

**PLANNING & ZONING COMMISSION**  
**February 8, 2010 Meeting**

Commission Members Present: Alan Gannuscio, Janet Ramsay, Marshall Brown and Vincent Zimnoch

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands Officer Jennifer Rodriguez, and Town Engineer Dana Steele

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Chairman Gannuscio called the meeting to order at 7:07 pm.

Commission roll call was taken.

**MINUTES:**

**Chairman Gannuscio referred to the January 11, 2010 meeting minutes and noted that he, Ms. Ramsay, and Mr. Scarfo were present at that meeting. He then asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the January 11, 2010 meeting minutes, as published. Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0 (Mr. Zimnoch abstained), the motion was approved.**

**PUBLIC HEARINGS:**

There were none.

**REVIEWS:**

- a. Continued review of the site plan modification application of Chapman Chase, LLC for the Chapman Chase development located on North Street.**

Attorney Thomas Fahey stated that the T & M representatives were not present yet, but that they were expected at the meeting that evening. He then asked Chairman Gannuscio if he wanted to pass by the review until they arrived.

Chairman Gannuscio stated that they would pass Item 5.a. on the agenda until later in the evening. He went on to say that they would carry Item 7.a. on the agenda over to the next meeting, since Town Planning Consultant O'Leary was not present that evening.

**ACTION ON CLOSED PUBLIC HEARING ITEMS:**

There were none.

**NEW BUSINESS:**

**a. Public Input**

There was none.

**b. Receive New Applications**

Chairman Gannuscio asked the Recording Secretary and Ms. Rodriguez if they had received any new applications. They had not. Ms. Rodriguez then stated that she had received a request in her office regarding Chapman Chase, but that it was not related to the architectural designs. Mr. Gannuscio stated that as long as it was not related to what was under review that evening then they should go ahead with it.

Sam Minnocci of 264 North Street addressed the Commission and stated that his wife Jill was also present. He explained that their property was directly to the west of the entrance to Chapman Chase. He went on to say that they had an occurrence on their property about a week and a half prior (Sunday, 1/31/10 at 3:00 am) when someone had driven from the Chapman Chase main entrance, exiting the Chapman Chase property, into their backyard. Mr. Minnocci stated that they then drove down their hill, almost into their house and pool. They continued to drive around their backyard doing quite a bit of damage to their landscaping. He explained that when they realized what was going on they went inside the house to call the Police and, meanwhile, the individual was able to get out of the yard and drive down the road.

Mr. Minnocci stated that he and his wife had attended all of the meetings when the Chapman Chase development was approved and that they had had some issues about safety and the value of their property at that time. He then submitted some photographs showing the damage that had been done to their property. Mr. Minnocci asked if something could be amended to give them security, safety and possibly a little bit of privacy. He went on to say that it had been three or four years that they had had to look outside at construction materials which were stored on the back side of the trailer at the Chapman Chase site. Mr. Minnocci asked how long they would have to deal with that. Jill Minnocci noted that in the summer people were not just using the porto-toilet that was located behind the trailer; they were urinating on the side of it as well.

Ms. Minnocci commented that she may have misunderstood, because she had thought that they were going to plant Arbor vitae's next to each other. She went on to say that they had actually planted them in groupings with quite a bit of space between the groupings. Ms. Minnocci stated that the space between the groupings of shrubbery

was where the individual had driven through to get to their backyard. She then asked if some of the landscaping could be put in so that they did not have to continue to look at what looked like a salvage yard on the Chapman Chase property. Ms. Minnocci suggested that if they could not put the landscaping in then maybe they could move the shed and porto-toilet to way in the back where there weren't any homes currently being built.

Mr. Minnocci stated that they had not received any cooperation from Chapman Chase. He cited an incident that they had regarding a tree limb which had been hanging over their garage from a tree located on the Chapman Chase property. He went on to say that he had spoken with Mr. Montemerlo about it and had been told that the tree was not on Chapman Chase property. He had then proceeded to speak with the Chapman Chase engineer who confirmed that it was actually on Chapman Chase property. Mr. Minnocci stated that he had then spoken to Mr. Montemerlo again and was told that they were not selling their product so Chapman Chase could not help him. He then explained that he and his wife had had to pay to have the limb taken down and at that time had been told that the entire tree should really come down. He went on to say that it looked like they were going to have to take care of it themselves.

