



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

Minutes

Newington Town Council

May 25, 2010

Mayor Wright called the meeting to order at 7:00 pm in the Helen Nelson Room of the Newington Town Hall.

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present:

Councilor Banach
Councilor Casasanta
Councilor Cohen
Councilor Klett
Councilor Lenares
Councilor McBride
Councilor Nagel
Council Nasinnyk
Mayor Wright

Staff Present

John Salomone, Town Manager
Ann Harter, Finance Director
Ed Meehan, Town Planner
Mary Richard, Council Clerk

I PLEDGE OF ALLEGIANCE

II ROLL CALL

III PUBLIC PARTICIPATION

Bernadette Conway, 177 Hartford Avenue – stated that she is supporting the Town Plan (POCD) as revised. She commended the TPZ for all the hard work, time and effort put into this plan by conducting extensive hearings and this plan is a direct result of the TPZ Commissioners listening to the residents of Newington. She stated that the residents had made it very clear that they do not want our Town over developed. She noted that there is limited space left which is why we must be diligent in protecting what is left with keeping a balance between development and preservation. This revised plan discourages high density housing and encourages open space in preservation of Cedar Mountain. She reminded the Councilor of what the issue Cedar Mountain was back in the fall around election time. Many of the Councilors supported our effort to save Cedar Mountain. She noted that Councilor Klett even spent her own money to print fliers and passed them out on election day. She went on to say that now is the time to “put our money where our mouth is.” This plan makes it all clear how the Council feels about Cedar Mountain open space and development. If you do not support this revised plan, the Council supports the developers. If the Council supports this revised plan you support the residents. Once again she urged the Council to accept the plan as presented and she submitted **three letters of support from people unable to be here tonight which are attached to the minutes.**

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Mady Kenney, 53 Crestview Drive – stated that again she is here to voice the public opinion to guide Newington's future. The TPZ altered the 2020 plan to discourage the zone changes for the type of development proposed for Cedar Mountain, from industrial to residential and to discourage high density housing. The TPZ made a commitment to maintain the small town atmosphere struggling to survive. The Hayes developers are proposing that the high density housing be for students, and she said that there is no guarantee that what is proposed will be done; there is a chance that it might be for public rental. Coming off a hum-dinger of a budget season in which major cuts were made to the Board of Education budget, the rationale being that the Town cannot afford it. She asked what any tax revenue gleaned from high density housing will off-set the increased strain our education system by the influx of new students. She went on that there would be the Police and Fire Departments with increases for their services, she stated that this is a no win – no win situation. She said that the Council had taken time to dedicate themselves to this issue, and were elected in part because of your stand and commitment to listen to their constituents. She does not feel that we need nor want high density housing, and the Council should leave the 2020 plan alone.

Michael J. Fox - regarding Draft #3, the plan discourages the high density housing and encourages the kind of development and will protect our small New England Town charm that we all love. He said that the Town charm, in the latest story of Elizabeth Baxter who was always trying to preserve, that any high density housing would only cause to wreck that charm. He said that this resolution on the table tonight does nothing to discourage high density housing. He hopes that the Council will defeat that proposal.

Gail Bodrayco, Isabelle Terrace – said that she was pleased to read the revision of the 2020 plan to protect resident concerns to protect open spaces. She said that this would lead to responsible growth while preserving the character of Newington as a small New England community. However, she said that there were two concerns she wanted to address. First, the Council had asked residents to express their concerns with the plan which they did. With the revisions, the residents thought that their voices were heard. However at the last Council meeting and the last TPZ meeting there was discussion that the plan might be too restrictive. She went on to say that the plan is not law but a guide and a vision as to how the residents would like their Town to look. The residents repeatedly state that their goal was to protect the small Town character of Newington. Removing some of the language leaves the Town wide open to build up and build out. Without a concrete image of how the residents want Newington to look, the Town is vulnerable to development decisions based on external pressures and business agendas that are not in harmony with the plan. Secondly concern is the volume of traffic in and around the center of Town. Before any decisions are made, this must be addressed. As someone living in the immediate area and dealing with the traffic on a daily basis she said the problems of traffic are crowding upon us with a desperate urgency. Unless action is taken, the noise, the fumes and pollution and congestion, not to mention the safety hazards she feels will over shadow all efforts to develop the Town center into an area where people want to dine, to linger and to shop and it will contribute to the decline the pleasantness and safety of surrounding neighborhoods. Expanding current roads is not the answer as happened with the widening of Cedar Street, which did not lessen traffic, but increased the congestion.

Mayor Wright asked to change the order of New Business and Old Business

V. Consideration of New Business

A. Suspense List/Uncollectible Taxes

Mr. Salomone explained that certain uncollectible taxes will be moved to this list, but doing so does not affect the effort to collect. Ms. Ann Harter explained that there is a suspense book, so we're taking them from the Tax Collector's book to current book and putting them in the suspense book, but it's still very collectible.

B. Appointment of Auditor

Councilor Banach stated that after the Audit Committee interviews of the companies presenting proposals it was decided that it would recommend to the Town Council, Blum & Shapiro as the auditors. Mayor Wright asked Ms. Harter how long Blum & Shapiro has been acting as auditors for the Town. Ms. Harter said the Blum & Shapiro has done the auditing for three years. She said that they had asked the auditor about that in that they have done our audit for several years and the auditor proposed that they change the auditor team, so while the same partner is still in charge it's a whole team of members auditing our books, so there will be a fresh approach. Mayor Wright asked how often is it recommended that there be a change of auditor and Ms. Harter answered that staying with the same firm but with a different set of new eyes looking at it, that usually happens, and she stated that she has been very happy with the results from Blum & Shapiro, and last year she said was a smoothest audit she had ever had, plus they always were able to deliver the audit on time.

