

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
January 20, 2009

The Planning & Zoning Commission held a public hearing and regular meeting on Tuesday, January 20, 2009. Chairman Zaya Oshana, Jr., called the meeting to order at 7:03 o'clock, p.m.

The following Councilpersons were present, viz:

James Sinclair	Kelly Kennedy DelDebbio
Michael DelSanto*	Patrick Saucier
Dawn Miceli	Zaya Oshana, Jr., Chairman

Alternates:	Paul Chaplinsky
	Lisa Conroy
	Steve Kalkowski
	Dennis Vachon

Absent: Francis Kenefick, Commissioner

Ex-officio members present were as follows, viz:

Mary F. Savage, Town Planner
Anthony J. Tranquillo, Director of Public Works/Town Engineer*
Mark J. Sciota, Deputy Town Manager/Town Attorney
John Weichsel, Town Manager

The Chair seated Ms. Conroy for Mr. Kenefick for this evening's meeting and Mr. Kalkowski for Mr. DelSanto. A quorum was determined.

(*Arrived with meeting in progress.)

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

ZAYA OSHANA, JR., Chair, presiding:

Approval of Minutes

A. Regular Meeting of January 6, 2009

Mr. Sinclair made a motion to approve. Ms. DelDebbio seconded. Motion passed on a majority voice vote with Ms. Conroy abstaining.

Ms. Savage read the legal notice into the record.

Public Hearings

A. Paula Guerin, one lot resubdivision application, 733 Prospect Street S #1274

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

This property is located at 733 Prospect Street. It is zoned R-20/25. The total is 1.25 acres. Served by public water and septic system.

We received a letter of approval from the health department indicating the property is suitable for a septic system with the house and the letter is in the record.

We also have a letter of approval from the water department indicating they have no problem serving the property. (Submitted for the record.)

There's an existing house on the property with an old structure at the northeast corner. That structure will be removed and the yellow line is the proposed lot line between the two properties. Each lot will have 27,243 sf, approximately, which is well above the 22.5 minimum required by the regulations.

The grading plan shows how the house is going to be located, approximately forward 10' from the house that's there now. The driveway is going to be shared. Easements are provided for that purpose.

We have staff comments and they've all been addressed. Maybe Mary has some stipulations if you so choose.

That is what this is about and I'll answer questions. It is a public hearing because it was part of another subdivision and we are cutting it again.

The Chair asked for questions.

(No response)

(Those speaking against the application)

No response.

(Staff communications)

None.

Discussion about the sight line easement to the Town of Southington. Mr. Bovino said it was granted to the town and the volume and page is shown.

Mr. Bovino mentioned regarding sidewalks, Mary was asking about sidewalks but what I know is that existing property on an existing road is not required to place sidewalks. That's our position. If there's any questions, Attorney Sciota can address that. Attorney Sciota concurred.

Brief discussion.

The Chair closed the public hearing.

Business Meeting

A. Paula Guerin, one lot resubdivision application, 733 Prospect Street S #1274

THE CHAIR: This was the subject of a public hearing a moment ago.

MR. BOVINO: We just had the public hearing, if you have any questions, again basically, that's the -

ATTORNEY SCIOTA: You can't speak, Sev. We just had a public hearing.

MR. BOVINO: Oh. There's no commenting?

ATTORNEY SCIOTA: No.

THE CHAIR: There were a couple of issues, I think, outstanding at this point that possibly the applicant had mentioned in terms of stipulations.

Ms. Savage?

MS. SAVAGE: I verified --- staff still had a question regarding our comment #1 regarding any regarding or additional work required to meet the intersection sight distance. We were questioning if the topography on Lot 6-A had been field located.

And, I touched base with the agent prior to the meeting and he assures me that that's the case. So, staff is satisfied at this point in time on that. Ultimately, the sight distance easement has been granted to the town, so we have the authority to compel meaning that the outstanding comment at this point is that the detail for the storm tech unit on Sheet G-1 shall be revised to show the clean out to grade at both ends.

This unit, staff discussed with the agent during the design process, that there would be a clean out at both ends of the unit but the detail just shows a clean out at one end. Very minor comment. It can be a stipulation. It's just modifying the detail sheet.

Staff is supportive of the applicant and it's ready for action.

MR. SINCLAIR: Mr. Chairman, I'll make a motion to approve the application with Mary's aforementioned stipulation.

THE CHAIR: We have a motion for approval. Is there a second?

MR. KALKOWSKI: Second.

THE CHAIR: Discussion?

MS. DELDEBBIO: I just wanted to --- just for the record, I just wish there was something we could do about the sidewalk because there are a lot of pedestrians in that area and it's really difficult walking or seeing pedestrians when you're driving.

ATTORNEY SCIOTA: Just as a history, this case been --- that issue has been litigated. In fact, Southington has a major case that goes back several years and the courts conclude that since it is already an existing town road, we cannot make someone improve an existing town road. That's subdivision.

Now, site plan is a different issue, but we are dealing with subdivision here tonight.

THE CHAIR: Anybody else?

I agree with you fully.

ATTORNEY SCIOTA: I wish you were wearing black robes, but you are not.

(Chuckles)

(Motion passed 7 to 0 on a roll call vote.)

B. 8-24 Referral - Southington Water Department

TOM WEST: Superintendent Southington Water Department. This 8-24 approval that we requested is for us to enter into a lease with cell site company at our Mill Street water tank site. WE have two cell sites at that location currently. This company's name is Pocket Wireless. They're out of the south and southeast of the United States. They're looking to expand their coverage into the northeast currently.

We'd be entering into a five year lease with five five year reopeners at our option and their option.

If you have any questions, feel free to ask.

MR. SINCLAIR: Tom, aesthetically, there's no difference than what you already have there? It's going to be just another branch, antenna, so to speak?