Mr. Minnocci stated that they were looking for some kind of privacy and safety. Ms. Minnocci suggested that they put in some type of guard rail or more bushes to stop a similar occurrence again in the future. Mr. Minnocci commented that the trailer and all of the materials that were hidden behind the trailer, which faced his property, could be moved to the back of the Chapman Chase site. He noted that there were options, but that they were not getting any cooperation from Chapman Chase.

Chairman Gannuscio commented that he did not see where there was any authority for the Commission to act on the matter since there weren't any issues with run-off or any other bonded items. Mr. Steele stated that the Commission had the authority to require that the landscaping that was shown on the site plan be installed, if they were not all in place. He went on to say that any guide rails or fences were not part of the site plan so the Commission did not have the authority to require them. He then noted that the developer could talk it out with his neighbors and try to work something out that was agreeable. Mr. Steele stated that staff could go out and take a look at the landscaping to see if everything had been installed.

Mr. Minnocci commented that he did not know how specific the plans were, but maybe they could get some bulkier trees planted a little closer together to keep a similar incident from happening again. He noted that they were not looking for a 30 foot fence or steel guard rail. Mr. Steele stated that the landscape plan did specify the

plantings; a double row of white pines on the rear side. He went on to say that if they were not currently in place, then the Commission would have the authority to require that it be done in the spring. He commented that he did not have any objection to a guard rail or fence, but that there was nothing in the approved plans requiring them.

Chairman Gannuscio asked Mr. Steele about the landscaping further along the road area, where the gap was mentioned. Mr. Steele replied that he had not seen the site recently, but that staff could take a look at it to see what there was and report back to the Commission. He then pointed out that the plan showed about 15 foot spacing between the trees; as the trees grew the gaps would get smaller, but that it would take some time.

Ms. Ramsay commented that there had been a similar problem with vandalism, etc. in Green Manor and that the neighbor there had put big rocks around their property.

Mr. Minnocci stated that their hope would be that Chapman Chase would show a little concern and respect to their neighbors and put in a few more trees.

Chairman Gannuscio pointed out that a complicating factor was that they were all private roads. He went on to say that it was still a development in progress and that there was no requirement for any type of guard rails. Mr. Gannuscio stated that the only thing that the Commission could do would be to review the landscaping to ensure that it met the approved landscaping plan.

Ms. Ramsay asked if the Commission could send a note to Police Chief Succhocki making him aware that people were going into a construction site in the middle of night.

Chairman Gannuscio asked if the Chapman Chase representatives had anything to offer in response to the Minnocci's comments. Tony Giorgio, developer of Chapman Chase, addressed the Commission and stated that it was unfortunate that the incident occurred. He went on to say that it was also unfortunate that the Minnocci's had not gotten the license plate number, because perhaps there would have been some civil action that they could have taken. Mr. Giorgio stated that every component of the landscaping plan that they had been asked to do had been done to date as it related to the yards and front entrance. He explained that they had invested about \$70,000 so far for landscaping and that they still had about another \$65,000 more that had to be done as they went forward. Mr. Giorgio stated that it had not been his intention to change the landscape plan nor was it his intention to re-orchestrate the entire site.

Mr. Giorgio stated that they had had some difficulties at the site and that his primary concern was for his residents and neighbors. He went on to say that he had no recourse. He noted that they had had some contractors who had had their trailers and equipment sprayed with paint and that kids had been out with their paint guns and go-karts. He explained that they had done everything that they could to monitor it. Mr. Giorgio stated that they had their construction trailer secure, the site trailer secure and people on the site virtually everyday, even on weekends. He noted that there was a fundamental problem and that he did not know how he could control it. He reiterated that the plants would grow and the screening that was intended for the northern boundary of the Minnocci's would be in place when those homes were constructed and completed as part of the program.

Mr. Giorgio commented that he did not know what else he could do; it was very easy for someone to suggest spending someone else's money. He went on to say that he had done everything that he had been asked to do and would continue to do so. He again pointed out that it was unfortunate that no one had gotten the license plate number.