IV. CONSIDERATION OF OLD BUSINESS

A. 2010 – 2020 Plan of Conservation and Development – Draft #3

Mr. Salomone said that as required by the Office of Policy and Management, the Town must complete the 2010 – 2020 POCD by June 30, 2010. Also he stated that we are to retain the \$20,000 grant and it's possible it might be in jeopardy if we go beyond the June 30, 2010 date. He said that if the Council feels that wording in Draft 3 is fine they can take action and pass it on. He said that the Council also has the option to request alterations to the draft, and if the Council wishes to make changes they would to vote formally for the changes, and then the TPZ would either accept those changes or if not would have to override those recommendations by a two-third vote. At this point the Council has not made any formal recommendations to TPZ. Mr. Meehan noted that what the resolution has tried to do is reflect what was heard from Council members which are as follows:

Note: The following is a detailed record of the Council's discussion of the 2010-2020 POCD at the **May 11, 2010** Council meeting.

Mr. Salomone submitted a memo in which Councilors Casasanta and Cohen had concerns, recommendations and corrections which might be considered toward a formal vote on the May 25 meeting.

Councilor Klett asked if we have to vote on the concerns and changes by Council members or can we informally submit to TPZ to see if they would make the changes or not. Mr. Salomone said that if we don't take a vote, the TPZ would not be obligated to consider the changes or concerns. Mr. Salomone said that if it was a manner of grammar that's one thing but a consensus of the Council on a real substantive change it should go on the record. Councilor Klett asked that the way it was explained to us on the ability to take action over and above the regulations that there was some latitude that the TPZ would have and she thinks that listening to Mr. Hayes, is he right or do we need some clarification on that. Mr. Ed Meehan said that the Statutes require that zoning changes either in text or map be in conformance with the 2020 Plan or the ten year plan development so when the Commission has a petition from a private party or in the Public Hearing process, demonstrate that the change is in conformance of carrying out the plan of development. That would be something where the Commission members would want some latitude as policy makers, that they would be able to show two or three locations where a change from one zone is supported by the long range vision. If the plan does not have that flexibility it could be used either way, by a development saying 'no we can't do this' or neighbor saying 'no we can't do that' or they may tie the Commission's hand ten years from now. To do that he believes that they would have to go back and amend the plan first to reconsider it and then take up the zoning policy issue. This is why when we see a ten year plan, it's a little more broadly written and gives the local Planning and Zoning members some flexibility going forward. He stated that there is too much at stake to say 'never say never' because there's too much at stake. Mayor Wright stated that there were some changes and concerns submitted by Councilors Casasanta and Cohen. The four points from Councilor Casasanta have more policy in nature and Councilor Cohen's recommendations are basically editing. Mayor Wright asked the Council, not taking a formal vote, but noticing this editing are they comfortable with these editing changes by Councilor Cohen. The Council answered that they were. Moving forward to the discussion of some of these policy changes that are recommended by the TPZ in version 3 of the plan. Mayor Wright questioned the high density, which is something we hear a lot from the community. Mayor Wright asked Mr. Meehan regarding higher density, he is opposed to high density housing. He believes that this is an excellent opportunity for college student housing and is there a way to accomplish both these objectives in this plan keeping with the theme of not wanting high density housing in the future but also put in the plan that at that site one good possible use would be college student housing only which would be high density housing. Mr. Meehan stated that the issue of high density has been discussed in depth by the TPZ members, they feel strongly about certain areas in Newington becoming high density areas. The theme of the plan being maintaining the plan at medium density. With that he said it isn't defined in the plan what is meant by 'high density'. His recommendation is not to say anything about high density housing and simply state that it's an opportunity area for some form of transit oriented development. Mayor Wright said that his understanding that in that frame work that if one or two proposals came forward would that be working in conjunction with this plan or in opposition. Mr. Meehan said that to describe that area as a future transit oriented site, he thinks that would be enough for the Commission to entertain a project on that corner. The only thing Planning and Zoning is doing is putting in motion a vision or an idea, the nuts and bolts come down to what the developer and what the commission can do in zoning the area, and that's a whole different process as far as public input. He thinks that the zoning step is where the nitty gritty