MR. WEST: It's going to be, cell sites have three antennas at three different directions and it would be three more antennas on that site. It's going to be a very similar mount as to what is existing there currently.

We'll also require on the site, a couple of small boxes, if you will, for their equipment in a fenced in area.

MR. SINCLAIR: It's not going to jack the thing up another ten feet; it's not going to make it look any -

MR. WEST: It will be essentially the same as you see now with three more antennas on the tank itself.

MR. SINCLAIR: Okay.

THE CHAIR: Basically, we had an opportunity to review this a couple of weeks back at site plan and I think the only outstanding thing that we had talked about was the concept of was there potentially going to be any damage to the water tank. You were going to take a look at that from an engineering perspective.

MR. WEST: No. The mounting is designed such that there will be limited opportunity for there to be damage to it and they're required to make any repairs to the tank coating should they damage it during installation.

THE CHAIR: You see no engineering issues?

MR. WEST: No.

THE CHAIR: Is this something that's been going on at the water tower for many years? It's an additional couple of antennas and it's an opportunity for lease going to the advantage of the Town of Southington. Seems like a pretty straight forward idea.

MR. WEST: That's correct.

MR. SINCLAIR: Mr. Chairman, I'd like to make a motion to send back a favorable 8-24 approval.

MS. MICELI: Second.

(Motion passed 7 to 0 on a roll call vote.)

C. Presentation of Draft Level A Mapping- Southington Water Department

THE CHAIR: This is as a result of and follow up conversation to our aquifer protection regulations that were passed a couple of weeks ago. We asked the water department to come forward with the current new aquifer mapping that they've done so this is an opportunity for you to come forward and do a presentation to the commission of what you are looking at right now.

MS. SAVAGE: I believe they have a brief Power Point presentation if we're able to put the screen down.

THE CHAIR: And, as we do that, we're going to seat Commissioner DelSanto.

MR. DELSANTO: I apologize everyone for being late. Family obligations.

(Pause, pause)

KENNETH TAYLOR: We got the technology going. My name is Kenneth Taylor. I'm from (Inaudible) and Graham. We are an environmental consultant that specializes in ground water. And, we were contracted by Southington to do the aquifer protection mapping in the early 90's. And, essentially what that is is in the late --- in 1989, the State of Connecticut passed a public act requiring aquifer protection mapping for well fields like the Southington well fields which are in sand and gravel deposits or overburden deposits.

As a part of that regulation --- as a part of that statute, they also issued a regulation which specified specifically how the mapping would be done. As a part of that regulation they dictated that you would complete a work plan to the state telling the state what you're going to be doing. You would review the data. Propose a work plan. The state would approve that plan. And, upon approval of the plan you could go to the next phase which would be the field investigation which is gathering data.

Once the data was gathered, you would construct a ground water flow model and write a report which would then be submitted to the state. Southington has complied with the statute. We've submitted the level A mapping report to the State of Connecticut for review. First week of January. And, the map --- I'll talk about that in a couple of seconds.

I figured I'd give a general history of what's been going on in the program since we started working on it. We developed the data collection plan that I referred to earlier in the spring of 1993. That was submitted to the State of Connecticut and it was approved in February of 1994. Like I said earlier, within that plan, we reviewed all the existing data from all the work that had been done for the well fields to date. We developed what we call conceptual model and that simply means we looked at the boundaries of the aquifer, where the recharge came from, where the water came from. We developed a plan and we developed the model plan, a field plan.

We conducted field exercises or collected data from July of 1993 through November of 1994. And, that was, we installed monitor wells, pizometers, (spelling) did stream gauging, and other issues to gather data that we needed. And, as part of that data gathering there were seven aquifer tests done, seven in total.

And, then in 1996, we constructed the ground water flow model which is the boundaries of which you can see on this plate right here which happens to be the red line right there.

And, then we wrote a report in 1996 and early 1997 and that was submitted to the Town of Southington for the town's approval.

At the there were issues regarding to if the resulting level A mapping areas that came out were overly conservative. The reason being is that the simulations done to draw the lines the way the regulations were written at the time said that you had to assume that there was no rain for six months. The rivers were at drought stages for that entire six month period. And, you pumped the wells at whatever registered the maximum amount that they're able to pump for that six month period and the resulting water levels you assume lasted for infinity and then you did particle tracking to figure out where the water came from.

The problem with that was there was many technical issues and it was going to be difficult for the state to defend the regulation.

So with the help of actually with the help of the work we did in Southington, the state went back to the drawing board and decided they're going to update the regulation using more realistic terms. And, because of that, the Town of Southington decided even though the report was completed in 1997, we'd wait until the new regulations came out which are more technically defendable before we'd submit the new mapping.

That was updated in 2005, the new regulation came out. The new regulation, the way it is now, basically allowed instead of doing that super draught scenario to figure out where the water is going to come from, we did it under average conditions which would be much more likely to see in real life. You know average stream stage, average recharge.

In the interim from 1997 when Southington finished until they updated the regulations in 2005, the Southington enter into an agreement with Valley Water Systems. Their well field which is the northern most there on the map, happened to be in the same basin that the Southington wells were and because of that with the modeling done, both well fields had to be incorporated into the same model.

So what was done is we had to submit another data collection plan for Valley Water Systems which was done in June of 2007. We completed the field investigation from June to December, 2007 and then we upgraded the model which we had originally developed in 1997 by expanding the area that it covered. We updated the geology with new data that we had gathered in the interim period. Then we recalibrated the model, completed the sensitivity analysis and then redid the new level A run under the new regulations. Then wrote a report which was submitted in January.