Mr. Minnocci stated that the individual had been stuck in their backyard and that they had gone in to the house to call 911. He explained that he had turned the outside lights on, which had enabled the individual to see how they could escape. He reiterated that in the time it had taken them to go in and call 911 the individual had driven off their property and was gone. He noted that the Police had arrived about 1 or 2 minutes later.

Ms. Minnocci stated that she was a little disappointed that Mr. Giorgio really did not have a heart; how would he feel if his family had had to look at that garbage behind their home and watch numerous people pee outside.

**c. Informal discussion regarding Recycling Associates, Inc.**

Attorney Christopher Kervick addressed the Commission and stated that he represented Recycling Associates which was a company out of Rhode Island that placed recycling bins. He went on to say that there were currently three places in town that they had contracted with. He explained that they had been asked to remove the bins and had, therefore, asked Attorney Kervick to do what was necessary to get approval to put them back in place.

Attorney Kervick stated that he was looking for some direction as to what the appropriate steps would be. He referred to a hand-out that he had distributed earlier

in the evening which outlined the different types of recycling bins, how they were regulated in various surrounding towns and the existing relevant Windsor Locks Regulations.

Attorney Kervick commented that what seemed to be happening was that there was a developing market for the used goods and, therefore, more and more people were getting into the business. He went on to say that the Salvation Army and Goodwill were finding it easier to transfer the merchandise into that type of stream to turn merchandise into money to support their programs. Attorney Kervick pointed out that that could make it difficult to make the determination of whether or not it was charitable.

Attorney Kervick proposed that the recycling bins were permitted accessory uses. He then suggested, if the Commission felt that more scrutiny was required, that they take a look at what South Windsor was doing since it seemed to be the most reasonable approach. He then summarized that approach as follows:

- didn't require any new regulations be passed;
- \$200 permit fee;
- application went before the Planning and Zoning Commission;
- if a controversial application, the Commission could require a public hearing; and
- the Commission would make the decision.

Attorney Kervick pointed out that South Windsor usually required the applicant to take their existing approved plan and sketch in where the proposed recycling bin would go. He then reiterated that he was looking for some guidance from the Commission.

Chairman Gannuscio suggested that they get a little history and geography. He then asked Ms. Rodriguez if she was with the Town when they had had the problems with the bins on Old County Road. Ms. Rodriguez replied that it had been an ongoing issue. She explained that since she had been with the Town whenever a telephone call had been made to the site it had been cleaned up within a day or two. She went on to say that more recently bins were being placed closer to the road or in parking areas. Ms. Rodriguez stated that the most recent issue had been that since it was a smaller parcel the bins were closer to the road and bubblegum pink in color. She noted that the bin issue was something that needed to be discussed and handled.

Chairman Gannuscio commented that in the past the collection bins had always operated under the guise of charity. Mr. Brown commented that he had recently contacted the Salvation Army and had asked them where their collection bins were located and that they had said that they had closed all of their sites. He went on to say that the clean-up costs for the bin sites had probably been prohibitive for them.

Attorney Kervick pointed out that as a for-profit enterprise it would be in his client's best interest as well as the Town's to have much more frequent pick-ups at their bin locations; about twice per week.

A brief discussion regarding the various bin sites throughout Town took place. Chairman Gannuscio then commented that he would be hard pressed to see how the bins were accessory to any approved use in town. Attorney Kervick stated that his client had made the analogy to a convenience store with propane sales outside or soda machines on commercial properties. Mr. Gannuscio asked Attorney Kervick if he had spoken to Town Planning Consultant O'Leary about it yet. Attorney Kervick replied that he had not. Mr. Gannuscio then suggested that Attorney Kervick talk with Mr. O'Leary before the Commission made any decision on it. Attorney Kervick stated that he would speak with Mr. O'Leary and that they may submit some site plan modification applications after that. Mr. Gannuscio then asked how Attorney Kervick's client could submit an application if he did not own the various sites. Attorney Kervick replied that his client would go through the property owners.

The discussion continued briefly and Chairman Gannuscio noted that all but Item 6 on the Southington Regulation might be the way to go. Attorney Kervick agreed. Mr. Gannuscio then reiterated that Attorney Kervick should speak with Mr. O'Leary. Attorney Kervick agreed to do so.