issues of what type of housing, what density housing should be, colors etc which would have to be hammered out. If it's not something hard put down on paper can be used against them. Mayor Wright said that that's the way it's written at this point. Mr. Meehan said it says "transit oriented development that no high density housing.....Mayor Wright suggested that "no density" be taken out. Mr. Meehan said that that would be an option and still give the commission strong policy and that's something that the Commission put in and was discussed and the consensus was to just leave it there now and forward to the Council, and that's how it stands before you. Councilor Casasanta said that she thinks that this is not a document set in stone, she would not want to limit future opportunities that might benefit us, she is not in favor of high density housing but she is concerned about limiting any future opportunities for growth in that area. She would prefer that document be put back in the plan. Councilor Klett thinks that that area would be a great area for student housing and for anyone to say that the State can build student housing and that's long way off for student housing and not on the priority list and the need is there, either way student housing or senior housing but she is reluctant to decide what the plan should be because land use has always been the view of TPZ. But if up to her personally as a Town Councilor she believes that it is a perfect spot for development for either student or senior housing. Mr. Meehan referred to the packet 20/20 Town Plan on Page 37 which reads "Promote the reuse of the National Welding property by rezoning to transit oriented development as a gate way location adjacent to the Hartford-New Britain Busway (opportunity site #9) **(without the usage of high density housing.** Mayor Wright said that no one wants to get a bunch of high density housing which is not a good thing for the Town in the long term as far as revenues and expenses and changes to the character of the Town. He believe that everyone wants to see that site in a very positive manner and he thinks the use of student housing would be a good use and attractive to the Town. From the expense side it would be very low expenses and on the other side would be a big windfall. He said that revenues could run from \$700,000 a year to potential \$1,000,000 depending on the size of the student housing projects and he believes it's positive that we set the table so there's creativity of our TPZ to do, Others have said that office space would be wonderful but as of today's Hartford Courant they said the Hartford area was about 19% vacancy, and probably would not see a lot of development coming down the pike with that kind of vacancy out there. Retail is in a tough spot and he doesn't want to tie our hands and if we don't allow for some kind of development, like student housing, he feels that we'll be looking at that for a decade to come and he feels that more flexibility in there. Councilor Klett really prefers to express the Council's opinion and allow the TPZ to do what they have to do, rather than being up to the town Council. Mayor Wright asked Mr. Meehan said that if this plan was passed as is today, if we had one or two votes come up for student housing could that happen without major hurdles for those development. Mr. Meehan said that National Welding property is in an industrial zone. The plan says don't change an existing zone to another zone, and we'd have to change the plan first. He said that perhaps a year from now the economy could be turning better and a developer could say this is a site where we see economic opportunity, the Town may have a Brownfield grant, we may have some notice from the Department of Transportation and they could come back and say to TPZ that they would like the TPZ to reconsider your plan of Conservation and Development. They would have to do that if this plan is not changed, because the Commission would be making a zone amendment by basically ignoring their own plan. That could be subject to a challenge and it would be worse for the Town going forward for grants. When we make applications to State agencies in the Federal Government they want to see a vision, and what our proposal is and what we propose to do. He believes we ought to have some flexibility for a ten year horizon. If the Commission decides to read this in then there is a process to amendment, you'd have to hold your zone change in abeyance until you have the plan in shape and then come forward with the zone change. Mayor Wright asked on the National Welding site does this mean that the only type of development without a change in the long term plan is industrial. Mr. Meehan said that is correct. Mayor Wright asked what is the projected cost right now for clean up. Mr. Meehan stated that the drilling is over \$3,000,000 and maybe another \$1,000,000 for ground water and soil alleviation. He said that if someone said we want to change some zone to something else, if it's not in the plan the TPZ cannot go ahead and do that without touching base and being consistent with the plan. If the developer really wants to get it done they would have to petition to amend the plan. Mayor Wright asked what is involved in the process to amend the plan. Mr. Meehan said that it's a public hearing process, a referral to the Town Council, it's posting on the web page, it's a referral to the Capitol Regional Council of Government, the Office of Policy and Management running about 120 days. Mayor Wright said there would still be the whole approval process once it's been re-zoned, so it could run 9 months to a year. Mr. Meehan said it could possibly be. That's why it's so important to get it in the best shape you can with the most vision as possible. Councilor Cohen referred to Page 37, Item 6 asked what is the definite of 'high density housing' and what is the definition of 'transit oriented development'. Mr. Meehan said that there is no definition for high density housing in the plan of development. Transit oriented development is development which compliments and is associated with nearby transit facilities, bus or rail. It does tend to be more intensive, the concept being that you can reduce parking and put a variety of attractions to riders and use the transit as economic plus for the area. Councilor Cohen said that this doesn't say that it's tied to industrial. Mr. Meehan said that's correct, it provides a lot of uses, residential by special exception mercantile financial and industrial,

and there may be a good compliment of uses there, Councilor Klett said that we're talking that Draft 4 is the final draft and it's still a draft and still not finished and she doesn't feel exasperated because it isn't the way she wants it to be it's not going to be changed at some point between now and the final product. Mayor Wright said that suppose we don't make changes at all, but there might be changes made at the TPZ, does that have to come back to the Council. Mr. Meehan said that once they touch base with the Council, that's it. If someone from the public comes forward and the Commission thinks it's something they missed, Mr. Meehan thinks that would have to come back to the Council. If there are serious changes in the remarks they will consider it. Councilor Casasanta again goes back to Page 9 that states that "Due to the low availability of residentially zoned land.....this plan shall discourage any change from industrial, commercial and business zoned land to residential. Vacant resident land should stay as currently zoned, not changed to higher density". She is concerned about this and doesn't think that we should be strictly going forward with zoning changes.