You know, just to --- how we came up with the lines that you see there, the new level A simulation, like I said, was what we call steady state model run. That just means that you assume that the condition lasts for infinity but that condition is average conditions. Average recharge. Average stream stage. And, the simulations, the discharge from the wells there. Also included in the simulation was the New Britain Well, the North Cheshire well field, Valley wells and the Southington wells.

Just to get - what this is, you can look at it later if you want, once you run this, the question people sometimes ask is well how do you come up with where exactly the line comes from. What you do is you take the simulated water elevations which are the blue lines on the map there and the red lines there, it's we use a program called a particle tracker. What that does is you simulate a particle in the aquifer and you see where it goes. There's a program specifically for that.

So the areas that are captured by wells or particles that are captured by wells are shown in red. And, the way the regulations are written, that is what we call the area of contribution meaning if a drop of water under these conditions is in the well field, that is where it will go and which well it will go to.

The other area, the --- I don't want to get too involved with it, but the other portion of the recharge areas, areas upland areas or areas up gradient of those areas that drain into the red areas are called recharge areas and that is what you are going to be regulating.

This area in red plus the area in brown here and that is what has been submitted to the state and that's what is going to be required land use restrictions or whatever the Council deems appropriate.

That's pretty much it.

And, what that is is just this map, the one on the right is this map right here. Which is the version that's been submitted to the state.

The one on the left, when I mentioned that we finished the work in 1997 before they changed the regulations, that is the map that was done in 1997. The two brown areas are the areas that were or are the "aquifer protection area".

As you can see, by modifying the regulations, the state with the new rules that they set aside, the area became smaller.

And, that's pretty much it unless someone has any questions.

MR. WEST: I think Ken hit most of the salient points for everybody. We had struggled with whether to get these maps into the state back in the late 90's early 2000 time frame. And, we honestly didn't feel that it was appropriate to get them in with the pending updates to the regulations at DEP.

So, we held the maps. Did not submit the reports to the DEP until we felt we had a more real world condition, if you will. Also, as Ken had alluded to, Valley Water Systems through an additional wrinkle with us then having to incorporate their well field into our report and then the original report also did not include the New Britain well which is on the map, sort of two thirds of the way up in the middle of the recharge area. That was not included in the original model. That is included in this model.

I don't think we've missed anything.

MS. SAVAGE: The area seems to have shrunk. Did it shift as well? It's hard to tell?

MR. TAYLOR: There are two different back mats, but the area definitely did shrink and the reason for that is like I was talking about earlier, the original mapping was completed assuming there would be no rain and a drought for six months. And, the water company during the six month time would never turn their well off. Both of which are quite frankly totally unrealistic.

MR. WEST: And to get to your point, also, Mary, particularly in the northern part of town it did shift further to the east in a couple of areas. It's almost a north/south line now. Where as previously it was headed a little bit further north, northwest. So it did shrink it a little further towards the east. The majority of it falls outside of Queen Street.

MR. WEICHSEL: All east of Queen Street.

MR. WEST: That's correct.

MR. WEICHSEL: Years ago, you'll recall they had it all west of Queen Street which would have been devastating for us.

MS. CONROY: Would you please explain again what the brown shaded area is and what the red outlined area is?

MR. TAYLOR: The red outlined area is the limitations of the model that we developed. That's the model boundary. So everything within that as simulated through computer modeling.

MS.CONROY: As far as a particle that you were describing?

MR. TAYLOR: As far as, when we set the model up, when we set a model up, you create a conceptual model and what you do is you set boundaries or limits of the model. And, the red lines are the limits of the model.

The brown line is the actual aquifer protection area that will need to be regulated.

MS. CONROY: Okay, so you found in this --- you set your parameters and say on the easterly side it actually did expand outside of what you thought it would?

MR. TAYLOR: Well, yes and no. On the easterly side, the way the regulations were written, they specified directly how you would take; you would do map areas that are outside the boundary of the model. And, those areas that are outside the red line were drawn according to that regulation.

Mostly it's done with topography.

MS. CONROY: Makes sense.

THE CHAIR: Does anybody else have any questions at this point?

(No response)

MR. WEST: I just want to add that at this point this is still a draft document. It has been sent in to DEP for their review and approval. I'm not clear at this point how long it will take. Ken might be able to comment a little bit as to how long it has been on previous projects.

MR. TAYLOR: It usually takes about a month or so.

And, then at which point she'll issue a letter stating that --- sometimes she'll come back with a question and we'll answer the question. And, then she'll issue a letter stating this is the approved area.

Subsequent to that area, the town will be sent another letter notifying them the clock starts. Your clock doesn't start until she, DEP sends that second letter.

MS. SAVAGE: Then we have sixty days to delineate the new area on our zoning map.

ATTORNEY SCIOTA: We have the first well field which you already delineated. Tom, is there going to be another one or is this it now? We have a well field delineated right now which is the Cheshire well field. That's the one we have now.

This is it now?

MR. WEST: Well, this is, as far as I know, there is no other high yield gravel wells in the Town of Southington for water supply.

MR. TAYLOR: That are permitted.

MR. WEST: With the addition of Valley Water, which really didn't affect Southington, it affected Plainville but affected our area of Well #9, Dunham Place well.

MR. TAYLOR: And, another thing, it made it more political in that Valley actually is actually taking up a lot of Plainville, so you're not required in Plainville to regulate something for your well field.

MS. SAVAGE: Could we get a, could you possibly email me the Power Point so we can put it up on our website?

MR. TAYLOR: Sure. No problem.

THE CHAIR: All right. Thank you.

MR. WEST: Thank you very much.

(Pause, pause)

THE CHAIR: Thank you for the presentation. It was very informative. We appreciate it.

D. Tyke Lavette, resubdivision application, 169 Captain Lewis Drive S #1272

MR. BOVINO: Planner, with Kratzert & Jones representing the applicant. Thank you for requesting this meeting with the water department. It gives us a good sense of what is going on with the aquifer.