#### **REVIEWS:**

**a. Continued review of the site plan modification application of Chapman Chase, LLC for the Chapman Chase development located on North Street.**

Tony Giorgio addressed the Commission and revisited the conversation from earlier in the evening by saying that no one liked being accused of not having a heart. He then acknowledged that there was no denying that there was some tension between the Minnocci's. He went on to say that, if the type of behavior that the Minnocci's had described had indeed been going on, then the Chapman Chase residents would have said something. Mr. Giorgio commented that he was willing to bet that the behavior was not coming from his subcontractors. He then invited Mr. Steele and Ms. Rodriguez to go out to the site to observe where the trailer, materials and porto-toilet were located to make their own judgments. He explained that a lot of it was located where it was because that was where the power was located. He then reiterated that it was an unfortunate incident, but that there was nothing more that he could do for the Minnocci's.

Chairman Gannuscio commented that he had been to the site on three different occasions and that he had not noticed the trailer or anything else sticking out. Mr. Giorgio stated that the Montemerlo's were on site almost everyday; they tried to run a clean and safe job. He explained that they dumped the dumpsters on a regular basis and actually ended up paying to dump items that had been thrown in the dumpsters by people other than their subcontractors. Mr. Giorgio invited the homeowners to speak up if there was something going on that they did not like.

Attorney Fahey addressed the Commission and stated that the following individuals were present that evening:

- Tony Giorgio;
- Jeff Roulet, T & M ;
- Joe Duva, T & M Director of Sales and Marketing; and
- Steve Temkin, T & M President.

Chairman Gannuscio asked if all of the other Commission members had received a copy of the Keystone letter that had been sent out. Attorney Fahey replied that Mr. Gannuscio had been the only one who had received the letter. Mr. Gannuscio then asked if they had any additional copies with him that evening. Mr. Giorgio replied that he did not. Mr. Gannuscio then passed his copy along for the other Commission members to read.

Attorney Fahey stated that they had had a couple of meetings with staff and a couple of meetings with the Commission in order to deal with the obligations of their special permit. He then referred to Mr. O'Leary's memorandum dated February 7, 2010.

Attorney Fahey explained that the most recent package contained the following:

- 3 ranches: Amanda, Amoroso, and Adrea;
- 3 capes: Belinda, Bethany, and Botsford;
- 3 country colonials: Cambridge, Canton, and Collinsville;
- 3 compact colonials: Danielle, Desiree, and Dexter; and
- 3 classic colonials: Farmhouse, Farmington, and Federal.

Attorney Fahey referred to the ranches and stated that it had appeared as though the three designs were acceptable to the planning staff. He went on to say that Mr. O'Leary had indicated that the Commission might want to see material and color samples as well as information regarding the quality of the garage. Attorney Fahey stated that they had brought some color samples and a brochure showing the garage doors with them that evening.

Attorney Fahey referred to the capes and stated that it appeared as though the three designs were acceptable. He then referred to the Colonials and stated that the Canton and Collinsville appeared to be acceptable, but that there was an issue with the Cambridge. He went on to say that it had seemed as though Mr. O'Leary was also in favor of the new compact colonials.

Attorney Fahey noted that the other issue had been regarding some discussion about control of what units would be allowed in Phase 1 of the development. He noted that currently they were only talking about Phase 1. An individual from T & M then submitted the material samples to the Commission for their review. Attorney Fahey pointed out that in the package they had submitted they had tried to show the comparison to the current units at Chapman Chase.

Attorney Fahey stated that the applicant would like to get approval of the elevations that evening and that if there were one or two that they could not get approval on that evening then they would be willing to go back to the Commission to get another modification for those. He explained that it was already February and that they wanted to get some models built and take advantage of the spring season as well as some of the attractive financing being offered for first time homebuyers.

Chairman Gannuscio commented that something that Mr. O'Leary had mentioned on a couple of occasions was the post and elements on the porches. He went on to say that the Canton design seemed to accommodate what Mr. O'Leary had been talking about; more of a round column as opposed to a square post. Mr. Gannuscio stated that he agreed with Mr. O'Leary that it seemed to add a little more to the appearance by having that type of post. Attorney Fahey explained that when they worked with the buyers it would be up to the buyer as to which type of post they wanted.