Mr. Meehan said that when you see the language "shall discourage" that's strong language that has survived two drafts and it would be hard for a developer or the Commission if they had a zone change in front them to override this. If something came forward that the Commission really liked three or four years now and it was an auxiliary map amendment and they say that we can do that by changing the zone. If this was challenged and would be saying that the plan was being violated with "shall discourage". Councilor Nagel stated that this plan sounds more like a regulatory statement and that in effect that if "shall" or not that it dictates to the Town Planning and Zoning Commission for years to come as to what they can and cannot do and it limits what they're able to do and in this case it discourages economic development and maybe some development from someone who might want to give land, the options are not there and even if yes this is not in our plan but no we can always change it later. Councilor Nagel sees this as inconsistent with the number plans talked about and as Councilor Casasanta stated is this documentary supposed to be a regulatory statement that binds the TPA whereby they have less latitude in any kind of situation that may come up in the future. Mr. Meehan said that the plan is supposed to be guide, general ten year vision, but it cannot be so loosely worded, it must have some strategy with a sense of direction, and it should not bind the Commission in the sense that it can't do anything. The issue of flexibility, there a couple of things that aren't that flexible and that's up to the Commission. Councilor Cohen looking at the paragraph on page 9, what it's saying is what is already residential should be left as residential and don't change anything. She thinks from what they are saying is that we do not have land and there's no place to put any more housing and the percentage of residential versus the percentage of commercial we are maxes out in residential, there's a balance we should have and we can't have too much residential and there's limit to how many people we can have, we'd need a shoehorn to stretch more people into Newington. She thinks that's what this paragraph is referring to. We are so densely populated there is no place to put more people. She agrees with this paragraph and looking at what the public says then we're looking forward to more public hearings. Mayor Wright asked Mr. Meehan when was the last time a commercial was changed to residential. Mr. Meehan said that probably the last was the Hartford Drive-In, five or six years ago, on the Berlin Turnpike, the Commission felt it was a better transitional zone by putting it into residential. Mayor Wright said that if the plan was left the way it is, when there is a change in zone from commercial to residential, then they just went through the process of approving that process. Mr. Meehan said that is correct. Mayor Wright said that if the plan go forward as presented to us would there have to a change in the long term plan before that change could happen. Mr. Meehan said it would depend on how the Commission interpreted "shall discourage". Mayor Wright asked in that plan, the town homes where the Drive-In was; at that point would there have been extra law suit challenges by the residents. Mayor Wright asked if that same scenario came to us today, we'd have to go through a plan change or not. Mr. Meehan said that there would have to be a change in the plan. Mr. Meehan said that if the Commission felt that this "shall discourage" language was substantive that they could not change the zone, then there are two options. One is to go back to the plan and change it, or two to deny the zone change based on the basis of their plan that they will not change the zone. This gives them the foundation to deny a zone change and as Councilor Cohen points out this is basically frozen, and you might have a hard time over throwing the Commission's ten year plan. Mayor Wright in the plan here today is dictating what the future economic usage for pieces of property. Mr. Meehan said that is correct. Councilor Casasanta said if they have a plan for a zone change, and under this plan they would not be able to come forward and there would be just to build commercial. Mr. Meehan said that there is the right to petition, and if this plan was in place when that application came in and the Planning and Zoning Commission was of the mind that they did not want to change the zone, and that their plan supports maintaining the zoning districts as they are presented in the planning development and will not change the zone. From a pure policy point of view of going from one zone to another he thinks this plan gives the policy makers to discourage that zone change. Councilor Banach asked that if the Planning and Zoning had a mind to, they could grant the zone change. Mr. Meehan said that they could but may expose them to a legal challenge if a property owner could point to the fact that the Commission didn't follow its own plan. He said that ultimately the plan is a vision and the Planning and Zoning Commission are the interpreters of what they mean, and this is a lot different that the a Zoning Regulation.

Councilor Nasinnyk thinks this discussion is good for members of the TPZ who are here to hear comments that the Council has and she personally like this third draft for the language and intent and overall theme for maintaining the open spaces in the Town and keeping Newington as a small town, that's why she likes the plan and admits that high density housing by transit oriented housing, those are things that she is concerned about, not only for the housing aspect but for that corner she can't visualize what will happen with that corner, if the busway goes through, if the transit oriented is developed, for traffic or the safety. She believes that this something that should be done by the Town Planning & Zoning Commission to make the best decision for the Town. She agrees with Councilor Klett that this should go forward to the Town Planning & Zoning to look at the comments said around the table today and again this isn't the final document, and see if they can strike a balance or something that might incorporate other ideas as well. She appreciates that they took into consideration the comments of the public who made the effort to come out. Mayor Wright asked in the matter of Cedar and Fenn, if we wanted to change the site of National Welding from industrial to something else, with this plan in place we'd have to change the plan with a minimum of 120 days and enter a zone change for about 65 days and that's pushing possibly a year at that point and where we are today, with our budget and working with the Department of Transportation on that site and we have a property there that's working to give us access in conjunction with the State of Connecticut to give us access to the National Welding site. His sense from hearing from the gentleman who spoke earlier that he's unsatisfied with this and it might be a detriment and he might not want work with the Town of Newington to give the access. If this happens we won't have access to the biggest Brownfield site in the Town of Newington, and we'll be looking at that big sign saying "Your Loss" for decades to come, and if that developer goes ahead with something else and without a change, we'll never get access to this site. He believes there should be some changes here and referring to Councilor Casasanta's mention of using the Property Tax bill for mailing purposes which has never been done in this Town and would not be a good idea to be putting mailers into our Property Tax billing. Councilor Klett said that she agrees with not including these mailers in the property tax bill. Our history shows that it's published in a couple of newspapers and there has still been public outcry that the public has not been notified of this plan. She thinks that we should try to find another means of contacting the public, not everyone has a computer, lots of people don't read the newspapers. She thinks it is a suggestion to try to increase notification, it's not perfect but if the timing is right and it worked it might be beneficial. Councilor Casasanta said her concern was about putting this in the plan as it is impossible to guarantee that the "star are going to line up". She doesn't believe that this should be put into the plan of development, nor the words "shall be" sent. Councilor Nagel said that in relationship to the language "shall be sent" does affect the administrative process and other departments of the Town to get it put into the tax bill and can a plan dictate to another part of the Town government that this should be done. Mr. Salomone said he in favor in sending out as much information as we can. He is concerned with using the tax bill as the vehicle to do that. The only thing that we may be able to put in with the tax bill is the State mandated items that say..."without this State aid you have x amount of dollars..." But he feels that any items are not related to paying taxes, and he doesn't want it to become junk mail, and the tax bill should be clear. He would rather see the tax bills as only that. Mr. Meehan feels that this creates a procedural requirement on the Planning and Zoning Commission and if for some reason it's not followed, then we have a defect and that exposes the Commission, whereas if it's another section of the plan that may be more interpreted. It's hard to overturn any interpretation of the Commission. We have to be careful about exposing ourselves and he could bring this message back to the TPZ with the intentions of working on it a bit more. Councilor Casasanta noted on Paragraph 4, Page 39 she reads that 'of the Plan Review land uses permitted along the Berlin Turnpike and eliminate uses which are not compatible with retail/business sector growth, for example discourage entertainment uses, trucking,, construction yards, auto related uses and self storage facilities'. She is concerned about limiting ourselves to any type of business development. Mr. Meehan said that there is a strong consensus not to go back to what the Berlin Turnpike was twenty years ago, but to try over time eliminate those uses. Councilor Cohen agrees with leaving it as it is, and specifically entertainment includes all kinds of entertainment which is too open ended. Mayor Wright said that we're all beating around the bush in the Adult Entertainment but there other types of entertainment that can be very positive, i.e. bowling, Chucky Cheese.