The property is on Captain Lewis Drive. Slightly north of Robert Porter Road. This was the subject of a public hearing. The lot area complies with the regulation. The frontage. Its served by public water and sewer.

We responded to all comments from staff. The proposal is build an industrial building here but right now this is the subdivision part that we're talking about, so unless you have any questions?

ATTORNEY SCIOTA: We're talking about the resbudivision now?

THE CHAIR: Right now we are talking about the resubdivision application.

(Chuckles)

MS. SAVAGE: This application is ready for action.

MR. DELSANTO: Make a motion to approve the application.

MR. SINCLAIR: Second.

(Motion passed 7 to 0 on a roll call vote.)

E. Tyke Lavette, site plan application for a proposed 5,600 sf industrial building, 169 Captain Lewis Drive SPR #1534

MR. BOVINO: Representing the applicant. The building is 6500 sf. Proposed on this lot that you just approved. The developer/owner is here

tonight in case you have any questions for him. He's planning to build this next summer probably after everything, after the winter comes to an end and he gets some prices and see how things are going.

We had extensive comments from first the Wetlands Commission. We had developed a layout which showed that water course that runs through the property to be piped. The Wetlands Commission asked us to change our design and relocate that water course totally outside the building area which we did.

Engineering Department and Planning Department also developed quite a large checklist. We responded to all those comments and we received approval from the Council for a drainage easement to discharge waters into the existing detention area which was part of the original subdivision, Barge Canal Industrial Park Section X. So, I believe it is ready for action unless you have any questions.

THE CHAIR: Are there any questions for the applicant at this point?

ATTORNEY SCIOTA: I know Tony ---he's not here but I know Tony wanted to make sure that the maintenance was the property owner's responsibility and not the Town of Southington. I am not sure if it made it on to the map at all. If not, we can stip that out.

MR. BOVINO: That's no problem.

MS. SAVAGE: The maintenance of the --- drainage?

ATTORNEY SCIOTA: The drainage yes. The stipulation from the Council and the Public Works Director was that the property owner was responsible and not the town.

MR. BOVINO: Well, it would be the end of the pipe where we're proposing the rip rap. That would be the area to be maintained, whatever siltation occurs in that area.

MS.SAVAGE: The outfall.

MR. BOVINO: The outfall. Because the detention area serves the rest of the subdivision, so I don't think we want to take the responsibility to do that.

ATTORNEY SCIOTA: That's correct. It's the outfall and the drainage system that they're putting in and not the entire basin.

MS. SAVAGE: Given that stipulation, the application is ready for action.

MR. SINCLAIR: I'd like to make a motion to approve with the stipulation that the maintenance of the drainage system and outfall to fall on the property owner.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

F. Captain Lewis Industrial Park, resubdivision application, 320 Captain Lewis Drive S #1273

STEPHEN GIUDICE: With Harry Cole & Son. This application I presented to you at the last meeting and you had made a rear lot determination, a favorable approval of that.

We haven't had the time to address the staff comments at this time so we are just going to request a table.

MR. SINCLAIR: Move to table.

MS. CONROY: Second.

(Motion passed unanimously on a voice vote.)

G. Central Connecticut Contactors, LLC site plan application for a 14,400 sf industrial building, 80 Industrial Drive SPR #1537.

STEPHEN GIUDICE: Again, for the record, with Harry Cole & Son. This application was for a proposed 14,000 sf building in the new industrial subdivision, Industrial Drive. We have received comments from the town staff.

We've submitted revised plans and we received another small comment list that we had submitted just a letter to address. I haven't spoken to Mary since that letter was addressed. I hoping that we're good to go with this but I am going to ask her for her input.

MS. SAVAGE: With regard to the responses that we received today, we did review them. The outstanding item is the oil water separator at catch basin #9. Staff had preferred an oil water separator here. The agent is suggesting a hooded outlet. Staff's opinion is that we will accept a hooded catch basin providing there is a 4' deep sump. So if that's the direction that the agent chooses to go, any hooded catch basin should have a 4' sump.

MR. GIUDICE: Mr. Chairman, we had met with the Town Engineer regarding this issue. We had thought an oil separator might've been overkill for this particular application. So a hooded basin is what we agreed on and the 4' sump I'm sure would not be a problem for the applicant.

MS. SAVAGE: Providing the plans call out the fact for the appropriate structure so it's designed appropriately in the field, staff is supportive of this application and all comments have been addressed.

THE CHAIR: As long as this hooded catch basin with the 4 foot sump is reviewed with Tony and approved, you are good with this?

MS. CONROY: I was just wondering if you could describe what a hooded catch basin is?

MR. GIUDICE: Basically, it's basically the outlet pipe has an elbow on it and it keeps the water a certain level. Any oils and debris gets trapped at the water level. It doesn't allow the debris and oil to travel out the basin into the drainage system. So it's just a way to protect the downstream receiving any waters from any oils that come off the pavement and like that.

MS. SAVAGE: And, if I may, there was one other stipulation. The Director of Public Works would like a catch basin agreement. Although this is a private road, we would require that as well.

MR. SINCLAIR: I'd like to make a motion to approve with Mary's two stipulations: the catch basin agreement and the 4 foot hooded catch basin with a sump approved by the Town Engineer.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

H. Lake Compounce - Mount Vernon Road - site plan modification associated with ancillary storage area for Main Facility SPR #1535.

MR. BOVINO: Planner, with Kratzert, Jones representing the applicant. Some discussions have been going on with staff regarding this application mostly to do with the legal aspects and Attorney Sciota, I guess, has also reviewed some documents. What I can tell the commission is that there is two things here that the City of Bristol has rights to. One is the right to pollute this property within this cone of influence and the cone of influence is indicated on the map, this line right here. And, it goes northeasterly in that direction. And, that's to pollute the ground water. There is nothing we can do about it and there's nothing they can do about it. It just happened that they just took the rights to do so.

