

NEWINGTON TOWN PLAN AND ZONING COMMISSION
Regular Meeting

August 11, 2010

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Schatz
Commissioner Aieta
Commissioner Lenares

Commissioners Absent

Commissioner Carragher

Staff Present

Ed Meehan, Town Planner

Chairman Pruet: We will now enter our public hearing portion of our agenda. After your petition is read, if you could please step up to the podium and state your name and address for the record.

II. PUBLIC HEARINGS

- A. PETITION 28-10 – 72 Pane Road Winners Chapel International, 50 High Street New Britain, CT 06051 applicant, John Melonopoulos c/o Rockland Trust, P.O. Box 427 Rockland, MD 02370 owner, request for Special Exception Section 3.2.1 Place of Worship, PD Zone District.**

Kolawoke Adebayo: Good evening, my name is Kolawoke Adebayo, we have our chapel at 50 High Street in New Britain at the YMCA. We petition for special permission to use the Pane Street for our worship. We want to notify the Commission of our intent and our use of the parking lot, for our place of worship. Our occupancy will be every Sunday from 10:00 a.m. to 12:00 noon and Wednesday from (inaudible to seven o'clock. A special event will be once every Friday from 11:00 p.m. to four in the morning. Currently, the current members that would be using the chapel are twenty-seven.

Chairman Pruet: Is that it?

Kolawoke Adebayo: Yes.

Chairman Pruet: Okay, staff report?

Ed Meehan: Just that I would like the Commission to know that there is a staff report for each member. The applicant was provided a copy of this a couple of days ago so that he could be ready to present his information to the Commission. I would make this part of the record. There is some background information in the staff report that gives the Commission members a little history of the site. It's an older building, constructed in the mid-sixties, prior to when the town had site plan review process so it didn't go through the normal layout and design that you have now. It has about twenty-eight parking spaces. It has multiple tenants, there are some vacancies there now that the Commission should be aware of, when thinking about the parking needs for this site. The Commission has in the past approved places of assembly at this location, on a couple of occasions. One was for the Knights of Columbus, they were looking at it for a fraternal hall use, they did not eventually take that site. They moved to another location in town. The most recent occupant here was a school of dance that used it for two or three years until they moved to another location on the Berlin Turnpike. The uses that are there now include a small restaurant, pizza restaurant that has about four hundred square feet available to the public at the far easterly side of the building, and then there is an electronic service business in the building now, and senatorial candidate Linda McMahon currently has her Newington campaign office there for the time being. There are two vacancies, I believe, so that is the information that I shared with the applicant and I will share with the Commission. The only question I had, I wasn't quite sure, he said twenty-seven people, but I didn't, your occupancy on Sundays sir, what would that be? How many people would you have?

Kolawoke Adebayo: Twenty-seven.

Ed Meehan: Twenty-seven on Sunday, and the other times, did you say eleven o'clock in the morning?

Kolawoke Adebayo: Ten.

Ed Meehan: On Fridays?

Kolawoke Adebayo: On Friday, 11:00 p.m.

Ed Meehan: 11:00 p.m. to four in the morning?

Kolawoke Adebayo: Yes, just one Friday a month.

Ed Meehan: Once a month?

Kolawoke Adebayo: Yes.

Ed Meehan: Okay, thank you.

Chairman Pruet: Do you need any additional information from the applicant?

Ed Meehan: No, I think I have everything, the sign was posted, the notices have been sent out, the floor plan layout is in the packet, of the building. Actually, your realtor gave it to us, but I guess, one of the questions, is there any fixed seating proposed?

Kolawoke Adebayo: No, I stated that, no changes.

Ed Meehan: Okay, thank you.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: If the applicant could address this, do they plan on having a day care for, you know, sometimes churches have day care?

Kolawoke Adebayo: No. Just for worship.

Commissioner Aieta: Okay. You have no fixed seating, but it is a place of assembly, of worship, so are you going to bring the seats in on Sunday?

Kolawoke Adebayo: What I mean is that we are not going to tie anything down.

Commissioner Aieta: So there is seating, but just not fixed to the floor.

Chairman Pruet: No pews or anything.

Kolawoke Adebayo: There will be pews just for administration.

Commissioner Aieta: How many seats do you plan on putting into this?

Kolawoke Adebayo: We have twenty-seven members.

Commissioner Aieta: That's all I have.

Chairman Pruet: Any other additional Commissioner comments? Okay, you have a seat, it's a public hearing, so we are going to call on the public now. Anybody from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition. Okay, what is the concern of the Commission moving this forward.

Commissioner Pane: Mr. Chairman, I didn't follow the applicant, what about special events? Is he going to have any special events and if so how many people to they anticipate, how often?

Chairman Pruet: I believe that you said that you were going to have one special event a month sir, is that correct?

Kolawoke Adebayo: Yes, the night vigil.

Commissioner Pane: This would be for the twenty-seven people, approximately?

Kolawoke Adebayo: Yes, maybe less.

Chairman Pruet: Okay. Thank you. I think we will close this. The consensus is to close this and move it forward through our process. We aren't going to vote on this tonight, we're going to address it under New Business under next meeting, so you are all through for this portion of it. We meet again the 28th, no, the 25th, excuse me. Wednesday, the 25th.

Kolawoke Adebayo: Do we have to come?

Chairman Pruet: Sure, yes, you can come as a representative.

Commissioner Hall: He asked if he had to come.

Chairman Pruet: No, you don't have to come, but you can come if you wish. Any other questions, give the Town Planner a call. Any other technical questions that you might have during the week, and he will address them for you. Thank you.

B. PETITION 29-10 – Metropolitan District Commission 50 Murphy Road, Hartford, CT owner and applicant, Mr. Carlos Cruz, Interim Manager Maintenance/Solid Waste, request for Special Exception Section 3.2.2 Public Utility Installation for emergency generator systems at: Carr Avenue, Eagle Drive, Eighth Street, Old Farms Drive, Vexation Hill and Windmill Lane pump stations.

Chairman Pruet: If the petitioner is here, come forward and state your name and address for the record, please.

Carlos Cruz, 50 Murphy Road, Hartford, CT 06114:

Steve Howell, Right Piece Engineer, Project Manager Middletown, Ct: We worked to prepare the plans and the permit application for the District. Tonight I would like to give you a brief description of the district's petitions for the emergency generators at four out of the six pump stations and new electrical enclosures at each of the six stations. In your package of information is a description of what the proposed improvements are. This is the same package that was submitted to the Conservation Commission on July 20, about three weeks ago. Let me start and I'm going to give you a brief description and we have renderings here which will show you before and after what the proposed improvements are.

Carlos Cruz: Mr. Chairman, Commissioners, a little history of why we are moving forward with this project, and made an assessment, a risk assessment in our pump stations, risk to both sewer and water, in case we have a catastrophic disaster. Unfortunately, last year we had a tornado touch down in Wethersfield, and that killed sixteen of our stations and those sixteen, the majority of them did not have generators, stand-by generators, so it was a challenge throughout the weekend to keep the sewer from surcharging, and the water running to provide services to the community, and this is why we moved forward with the design in order to make sure that we provide the service for a catastrophic event or even a smaller power outage, so it just makes economic sense for the district. So that is the history behind this.

Steve Howell: This is basically a similar process that we are doing for seven of the other communities within the MDC. Let me first begin with Carr Avenue, what we propose here is just to replace the existing electrical control panels and provide a new electrical control panel of approximately four feet wide, six feet long, six feet tall, and that will house all of the new control panels that will be designed to bring a couple of things, all the electrical gear will be brought up to the current electrical codes and also it minimizes the confined space entry for the MDC personnel who have to enter down into the pumping chamber. What you see before you is the before and afterwards. The pump station will also include a new electrical service entrance, some underground conduit within the fenced area, there will be minimal site work, which will consist of replacing the existing the chain link fence with new chain link fence, bituminous pavement within the fenced in areas, loam and seed in the area. The next is Eagle Drive pump station, this station will consist of a new thirty-five kilowatt diesel generator, emergency. You have a 140 gallon fuel tank that will be located in the base of the generator. It will be a double walled tank, UL listed. The dimensions are approximately forty inches, forty-one inches wide, a hundred inches long and ninety-one inches tall. It will be mounted on a concrete pad. It will also have a similar type of electrical

enclosure, that previously was mentioned, that will house all of the control panels. The proposed work will also include underground electrical conduit and wiring in the area, and then there will be miscellaneous site work, a little clearing of trees, to situate the generator and fence it in, there will be erosion control, chain line fence, bituminous pavement and loam and seed in that area, and again, you can see the before and after renderings.