Councilor Klett said if the suggestion is to add "adult" she has no problem with that but taking out trucking and construction for someone who lives off the Berlin Turnpike, she's happy that they haven't allowed this kind of development and she sees no reason to take that out if the concern that it's not defined correctly than ask them to add the word "Adult". Councilor Cohen still feels that this leaves it open to interpretation. Mayor Wright asked if Councilor Cohen would like to discourage all forms of entertainment on the Berlin Turnpike. Councilor Lenares asked Councilor Cohen if she would not like to use the word "Adult" and just leave it like it is. Mr. Meehan said that this is not written in stone, this doesn't say "shall discourage" it says "discourage" and this gives the Commission a take off point to fine tune their regulations. We have an Adult Entertainment ordinance in Newington which is much stronger than the zoning regulations. Councilor Lenares suggested that the word "shall" be eliminated from the paragraph above it and give more leeway for doing a zone change.

Councilor Cohen noted that on Page 33, 23b, she asked for more elaborate on where the additional land will come from and what/how much land is available from surrounding property owners. Mr. Meehan said that this is to continue the Town's long range program for deeding land for municipal parking lot improvement and expansion. Councilor Cohen noted on Page 47, Item 7 and asked for more input on the support of the short term roadway improvements for the Route 9, Cedar-Fenn and Ella Grasso Blvd. Ramp system as proposed in conjunction with the Cedar Street North Busway area plan. Mr. Meehan said that was a five year recommendation for improving the off ramps from Route 9 onto Cedar Street, and basically turning lanes. There's no land acquisition involved. He said there was a possibility of widening the bridge. Mr. Salomone suggested that if anyone on the Council wants to take a look at that plan again, we can bring it up again. Councilor Cohen noted on Page 49, she questioned the safety of sidewalk route to be used by both pedestrians and bicyclists. Also the transit services, aside from the dial-a-ride, but other services like what the Commission of Aging was looking at something going around area towns which is strictly volunteer drivers and the passenger pays either directly or through donations and the organization covers insurance and gas and all the expenses. She wasn't sure if this is doable, She also asked personally, her own driveway creates an effort to get down to the curb, so it would be nice to have transportation come up to the door. Also on Page 49, Item 11 she is concerned about pedestrians and bicyclists on the same sidewalk. Councilor Lenares asked what Councilor Cohen's concern about bikes and pedestrians being on the sidewalk. Councilor Cohen said that it's dangerous for both to be on the same sidewalk. Councilor Lenares asked if the bicyclists should be on the street. Councilor Nagel said that other countries there are routes that are for bicyclists and pedestrians but not in the same area, and are divided. Mr. Meehan said that he understand the safety concern and it has to be taken into account. Mr. Salomone said that part of this is more common sense. There are bike paths that are strictly commutation bike paths where it's appropriate for the bicycles to be on the street because that is the law, but there are other sidewalks that are used by school children to get to school and less appropriate to be on the street and that is a contradiction in the use. Mr. Salomone said that language doesn't specify so maybe it needs to be looked at. Councilor Cohen noted that Page 11, Land Use in Newington, needs further explanation on how this list agrees with the list on Page 14. Mr. Meehan explained that one is Lane Use, how it's used now and the other Zoning Districts is how it's zoned. Councilor Nasinnyk said that the TPZ should be thanked for the time and effort they've put into seeing that the public concerns were addressed. All in all she thinks there are some recommendations to tweak it up a bit, she thinks the document ensures the integrity of our Community with it's town like quality and she believe that's what the public is looking for.

End of comments from the May 11 meeting. The minutes of the May 25 meeting resume below.