With that, if you look at the legal document, it doesn't talk about anything about restriction to the surface use of the property. There's another easement that rights the use to and it's an access to the monitoring well which is down in this area. It's a defined easement which a map is provided and I have a copy if you want to see it. And, that easement is the one which is prohibited to put any structures over it so that they have free access to go back and forth into additional testing.

Otherwise, the plan, we addressed all comments. I think this is something that was hung up a little bit. If you're satisfied with my answer, it's fine. If you're not, we can wait until Mark researches it more.

ATTORNEY SCIOTA: I already researched it. This is nothing,. There, in essence there is nothing to do with the Town of Southington. This is a right that Bristol has. What we had asked the applicant to do is get a sign off from the Bristol Town Attorney's Office which is only what we would hope that Bristol does when we have something like this. I'm not sure where --- Mary talked with Mr. Quirk I think yesterday or today.

MS. SAVAGE: Yes. I spoke to him today. There are actually two outstanding items and um, I met actually with Lake Compounce last week and I spoke to the agent today. They do not yet have the written sign off from the Bristol Town Attorney. However, they do understand the Town of Southington's interest in getting a sign off in writing.

And, the other outstanding item is that the special permit use approval to expand the boundaries of Lake Compounce included filing an access easement to access this piece of land from their other piece of land. That access easement has not yet been filed yet. And, we had asked that that access easement be filed so that we're not approving a site plan with theoretically no access to it.

And, so in staff's opinion, although we don't have a huge objection to the project, there are still a couple of minor details. I will also say that tabling the matter doesn't cause a great inconvenience to the applicant because in actuality they're already doing this. They're before us with an application because we went out there and they were doing this and we said you need approval.

So it is not as though we are holding them up from doing something. They're already doing it. So we're just trying to make sure we find out if we need to modify what's being approved at all. So we would strongly recommend a table.

ATTORNEY SCIOTA: As Mary mentioned actually, Southington is of course very much in favor of it but we don't want to do something that's going to hurt our neighbor to the north.

MR. DELSANTO: Move to table.

(End of Tape #1, Side A.)

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote)

(Beginning of Tape #1, Side B)

I. 1985 West Street, Ridgeview SPR #1360.2, site plan modification to allow drainage modification as well as revisions to landscaped buffer and retaining walls.

SEV BOVINO: Three weeks ago I believe we had a meeting in my office with both attorneys, the neighbor's attorney and the applicant's attorney. Since then, there hasn't been any positive movement to this situation.

We did have a staff meeting last Wednesday, I believe. There was additional information given to the neighbor. I spoke to the attorney today; the applicant's attorney has not received any calls. So that's where we are.

Hopefully, we'll get something soon. But the applicant is willing to do whatever needs to be done to work this thing out.

THE CHAIR: So we're stuck in limbo at this point. No further action, no nothing.

MR. BOVINO: No. We had meetings with them, as I said. And, clearly indicated what the options are and we haven't received any call back and say here's what we want. Maybe Mary can elaborate on that.

MS. SAVAGE: I did meet with the attorney representing the neighbor on Thursday of last week. We had a nice conversation. I'm comfortable that everyone is on the same page as far as where we are now and the fact that we need to move expediently towards a solution.

I'm expecting to hear something back shortly. They are working diligently. So we are communicating which is better than we were a month ago and I would suggest that at this point a table is appropriate. But I would want to assure you that we're working towards a solution.

MR. DELSANTO: Move to table.

MR. SINCLAIR: Well, I was going to say -

MR. DELSANTO: I'll take my table away.

MR. SINCLAIR: If Attorney Sciota had any comments he'd like to make. It seems like we are just stuck in a rut on this.

ATTORNEY SCIOTA: Well, there is one thing that I believe the parties --- you removed your table, right?

MR. DELSANTO: I did. Go ahead.

ATTORNEY SCIOTA: One thing that the parties have agreed to is getting another set of engineering eyes to look at this and that hopefully will come back to us pretty soon because that is something that I think the property owner next door needs so they can see what exactly has to be done.

Staff has given our opinion on it but right now it's the property owner where the trespass occurred, they have an engineer looking at it, also. So, we're hoping to get something back. As Mary said, it's been, I think, three weeks, four weeks since the engineer got onboard so we're hoping to hear something from that person soon.

MR. DELSANTO: Motion to table.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

J. Harrington - 1187 Queen Street (SPR 1536 - FF #213) site plan modification and floodplain filing application for site improvements

MS. SAVAGE: Mr. Chair, the applicant has requested a table.

MR. SINCLAIR: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

K. Salvatore Geremia, site plan application for proposed greenhouse with outdoor display, 1700 West Street SPR #1516.1.

MR. GIUDICE: Stephen Giudice with Harry Cole. Again, we're not ready. We just request a table for tonight.

MR. SINCLAIR: Mr. Chairman? Can I just ask Steve what's going on with this one? It seems like this is the proverbial bad penny.

MR. GIUDICE: No. We received comments from town staff. We're addressing those comments. WE just have not submitted those to the staff, yet. I think -- let me just check here.

MR. SINCLAIR: I mean it just seems like it keeps coming back and back and back.

MR. GIUDICE: Well, I, you know, it's in the process and we got the comments on the 13th. We're in the process of revising them. With the original application there were comments. We addressed those comments with, when we resubmitted the plans. But it had to go through another review. There were still issues that I think I spoke about when I presented the plan that we didn't meet every comment 100 percent. So we expected some more feedback back from the staff. We've gotten that now and there's nothing in the comment list that we think that is, uh, we can't address. So we're in the process, Mr. Chairman.