The next one is the Eighth Street pump station, now this pump station is located within the hundred year flood plain. What we propose to do is to move the electrical controls which are in the flood plain, and bring them up, up above grade, above the hundred year flood plain, in an area that this district owns. This station will consist of a thirty-five kilowatt diesel generator, again it will have 140 gallon fuel tank, again mounted on the bottom. Similar type of construction, electrical control panel that was previously mentioned. There will be no fill work, within the flood plain, within the hundred year area, and again, there will be miscellaneous site work consisting of chain link fencing, bituminous pavement, loam and seed and actually the one thing that didn't show on the site plan, the applications, we've got arborvitae that will go along the fence line, and you will see that in the rendering there.

The next station is Old Farms Drive pump station. This station will have an eighty kilowatt diesel generator, it will have a similar size fuel tank located at the base of the generator, similar to the dimensions of the unit. It will have a pre-cast concrete electrical enclosure again that will house similar type of equipment, electrical equipment, the control panels will be mounted on a concrete pad as the others. New electrical service entrance which is required by Connecticut Light and Power, underground conduit and wiring, and again it will have limited site work within the fence in area consisting of some paving, erosion control, silt fence, loam and seed. Again, everything will be contained within the existing fenced area, and you can see a rendering that is being passed around.

The next one, Vexation pump station, this is a water station, a water booster station for the area. Again, this will have a thirty five kilowatt diesel generator similar to previously mentioned, again, pre-cast concrete electrical enclosure, that will house the various electrical switch gear, conduit wiring and miscellaneous site work consisting of new chain line fence, which will go around the existing electrical transformers out there to prevent kids jumping into the pit area, to minimize the graffiti, there will be some aggregate leveling course, there will be no paving in this area, loam and seed, and again, you will see a rendering.

The last one, last pump station which the district petitions to do some improvements, will just consist of electrical control panel. It will not have a generator. This control panel will be located virtually in the same location as the existing control panel. There will be a smaller control panel, but it will have a receptacle that can be used for a portable generator should they need to use it in an emergency situation. This will have some miscellaneous, electrical underground, conduit wiring, there will be some site work consisting of arborvitae. There will be paving for a drive to get the MDC off the main road and loam and seed. That's the general description of the proposed improvements.

Chairman Pruet: Okay, before I turn it over to the Town Planner, what would be the typical time frame for once this is approved, to convert a typical station, how long would it take to convert that?

Carlos Cruz: The schedule is for discussion, prior, subject to approval, and it would probably commence about February, March. We'll have a schedule plan for each station, notify the entire town, the fire department, police, Town Planner, and the schedule normally depends on site work.

Steve Howell: It would be about two to three weeks to do it all. The way we have set it up with the contractors, the way it will be written, they have to do one site at a time. So, for instance, overall, a two to three week period depending on, we'd like to see, the contractor comes with all of the equipment, ready to go and do the work, but I would figure once the

equipment's in, the paving might lag a little bit, but it probably would be a two week period that all of the work would be taken care of.

Carlos Cruz: Any project that I am responsible for you will have a very, very detailed work plan, probably a booklet about this thick with times and in case there is any problem or any question you can contact anybody. We will probably and most likely notify the abutters of the construction and provide some instruction just to minimize the disruptions of the community.

Chairman Pruet: Ed, Town Planner concerns?

Ed Meehan: More comments than concerns, Mr. Chairman. A couple of them, I'm looking at Eagle Drive, is there any opportunity to do some screening as you show down on Eighth Street, where you are close to some of the residential areas.

Carlos Cruz: Absolutely.

Ed Meehan: Okay. I think that is something that could be looked at as the project progresses, that's kind of important I think for the abutters. There is one letter that I wanted to share with the Commission and share with the MDC folks from a resident down on Windmill, supports your project but the comments are really germane to the operation of the sewer there, the problems that they have had over the years, you may be aware of it, with the backup in the lateral line, and he is requesting that you look at that at the same time, so I'm passing that on to you, but generally this resident couldn't make it tonight, and to paraphrase his letter, he supports the request of installing electrical upgrades at this location. That is part of the record, but I would just request the District, as these plans get closer to finalization that you do look at as much mitigation to the surrounding areas as possible. Thank you.

Chairman Pruet: Thank you Ed. Commissioner comments?

Commissioner Aieta: Did the Commission notify the abutting properties of this, before coming to this meeting. Have the property owners been notified?

Ed Meehan: The Town did that.

Commissioner Aieta: You did that. Okay, so the people who have these in their front yards know that they're, that they know basically what is going on here, it's not going to be a surprise when they start going out there and start digging their yard up.

Carlos Cruz; The District has not notified the abutting owners yet until we obtain approval for the construction. So, if that is something that you require us to notify the abutters we will do that.

Ed Meehan: We notified the abutters in anticipation of tonight's public hearing. It's a legal notice in the newspaper, which we did, plus the notice to the abutters and in some of the cases, I'll give you an example, Old Farms which is at the end of the drive, I think we used a radius of a couple of hundred feet, so it is more than just the immediate abutters and the signs have been on all of the sites except for Vexation, which is almost in Rocky Hill.

Commissioner Aieta: I noticed one that was really close to the guy's house, where he put up arborvitae and I was concerned that he was notified and knows what is going on near his house.

Ed Meehan: That's the Eighth Street site.

Commissioner Aieta: The Eighth Street site.

Ed Meehan: That's the one that is coming up the hill.

Commissioner Aieta: It's very close to his house.

Steve Howell: The operations I might add, the operations of the generators, they are operated once a week during day light hours, fifteen to twenty minutes and those are really subject to working with the community, with the area, it's not early in the morning, it's usually during the work day, so if it's, it's not during dinner hour or any of those things and it's something the district can work on modifying the time frame, but it's usually once a week, at a set time, it automatically comes on, and a person comes out just to verify that the generator is working.

Chairman Pruet: Additional Commissioner comments? Okay, it's a public hearing, so we will call upon the public now. Anyone from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? Yes, sir, come forward, state your name and address for the record.

Joseph Potolow, 204 Old Farm Drive: Before I talk, anything about for or against, I'd like to know what and what is it about the environmental issue, I don't, I'd like to have more of an idea, more information about what it does and a couple of things, a few things that have to do with repair, and the big, big truck came onto my property, about half a foot, onto my property and I called the MDC. Of course they took care of it, they came out and they had their workers and they fixed it fine. But once they fixed it, the next time around, I'm not talking about all of the drivers, some really, I know there is a problem getting the big trucks but I'm concerned about the big issue, how they are going to utilize and how bad they will be on my property, and that is my main concern. I'm not for or against it, because I don't know much about it.

Chairman Pruet: Thank you. Anybody additional want to speak on this petition?

Inaudible speaker, 115 Windmill Lane: I don't know if I'm for this or not, I just have some questions based on what I heard, and I was concerned about you doing an upgrade, you know an electrical upgrade. Are there any risks or issues to children, you know at Windmill Lane it's just on the lawn, it's not, are there electrocution concerns? The other thing you mentioned was your paving and I was just interested in where that driveway will be for the trucks. So really, just the two questions, the safety for the area for the children, and where are you going to pave?

Chairman Pruet: Anybody else from the public have a comment or question or concern on this petition? Okay, gentlemen, if you would come up and address those concerns.

Steve Howell: Let me first address the comments of Windmill Lane. The electrical enclosure that we have is a two by two by six foot, it's a stainless steel control panel. It's a lockable panel. Everything within that is lockable. Kids cannot get electrocuted at all. You can't get inside the panel. Basically it is no different than what they currently have out there now, other than it's a different receptacle. Basically, it won't be fenced in, but all of the controls and switch gear will be inside. Realistically, I don't know how they would break in there, I mean there is virtually, they should not get electrocuted. As for the paved area, there is a small driveway just to the right, we can show you the plan of it, it's just, it's within the right of way and within the sewer easement just to get the vehicles, the maintenance vehicles off of the main road and really, instead of using the private drive, it's really what it is set up for.