Chairman Gannuscio commented that they were miles ahead from where they had started and that he did not see anything, other than the Cambridge, that would look too totally out of place with what was currently in existence in the development. Attorney Fahey referred to the streetscape that had been submitted and noted that it showed the spacing between the units and that it had been done to scale. He went on to say that for purposes of that evening the applicant was willing to take the Cambridge out of the plan. Mr. Gannuscio confirmed that Mr. O'Leary's memorandum indicated that the Cambridge was the only design that needed to be taken out.

Chairman Gannuscio asked Attorney Fahey if they had seen Town Engineer Steele's letter. Attorney Fahey replied that they had and that they had no problem with Mr. Steele's suggested condition. Mr. Gannuscio then asked Mr. Steele to explain his

concern. Mr. Steele explained that the applicant wanted to have the revised architectural approved to use so that they had the flexibility to use any one of them on any of the building lots in the development. He went on to say that some of the units were different in configuration in that the garage was forward of the house rather than the set back from the house as in the other units. Mr. Steele noted that all of the footprints fit within the 50'x50' box. He stated that the applicant's intent was to have the architectural approved so that they could mix and match and put in whatever the market was calling for while maintaining some diversity through exterior architectural features without coming in with revised site plans.

Mr. Steele commented that as long as the units were fitting within the parameters he did not see an issue, but with the garages moving forward there could be a situation where it fit in the footprint but that the driveway would be shorter. He explained that there was a minimum 25 foot requirement and that with some of the units he did not believe that it would work. Mr. Steele stated that the Building Department would have to review them as they came in and that if they had any questions they would make the applicant submit a revised site plan.

Mr. Steele suggested a condition of approval in the last paragraph of his letter dated February 8, 2010. He noted that the applicant was in agreement with the suggested condition. Attorney Fahey confirmed that the suggested condition was acceptable to the applicant. Mr. Steele reiterated that the reason that he had brought the issue up was because of the garage being a different configuration and that they would look at them on a case by case basis.

Chairman Gannuscio asked Ms. Rodriguez if she had any issues that she might need some assistance with. Ms. Rodriguez replied that she did not, as long as there was a clear list of the approved designs. Mr. Gannuscio asked the Commission members, if they were to take the Cambridge out and look at all of the other designs, was there anything that presented a situation that they thought did not belong. Ms. Ramsay stated that as long as the foundations fit in the footprint she was okay with all of the other designs. Mr. Brown stated that he had no concerns.

Chairman Gannuscio noted that it would be a little out of the ordinary since it was not a public hearing, but that there were people in attendance that evening who had taken the time to attend in response to a letter that had been sent to them by Keystone, therefore he asked if anyone had any objections to what they had seen. He went on to say that the Commission's concern had always been that the homeowners had paid good money for a quality product and they wanted to be sure that the remaining homes that were built were of a similarly high quality. Mr. Gannuscio then asked the members of the public if they had any questions or concerns.

A member of the public (#1) stated that she had noticed that the size of the houses that were proposed to be built were smaller than the plans that were currently in place. She went on to say that the Collinsville was smaller than the Coughin. She then wanted to know how the new homes being proposed to be built were going to reflect on the homes that had already been purchased or were under contract.

Another member of the public (#2) asked how it was going to affect the existing valuations. He went on to say that they had purchased their home knowing that a particular group of houses were going to be built and at that time there had been a minimum square footage. He then asked if the spec's were going to be exactly the same; were they going to be 2"x6" construction and energy efficient homes.

Another member of the public (#3) stated that he had no issues with the elevations other than the square footage of the homes and the potential degradation of the value of the existing homes. He went on to say that quality of construction was also a concern.

Member of the public #1 asked if the proposed lot sizes would change.

Mr. Giorgio stated, with regard to the lot size, that the only thing that might occur was that there might be more space between the units. He went on to say that T & M could not exceed what had already been approved; the lot sizes would not change.

