

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF SPECIAL MEETING
March 9, 2009**

Present: Mr. Frank E. Bauchiero, Jr., Chairman
Mr. Chester Kuras, Vice Chairman
Mr. John O'Malley, Secretary
Mr. John Conley, Jr.
Mr. Jeffrey Carboneau, Alternate
Mr. Charles Sheehan, Alternate

Absent: Mr. Mark Winne, Alternate
Mr. Frank Ravenola
Mr. Glen Vincent
Mr. Jim Taylor, Zoning Enforcement Officer

Also Present: Mr. Bill Hawkins, Town Planner
Mr. Gerry Turbet, Town Engineer
Attorney Carl Landolina
Mrs. Karen Doyon, Administrative Secretary

I. ROLL CALL

Chairman Bauchiero called the meeting to order at 7:02 p.m. and asked Secretary O'Malley to read the legal notice.

II. PUBLIC HEARING

File # 56-2009: To discuss and act on a proposal between the Commission, the Town of Suffield, TDN Properties, LLC, and Grace Alampi Properties, LLC, to settle a lawsuit between the parties relating to the use of 1186 South Street, Suffield; Map 29H, Block 37, Lot # 18A, as a valet parking facility and to review a proposed site plan for valet parking at that location. Chairman Bauchiero opened up the floor to Attorney Carl Landolina. Attorney Landolina of 47 Springs Street, Windsor Locks explained that tonight's proceedings are for the purpose of discussing a proposed settlement by way of a stipulated judgment, as a result of a lawsuit that was entered into the Hartford Superior Court between the Town of Suffield, TDN Properties LLC and Grace Alampi Properties LLC and this Commission. Attorney Landolina explained that technically there is no application before the Commission, and for purposes of running the meeting he suggested that the Chairman run the meeting as if there were a Special Permit and a Site Plan Application before them. Because it is a public hearing, the public will be given an opportunity to speak. In various meetings he said, between himself, staff members, and all parties involved, they have tried to resolve a few matters, some of which he comfortably stated they were in agreement with. Attorney Landolina stated that those items were:

1. The Plaintiff would bring in a site plan for review by the Commission[which they have];
2. An agreement upon approval of the settlement to construct a new facility at 1186 South Street; the west side valet parking facility [currently in operation and a non-conforming use] would cease operations, and abandon its non-conforming use within thirty [30] days of the issuance of a Certificate of Occupancy for the property on the east side of South Street;
3. Caveat for sign to redirect customers to new facility;
4. Merging on paper, the 1353 South Street and 1186 South Street parcels, making the parcel a third identity;
5. Attorney Landolina stated that the plaintiff has agreed to be bound to the approval of the site plan and keep to the site plan as if it were an application, they also agree that notwithstanding anything approved this evening they agree valet parking would remain a non-conforming use under the current regulations so

that no further expansion of this use off of this site to another abutting property would be permitted following the approval;

6. Plaintiff agreed to give the Town the option of a thirty [30] foot right-of-way [exact location not determined] for access to property off the east side of the 1186 South Street property.

Charles Sheehan entered the room, 7:10 p.m. With nothing further, Attorney Landolina turned the floor over to Attorney Allan W. Koerner of Gersten Clifford & Rome LLP, of Hartford CT who represents the plaintiff.

Present with Attorney Koerner was the plaintiff Guy Piccolo, Kevin Johnson, Cory & John Miller, of Close, Jensen and Miller, P.C. of Wethersfield, and Bruce Hillson, P.E. of Traffic Engineering Solutions, P.C. of Glastonbury. Attorney Koerner said that he and his client endorse everything that Attorney Landolina reported in numbers 1-6 above, after which there was a small discussion with regards to the thirty [30] foot right-of-way mentioned under line item number six. He then turned the floor over to Kevin Johnson of Close, Jensen and Miller.