Carlos Ortiz: An additional comment about the safety, we will not erect any structure, electrical or whatsoever, in the district, on its property, or easements that would in any way harm or endanger anybody. If there is a risk then we will not do it. That is our primary concern, my primary concern during our design process and in all the projects specifically that deal with these emergency generators.

Steve Howell: Just to follow up, we have to meet current design codes, electrical safety codes as part of this, so if when it is constructed we inspect it, but there is also a local inspector that will be part of it, so it has to be built and approved for current electrical codes, so the chance is very remote that, the chance of anyone getting electrocuted really.....

Carlos Ortiz: Someone would have to get a bolt cutter, and this special lock that we have, then torch it off and then by that time I think somebody would notice and call 911. We will have a sign there of who to contact in case of emergency on all the different properties as we move forward and they go directly into our emergency command center and we would dispatch as needed.

Steve Howell: As for the first gentleman, correct me if I'm wrong, I may not have clearly understood you, but if they disturb, I take it you live next to the pump station property, so if during construction the vehicles run over your property, this is a very narrow easement that runs through there, the contractor is responsible for loam and seed any disturbed areas. That is the way that we have it set up. So the trucks should be maintained but one of the things that we can do is put netting in to minimize the trucks going over onto the grassy area, and it is very narrow, and maybe a boom truck will bring it in, but the way we have set it up, any disturbed area, the contractor has to loam and seed it and as part of it, as a field inspector, if you have a complaint, let our field representative know and we'll take care of rectifying it with the contractor. As for, I think it was the noise level,

Joseph Potolow: Yes, noise and (inaudible).

Steve Howell: All of the generators are going to have a level two sound protection around it. It will have, we get the quietest generator that we can possibly get. It will have approximately, for that one, have about sixty-seven decibels so we can't get it any lower than that, so that's again, it will run for about twenty minutes.

Carlos Ortiz: In the future, and as the project moves forward, if there is a disturbance to the neighbor, we will minimize the run time of that to probably ten minutes and probably once every quarter. Why we want to run the generator is to make sure that we get the signal to know that the station is going to work in case we have a power failure, and in Connecticut, the weather changes every minute. I just wanted to address, and I guess you made a comment about ruts and damage to your property, if a district employee or a vehicle, every one of them has numbers, it's one of my departments, report that to our command center, the extension is 3600 and we will resolve it immediately. Specifically around stations, people who manage the stations, also one of my departments, they have instructions not to disturb any private property, period. We are actually very adamant about that. We are here to provide you a service, not to disrupt your, what's happening in the neighborhood at all.

Steve Howell: Did we address all of your concerns? I mean, I want to make sure we answered all of your questions.

Joseph Potolow: Is there any other kind of, is this going to be a bigger thing....

Steve Howell: We have some renderings here we can show you. The power generator appears to be larger in size. The primary reason is that we wanted, these are the enclosures that encapsulate the unit itself so that way there would be no disruption. Basically this is going to sit there, not running unless there is an emergency, then only fifteen minutes a week.

Commissioner Pane: Then, when there is an emergency and it's running, you are going to be pleased. You are going to be pleased that it is running.

Steve Howell: Just to add onto that, what we are trying to do is to prevent a surcharge into the system, and that surcharge, we don't want it to go into anybody's basement at all. We want to make sure it goes to our plant in an expeditious manner. I want to talk about one of your concerns, environmental. We have looked into different solutions in terms of the field as well. The tank is a double wall, and it is something that we want to do, as opposed to putting in a larger tank that is intrusive into the property, above ground storage tank, or putting it into the ground, which we don't want to do because the DEP and the EPA kind of frowns on that, and that is terrible for the environment. This is a less intrusive approach to providing the service, in case we need it. I hope that answers your questions.

Audience: I just want to ask, as far as the generators why they weren't considered for all locations, especially Windmill Lane where we have issues with the sewer. We had a power failure a couple of weeks ago, and there was a temporary generator on the street.

Steve Howell: There wasn't sufficient area, site wise. It's right, you have a limited right of way, it's tight and then you have a limited sewer easement that you could probably put it in, but I mean, it's a tight area.

Carlos Ortiz: We won't put a generator on top of an existing pipe, that's one consideration and the other one is the amount of real estate which was very, very limited so there was a decision that I made, we had to exclude five stations, which we can manage as opposed to sixteen at one time. We have generators on stand-by that we just need to plug in, and that's why we have taken the calculated risk that we can live with five, but we cannot live with sixteen or thirty-three. That's a lot of bodies that I have to throw out there immediately for thirty minutes to an hour to start plugging in and it's a significant logistical event for us.

Chairman Pruet: Perhaps you could leave your business card with the gentleman. Okay, thank you gentlemen. What are the feeling of the Commission, to leave this open or move it forward? Okay, consensus is that we will move this forward to our agenda.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.

None.

IV. **MINUTES**

July 28, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the July 28, 2010 regular meeting. The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Chairman Pruet: I have a communication from Adrienne Cignarella, as you know, her, as you know her husband passed away. "Dear Commissioners, Thank you all so much for your beautiful Italian food basket. We really appreciate your thoughtfulness at this difficult time. Adrienne is back to work, she went back to work this past Thursday and she is doing well among friends, and it was very thoughtful of the Commission to do this.

My next communication is from the United States Postal Service, the manager of the Newington branch. "Dear Mr. Pruet, I'm in receipt of your letter dated July 21st addressed to David Sherman, Northeast Facility Service officer regarding your suggestion to have three mail boxes relocated once again. As you stated, the mail boxes in question were relocated about one year ago and you also stated that the new positioning is an improvement over the previous one. I appreciate your concerns and suggestions of the two possible new locations of these boxes, this is something that must be looked into further by our maintenance and safety department before a decision can be made. I have forwarded your request to the maintenance department at the Hartford Post Office as well as District Safety office for further review. The managers of those departments will review and discuss your suggested options and share this result with further contact with your office. Thank you. Cynthia Shea, Manager, Newington Post Office." We will be monitoring that response.

Ed, any communications or reports?

Ed Meehan: There are two communications on the table, one from Town Manager John Salomon relative to the Commission's discussion of the street vending, peddler's ordinance. He is just acknowledging, and we can talk about it more in depth later, and also, the exchange of fax and e-mail from the owner of Doogie's Restaurant regarding the charity flea market that he ran there. That's all I have.

Chairman Pruet: Okay, we can discuss that under Commissioner's comments.

VI. NEW BUSINESS

- A. **PETITION 20-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD Zone District. Inland Wetlands Agency Report Required. Continued from July 28, 2010.**

Alan Bongiovanni: Thank you, good evening Mr. Chairman, Members of the Commission, Staff. For the record, Alan Bongiovanni, 170 Barn Hill Lane, 170 Pane Road. This is the third night that we have been here before you. Public hearing items have been closed, this petition is for the site plan portion. We have brought you up to date on the revisions and changes that we have made. At the end of the last meeting we received some comments from Commissioners to look at some design alternatives, specifically to maybe separate the driveways in the duplex units to create a larger grass area in the middle similar to what was done at Cobblestone. The plan on the right is the Cobblestone Development. It is something that I worked on, mid-nineties, for J.H. Scelza. It's a very attractive project but it's a different type of unit. Those are four unit buildings, there is a significant grade where they step up the hill, and the grass in between the garages was used to accommodate the change in elevation. One of the things, these are both the same scale, one of the things that our design avoids that happens here is these small fragmented fingers of grass, and if you look at what we have in between the units, it's significant. I think it's more sustainable, it's a more

attractive look, it gives the entrance to the units more impressive residential approach as opposed to, by the way, I'm going up a sidewalk between two paved areas. Although that is an attractive development and it was very, very well received, we think this is a step up. They are in the same neighborhood. Deming Street runs into Culver Street, they are probably less than a half a mile apart, and we think the design that we have here is a more attractive, more saleable product.