Councilor Nasinnyk stated that this is a formal resolution, which is formal action by the Council - but there was discussion at the last Council meeting about the TPZ having the information discussed and listening to the introduction it was saying that we could do nothingMr. Salomone said that this is not the case, he said that the Council could do no formal recommendation and TPZ is under no obligation to make any changes and he said that the Council could do a resolution supporting Draft 3 or the Council could instruct Ed Meehan and himself could write a letter saying we like it but would like something else.....Mayor Wright said that anyone of us could throw out ideas that are informal recommendations, maybe something that no one on this Council agrees with and the reason we have nine people as Councilors is to have a majority to make decisions. He said from the democratic process that we have all the votes and have a sense and will of the Council. Mr. Salomone said that he and Mr. Meehan spent time trying to craft resolutions which got to the heart of the matter which was to give more flexibility to future TPZ and at the same time respecting that they had concerns. Mayor Wright said that the formal records of our Town Council meetings are the minutes and if there are recommendations out there five or ten years with no way to tell if that the recommendations were the will of the Council or not. He said that the process is not given justice without taking some votes. Councilor Klett said that one of her concerns was to pass something which forces the TPA to take a two third vote, and a formal recommendation can be made so we make sure that all opinions are heard. She said she's not sure that everyone feels comfortable with this resolution, considering the fact that we just got it. Councilor Cohen requested very detailed minutes of this item and have the last meeting minutes and this meeting sent to the TPZ and this particular version is really new business. Mayor Wright noted that there are those who are not comfortable with the plan as it is, is it possible that there won't be any action taken on this tonight. Councilor Cohen agreed with Mayor Wright. Councilor Casasanta feels that there has been a lot of discussion on this topic and compliments Town Planner and Town Manager on this resolution and feels ready to vote on this resolution tonight. The changes recommended are consistent with discussions of previous meeting do reflect definite concerns with Draft #3 and it is the Council's duty to look at this and give our recommendations and modifications and submit as a formal resolution to the TPZ so they can look at it and vote on it up or down. Councilor Nagel questioned if there was any provision allowing for high density housing. Mr. Salomone said that #3 would allow for it to be considered in one targeted area only which would be the National Welding site. He said that it avoids using the

wording 'high density housing' and personally Mr. Salomone feels that high density housing that invokes a lot of fear of sub standard housing and 'high density housing' has the same connotation which is not necessarily true. He said that he and Mr. Meehan tried to narrow it down to the National Welding site. He said that the National Welding site is a unique situation and unless we are ready to pay for the clean up ourselves, the only way to get private development is to make sure that any private development could exist there. He said not necessarily high density housing, but transit oriented development which would have to still go through Planning and Zoning for proper review. He doesn't say that he is recommending high density housing but that we need to be more flexible to allow developers to look at this site and give us the best proposal. Councilor McBride asked Mr. Salomone to explain on Item 3...for transit oriented uses. Mr. Salomone explained that transit oriented uses are uses that would compliment having mass transit there, i.e. office complexes or actually more complementary to bus way situations, retail could or could not be included, so it's more toward residential or commercial. Mr. Meehan said that the concept is to put land use planning and transit together and what the transportation planners are recommending is to have development which will take advantage of the mass transit and it could be housing, an office complex and our general retail use is a box store, i.e. would not be something we would put there. He said that housing creates ridership and the idea is to get people to use mass transit. Councilor Banach stated that he agrees with Councilor Casasanta that the language is very important. He said as far as someone who has followed the bus way development for the past five years, the Department of Transportation has made several presentations and has made it clear that there should be a housing component to it. In those areas there wouldn't be single family houses, but something more complex. He stated that it should be made clear to the public that student housing is two different things. Student housing sponsored by the University or College is owned and operated and policed by them and have a lot of authority to remove students for whatever reason. Privately owned student housing does not have that same kind of authority and as anyone who watches the news knows, and not to disparage any student, but as a parent of two UConn students recently getting a letter directly from the President making it clear that UConn can no longer afford to police spring week-end and it's due mainly to off campus, private housing where students gather, not so much on the campus. Mayor Wright said that another concern there is traffic, asked as far as counts go, what type of development keeps the count lower or higher. Mr. Meehan said that residential is the lower traffic generated, compared to retail or office complexes. Retail would be the higher traffic generator. He said some houses use there would take some of the pressure off the traffic. Mayor Wright said that in regard to what Councilor Banach had said, University owned housing and privately own housing there's clearly a distinction and he feels that when the University owns it, we get pennies on the dollar from a revenue prospective verses a privately owned facility we get a fully taxable property which generates significant property tax revenue. He said that one concern is the disturbance of neighbors, and one benefit to that site is the fact that there is no residential housing within a half mile to a mile of that site. He thinks also high density housing and transit oriented, a large benefit of that could also be senior housing and that a long term plan of our conservation development has given this decision making power and flexibility to every project that comes before the Town Planning & Zoning Commission. It would allow them to make a decision on the merits on every project they see. He said that our Town has not been over run in a population boom, in 1980 and compare that to today our population was 29,000 plus our population today is 29,000 and change. He feels that there might be some scare tactics out there as far as population goes. He feels that his biggest reservation of this plan is that it takes away a large degree of future flexibility and decision making abilities for future TPZs. This TPZ has listened to a lot of public input, but in two years or less the make up of that body will be different and restrictions of this plan today will apply to the next decade. He thinks that we have to give the flexibility for the future to make decisions, and this plan does not allow future TPZs to make some of those decisions. Councilor Klett said that personally she thinks it's a caustic statement to describe student housing as slum housing. We have no control if Central decides to put student housing up there, we'll have to live with that whatever they decide. She said that the President of Central said at a breakfast indicated that they have 500 more students than they have housing for. Some will think this is not Newington's problem, but it is an indicator of the need for student housing. She said that the TPZ Commission will decide what goes there regardless of how the Council feels. She said that pertaining to the plan, talking about the language, she doesn't feel that anyone that would be opposed to the change recommended in the first part. She feels that it comes down to the fact it will be an issue for members around this table. She said personally, as she asked Mr. Pruet, will future TPZs with this 2010 – 2020 plan have the flexibility to make decisions based on how they call it and not on how someone else calls it. She would like some guarantee that there is a way to reach some flexibility without having to go to public hearing and spend all that time. In a second part of this it changed from industrial, commercial and business to residential based on the site's compatibility with adjacent land uses and location characteristics such as proximity to the center and future transit area. As previously discussed it is basically the same statement with a change in the verbiage from 'shall discourage' to 'will be considered'. Mr. Meehan said that saying 'shall discourage' is a bit stronger than 'shall consider' or 'may consider' which is open ended which give the Commission the latitude to receive a petition for a zone change and make a decision. Where as saying 'shall discourage' it's prohibitory, and he reminded the