ATTORNEY SCIOTA: If I may, Mr. Chairman, I have to agree with Commissioner Sinclair here. This is one where we had a meeting, Steve, back in November when the town agreed that we would hold off on the lawsuit because you would come back with a new one. At that time my understanding was and maybe I wasn't speaking English, but my understanding was we were all on the same page. We knew what you had to come back in with.\

And, when I had a meeting with Mary today about several different ones and this one being one, there are several issues that are on this plan that we

had already agreed could not be recommended by the staff. So, I'll let Mary speak for herself but I was surprised when I got that report because I remember we had this meeting and it was a very cordial, very nice meeting. And, everybody was on the same page on exactly what this plan had to do. It should have been approved by now.

So, I'll let Mary speak for herself but I was very disappointed when I heard that what was submitted were things that Mary had said all along that she could not recommend. So I want to make sure that -

MR. GIUDICE: I'm curious as to what those items are.

MS. SAVAGE: I think that the biggest sticking point is that we had discussed that because both properties are in different ownership, that both sites had to be stand alone site plans. And, staff still has some outstanding questions with regard to utilities. Is there the appropriate authority? I mean, the checklist and the memo are pretty much in depth. So I won't, I am sure the commission has read it and I'm sure that the agent has read it so I won't belabor the point.

I think what would be very helpful given that we're going to have a table is that maybe we could have another meeting and just talk this through and maybe this week or very early next week and make sure that we're moving in -

MR. GIUDICE: I have no problem with another meeting. I think that there are some misunderstandings on this checklist and I think I was very clear that there weren't any utilities proposed for this application.

So, if there are some misunderstandings, I'll work it out. But I didn't know that this was a major issue until I got up here to talk about this tonight. I don't really have any responses for you. Like I said, we revised the plans. We made changes that were appropriate. There were some questions about an extra dumpster pad. I don't think that is a deal breaker.

There was questions about the site standing alone. That was something that was brought up from the beginning. We tried proposed cross easements. We proposed easements for drainage. We made a lot of changes to the plan from the original application to accommodate the comments raised by the Town Attorney and staff. I think we have been working diligently to get this resolved.

It's an unusual situation because you have two pieces of property that are under different ownerships. They are not under the ownership of the applicant. So we have a lot of different things that have to be --- a lot of bases have to be covered.

There is an easement that was never deeded from the corner piece to the town but we're now stuck with the responsibility of trying to get that easement recorded as part of an application that has to go to the property next door. So there's things that --- you know, just little things that have to be addressed.

THE CHAIR: Steve, beyond the easement that you just mentioned, what are the things you see right now that are holding this up that you're asking for a table on? Just so we can make sure that we're on the same page?

MR. GIUDICE: Um, well, I don't think there is anything --- there isn't anything that stuck out here and said we can't do it. One of the major issues that I thought was the location of the sidewalk.

There was a request to push the sidewalk into the property. We were resistant to do that. We wanted to keep it in the state right of way.

There was a comment here about the depth of sewer lateral. Our concern is with the depth of the sewer main. So there's little things here and here that we haven't been able to get quite fixed up. We thought we had addressed the issue but when this came out, we said, okay, we think that we understand what the problem is and we can make it work.

Staff and the applicant never really completely agreed on the location of the sidewalk. To me, that was the biggest issue because pushing the sidewalk farther into the site, just, we didn't think it was necessary. Because the sidewalk is closer to curb, that happens all over town. We didn't think that he should be penalized because of a CL&P pole being located right where the sidewalk would typically be located.

You know, as far as having the site stand alone, that's what we've been gearing towards from day one. Try to make this site stand along. But if you remember, the Commission remembers, I asked from the beginning, we asked for a waiver of utilities. We didn't want to run any new sewer lateral. We didn't want to run any new water lateral. We didn't want to run all these other items. He's just going to have a greenhouse. There's not going to be any toilets or bathrooms or sinks or anything like that. He just wants to --- and there is a well on the site next door. That was the one thing. We wanted to be able to water our product utilizing the existing well. The water department didn't have an issue with that. And, we didn't think that the commission would have an issue with that, as well.

The dumpster is something that came up recently. We proposed to utilize the existing dumpster on the existing site. The request was to put in another dumpster location. We don't see an issue with putting in another dumpster location.

There was a request for screening to the residential land. You know? I'm sure we can put some screening there. I don't see an issue with that.

The only development we have going adjacent to the residential property is our drainage structure. We have a detention basin located in that area. Other than that, we don't have anything located close to the residential development.

Outside display of materials was one thing that I did think we have an issue on. He does put pallets out material out. Topsoil, potting soil, things like that. The question was, is that outside display or is that outside storage? He puts it out to display to sell so it's our position it's outside display. But there is a question raised to that. This is something that I think the commission ultimately has to make a decision on. Is a pallet of bagged topsoil display or is it a storage, outside storage issue? I guess we need some feedback from the commission on that issue.

(Pause)

Again, the easement for the drainage, we decided to pipe it. To avoid any drainage issues with abutting residential properties, we piped the drainage all the way out to Welch Street, but because we are crossing this other property that is part of the --- technically not part of the application, we need to get an easement for that. The request is to that easement now before you move forward.

Then there is the question of parking. Are we asking for a parking waiver? Staff is not convinced that West Street has sufficient parking for the use. They're saying that the --- the comment is it's a retail operation

applying for parking as a wholesale operation. And, the applicant is asking for the commission to support this calculation and staff doesn't feel that --- I don't know if they're supportive or not. But we look at the use, what he has for parking now, what he's proposing to add for the display are and we think that he does have sufficient parking.

So those are things in the past when the applicant has come to this commission and said we don't need this much parking. We know our business. We don't want to put in more parking than we need to. You've been supportive of that. We've done that on recent applications with this commission.