The last comment from Commissioner Pane was to again look at the four unit buildings, number 23 in this location, and it brings me back to my field trip out to Cobblestone. We have fifteen, seventeen feet of gutter, curb line to the property line. We have a thirty-five foot building line, the building is set back about four feet from that. We're about fifty-five feet from the edge of the road. Cobblestone, which actually has two buildings that have that same elevation, right up on the road, only has a twenty-five foot building line. They are probably about forty, forty-five feet from the road. We're significantly farther, about twenty-five percent farther back. We have in one instance we have a grade, where when you approach it from the south, going northerly direction, most of the building will be hidden by the hill and we think that is the smallest elevation that you will see. We looked very seriously at rotating it, changing the building configuration and you are going to have a larger profile no matter how we change it. One of the other considerations for the placement of this building and this drive access, this is where the sewer and the water will be serving the site. This is the least amount of disturbance to Deming Street during the construction process. So, we appreciate the concerns, I'm always happy to look at some option that may be more beneficial to the development. We felt that after careful review what we presented meets the town standards as well as the intent of the development. With that, and we did have opportunity to provide revised plans, everybody should have half size set in front of them, and addressed all of the other comments and alterations that we proposed. The architectural elevations have been revised and submitted to the Town Planner that reflect the changes that were made through discussions with the Commissioners. So if you have any further questions I'd be happy to answer them and I think everything is complete.

Chairman Pruet: Ed, additional comments from the Town Planner?

Ed Meehan: I met with Mr. Bongiovanni yesterday I guess it was and we went over the revisions dated August 8th, which is the half scale set that you have in front of you, and we, the functional concerns which the Town Engineer and I, as well as the Fire Marshal brought to the Commission's attention, through the applicant have been addressed and that was the width of road, and the issue of the (inaudible) coming into the site and the grade coming in, so we have a little flatter grade has been addressed, circulation around the mail kiosk area has been addressed and the idea of the sidewalk on one side running through the driveway so that you have a continuous pedestrian system not interrupted by pavement has been addressed. The grading behind the proposed town houses I think works better now with this type of grading and the angling of the town houses to break up that barracks look that I was concerned about. The comments that I left with the BGI folks, with Alan, was can you still look at some higher, I'll call them classier, higher grade embellishments. Rather than stamped asphalt, at the entrance why not consider, and we saw this in Farmington a cobblestone, a real type cobblestone, brick paver at that location. I think it increases the appearance of the property, it's something that, when the homeowners association comes along in a few years and inherits this, it won't be as difficult to maintain, just presents a nice front image. So I wanted to put that on the table. The other ideas, I think the plan is well landscaped and the berm on Deming Street begins to soften the look. The half scale doesn't have the architecture boards that we have, I know there were a couple of small details on the boards that we talked about as far as labeling. I wish the property, the four or five buildings along Deming could be stepped a little bit, I understand why they can't be because of, you start moving a building back and forth, two feet, three feet, affects the patio and the depth of

the garage, but I think if I understand what you want to do on Deming Street is over the patio, some sort of a gable.....

Alan Bongiovanni: There is a pediment over those so when you have the berm that really cuts through most of the first floor, you're going to get the appearance of something that could be the front entrance of a house.

Ed Meehan: Some of these things are again, not regulatory comments, there is nothing in the regulations. They were subjective personal comments on my part, and I'm sure the Commission members have their own, but once this is built, this is going to be in this neighborhood for a long time, and so what I'm trying to get across is that whenever the backside of a building faces a public street, through landscaping technique, or architectural techniques, as much as we can do in discussing this and working with the designers is not to make that look like a backdrop. That is really the goal. We've seen this happen in a couple of other locations, in town, and sometimes it didn't come out that good, so I think that is the intent of my comments. That is pretty much it, what I have to offer.

Chairman Pruet: Okay, very good. As the Planner says, if you can consider those embellishments, you living across the street, that might be a factor and a half. Okay, Commissioner comments and concerns?

Commissioner Anest: Do you have what the back side of these, from Deming Street?

Alan Bongiovanni: That would be these elevations here, I don't know if I brought the hand sketch that we had.

Ed Meehan: It's the top left.

Commissioner Anest: Oh, okay, thank you.

Alan Bongiovanni: From the initial drawing, there were several modifications made from what we submitted, I have some of the boards here, but we had a nice hand drawn sketch. I have the color elevations, that is the four unit building and that was the color hand sketch which was completed as far as the elevations, and then this was the front of a typical two unit building, this is old now.

Commissioner Anest: Right, but do you have the back?

Alan Bongiovanni: We didn't color the back. We have varying roof heights, the pediment as we said we think will do a lot because where the elevation of the berm is, you're not going to see much more than the top third of those windows, with the plants planted, you will probably not see any of it.

Commissioner Anest: Right, and then the new side of the four unit, that would be facing Deming, didn't you modify that?

Alan Bongiovanni: That was modified when we did, what we did, these are, and this kind of mirrors this, the same one Ed has turned ninety degrees. The front elevation, the side, we went to the longer windows, we had the window over in here, the door wrapped around to the side, and also, the comments, I know that we heard them from the Planner, on these buildings here we have an alternate elevation where you've got the long windows where they are facing the street because it's going to be more attractive, it's going to be a brighter interior for the home owner, as well as more attractive.

Commissioner Anest: Okay, thank you.

Chairman Pruet: Further Commissioner comments?

Commissioner Schatz: The applicant talked about it, and I hadn't heard about it, and Frank commented on it, about putting a grid in to make them look like pavers, I had the opportunity Sunday to see that, and it's not a bad situation, I mean, it looks really good. I saw it on a driveway that was about 150 feet long and the people were standing there, I said, wow, that's what we were talking about at the Zoning meeting.

Commissioner Aieta: Was it asphalt or was it.....

Commissioner Schatz: Remember you asked if it was black, this was black and it looked really good. It is amazing. It was stamped in there, it looked good.

Chairman Pruet: Additional comments from Commissioners? Thank you Alan.

Alan Bongiovanni: Thank you very much.

Chairman Pruet: The pleasure of the Commission in moving this forward? Okay, we will move it forward.

VII. OLD BUSINESS

- A. PETITION 13-10 – Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency required. Public Hearing closed, sixty-five day decision period ends October 1, 2010.**

Commissioner Schatz moved that Petition 13-10 - Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington CT 06111 be postponed, after discussion, to the Commission's August 25, 2010 meeting.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruet: We had a very articulate presentation by Attorney Sabatini on this subject and I would like to hear how the Commission feels for further discussion on that. Anybody like to.....

Commissioner Schatz: I'll get it going. If we went ahead and amended this, I'm trying to understand what Attorney Sabatini was saying, and I do understand what he was saying, but it sounded like he was limiting it to just that one site, but I don't believe that is the case.

Chairman Pruettt: Yes, Planned Development zone was his suggestion.

Commissioner Aieta: It's not just one site, it's the PD Zone.

Chairman Pruettt: Here in the red, this is the Planned Development zone.

Commissioner Casasanta: I know that we have had discussions before regarding permitting auto related uses on other properties, I guess I'm just trying to understand how this differs in a sense that if we were able to allow those types of things without this change taking effect, how, if we were to make the change, how that would make anything different. I guess I'm just trying to understand for my own sake, what the real benefit is of allowing the change, if we are already allowing auto related uses elsewhere. I guess that is my question.

Commissioner Pane: We're not allowing any new ones and the old ones are non-conforming. It's a big problem.

Commissioner Casasanta: What about we allowed auto related uses over on, those were existing ones?

Commissioner Pane: They were existing.

Commissioner Casasanta: Okay, that is where I was getting myself confused.

Commissioner Aieta: But you understand, the existing ones, and the attorney brought it up, with just millions of dollars worth of property that are now non-conforming because it was taken out of the regulations, and how that affects the legal ramifications of non-conforming on property, if they sell it, if it burns down, there is a whole bunch of legal things that happen when you have a non-conforming use.

Commissioner Hall: But at the same time, non-conforming, there are ways to still deal with that, even though the term is non-conforming, it doesn't mean the end of it, I mean, granted if it burns or is destroyed they don't want the footprint to expand or anything like that, no changes as far as that is concerned, but it doesn't mean necessarily that if there is a destruction of the property that that is the end of the use, does it Ed?

Chairman Pruettt: That's how I read it in previous minutes of meetings, but Ed, you can further explain.