Council that this plan is only advisory. He said that it gives the TPZ more latitude. This language proposed in this resolution is a little softer than 'shall discourage'. Council Klett would like to know if the TPZ was amenable to this change because she is not comfortable trying to force the TPZ into a two third vote. She has no clear understanding of where they, the TPZ is at. He said that he can bring all this information and concern back to the TPZ and get their feed back. Councilor Nagel thinks that the word 'shall' and dictating what the TPZ can and cannot do and giving them the leeway to make decisions in the best interest of the Town. He said that if these changes give a little more latitude to the TPZ to be able to make a determination on their own, rather than being tied to those words. Mr.Meehan said that this gives the Commission that extra reason to go back to the planner of conservation and development if there's a zone change application that they don't feel is appropriate. Councilor Nagel said it becomes a more regulatory document as opposed to a vision plan. He doesn't believe that these changes say that anyone on this Council is against open space. There may be a difference in opinion on how open space can be maintained or how it can be acquired and in what manner. He doesn't feel that this Council had discussed the height of buildings in the center of Town. The only place he sees where the changes are here has to do with the possible height of building on the National Welding site as being high, or is he misled. Mr. Meehan said that the plan of the business Town center at the direction of the Commission very specifically says that not taller than three stories, and they struck out any references to high density housing on the East side of the center. As far as National Welding the Commission is not offering any height limitation for the Cedar/Fenn area. Councilor Nagel said that it does say under #2 that any existing residential land now not developed shall remain as currently zoned. He said that there may instances where the TPZ may want to decide on for the specific uses. Also, he feels something that should be emphasized where looking for a qualification special consideration for the National Welding site because he thinks only certain things can be built on that site and there are certain options we have for that site. Mr. Meehan said that are certain options and an economic reality of what we can do there, location, the low grade, traffic issues, better access and very pragmatic decisions that someone in the private sector needs to make about what they can do there. Councilor Nagel noted that also the idea of student housing doesn't mean the dorm room with the chaotic beer parties. Mr. Meehan stated that National Welding is in an industrial zone and the Town controls it. He restated that this plan is only a long term vision. He said that Newington has a great location in central Connecticut and this is another advantage of transit oriented development, not having to worry about going through that intersection in vehicles. Councilor Nagel noted that the special attention to the National Welding property does not have anything to do with Newington Junction. Mr. Meehan noted that on Page 38, Newington Junction strategy 13 talks about potential for transit oriented development without the use of high density housing. It's recognized as being quite a bit different than Cedar and Fenn. Newington Junction, he thinks would be a very interesting area over the next ten years as an intra-city mode transportation area. Councilor Cohen commented that the plan as written now does not say this plan shall not allow any change from industrial, commercial or business to residential. It says that this plan...'shall discourage' any change and she thinks that allows flexibility. She feels that 'shall discourage' is not the same as 'shall not allow'. She said that some of these changes were in response not to the TPZ but to the public, these are requests of the public. She referred to page 37 about the transit oriented development at the Hartford/New Britain bus way, says 'without the use of high density housing...' to doesn't say 'housing' it says 'high density housing' and she thinks that makes a big difference and the public does not want high density housing. Mayor Wright said that economically speaking, someone coming in and building something and taking on a lot of cost which might run in the \$300,000,000 range and if it was low density housing a builder would be willing to spend \$500,000 per half acre of land to build a house there, the only way it's economically feasible is high density housing but this is not a decision for the Council to make at this point. He feels that we need to give TPZ the ability to make the decisions based on individual projects. As far as the "shall discourage" verbiage is pretty strong wording and could be a problem. Mr. Meehan said that this wording or "shall not allow", plans are a little bit more optimistic looking. He reminded everyone that this is a ten year vision we have and to keep saying no no no is not a good marketing tool. Councilor Cohen asked if this the TPZ plan or the Council's plan. Mayor Wright said that this is the Town's plan and the State Statute is very clear that it's designed and built by the Zoning Board but it specifically says that it's goes back to the Council and we are the policy making body, elected by the people and we should get involved in the policy. If we continue saying no no no he fears that we won't get future development and business for this Town which will cause major tax increases or major service reductions. Also he said that development and new businesses create new jobs and also generally speaking are massive improvements. He believe this has to be a marketing plan to the private sector, saying come into Newington, it's a good place to do business and the Town Planning and Zoning has flexibility and listens to the public proposals. Councilor Nasinnyk stated that recently an area towns that were significantly having to raise their taxes because there is nothing else to be done. She would like to have a vision of what Newington will be in ten years and hopefully not too dissimilar to what it is now. She said that what Mr. Salomone in saying high density housing, there's a visceral reaction to that and she doesn't know if Newington needs more residential, however she thinks this plan as a guide as we know things to be now reflects what the requests are of the public to be able to say these are the things we'd like to see and