That's where we stand.

THE CHAIR: There is no real timing on this because there's no application. This is a response to a violation, correct?

ATTORNEY SCIOTA: There is an application pending in front of you. The last one ran out of time. And, they refiled. And, that's the issue. It's --- a lot of this stuff started last spring. The stuff was there. He was selling. That started the enforcement mechanism. When the enforcement mechanism started, the applicant put an application in which stays --- how Southington works is we stay it while he's going through the process.

That ran until, I don't know, until October and at which point time ran out. That had to be withdrawn and the new one was submitted subsequent to that.

My concern is is that we have patience in this town and we like to have business in this town but eventually our patience runs out. If there are major issues with staff and the applicant, that wasn't brought to my attention when I had this meeting in November? And, that's what, when Mary talked to me today about a 20-something page checklist, I said, what?

We had a thing in --- twenty item, not page. Twenty item.

(Laughter)

Sorry, poor Steve. He almost fell off the podium.

MR. GIUDICE: Six items. Wait, I have actually two checklists.

ATTORNEY SCIOTA: Six and then whatever on the other. Leaving that side, that surprised me because when I had our meeting, I thought it was going to be something relatively simple.\

And, then to tell you the truth, I kind of forgot about the application. When she brought it up to me today, I realized it hadn't been acted on and that's when I said to Mary, what's going on. And, she went through the checklist with me and both of us were concerned enough to bring it to your attention.

We have no problem with the table but I'm concerned over the fact that this enforcement has been on hold really since March or April of last year.

THE CHAIR: So are we comfortable Steve that in our next meeting you guys are going to be able to get together and sit down and talk about this? I would think that we've got one more meeting before we have to make a decision on this commission of what to do with this.

MR. GIUDICE: I would say so. I mean, I'll be honest with you. I was looking at the first checklist. There are two checklists dated the same date,

so I looked at the first one and that is what I reading from. I'm not sure why, but that's what we have.

ATTORNEY SCIOTA: That's the new --- that's one of our new expedited policies. We're putting both checklists together, engineering and planning. Which I believe was something that the development community wanted.

MR. GIUDICE: All right. There's one from Mary and then there's one from Mary and Jim.

MS. SAVAGE: The first one is the packet memo, a synopsis of the current status for the commission's edification. The second one is the actual review checklist with the new development community inspired, expedited checklist.

But in all seriousness, I just want to say for the commission, the agent has been working on this. I think it's time for us to meet again and communicate again on this.

THE CHAIR: It makes sense. You guys got to get together. You've got to sit down and get this done. You have two weeks until our next meeting and I think it's plenty of time to get together. It sounds like, I mean, it really doesn't sound like there are major issues outstanding. It sounds like it and it doesn't sound like it. You can talk about this and work it out. Come to us with some revised plans with all the things done.

I think tonight let's get this thing tabled and see this in two weeks and let's get it over with.

MR. GIUDICE: And, the applicant has been calling me. He wants to know what the status is. He wants to stay on top of this and makes sure it gets done. It's not his lack of interest.

MR. SINCLAIR: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

L. 254 Burritt Street St. Aloysius (SPR #1325.3) Request for bond in lieu of site plan compliance \$8,100.

MS. SAVAGE: Staff supports this.

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

M. WB Staebler Properties LLC, site plan modification 409 Canal Street SPR #1398.1.

MR. BOVINO: Representing the applicant. Maps were revised addressing the comments from staff and I understand there are a couple of stipulations that staff would like to add to the approval if you so choose tonight.

Basically, the applicant agreed to plant a few more trees, agreed to clean up a catch basin that's across the street on her property and to change a stop sign there or label a sign within the site and a couple of other items.

I think it's ready for action unless you have any questions?

MR. SINCLAIR: I do, actually to Sev and Tony. We talked about it the last time this came up that--the curb, the curbing? How is that being addressed? I did drive by and that is a hazard.

MR. TRANQUILLO: I met with the applicant, the property owner there and they asked me what I wanted to see there and I told them I wanted to see barrels with flashing warning lights. They promptly ignored that and put cones in. And, I agree with you, it is a hazard.

Sol I am insisting we put barrels with flashing lights on the edge of the road through the winter.

MR. SINCLAIR: Through the winter. And, is there a more permanent solution to that?

MR. TRANQUILLO: Well, the permanent solution is what was approved which is a curb, a sidewalk on the edge of the road, and then their property. There'll be a natural barrier, ultimately, once they finish.

MR. DELSANTO: Sev, are you amenable to that stipulation? Barrels with flashing lights?

MR. BOVINO: The client disagrees but that's what the Town Engineer wants, so --- we're going to have to do -

MR. DELSANTO: I'll make a motion --- wait, anything outstanding?

MS. CONROY: Actually, the same question that Mr. Sinclair asked.

MS. SAVAGE: I would add that was stipulation number one to install the temporary safety measures to the satisfaction of the DPW.

Stipulation number two --- all of these have been discussed with the applicant and the agent when we met. The second stipulation is that all bonds must be posted priori to CO.

The third stipulation is that the applicant shall clean the drainage structure in the parking lot across the street to the satisfaction of the Town. And, for your information, it is their property.

Another stipulation is that the handicapped parking must be restriped per plan.

Another stipulation, minor comment, is that as per comment #13 of the checklist, the notes for the signage have to be removed from sheets L-2, S-1 and S-2.

And, with regard to comment #22 on the checklist with a directional sign within the parking lot, the sign was located incorrectly and so the location of that sign has to be revised.

MR. BOVINO: I think they, that's the one over here?

MS. SAVAGE: This is one way traffic here. Staff asked to have a one way sign. But the sign is up here. Staff's intent was that when you enter the site that you're aware that it's one way. So staff's position is the sign would be more appropriately located directly across so that vehicles entering the site see that it's one way instead of --- six in one, half dozen in the other.