Ed Meehan: The non-conforming criteria set forth in Section 5.1 of the regulations and there are safeguards for people who have non-conforming properties and non-conforming uses. One of the things that would happen to a building that was destroyed by fire has to do with the amount of damage. If less than fifty percent of fair market value then the reconstruction can continue, it would have to commence within six months. So it depends on the damage to the particular property. There are other time requirements if a non-conforming use ceases to be operated, or cease to exist where it cannot be re-established unless it is re-established as a conforming use. The general intent of all zoning regulations and it is set forth in the statutes, is when you have non-conforming uses is to, I think the word is to amortize over time, because the Commission has made a policy decision that non-conforming uses are not something they want in the community. They are not appropriate in a particular zone, so if the opportunity comes before the town, then they should be amortized. Auto related uses also have the requirement that they carry a DMV licensing. So that is a valuable commodity and the Commission has to believe, since they adopted these regulations in 2007 have approved at least three continuations of non-conforming use in the sense that nothing really

changed about the physical characteristics of the building or the site, it was more of a change in licensing. So the business continued, so the economic value stayed there I guess, but there was a decision made in 2007 that, the Commission that sat then, felt that there was a sufficient amount of auto related uses serving the community and Attorney Sabatini in the public hearing offered you I guess they call it a little tighter way of controlling this by not opening up all of the zone districts but just permitting it in the Planned Development Zone, keeping it out of the Business Zone, the local neighborhood business zone, still keeping it out of the Berlin Business Turnpike area which is basically the northern third of the turnpike, from Ann Street north, up to Wethersfield. So if you were to approve this suggested amendment, it would be permitted by Special Exception in the PD Zone, and as the Chairman showed you, it is everything in bright red on that map, and in the Industrial zone, by Special Exception. It used to be permitted by right in the Industrial Zone, the Commission tightened that up. So that's the geography that you are looking at, and anybody who has property in the PD Zone, and doesn't have an auto related use there now could come forward and petition the Commission by Special Permit and site plan to create a new related use, and it could be anything from a body shop, tire and muffler, auto repair to a gasoline station.

Commissioner Camerota: Car dealerships?

Ed Meehan: Car dealerships.

Commissioner Pane: But, it's under Special Exception, that's the strongest language in our zoning regulations and this Commission doesn't have to approve it if doesn't meet our regulations and we don't like it, and there are a lot of other requirements there. Special Exception, for some reason this Commission and fellow Commissions have lost concept of Special Exceptions. Special Exceptions means that it has to be special in order to get through. This Commission is not obligated to approve it, just because they come in.

Commissioner Aieta: It's not by right. They don't have a right.

Ed Meehan: But if they meet your standards and conditions, utility, location, setback, traffic safety of course, compatibility with surrounding area, you are obligated to approve it.

Commissioner Pane: There is some policy decisions there too.

Ed Meehan: There are no policy decisions in a, a special exception is not a policy decision. Zoning regulations are a policy decision. There is always a subjective area, because of the Special Exception criteria about the compatibility with the surrounding area, or the future character of the surrounding area, safety, the judgment of the Commission members, the applicant would have to prove that the location was safe, so it is a tighter control and it's, that's why they are in the regulations, because the Commission wanted tighter control on these use and uses like this.

Commissioner Pane: I read the minutes from the previous Commission that took this out of the regulations and the only thing that I could find was that they really wanted to eliminate them from the neighborhood business areas. They strongly did not like to have them in that neighborhood business area, and that was the only area that I found that they discredited it, and I agree with them. I think we should strongly discourage them in that neighborhood business area, but I don't think, after everything that we have looked at, and the applicant, I think it maybe should be put back in there so there is no non-conforming, strongly recommend that they be discouraged in the business zones, and maybe tighten up the regulations on the special exceptions but just because this applicant came in for this change doesn't mean that it's an automatic grant, granting approval for what he wants to put in on the

Berlin Turnpike. I mean, matter of fact, I'll ask the Town Planner, was he supposed to bring anything in for that, really was supposed to be discussed, our concern was on the regulations. Put in the regulations and forget about anything that he brought in.

Ed Meehan: That was just eye candy for you.

Commissioner Pane: I think that taking them out of the regulations caused more problems than help.

Chairman Pruet: Just a clarification Ed. Domenic said about eliminating them from the areas he mentioned. My understand is that it's been for the past two plans to eliminate them period, in town, to curb, in all zones. Am I correct on that?

Ed Meehan: Yeah, the 1995-2005 Plan recommends the elimination of auto related uses and other type uses on the Berlin Turnpike and it specifically mentions the Berlin Turnpike, as does your current plan. That's in sort of the overall strategy for the past fifteen or twenty years about the Berlin Turnpike as what it was thirty, twenty-five years ago, to get away from auto related, motels, transient use.

Chairman Pruet: But that was for all zones though, correct.

Ed Meehan: Specifically for the Berlin Turnpike.

Chairman Pruet: But now that is similar to when we want to discourage entertainment uses on the Berlin Turnpike and things like that, so you know, take it into perspective, I mean, we wanted to discourage auto related businesses on the Berlin Turnpike, but let's face it, you're going to have to have some auto related uses on the Berlin Turnpike.

Commissioner Casasanta: This is a silly question, but is there a way, because I certainly can appreciate protecting the current non-conforming uses, God forbid get burned down by fire, whatever, is there a way of protecting them without creating, adding a new auto related uses or is it kind of like part and parcel, one goes with the other.

Ed Meehan: The non-conforming standards apply to all non-conforming uses, not just auto related uses, so private residences all the way up to whatever is not conforming, have that protection. The protection is given to them, so it would have to be pretty much leveled to the ground where you couldn't do it under the statutes. There may be case law, in all this stuff over many years, I'm not an attorney, that would give an applicant probably further protection to fight a non-conforming prohibition on something like this.

Chairman Pruet: You cited before three recent ones, anything in the past that you can think of where non-conforming business couldn't re-establish itself.

Ed Meehan: I can't recall any.

Commissioner Aieta: How did we approve the accessory gas station for Sam's Club? That was recently approved. How was that approved?

Ed Meehan: That came in before the amendment.

Chairman Pruet: I think two other ones came in too, the one on Fenn Road.....

Ed Meehan: East Cedar Street up by the Hunter Development had a gas station....

Commissioner Aieta: And that was before.....

Ed Meehan: 2007 and there are two or three other sites in town that are not active now but would be protected as non-conforming uses, the one across from Yanni's that is now going through remediation now, Jiffy Lube, Crest Pontiac, and there is another gas station up on Fenn Road, up near Eagle Drive.

Commissioner Aieta: Attorney Sabatini brought up an interesting point when he said that the banks look at applications for loans and they look at their consistency with zoning, and it could be stifling the non-conforming uses to be able to get loans to improve their property or whatever, for whatever business purposes they want. I mean, that is kind of restrictive, having a non-conforming use on a piece of property where you go to the bank and they say well what, well banks look at this stuff and they are looking at them harder today than they did in the past, and they look at it and say, well, this is, what zone is it in, is it conforming with zoning, and they say, no, it's non-conforming because it was taken out of the regulations, so we are stifling the business man who has an existing use and we stifle him in the sense that he can't even go to the bank and get loans at this point because he is non-conforming. That was an interesting point that he brought up, because I didn't think of that.

Commissioner Hall: On one level that is absolutely correct, there are certain main line banks that will not take anything that is non-conforming, however, there are plenty of banks out there and plenty of ways to get money and even with a non-conforming you still can do it.

Chairman Pruet: Additional comments on this? I'd like to get a flavor on how we would like to go forward with this. Domenic?

Commissioner Pane: I don't have any other comments?

Commissioner Camerota: I think that my comment is, not that I'm opposed to putting it back in, in the PD Zone, but I don't feel, when I look at the Special Exception criteria because that was taken out, all of the criteria really go to residential uses, so I feel that we would have to amend the Special Exception section as well, the 3.19 because it really, I don't think it would give us enough protection to make sure we were happy with whatever was placed there, to really approve the Special Exception. It really talks about residential uses.

Chairman Pruet: Ed, any comment on what she had to say about that, Section 3.19?

Ed Meehan: Well, I think the intent was to put that in there as a permitted use, auto related uses by special exception in 3.19 and then the specific criteria that is already existing in the regulations under 6.7, no 6.11 would fall into place for those auto related uses that come before you. That's the specific ones for auto related uses, then you have the more generic special permit criteria of Section 5.2 which looks at traffic, access, circulation on the site, compatibility with the neighborhood, utilities and signs and so forth, but in 6.11, that was left in the regulations specifically to be a guide for the existing numerous auto related uses that you have in town already. So I'm not sure, I understand what Commissioner Pane is saying, you put this back in, maybe you go back in and tighten up 6.11 if you wish, but that has been in your regulations for years, and it seems to have worked, but that is up to the Commission.

Commissioner Pane: And that 6.11 applies to a lot of other businesses too, under Special Exception.

