered his explanation.

Mr. Phillips said this would extend what we see in the field until January 1, 2021.

Mr. Cowles felt in reality it is fine to extend this, but the reality is, as the winter months come on us, the potential for outdoor will fade off quickly. If we buy these guys a couple of more months without the headache of the uncertainty of going back and forth as executive orders are interpreted or extended, I think it's great for us. I don't see them really being able to operate outside as currently set up past the middle of October. It's a good opportunity for them to squeeze a little bit of more opportunity out of this tragedy we're going through.

Discussion.

The Chair reiterated we have to do everything we can to help these folks out. They're walking on eggshells. The industry has been hit very, very hard. To give them some breathing room, even if it is only for another three or four months, I think is a good thing and we should do everything we can generally to promote business in our town and in this case to help the restaurant and service industry out as much as we can.

Mr. Caleb brought up outdoor heating that might be brought up by some of the establishments for the outdoor areas. I want to be sure that is part of the review process so the fire marshal's office can look at that.

The Chair said there are some restrictions on some of the uses, but if they can use outdoor heating like at the Back 9, it has to be a certain structure and that's probably regulated on the state level and not by the town necessarily. Mr. Phillips confirmed that.

Discussion.

The Chair responded to a query by Mr. Cowles that there is no need to reapply under this. Those who are operating under a permit that was issued per the Governor's Executive Order 7NN do not need to come back and reapply. They're just allowed to operate as they are until January 1, 2021.

Mr. Phillips advised this is all subject to any future order issued by the Governor. We're not sure what he is going to do. But this extends what we've seen for the past three or four months to January 1,

2021. Whether or not the restaurants can actually function and make it work, that's up to them. This just continues that.

Mr. Caleb said is point was that if somebody is going to make a change to what already is approved, that change is reviewed.

Mr. Phillips clarified the process is reviewed by the building, fire and health department through our zoning process. All departments are involved. It has to do with crash protection, whether it's fire protection or things of that nature, it's all included already.

Motion passed unanimously on a voice vote.

#### ITEMS TO SCHEDULE FOR PUBIC HEARING

- Application of Jonathan R. Aubin, attorney for MDB Holdings, LLC, to change the zone on property located at 1608 Meriden Waterbury Turnpike from I-1 to B (parcel size 1.37 acres) ZA#566, September 1
- Special Permit Application of Eleni Real Estate LLC for two buildings on one lot, property located at 1615 Wet Street, in the WSB zone, parcel size .65-acre (SPU #639) September 1
- Special permit application of Robert Agro to construct a garage in excess of 3 spaces, property located at 30 Blueberry Lane, in an R-2025 zone, parcel size .59 acres (SPU #640) September 15

#### RECEPIT OF NEW APPLICATIONS

- Eleni Real Estate, LLC, site plan modification application for a two-story office/retail building, property located at 1615 West Street, in the WSB zone, parcel size .65 acres (SPR #1802)

Brief discussion on the applicant's parking. Sidewalk waiver will come up when the application is on the agenda.

#### ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:58 o'clock, p.m.)