Mr. Johnson reported that there were two sets of plans submitted in 2007, since then the plans have been revised with a date of 2-17-2009. He pointed out to the Commission a change made with regard to deleting 344 parking spaces to bring the plans into conformity in terms of lot coverage. [The prior plans had a total of 1,578 spaces, the revised plans show 1,234 spaces.] Mr. Johnson reported in detail the changes made to the grass pavers, lighting, drainage, and storm sediments. He reported that they received approval from the Conservation Commission in December of 2008, and approval from North Central Health District in 2007. Mr. Johnson said the comments from Mr. Turbet's report have been corrected and incorporated; there were no changes from Mr. Hawkins report. Mr. Johnson answered Chairman Bauchiero's question on the vegetation to the south side of the proposed parking facility, which prompted a brief discussion for Mr. Johnson on different access locations to the Town owned property. Mr. Sheehan asked about coverage requirements with regards to the right-of-way and how if established it would put the plaintiff in a non-conforming use because the impervious coverage would be over sixty percent. Attorney Landolina said it would create a non-conforming use and would therefore need to go through the Zoning Board of Appeals for approval. Mr. Johnson answered Mr. O'Malley's question with regards to the [revised] surface of the parking lot; Attorney Landolina and Mr. Johnson discussed why the lots surfaces were changed from the prior application. Mr. Sheehan asked Mr. Johnson if when entering the site [to the canopy parking area]; does the analysis allow enough cars to park without the traffic queuing out onto Route 75. Bruce Hillson of Traffic Engineering Solutions reported that he believes traffic would not queue out onto Route 75. Mr. Turbet answered Attorney Landolina's question about the turning radii on the right-of-way, if a road were constructed. With nothing further Chairman Bauchiero asked Mr. Hawkins to read from his report.

Mr. Hawkins read from his report dated 3-3-2009, addressed to the Zoning and Planning Commission. He reported on the following:

1. **Existing Conditions;**
2. **Proposed Conditions:**
 - Parking/Loading;
 - Lot Coverage;
 - Lighting/Fencing;
 - Signage;
 - Rear Property Access.
3. **Analysis;**
4. **Considerations.**

With no questions or concerns from the Commission, Chairman Bauchiero asked Mr. Turbet to read from his report.

Mr. Turbet read from his report dated 3-3-2009, addressed to the Zoning and Planning Commission. He reported on the following:

- 1. Comment with regards to the Site Traffic Commission permit**
- 2. Submittal Items Reviewed**
- 3. Site Access**
- 4. Parking Areas**
- 5. Erosion and Sedimentation Control**
- 6. Storm Drainage**
- 7. Outdoor Lighting**
- 8. Comments on his plan review**

Mr. Sheehan asked if the fire Marshall looked at the plan, Mr. Turbet's response was yes. There was a brief discussion with regards to the easement [utilities] which would lead to the Town property. With nothing further, Chairman Bauchiero opened up the floor to those in favor of the Special Permit/Site Plan Modification.

Patrick McMahon, Director of Economic and Development introduced himself, during which he handed out to the Commission three [3] Exhibits. Mr. McMahon pointed out on a large area map the location and details of the proposed valet parking business, then he gave a description and location of the rear property which is owned by the Dewhirst Associates along with his analysis on how best to access it. He reported that there is limited land access to the 12-15 acres of buildable uplands because of wetlands, brooks, and because the Town does not possess land to access the property. Mr. McMahon said the best possible access would be a fifty [50] foot right-of-way, along the southerly boarder of Mr. Piccolo's property. Mr. McMahon asked the plaintiff for a sixty [60] right-of-way, but said he would settle for fifty [50] foot, this increase from the originally discussed thirty [30] foot would allow for utilities to be brought in. This incited an in-depth discussion with regard to the right-of-way. The plaintiff was reminded that this situation is a give and take opportunity and that something could be worked out. Chairman Bauchiero got a consensus from each of the members about the right of way, they were all in agreement with one another that a thirty [30] foot right of way was acceptable. It was recommended by Attorney Landolina that the Commission table the matter to the next regular scheduled Zoning and Planning Meeting on 3-16-2009, this would allow the plaintiff, his Attorney and Attorney Landolina to discuss and agree upon the language for the thirty [30] foot right-of-way.

With nothing further Chairman Bauchiero asked if there was anybody else who wished to speak in favor or against the Special Permit/Site Plan Modification. With none, the public hearing was closed at 8:47 p.m.

III. ADJOURNMENT

Mr. Conley made the motion to adjourn at 8:48 p.m., seconded by Mr. Carboneau. With no discussions the motion was approved 6-0-0.

Respectfully Submitted,

John O'Malley, Secretary

cc: Assessor, Building Official, Conservation Commission, Economic Development Director, Selectmen, Town Clerk, Town Engineer, Zoning Enforcement Officer, Commission Counsel, File