Mr. Giorgio stated that he believed that the product being proposed would probably end up at the same price points. He explained that T & M presented a basic house with basic square footage, but that they allowed for expansion and bonus space. He then noted that when Chapman Chase started their products they started with as much square footage as they could get. Mr. Giorgio stated that Chapman Chase was currently advertising prices that ranged from 249,900 to \$344,900. He went on to say their average price for the nine homes that they had sold was about \$294,000. He then noted that the current projected price point for T & M's homes was \$239,900 to 299,900 for their basic home. Mr. Giorgio pointed out that prices were at about as low as they were going to get. He went on to say that he did not see anything that would have a negative impact on the property values in the long run. Mr. Giorgio reiterated that he had not wanted to enter into a business transaction that would be detrimental to the neighbors.

Chairman Gannuscio asked the members of the public if any of their concerns/questions were still unanswered. Member of the public #1 asked if there would be an increase in the homeowner's association fees. Mr. Giorgio replied that there would be no increase in the homeowner's fees. He noted that the fees were

driven by the cost of snow removal and landscaping. He then explained that once a third of the homes were purchased and closed one homeowner would go onto the Board; currently the Board was made up of Mr. Giorgio, his executive assistant and his partner.

Member of the public #1 clarified that Mr. Giorgio would still be involved. Mr. Giorgio replied that he would still be the Association. He explained that T & M would have to purchase the lots from him and that all of the conditions of the public offering statement would have to be adhered to. Attorney Fahey stated that Chapman Chase would be selling the special declarant rights to T & M (the rights to build the houses on 17 specific lots); the warranty would still remain with Mr. Giorgio and his company. He went on to say that T & M would be responsible for the warranties for the homes that they built.

Member of the public #1 clarified that Chapman Chase was not selling Phase 2 of the development to T & M. Mr. Giorgio stated that they were putting a transaction together to offer to sell the remaining 17 lots in Phase 1. He went on to say that T & M would enter into an option agreement to purchase the remaining 37 lots in the back of the development. He then noted that Chapman Chase along with the residents had a great deal at stake if the balance of Phase 1 did not get completed at the kind of levels and qualities that they expected, because there was nothing to force T & M to purchase the remaining 37 lots in Phase 2.

Member of the public #2 clarified that Chapman Chase was the declarant selling the lots to T & M. Mr. Giorgio stated that that was correct. That same member of the public then asked, from a legal perspective, what was going to be different. Mr. Giorgio replied that what would be different would be that his company would not be building the remainder of the homes. He reiterated that he would be in charge of all of the warranties that applied to the homes that Chapman Chase had built and would be responsible for finishing up all of the landscaping for Phase 1, the sidewalks, provide the structural fill and continue to be the property manager.

Another member of the public (#4) thanked Mr. Giorgio for letting the residents know about the meeting and then thanked the Commission Chairman for letting the public have an opportunity to speak that evening. He went on to say that he had some concerns regarding the continuity of the development. He then commented that in addition to the smaller square footage of some of the proposed designs, the elevations showed a slightly different style of houses. The gentleman then asked what types of things were going to be done to make it look as if it was part of the same development as opposed to looking like two separate developments. Mr. Duva from T & M stated that Mr. O'Leary had had the same concern, therefore T & M had taken some of

Chapman Chase's plans and developed their homes almost identically. He went on to say that they would be using architectural shingles, the same color palate would be used, they were going to make sure that they did not use the same colors or style of houses next to each other, and the columns, shutters and wide trim would used. The member of the public then asked if the spec's would be equal to or better than the Chapman Chase spec's. Mr. Duva replied that they would be similar, but that some of the options inside the homes would not be standard features; they would be offered. He explained that T & M started with a lower base price and that they then hoped that people would choose some of the options offered. That same member of the public asked if they would be using 2"x4" or 2"x6" construction. Mr. Duva replied that they used 2"x4" construction.

Member of the public #4 asked what requirements had initially been asked for when the site plan was laid out and approved; had it included what type of windows and doors, 2"x4" versus 2"x6" construction, etc. Ms. Rodriguez replied that those really weren't planning questions; they were things that the Building Official would look at. Mr. Steele stated that the Building Official did not look beyond the State Building Code, he simply checked to ensure that everything met the State Building Code requirements.

Chairman Gannuscio commented that the Chapman Chase community was unique in that the Regulation that it had been approved under had been custom designed for the situation and had involved a much more involved review process. He went on to say that the regulations and planning perspective was unique to the site and the development was a way to find a way for the site to be developed in a manner that would take it from being a vacant site for 20 plus years and make it a viable site.