Ed Meehan: Section 11 applies to sales, rental and service of motor vehicles. 5.2 is.....

Commissioner Pane: 5.2 is the special exception.

Ed Meehan: Yes.

Commissioner Pane: Maybe the special exception needs to be strengthened whether we put this in or we don't put it in, special exceptions should be strengthened a little bit because I think I have a different opinion of special exception than our Town Planner.

Commissioner Anest: I think the special exception should be tightened up a little bit more.

Commissioner Schatz: All the red, is what we are talking about, right?

Chairman Pruet: Yes, the Planned Development...

Commissioner Schatz: And that is the Berlin Turnpike there, and that's the biggest chunk of red.....

Ed Meehan: It starts at Ann Street, where you have the resale, all the way down to Kelsey, then Crest Pontiac, Fenn Road, Keeney Manufacturing.

Commissioner Hall: The only thing that I know first hand is that any piece of property that goes on the market, for rent or for sale, in any of those red areas that we have had, one of the first phone calls we get is, can I put a, and it has something to do with auto related. I'll give you a perfect example. Up near Ann Street there is a little building in back of Dairy Queen that was for rent for months and months and months, going on years. That would have been rented, the first phone call, because somebody wanted an auto related use. So, it is very popular, if you are able to put auto related uses somewhere, it will be filled very quickly, so just be aware of that. Anything that comes, and somebody wants to do it, if it goes back into the regulations, we can't say no.

Commissioner Pane: And that would be a bad thing, to get that building cleaned up and maybe buffered.....

Commissioner Hall: Somebody is in there now,

Commissioner Pane: And buffered and cleaned up and so on and be under our control so that we could tell him what kind of buffering could go in. Come on.

Commissioner Hall: If they follow it, but, I'm just telling you.

Commissioner Pane: If they follow it, it would be demanded from our Commission.

Commissioner Hall: I'm just telling you, if it's back in, it's going to be back in.

Chairman Pruet: Frank, any additional?

Commissioner Aieta: I think you heard enough.

Chairman Pruet: David, anything?

Commissioner Lenares: No further comments.

Chairman Pruet: Okay, I think we had a lively discussion on this and we will vote on this at our next meeting.

B. PETITION 14-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center. Public hearing closed June 23, 2010, sixty-five day decision period ends August 27, 2010.

Commissioner Casasanta moved that Petition 14-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center, be approved the Commission finding:

1. This rezoning is consistent with the 2020 Plan of Conservation and Development's Vision Statement that non-residential uses support the Town's grand list and changes in zoning districts will be based on the characteristic on the surrounding area.
2. The subject parcel, Assessor's parcel 16-647, 1300 Main Street is vacant and uniquely located at the southern edge of the Business Town Center. The zone change boundary shall be that portion of parcel 16-647 as shown on "Zone Change Map" Sheets 1 and 2, dated 4/23/2010, scale 1"=100', prepared by BGI Land Surveyors, the new B-TC area being 25,091 square feet.
3. Re-zoning the subject parcel to the B-TC District, (Business – Town Center) is a practical and limited expansion which will restrict the southern edge of commercial development on Main Street.
4. Re-zoning of the subject parcel will provide for site plan and architectural review "Town Center Village Overlay District" of development at this gateway location.
5. The design standards for the B-TC District require buffer setbacks, traffic assessment and storm water management controls that would not be applicable for an R-12 single-family lot development.
6. The designation of the subject parcel as B-TC District provides that future changes in the site plan layout will require resubmission to the Commission for its review and approval.
7. The applicant, pursuant to Section 3.12.2 (B) has submitted a site development plan, Petition 15-10 which the Commission has considered in conjunction with the requested map amendment.

The effective date of this zone map amendment shall be August 25, 2010.

The motion was seconded by Commissioner Anest.

Commissioner Schatz: I don't really think it conforms with our 2020 Plan and I will not support it because I feel it doesn't conform, and when they say it's a gateway, well, if you look at Newington, Newington has twenty or thirty gateways, if you want to call them that. They are streets, and I would not support this.

The vote was in favor of the motion, with five voting Yea and two Nay. (Schatz, Hall)

C. PETITION 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2500 sq. ft. bank. Sixty-five day decision period ends August 27, 2010.

Commissioner Hall moved that Petition 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2800 sq. ft. bank, be approved based on the following:

1. The approved development plan shall be: "Proposed Site Plan – 1268 Main Street, Newington, Connecticut," dated April 23, 2010 and planting plan dated May 4, 2010, scale 1"=20' sheets 1 to 7, for a 2,815 square foot bank use with detached drive-through and the redesigned parking lot and landscape plan for 1268 Main Street. This approval also includes the architectural improvement plans prepared by AE Design Group, Sheets A-1 and A-2, dated 5-5-2010, for the existing building at 1268 Main Street and proposed bank at 1300 Main Street.
2. This site development plan approval is based on reciprocal easement agreements for the use and maintenance of driveway, parking areas and storm drainage for the abutting properties, 1268 and 1300 Main Street.

Prior to the Chairman signing the site plan mylar General Note #2 shall be changed to all curbing shall be concrete and change map title to 1268 and 1300 Main Street.

3. The applicant's land surveyor shall coordinate with the Town Planner the filing of the new property boundary maps for parcel 16-647, 1300 Main Street and 1268 Main Street.
4. The applicant's engineer shall certify to the Town Engineer, before the issuance of the Certificate of Use and Occupancy, that the project's stormwater system has been constructed in accordance with the approved plan.
5. The Inland Wetlands Application No. 2009-14, approved is acknowledged and made a part of this site plan approval.
6. The Commission finds that the proposed bank and medical buildings' architectural elevations are compatible with the Town Center's Design Guidelines. The special provisions of Section 3.12.A.5, Town Center Village Overlay District are approved for reduction of parking space ratio to 3.5 spaces per 1,000 square feet for the bank use and to 4.0 spaces per 1,000 square feet for the medical use.

Changes to the architectural elevations shall not be made without the prior approval of the Commission. Prior to the Chairman signing Sheet A-1 and A-2 the plan sheets shall be modified to label façade materials and colors for both buildings.

The motion was seconded by Commissioner Camerota.

Commissioner Schatz: Again, I take the same position that basically I heard what the neighbors said when they came into the public hearing, and I take that very strongly, doesn't affect me, I'm on a different street, but it will affect the people on Main Street, and it will creep right up to Robbins Avenue.

Commissioner Hall: I did not support the zone change, so I cannot support building on something that I didn't support.

The vote was in favor of the motion, with five voting Yea and two Nay (Schatz, Hall).

- D. PETITION 18-10 – 199 Deming Street, golf driving range property, Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road, Newington, CT applicant request for re-subdivision, PD Zone District. Hearing closed July 14, 2010. Sixty-five day decision period ends September 17, 2010.**

Commissioner Camerota moved that Petition 18-10 – 199 Deming Street, golf driving range property, Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road, Newington, CT applicant request for re-subdivision, PD Zone District, be postponed to August 25, 2010.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion with seven voting YES.

- E. PETITION 19-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District.**

Commissioner Pane moved that Petition 19-10 – 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District be postponed, after discussion to the August 25, 2010 meeting.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

- F. PETITION 26-10 – 158 Brookside Road Dawn and Daniel Butler 158 Brookside Road, Newington, CT 06111 applicant, Daniel Butler owner request for Special Exception, Section 6.13 Accessory Apartment, R-12 Zone District.**

Commissioner Anest moved that Petition 26-10 – 158 Brookside Road Dawn and Daniel Butler 158 Brookside Road, Newington, CT 06111 applicant, Daniel Butler owner request for Special Exception, Section 6.13 Accessory Apartment, R-12 Zone District be approved based on the following:

A. Findings

1. The proposed accessory apartment complies with design standards set forth in Section 6.13.1 to Section 6.13.8 of the Zoning Regulations.

2. The applicant submitted into the July 28, 2010 hearing record floor plans for the accessory apartment and front view elevation of the proposed changes which are consistent with requirements for the creation of an accessory apartment within the single-family residence.