MR. BOVINO: That's no problem.

MS. SAVAGE: But in staff's opinion it would be appropriate to relocate that sign.

And, I believe that is all that we have.

MR. DELSANTO: I'll make a motion to approve the application with the six, Mary, was it?

MS. SAVAGE: I believe so.

MR. DELSANTO: Aforementioned stipulations set forth by the Town Planner.

MR. SINCLAIR: Second.

(Motion passed 7 to 0 on a roll call vote.)

N. Renaissance Commons, 55 Columbus Avenue SPR 1441.2, Request for site plan modification to permit patios

MS. SAVAGE: This applicant is requesting a table.

MR. DELSANTO: Move to table.

MS. CONROY: Second.

(Motion passed unanimously on a voice vote.)

O. James Larkin, Request for release of \$1,000 E & S bond, 247 Meriden Waterbury Road SPR #1455.

MS. SAVAGE: Staff supports this.

MR. DELSANTO: So moved.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

P. Blocher Farm Estates, request for 90-day extension for filing mylar, 1012 Savage Street, S#1270.

MS. SAVAGE: Staff supports this.

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

Q. Mohawk Northeast, Inc., request for bond in lieu of site plan compliance, 170 Canal Street SPR #1509.

MS. SAVAGE: Staff supports this.

MR. SINCLAIR: So moved.

MS. CONROY: Second.

(Motion passed unanimously on a voice vote.)

ATTORNEY SCIOTA: Mr. Chairman? That is for a period of 90-days for the record.

THE CHAIR: For the Mohawk Northeast? Okay.

MS. SAVAGE: Most likely it will end up being extended because the work they have to do can't be done -

ATTORNEY SCIOTA: We can only do 90 days at a time. I just wanted to make sure it was on the record for 90 days.

MR. DELSANTO: This is asphalt stuff, right? Paving?

MS. SAVAGE: Some asphalt and some landscaping.

R. S & G, LLC, request for 2nd and final 90-day extension for filing mylar, 1081 West Street S#1271.

MS. SAVAGE: Staff supports this.

MR. BOVINO: Representing the applicant. I would request the commission to make sure that this approval starts when the previous approval ends to make sure we have the longest period. I believe the previous approval ends in February some time. I just don't want to count the 90 days from tonight. I want to count it from the expiration of the previous approval.

MS. SAVAGE: That's standard operating -

ATTORNEY SCIOTA: Procedurally, that's standard operating procedure for Southington. The date of the final day is when we start the 90 days. We won't penalize you.

MR. SINCLAIR: So moved.

MR. DELSANTO: Second.

MR. BOVINO: Thank you.

(Motion passed 7 to 0 on a voice vote.)

7. ITEMS TO SCHEDULE FOR PUBLIC HEARINGS

None

8. ADMINISTRATIVE REPORTS

Ms. Savage passed around --- there is a speaker, Mr. David Fink and he's giving a speech on February 4th down at the Villa Capri. It's a presentation on the incentive housing zones which as you know, you referred to the Town Council

in the past. However, as this is a topic that is in front of the town, you did support it and you may eventually see applications pursuant to this. I wanted to pass this on to you. If any member would like to attend this, if you can tell me or Karen by noon tomorrow, I'll be able to process the paperwork and sign you up for this. It's kind of a point of information to you.

COMMISSION CONCERNS

Mr. Sinclair brought up he received an email from someone trying to watch the meeting on TV and they said that you cannot for the most part can't hear us because we're not speaking clearly into the microphones. I replied back saying I'd bring it up at the meeting.

The other thing is to Tony. Last meeting Commissioner Kenefict brought up the fact they had gotten ridden of the passing zone on Meriden Avenue. Fran brought up the fact they used the cheap paint. I drove by and actually looked at it in the area --- is there any way we can ask the state to redo that because if you drive by at night you can't tell they painted over that it all. It looks like it is still broken.

Mr. Tranquillo said he'd bring it to their attention but they can't do it now.

Mr. Sinclair suggested in the spring time get the wheels on the wagon.

Ms. Conroy added in the state's defense, you can only put down the not cheap, the epoxy resin pavement markings when it's a certain temperature and above. Which I don't think it will be for a couple of months and I'm not sure if our maintenance does epoxy. I think they generally do the hot applied paint.

MR. DELSANTO: Hot applied.

In that vein, Tony, how do we make out with some of the other quality of life nuisances around town?

MR. TRANQUILLO: I believe the Town Planner sent you a report on Mount Southington. That's at least making progress.

The other two issues were on South End Road. The one at Route 322 is going to be rather difficult to solve. There was a catch basin at that quadrant. There's a hydrant and there is private property to be dealt with. That'll be kind of a tricky situation. Probably expensive.

The solution on the Meriden Avenue side, I believe, will be fairly simple but we will have to get approval from DOT. But I don't see that as an issue. We've already drawn a map and we'll finalize the map and present it to DOT.

MR. DELSANTO: Okay. The one near the carwash? Remember we talked about maybe a turning lane, a turning arrow?

MR. TRANQUILLO: That I would hold off on because that whole area is supposed to be rebuilt in about a year and a half to two years.

MR. DELSANTO : Another two years?

MR. TRANQUILLO: A year and a half to two years if we're lucky.

MR. DELSANTO: I'm moving!

9. RECEIPT OF NEW APPLICATIONS

Ms. Savage passed around a sheet with two new applications. Explained.

Mr. Weichsel just on a prior comment by the Commissioner, the commission is like myself must learn to talk right into the mikes. If you do this (indicating) it doesn't get picked up.

The Chair asked for a motion to adjourn.

Mr. Sinclair so moved the motion with a second by Mr. DelSanto. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:21 o'clock, pm.)