Attorney Fahey stated that it had been a couple of years in the doing. He went on to say that the review was unique in that there was no other subdivision in Windsor Locks that had to go back to the Commission for architectural approval of a change in elevation. He pointed out that there were two big checks and balances; the Flexible Residential Development Zone which included pages of development considerations and conditions that had to be met and the fact that it was a common interest community with its own rules and regulations.

Chairman Gannuscio asked the Commission members if they had any further questions or comments. Mr. Brown commented that there were condominiums where people owned the lots and there were those where they did not own the lot, but just owned the home. He then asked if the people in Chapman Chase were going to own their own homes. Attorney Fahey replied that they would own the unit which was defined as the entire building from the outside in. He went on to say that it was a

Planned Community (PUD) where the property was owned by the Chapman Chase Homeowner's Association and each individual homeowner would be a member of that Association.

A member of the public clarified that there was a 12 foot border around the foundation that was the responsibility of the owner. Attorney Fahey stated that there was a limited common element to the rear of each unit where the unit owner had exclusive rights to do certain things in that area. Mr. Giorgio reiterated that the owner only had the area in the back of the house, because that allowed the Association to control the look of the development.

One of the members of the public referred to the Minnocci's comments earlier that evening and stated that she was home a lot and had never seen any of the things that the Minnocci's had said were going on. She went on to say that she always saw members of the crew around the site.

Chairman Gannuscio commented that everything had been discussed, staff had had several meetings with the applicant and that he felt comfortable making a vote on the application that evening. He went on to say that he saw no need to go any further than that evening's meeting. All of the Commission members agreed.

Chairman Gannuscio asked Mr. Steele if there was anything else other than his suggested condition that should be noted. Mr. Steele replied that all of the conditions and requirements of the previous approval would remain in effect. Mr. Gannuscio asked Ms. Rodriguez if she had anything else to add. Ms. Rodriguez requested that if an approval was given that evening that they list all of the approved designs. Mr. Gannuscio noted that the designs were all listed in Mr. O'Leary's memorandum and that they would exclude the Cambridge. Mr. Steele and Ms. Rodriguez agreed that the Commission could just refer to Mr. O'Leary's memorandum.

A member of the public asked why the Cambridge was being excluded. Chairman Gannuscio replied that in the opinion of Town Planning Consultant O'Leary the design was too looming and out of character to what had already been built. Mr. Giorgio commented that he would think that the Commission would exclude the Cambridge without prejudice so that if T & M wanted to come back after working with Mr. O'Leary they could go back to the Commission with it.

**Chairman Gannuscio asked for a motion. Ms. Ramsay moved to approve the site plan modification application of Chapman Chase, LLC for the Chapman Chase development located on North Street with the following conditions:**

1. Approval is for the designs listed in Item 2 of Mr. O’Leary’s February 7, 2010 memorandum with the exception of the Cambridge, which is excluded without prejudice; Amanda, Amoroso, Andrea, Belinda, Bethany, Botsford, Canton, Collinsville, Danielle, Desiree, Dexter, Farmhouse, Farmington and Federal.
2. The last paragraph of Mr. Steele’s February 8, 2010 letter as follows:  
“The applicant shall submit a site specific dimensioned foundation plan to the Building Department prior to issuance of each building permit. If the submitted foundation plan requires changes to garage door locations or garage floor elevations or if the foundation extends beyond the footprint limits shown on the approved site plan, the applicant shall submit a revised site plan to the Town Engineer for approval.”

The above conditions are in addition to what had already been approved and on file with the Town from the earlier approval of the site plan. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

#### **COMMUNICATIONS & BILLS:**

Chairman Gannuscio stated that he had had the Commission’s budget hearing with the Board of Finance the week before. He went on to say that the Board had asked for a zero increase budget and that he had proposed not only a zero increase budget but had also cut \$500 from the budget. He noted that the Board had cut possibly another \$500 from the Commission’s advertising budget and \$150 from the General Supplies budget.

**Chairman Gannuscio moved to adjourn the meeting. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 9:17 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**THIS IS A DRAFT**

**Please check the following month’s meeting minutes for official approval of these minutes and any amendments or corrections that were made.**