B. Conditions

1. The applicant/owners of 158 Brookside Road shall reside at this property throughout the duration of this Special Exception permit.
2. The improvements to the single-family home shall be made in accordance with the floor plans and front elevation submitted to the Commission. It shall be the applicant's responsibility to secure all required building permits and a Certificate of Zone Compliance prior to the occupancy and use of the accessory apartment.
3. This Special Exception approval is not transferable to a subsequent owner without the prior approval of a new Special Exception granted by the Commission.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ August 25, 2010 and September 8, 2010)

Ed Meehan: There is one petition before the Commission coming up, it wasn't posted in time for your agenda, it's called Anytime Fitness. It's a twenty-four hour seven day fitness use in the occupancy of the former EPCO space on the Berlin Turnpike. I think it's that big space down below Kitchens Express.

Chairman Pruet: There was a pipe company down there?

Ed Meehan: Yeah, used to be their service area. We can schedule it for your next meeting, or for September 8th, whatever the Commission's pleasure is.

Chairman Pruet: That's it?

Ed Meehan: That's it for right now.

Chairman Pruet: I think we can fit that in okay, I think we can handle that.

**IX. PUBLIC PARTICIPATION
(For items not listed on agenda)**

Rose Lyons, 46 Elton Drive: Just a couple of comments, suggestions. First of all, I don't know if any of you have ever watched the NCTV presentations of this meeting, but these microphones do nothing. I don't think this microphone does anything. Sitting in the back there between people who are out in the hallway talking and, I know I could have come in here, but I'm having trouble with my knees and don't move around a lot, you really can't hear what you are saying, and I think you are saying some important things that the public would like to hear.

I was wondering also if there is a copy of the Zoning Enforcement report available to the public? I know that I have called and Art has acted very promptly on everything that I have asked him about, and my sympathies go out to Ed Meehan and Art for their efforts in trying to

clean up the illegal signs around town. I see that once they go down they find ingenious ways of putting them back up, on the back of their truck, in their window, or something like that, it's got to be frustrating. I understand that it is very difficult. As I was leaving the meeting last month, or a couple of weeks ago, I heard some comments about the post office boxes being kudos to Ed Meehan and Chairman Pruett for their efforts. As a matter of fact, I left here to go to the post office to mail something and was almost hit once again by someone backing out who wasn't paying any attention to my coming in off of the mail road. Also, thanks to Commissioners who are bringing issues forward to the meeting about some things that may not be in your jurisdiction, but they are concerns for the residents here in town and I just want to say thank you once again for all of the effort that you take to make it a little bit better here for us.

Chairman Pruett: Thank you. Microphone, Ed?

Ed Meehan: I'll bring it to the front office attention. We used to have a system that worked better, speakers in the ceiling, and I don't know if that was disconnected or what, but I'll ask Jeff.

Chairman Pruett: Okay and also, is that Zoning Enforcement report, is that on the web site too?

Ed Meehan: It's not up electronically, it's something we could post. The monthly report?

Chairman Pruett: Yeah, the monthly report.

Ed Meehan: We can do that.

Chairman Pruett: Okay, that was a good idea from Mrs. Lyons, so we'll get that in there.

Michael Fox, Main Street: First of all I want to echo Rose Lyons statement on the zoning enforcement report, I miss that, and I don't know if Ed can get that on line or not. My main reason for being up here, I stayed here this long, so I might as well say something, I was passing by on Griswoldville the other day, and I noticed the property that the, behind Walgreen, the age restricted project. I guess they put a big berm up, started planting, and it looks like a jungle. I don't know if you can do anything about that. That's all I have, and once again, thank you very much. You people are doing an excellent job. You have had some really controversial issues and have solved them. Thank you.

Chairman Pruett: Okay, thank you.

X. REMARKS BY COMMISSIONERS

Commissioner Schatz: We have the new hot dog stand over there on Willard Avenue that is buried in the back? I mean, it's a lovely restaurant, but how can, is there anything that we can do to help them let people.....I told him, number one, the sign that he has out there in my opinion looks like he is selling pizza. The chef coming out of the dog house, and somebody else told me, I thought it was a grooming salon. I relayed this to him. You have to maybe change that sign so that it is very obvious what you sell. I don't know if we can help him with anything, I have no idea.

Commissioner Aieta: At the time of the hearing, when they came in, the Planner offered them that they could put up some signs out in front, special event type signs, and maybe the

Zoning Enforcement officer would let them go for a couple of months, and let him have some signs.

Commissioner Schatz: They have so many days....

Ed Meehan: They used some of that, and they have permission for outside tables.

Commissioner Aieta: Tough spot.

Commissioner Schatz: How many days would they get?

Ed Meehan: Twenty.

Commissioner Schatz: They could split them up?

Ed Meehan: Yes, they could maybe like put a larger sign on the pylon out there, I don't know what the tenant requirements are, the lease requirements....

Commissioner Schatz: It's a bad spot.

Ed Meehan: Good food though.

Commissioner Schatz: Very good.

Ed Meehan: We could put a plug in for that.

Chairman Pruet: Isn't that, can they do, isn't there something for a special event, or another one they can do too and there is some other criteria.

Ed Meehan: They can call their promotions special events, grand openings, Washington Day Sale, whatever they call them, they get twenty days a year.

Chairman Pruet: And nothing above that?

Ed Meehan: No, that is something that we talked about, that maybe it should be more.

Chairman Pruet: Additional comments?

XI. STAFF REPORT

Ed Meehan: On the table is the latest printing of the Zoning Regulations. These regulations are on line. I know, last meeting or meeting before, and Carol mentioned to me, what is the correct date. This is the correct date with the latest revisions. So that is for your use. Two meetings back I passed out the adopted Plan of Conservation and Development, the layout without photos. If you had a chance to look at it, I want to make sure that we gto all of the edits correctly, we went back, we took some more photos, I'm still looking for ideas for the front cover. If you want to do a front cover and I know that there were some concerns about the previous views of this site. This might be an example of a front cover. It doesn't have to be this. If you don't want a front cover with a picture on it, we would just stick with the standard, more government looking cover. The layout, I met with Planometrics who have the electronic file now, and we've got the maps revised for the adopted maps, we've selected pictures and updated the pictures. Before we just had a lot of aerial photos, now we have more ground shots and I want to bring those back to you at your next meeting. The concept

is to get you to read the Plan, make sure that it is right, all the t's are crossed, all the i's are dotted, I think I will ask Mrs. Cohen. Make sure you like the pictures, and we will do a limited printing, of maybe two hundred copies, and that will be continued on the web page as an electronic posting, and then we will maybe do fifty to one hundred CD's, that we will give away free because the Plan is supposed to be available for free. They will be available in the library that way, Town Clerk's office, and so forth, Commission members will get a CD. But, if you have ideas for the cover, this doesn't.....

Commissioner Pane: I thought we picked one last time.

Commissioner Anest: I thought we settled that, the bridge.

Ed Meehan: The bridge, yeah, I have that. The other one had a much different background, it didn't work because it had too much white and yellow, so this is a reshot of that site, but the bridge....there is a picture of a bridge that we took off of the Internet, this one here. We can get another one like this, that is taken by, because I want to give credit, but I don't know who...I'll proceed with that concept. Thank you.

Chairman Pruet: Thanks Ed. I just want to elaborate, I sent out an e-mail except for Bob who doesn't have e-mail, and Mike I will get you one, I thought I had you on there, it's about referring concerns you have, zoning concerns, or safety concerns or whatever concerns and I suggested that there is a format that you can attach to the web site for the Town of Newington and this was my idea, I ran it by Ed, and I did it for one reason, and one reason only, one, by putting that in there you have complete access, direct access to the department heads that affect that concern. For example, if you happen to see a sign out there, or a pot hole, you can contact the highway department. If you see a zoning violation, you can contact Ed. What is good about this is that it tracks into a system; that system is given to the manager of that department and is discussed at their, what are they weekly meetings, or by-weekly meetings,

Ed Meehan: Monthly staff meetings and frequent meetings with the Manager.

Chairman Pruet: Now, that does not preclude, you will notice that I said in there, too about contacting Ed. I think it's good, I think the public enjoys that, especially an additional set of eyes, and I just wanted to clarify that.

Commissioner Aieta: Do you want to go over the other thing from the Manager?

Ed Meehan: Yes, thank you. The Manager got your communication and discussed it with the Chief of Police, but his last communication back was if we have, you have ideas on changing the, it's called the Peddlers and Solicitation Ordinance, I think it's Chapter 113 of the.....

Commissioner Hall: 3.11

Ed Meehan: I would be happy to help you with those, put them together in some sort of a report, and get it going up through the chain of command. It ultimately has to go before the Town Council for their consideration.