this is not just a TPZ document or a Council document, it is the Town's document and the residents that are reflected. She thinks this document does reflect flexibility to be able to look at and evaluate the put forth something that will be to the best interest of the Town. She feels uncomfortable changing these words when the TPZ has spent so much time on it and tried to incorporate the ideas of what's been going on and where we'd like to be in ten years. She feels that it's impossible to decide right now what will be happening in ten years, no one has a crystal ball but she believes with the flexibility of being able to decide what that's going to be, it's already in here. On the resolution by considering the rezoning of the National Welding property, it sounds like it stops there, but that's the job of the TPZ to specify what was going on. She would hope that the people at TPZ would listen to what we're saying and take it into account, and take it to the public so we can know the feed back from them on what will be incorporated and what will not, and why. May Wright asked Mr. Meehan if the project approved a year or two ago, over at New Meadow would that be considered high density housing. Mr. Meehan said no that's considered moderate or medium density. Councilor Casasanta said that to say we're going to over load Newington with development, she feels that that's not reasonable and agrees that to keep it flexible and she agrees that TPZ has the authority to make changes but Chapter 126 requiresinaudible.....to receive the draft with endorsements or rejections of comments and recommendations. Councilor McBride said that he's hearing strong words, but the topic is high density housing, he's not hearing that the public agrees with that policy regarding that, that's an issue he received as elected official by the people. He asked Mr. Salomone Topic 2.....inaudiblechange from industrial, commercial and business owned land to residential use would be considered based on the site's compatibility.....he asked if this unique to something that would be changed to residential or does it also transcend other zone changes. Mr. Meehan answered that this change to residential which would be low density, half acre, quarter acre, and with the way it's written now reads "shall discourage". This turns that around and is based on compatible situation and it's a bit softer language. Councilor Klett asked if three stories would be considered high density because if so she would be opposed to three stories in the center. She said that it has been and will continue to be a maximum of three stories in the center. She asked if that considered high density. Furthermore, most of us drive by a seven story building which was placed before the three story restriction was put in place by the TPZ. She has had no complaints about that building and not suggesting doing seven stories but just using it as a reference point but it has been sitting in the center that no one has complained about. If three stories is considered high density then she suggests that the Council should reconsider what is too high for the center. Mr. Meehan said that it is not the factor of the height but the number of units per acre. He said that building is about an acre and a half piece of property is probably 1500 square feet of land per unit, with 60 units it would be high density housing. In the current business Town center zone of 750 square feet of land per unitinaudible.... he believes that TPZ has captured the issue of how we try to maintain Newington as a small community by focusing on reusing sites that are current and he believes there is a balance where the residents have spoken to that. He stated that he is not trying to defend the Commission's position but the Commission needs to hear this conversation and give feedback. Councilor Cohen suggested that each section might be a separate resolution. Councilor Cohen asked if these comments can get to the TPZ quickly as possible. Mayor Wright asked if there is a potential extension there, considering the fact that we have this deadline merely a month away. Mr. Meehan said that he is sure the TPZ will keep the discussion open until all the comments are considered. Councilor Banach asked if the TPZ will receive this resolution or is it on their agenda for tomorrow night. Mr. Meehan said that no they will not receive it; he can have a draft on their table for tomorrow night if appropriate. Mr. Salomone stated that he wanted to make sure that the Council should have first shot at it.

VI RESIGNATIONS/APPOINTMENTS - None

VII TAX REFUNDS

RESOLVED:

That property tax refunds in the amount of \$3066.61 are hereby approved in the individual amounts and for those named on the "Requests for Refund of an Overpayment of Taxes," certified by the Revenue Collector, a list of which is attached to this resolution.

MOTION BY: Councilor Casasanta

SECONDED BY: Councilor Banach

VOTE: 9 – 0 motion passes

VIII MINUTES OF PREVIOUS MEETINGS

- A. Regular Meeting – April 27, 2010
Moved by Councilor Banach – Seconded by Councilor Casasanta – Vote passes 8 – 0
Mayor Wright was absent
- B. Regular Meeting – May 11, 2010 .
Councilor Banach moved to approve the minutes with the amended discussion noted above.
Seconded by Councilor Casasanta – Vote passes 9 – 0

IX WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

- A. Town Manager Report – None

X COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Klett stated that there was an organizational meeting of the Turf Field Committee and they will be meeting again, she wasn't sure if it would be the 17th or the 21st of next month, but will advise of the accurate date. The public is welcome to join.

XI PUBLIC PARTICIPATION - none

XII REMARKS BY COUNCILORS

Councilor Nasinnyk stated that with heavy heart she noted that our beloved Marian Amodeo will be retiring as the Director of the Library as of June 18, 2010. She will be accepting the position of Chief Public Service Officer of the Hartford Public Library and Councilor Nasinnyk wishes Marian the best and thanked her for her many years of service.

Councilor Nagel also had served with Marian Amodeo and wishes her the best in her new endeavors, and hopes that whoever takes her place will be as great as she was. Also, he recently attended a YMCA Regional meeting at the Governor's residence in Hartford and it was a pleasant meeting, representing Newington and it's residents.

Councilor Casasanta sends her best wishes to Marian Amodeo, that she was a very good friend and we'll miss her here in Newington and knows she will do extremely well in her new adventure.

Councilor Lenares reminded everyone of the Memorial Day parade this Saturday, starting at 10:30 AM and will be followed by the ceremony in the main lobby of the Town Hall. He also extended a heartfelt goodbye to Marian Amodeo, having known Marian for many years, and as a little kid she use to read to him. He also thanked everyone who reached out to him this week-end regarding the Mayor's nomination for the Republican Party to run for Treasurer for the State of Connecticut.

XIII ADJOURNMENT

Mayor Wright moved to adjourn the meeting at 9:00 PM – Seconded by Councilor Casasanta – Vote 9 – 0

Respectfully Submitted,

Mary Richard

Council Clerk