Commissioner Aieta: What is the feeling, the feeling that we eliminate them? That was your feeling, that they be eliminated.

Ed Meehan: Maybe this is an opportunity to use your, you had a committee on regulations.....

Chairman Pruet: Yeah, we are going to activate that, matter of fact, I want to get over some of the big plans, and now I'd like to meet, come up with a date, I know that we had interest. Dave said that he would like to be on that, and what we will do is make it a public meeting, and whoever can, Commissioners want to attend it, that's fine too, but we will probably have it in a public spot.

Ed Meehan: If you announce it as a public meeting, we will advertise it with the Town Clerk, then as you say Mr. Chairman, it will be open to the public. Whoever walks in, you can have a little spot on your agenda, call it a working committee but if the public shows up, give them a chance to express their concerns to you.

Chairman Pruet: I'm just concerned, if an afternoon meeting would be appropriate, I know that a lot of people are out a lot of evenings, I need your input on that.

Commissioner Aieta: When we went through the Plan of Development, we met an hour before the meeting, maybe we could do that again. Meet at six o'clock for an hour before and have all of the Commissioners have their input into it. We could go through a couple of pages, I mean, this is pretty thick stuff, heavy stuff, maybe we could go through a couple of pages at a time, and you know, some of us have some ideas of what has to be changed, we talked about the Special Exception, tightening that up, we talked about buffers, we talked about signs, so maybe if we went through, and the people who want to come at six o'clock can come and if not, they don't have to.

Chairman Pruet: And, like you said, it will take a while to go through this whole thing, but the hot issues, that you think.....

Commissioner Aieta: Issues that we talked about, that we brought up here in the last couple of months, those are the things that we should talk about first, and then maybe go through and scan it and see if there are any other areas, right Dom, what do you think?

Commissioner Pane: I think you are absolutely correct.

Chairman Pruet: Okay, so having said that, that's a good idea, so let's meet six o'clock, an hour before our next meeting, go through the regulations, again, nobody is expected to go through the whole thing, but whoever would like to meet at six o'clock, please come forward. If you can't meet, submit some ideas through our e-mail list, bring it to my attention, bring it to Ed's attention, bring it to a fellow Commissioner's attention.

Commissioner Anest: Are you going to notify us like what sections we are going to be going through at a particular meeting? So if we can't make it, we can send our comments in pertaining to that?

Commissioner Aieta: Well, I think the first meeting we should decide what areas are hot that we should be looking at, like the Special Exception, the buffers, some of the things that we talked about in the last several months, and hit those first, and then go through the book and see if there are any other areas, go right from page one.

Commissioner Anest: Just like we did the 2020 Plan.

Chairman Pruet: I think the first couple of meetings, or two or three meetings we'll do the hot issues that we have discussed in the past and then we can go back, like we did with the Plan.

Ed Meehan: So the meeting on the 25th will be like an organizational meeting.

Chairman Pruet: Yes, an organizational meeting, a working meeting, six o'clock, probably the next several until we get it off the ground, and then we can adjust it accordingly.

Commissioner Pane: I had one other thing that I forgot to bring up. Under our regulations we allow charitable events, we've had a few coming in, in the past. It doesn't cover, our regulations don't cover events unless they are charitable and if it's not written in our regulations, it's not an allowed use, and I brought it to the Town Planner's attention that there is events going on at Burger King, Paneira, Arby's that are, can be, and look to be quite dangerous and I want to know whether or not it is an allowed use in our regulations or not. These companies are sponsoring events and we came down hard on somebody, and we protect people when they come in for charitable events and now you've got other people who are having these events and they are not for charity. We need consistency in our regulations, we don't have it. We don't have consistency in our sign regulations, we don't have consistency in our event regulations, we don't have consistency in tree cutting. We've got PC Richards who cut all of the trees down and yet we told Rich Hayes, don't cut those trees down. We need consistency, and I think this Commission needs to talk about consistency in our regulations and I'd like to know how we are going to treat these companies that are having the events? Are they allowed, or are they not allowed?

Commissioner Aieta: You know what he's talking about, talking about the car things that they have every weekend.

Chairman Pruet: The cruise nights and stuff?

Commissioner Aieta: We went after Doogies and said that he couldn't do it, but these people are having, their events are like a thousand times bigger than Doogies.

Commissioner Anest: They don't charge though.

Commissioner Aieta: They don't charge, so that makes it.....

Commissioner Anest: But they're not charitable, because nobody is paying for charity.

Commissioner Aieta: I understand, and our regulations are pretty clear, if it's not in the regulations, then it's not allowed.

Ed Meehan: If these, cruise nights, if they are coming in and they are parking their cars and in the lot and the management lets them park there, they don't consider it as loitering or you know, taking business away, is that a violation of the regulations, they are running a business.

Commissioner Pane: No, they are sponsoring the event, giving out trophies, okay, it's a little different, they are planning the event, they are planning these events, they are giving out trophies, why are you shaking you head no?

Commissioner Anest: Because I know that some don't give out trophies.

Commissioner Pane: And I know that some do.

Commissioner Anest: And I know that some don't.

Commissioner Pane: Well, I'm saying that some do, and we need to look at it, Carol.....

Commissioner Anest: I agree, but you don't have to be so hostile about attacking these businesses, that's all. That is all I'm saying.

Commissioner Pane: I want consistency, we deserve, and the community deserves consistency and there is no consistency right now. There is no consistency in our sign regulations, we got a zoning enforcement officer that goes around, but, and he acts to our complaints, but he doesn't drive around the town himself, because it's pretty obvious that he drives by and he stops one guy from our complaint, but then you see another sign up.

Commissioner Anest: I agree, but P.C.Richard, the guy cut down the trees, he didn't come before.....

Commissioner Pane: The Town Planner was aware that he was cutting the trees down, and somebody should have stopped him from the town, and said, wait a minute, let's look at these trees first, let's see if we can cut them, or trim them, and as a matter of fact, they put some new trees up, that's great, but Rich Hayes wanted to do the same thing, let's have consistency. They put one tree up that I'll tell you in two years it's going to cover their sign.

Chairman Pruet: Well, we can discuss this at our meetings, and if it's another department's violation that we can pick up, or get clarified, then that's what we do, I don't know how that is regulated, the car thing.

Ed Meehan: The car issue is the property owners of these food establishments invite these clubs or organizations in, makes their parking lot available on certain nights, I know that they will actually cone off a driveway to keep people from pulling in and out of a certain driveway to control traffic within the site, and these things I have been going on since I guess about the seventies. I don't know if they are getting any bigger. They used to be at Olympia Diner, they used to be.....

Commissioner Pane: They are parking right on the DOT right of ways.

Ed Meehan: If that is the situation, then it is a traffic enforcement issue with the police department but it's not similar to what is in the regulations now for legitimate charitable organizations that come in and want to sponsor something to raise money for their particular purposes. This is a little bit different, I think. If they are parking all over the highway, and in the travel way, then that's a traffic issue, not a zoning issue. That's how I see it.

Commissioner Pane: So now we can have events, companies can have events if they are not charitable?

Ed Meehan: Companies have events to promote their businesses all of the time.

Commissioner Pane: Okay, that's fine, but don't they come in for these events? To our board, to make sure that traffic concerns are addressed and things like that?

Ed Meehan: They sponsor different types of sales events and promotional events, and there is nothing in the zoning regulations that says that this board gets to look at every thing that

they do from a marketing point of view. If they meet, zoning requirements, zoning controls the location of the building on the property, and the site layout. It doesn't control how they operate their business, unless it gets unsafe. Then it may not be a zoning issue, it may be a police enforcement issue, if it has to do with traffic.

Chairman Pruet: Anything else on staff?

Ed Meehan: I don't want to belabor the different letters that went back and forth between Doogies establishment, you can read and digest them. There were numerous phone calls back and forth, I think it is beating a dead horse because these two letters are repetitive. I think they speak for themselves.

Chairman Pruet: Anything else?

Commissioner Hall: I just have one question, is Cedar Mountain Stone in Wethersfield or Newington?

Ed Meehan: Wethersfield.

Commissioner Hall: That's what I thought, well, that is our gateway to Newington, so for everybody who wants to make the gateway to Newington, we've got it.

XII. ADJOURNMENT

Commissioner Casasanta moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary