

NEWINGTON TOWN PLAN AND ZONING COMMISSION

May 28, 2008

Regular Meeting

Chairman Cathleen Hall 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 Fox
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruet
Commissioner Schatz
Commissioner Camerota
Commissioner Ganley
Commissioner Niro

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. Petition 25-08 – 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Amendment of Special Exception Petition 03-05, “changes to architectural elevations”. Condition of Approval granted March 23, 2005, R-20 Zone District. Continued from May 14, 2008.**

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy, I'm a professional engineer and principle with the firm of Hallisey, Pearson and Cassidy in Rocky Hill, Connecticut. We were before you last month at which time we presented the application for amendments to the special permit. Since such time we have received a staff memo from Ed Meehan, and really, most of the comments in that memo deal more with the architecture and the structural components and also the element on how they are going to finish the building. So with that I'm going to turn it over to the architect, Regina Winters and also to the owners of the Church, Al Chapman is here tonight from the church.

Regina Winters, 233 Blatchley Avenue, New Haven: Actually the first comment is the one about the ability of the owner to proceed in a certain amount of time and the time given is nine months, or, construction to be completed in nine months. Now I'm going to ask Al Chapman to come up behalf of the Church and answer that question, and then we will proceed with the other architectural comments.

Al Chapman: Good evening, my name is Al Chapman, I'm chairman of the building committee for the Three Angels Seventh Day Adventist Church. My address is 3700 Cambridge Drive, Windsor. In reference to statements made at the last meeting regarding the church funding and the Southern New England Conference of Seventh Day Adventists, we're under the general accepted accounting practice of the Southern New England Conference of Seventh Day Adventists. Our books are audited on a yearly basis, they have approved this building project, the funding has been approved. It has been underwritten by the Southern New England Conference of Seventh Day Adventists. We have a fiduciary responsibility to the conference, that being our books, our methods of payment, everything that we do comes under their jurisdiction. Also, we as owners of the property are actually not owners of the property, the Conference holds deed to the property and deed to the building. So when I say that the project has been reviewed and approved by the Conference, it is reviewed and approved with that understanding in mind, that at the end of the day, the liability falls with them, so when they review our financial capability to move forward with this project, it's taken very seriously. It's not just a rubber stamp. Thank you.

Regina Winters: The next two comments are specifically architectural, so I'll address those. You asked about the location of the air units outside, I think that we established that it was a significant hardship to put them inside but we chose the locations outside, here, because they do have to be remote from one another because of the functions that they serve to the building. So when you think about it, our alternative is this corner, which is right at the corner of Church and Pane Road which we did not think would be an appropriate location to do it from the town's perspective, and this corner, which would have impeded the location of parking and spaces and things like that. So that is the reason why we chose those particular corners for the exterior placement of the air handling units.

You asked about the decibel levels of the proposed air handling units and I am going to submit for the record, these air handling units are Trane Voyager 8.5 to 25 ton outdoor air handling units. These are the sound specifications for them, including some additional information from Trane which I'll submit. Just to further explain, the maximum allowable decibel level which is determined and managed by the Air Movement Control Association is 102 decibels for this kind of an application. These will perform at a maximum of 98 decibels and a minimum of 73 decibels and if anybody knows, the way that these perceive sound, particularly in an ambient environment differs depending on that environment and what else is going on, whether there is wind, whether there is other ambient noises and things like that, and so that is why there is a range, but that is the range, 73 to 98 and maximum allowable is 102.

I think the next issue has to do again, I think I may have to turn it back over to the owner, because it is a question about the general contractor and who that is going to be and how this might work.

Al Chapman: Our general contractor is Kirby Bechtold who is in the audience today, and if you would like, he can speak to his licensing, credentials and bonding that he has, and the experience that he has in building structures of this magnitude, size, and scope.

Chairman Hall: I think we would like to hear from him.

Kirby Bechtold, Windsor, Connecticut: I'm Kirby Bechtold, the owner of Bechtold Construction of Windsor, Connecticut. I've been doing church and new homes, for, look at my gray hair, I've been around a while. The church, which you would be most concerned about, past experiences, I've done new construction in South Windsor, I've done one in Danbury, Bethel, I've done one in Boston, I've done one in New York. I've done renovations on older buildings that have been turned into churches. One of them in particular was built in 1800 and that is up in Clinton, Massachusetts, so I've come on board to build this project. Al mentioned one other thing, he mentioned that the funds come from the Conference of Seventh Day Adventists. It just so happens that I happen to be on the board up there at the conference office in South Lancaster,

Massachusetts. We meet once a month, and we review requests such as this one each month, and I can tell you, as one of the sixteen members of that board, at this point, we do have available other funds if the need should be.

Regina Winters: Your next two questions have to do with the condition of the foundation and the site as it exists. I'm going to ask Andrew Inger, our structural engineer to talk about first the foundation and as it complies with the building code, and the compaction of the soil around there.

Andrew Inger, Inger Consulting Engineers, Whitney Street, Hartford: I hold a professional license as a constructional engineer in the State of Connecticut, Massachusetts, New York, Rhode Island and Florida. I looked at the structure before I made some plans for it. This is after the foundation had been constructed, and there are a few cracks along the wall, and the building inspector, the building official was concerned about that and asked me to go and take a look at that and come up with a design to fix those cracks so that they don't become a problem as you put the structure on top of it. So what I did was, I went and looked at the cracks and suggested on the new plan that you have now, you have to fix those cracks. The biggest problem with the cracks right now is that the leakage that is coming through. Structurally, there is no problem with that foundation, so I asked them to chisel this crack on the back side, fill it up, and seal it so that you don't get any more penetration of water from the outside. As far as compacting is concerned, compaction as we know it is to take care of settlement. Compaction is supposed to be done under a structure, not so much on the side of the structure, because if you don't compact the soil properly, it's going to settle. What happens when it settles is that it is going to be different settlements. In other words, one side of the building could settle faster than the other, and it's going to create a lot of cracks on the foundation, so if you don't put your foundation on virgin soil, you are required to compact it to ninety-five percent of the compaction ratio. But the understanding here is the compaction that we are worried about is not under the footing but on the side of the foundation wall. That compaction is not of particular importance to the structure. What is of importance is, if you are going to put a sidewalk around the building, next to the building, a walkway, and if you do not compact that properly, there is a good chance that that ground is going to settle and create an uneven sidewalk for you, but if you don't have that, then you don't have to worry about that. Structurally, compacting is not that important on the side of a structure. What it does do, is it makes the soil dense, denser than if you didn't compact it and would create a lot more lateral loads on the foundation itself, so that is not a good thing, but it does help with settlement for the future.

Commissioner Pane: Madam Chairman, could maybe the engineer explain in his opinion, whether or not, in several areas where the parking is being planned, there is over twelve feet of fill, that was moved, on top of stumps and grubs that didn't get grubbed out, so that was not compacted, so twelve feet.....

Andrew Inger: Okay, you are talking about the parking lot?

Commissioner Pane: Yes, sir.

Andrew Inger: Not the structure itself. Yes, it is, as I say, important that you compact any kind of soil to avoid settlement. There is no question about that. So, if the parking lot is a problem, then the parking lot has not been put in yet, so it could be compacted before paving. Obviously, you said twelve inches....

Commissioner Pane: Twelve feet.

Andrew Inger: If you have twelve feet of it, then you definitely have to take it out and compact it as required to put that parking space in there, but I'm only hoping that they didn't go that far, all

the way out to, this is the structure, I'm hoping that they didn't come all the way out here to excavate the foundation.

Commissioner Pane: They did.

Andrew Inger: They did?

Commissioner Pane: All that side is all twelve feet of fill there and so is the back area. They just dug everything out and moved it this way. They put all the dirt from the foundation over.....

Andrew Inger: Do you know if it was trucked out?

Commissioner Pane: No sir, nothing was trucked out.

Andrew Inger: Then that would be, as far as structure is concerned, that's not a problem right now, but to put in a good parking lot you need to have that compacted.

Commissioner Pane: Thank you.

Ed Meehan: Would this compaction along the side of the building you mentioned be important in relationship to the proposal to put the mechanicals and HVAC units outside at the corners?

Andrew Inger: If you go to put in those units, and you have to, as I mentioned compaction under a structure is extremely important, so in order to put that in you would have to compact the soil in that area.

Ed Meehan: Okay, thank you.

Commissioner Pane: As far as the mechanicals are concerned, the one that is closest to Church Street there, I'm not in favor of these mechanical units being on the outside because I think the impact on the residential neighborhood is strong. But, if you did put the mechanical unit on the Church Street side, there is a six inch fire protection and a two inch water main right underneath that air handling unit, and it has to have five feet of ground cover over it. How do you plan on doing that, if we did allow that mechanical unit to be outside?

Andrew Inger: Structurally, what you do is, you protect the pipe, the pipe that goes to the foundation. You build and reinforce the opening that goes around the pipe, so there is no settlement in there.

Commissioner Pane: You're misunderstanding what....

Jim Cassidy: We noticed that when we went back to the site plan, we took an elevation on that and found that it was too high, and if you look on the site grading utility plan, you will note that those two lines actually have to be relocated and dropped to provide the five feet of cover underneath our platform for the mechanical units, so we are well aware of that, and it is already noted on the plans.

Commissioner Pane: Okay, thank you.

Regina Winters: That is the extent of our presentation, because that was the extent of your comments, but certainly we will be glad to answer any questions that you might ask.

Chairman Hall: Ed?

Ed Meehan: Those are questions that I gleaned from reading the minutes since I wasn't at the hearing. I may have missed some that are important to Commission members so if I have, I encourage you to raise them. The way I understand the explanation that Mr. Chapman offered is that, I guess the Conference is basically providing a construction loan, it sounds like for this organization to go forward which clarifies the question from the previous meeting back on May 14th. This is not something the Planning and Zoning Commission normally gets into the area of how a building is going to be financed, and it's financial wherewithal to complete its project, but I think it's important to talk about this so that there's a comfort level, since the history with this now is going on almost two years. I think that information that was brought forward is important to keep in mind, and I raised it also in my staff report, with the possibility of the need for a pre-development bond on some level, so that if this project gets going and gets sidetracked again, there is some availability for the Town to have some security to go in and maybe make sure the erosion control measures are stabilized and in place, that some loam and seeding is done so the site doesn't look as unfinished as it does today. I just raise that as a suggestion, not something that we have done as a Commission, we usually take our bond at the time of Certificate of Occupancy for uncompleted work, again, this is something that the Commission could talk about. I do understand, I think I understood the builder, I'm not sure I heard this, that you are going to be able to start and finish this in nine months? I wasn't clear on that. When would it start and when, and what's the probability of that. That was in the minutes of May 14th, I don't know if that is still....

Al Chapman: We had stated at the last meeting, that once given approval that we would proceed unabated for approximately nine months to completion.

Ed Meehan: Okay.

Chairman Hall: How soon do you think you would be able to start.

Al Chapman: We have been waiting to start since we submitted our plans to the Building Department for approval, so we would start immediately.

Commissioner Niro: And the winter wouldn't bother you? No problem going through the winter?

Al Chapman: No, once we have the superstructure up and we are inside framing, we can go through the winter.

Commissioner Ganley: Comments to the engineer, he alluded to the staff report, and quite frankly, I wasn't clear enough, or I didn't catch it, if I didn't catch it, I didn't catch it, but to what extent there was some consultation between the petitioner and the engineering department as it relates to these recommendations, staff comments and so on. So you alluded to it, but I didn't catch the whole thing, I don't know if you saw this in advance and you have since been in consultation, and you have addressed these issues?

Jim Cassidy: What is the date of the memo that you are referring to?

Commissioner Ganley: The one here, May 14th.

Jim Cassidy: We had gone through those at the previous meeting, they were all requirements and explanation on the site plans which have been addressed already, I can go through them again, if you wish.

Commissioner Ganley: No, if I missed it.....

Jim Cassidy: We did go through everything at the previous meeting.

Commissioner Ganley: Thank you.

Chairman Hall: Are you finished with your presentation?

Jim Cassidy: I believe so, unless anyone has some questions for us.

Chairman Hall: We may have some later, but at this time I'd like to continue with the public hearing and if there is anyone present who wishes to speak in favor of the petition, come forward, state your name and address. Is there anyone wishing to speak against the petition? Again, come forward, state your name and address.

Frank Aieta, 595 Church Street: Unfortunately my neighbor, Michael Roche wanted to be here, but he's out of town on business. I talked to him today. We still have the same concerns, I appreciate the architect coming back with the decibel levels, and telling us the size of the air conditioning units, but let's remember that this is a commercial piece of property, and a commercial type development in a residential zone, and those load ratings, and those decibel levels are for a commercial area. You are right across the street from my house, with air conditioners that are going to be kicking on and off during the middle of the night, and these are not home air conditioners. The tonnage that you are talking about is enormous. Those things, the decibel levels, what do they mean to this Commission? I don't think anyone on this Commission knows what those decibel levels mean in terms of what kind of noise we are talking about. I think the Commission should do their due diligence and find out exactly what those decibel levels mean because it is right across the street from my house. Those things will be kicking on and off all night long, and it's not like your normal home air conditioner. This is what, a twenty thousand square foot building, maybe more, and you're cooling that down. I'm against that, you know my position, I talked about it, I don't want to berate this thing any more than I did last week, but I'm against, that is one of the biggest sticking points for me, having those air conditioners right across the street from my house. Also the parking, the two parking places where the lights will be shining into my house. They weren't on the original site plan, the original site plan that was approved two, three years ago didn't have the air conditioning units there, didn't have the parking there, didn't have the commercial kitchen with the chimney sticking out. I mean, you had the opportunity to go forward with this plan a long time ago with the original site plan, and original approval that you got three years ago, why didn't you proceed with what you had? I think that should be addressed, you shouldn't even be back here. You had an approval, you had an approved site plan, why are we back here addressing something that is already started, already, foundation is already in, and we're three years down the road and we're talking about changing things and changing the site, that are detrimental to me as a property owner. I own the property directly across the street, my house, and four acres of land, my house, the house next to that, and another building lot. I own like five acres of land that is my future, my whole retirement is in that piece of property, and you have de-valued my property, by the condition of the site the way it is now, and I'm concerned about what it is going to look like when, you haven't demonstrated neighborliness to me. I mean, you are a church group, you have no consideration for me as a neighbor, at all, particularly with these kind of changes. Then you are also talking about, if you put this structure over the building line, with the water lines going right through it, I don't know how you are going to drop the water line. I was on the Commission, the Metropolitan District for years, and I don't know how you are going to drop that and get five feet of coverage, when this pit is five feet deep. You don't even have the cover on it now, I don't know how you are going to do that. But you are also, when you put this pit in, you are going to have to drain it, and to drain it, you are going to have a rip-rap of outfall that is going to be an eye sore directly across from my house. If you put that pit, not only is it noisy, it's unsightly, you will have to drain it. You know there are other deficiencies in this site as far as the walkways in the front, but the three main

issues with me are the air conditioning, the commercial kitchen and the handicapped parking that is directly across from my house.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition to this petition? Anyone wishing to speak on the topic, not pro or against? Okay, let's go.....

Al Chapman: Could I just speak about the use of the building? It may help clarify some things. I think we mentioned at the last meeting that the changes, some of the changes in question, the commercial kitchen and the parking change were actually requirements placed on us by the Town. The handicapped parking, that change was specified by the Building Inspector, and also the commercial kitchen. Our primary use of the building is, we have a meeting on Wednesday evening that is about an hour and a half, we have a meeting on Friday evening, about an hour and a half, and we have our Saturday service, during daylight hours from about nine in the morning until about two in the afternoon. The air handlers won't be kicking on at night because we won't be cooling an empty building, and we don't have many night services at all. It's a rare occasion when we have some type of meeting that is held during the week, and even if it is held for a week span, we would be out of the building by 9:00 p.m. at the latest, so there won't be the encroachment of noise at all hours of the night during any season of the year, for whatever reason because we just won't be heating or cooling the institution during those hours. That is the main use of the building, Saturday, Friday evening, Wednesday evening and during daylight hours some of the other days of the week.

Chairman Hall: Any other discussion around the table, questions?

Commissioner Schatz: I have a question. How many ton are those air conditioners? It is on here somewhere?

Ed Meehan: I think they said seventeen and a half.

Commissioner Schatz: Is it on here somewhere?

Ed Meehan: No, it's on this literature here.

Commissioner Schatz: Okay.

Commissioner Fox: Is that a general publication, or is that for these specific units?

Regina Winters: That's for these specific units. We gave the information from these units to Trane and they sent that back to us. This is something you can do on line, we punched in all of the data for these specific units, sent it to Trane, and they e-mailed it back to us.

Ed Meehan: A follow-up question on these units, particularly the one on Church Street, this is in a well, and it's got a solid plank fence above that well, has any investigation been done as to what the decibel level is at the property line? You know, fifteen, twenty feet away, thirty-five feet away?

Regina Winters: No, no, and the thing is, it's difficult to pinpoint exactly what the decibel level is going to be because there are so many factors that affect it, not only a hearing distance from the unit, but also the environment, what is going on in the environment. So the, like I said, the range is seventy-three to ninety-eight, so I would assume, and these are static decibel levels so they don't even include the effects of the environment, but technically if everything was completely quiet around this unit, you wouldn't get to ninety-eight unless you were standing right next to the

unit and it kicked on. So, exponentially, the farther away you get from it, and the more ambient noise there is around, the lower that rating gets, down to seventy-three.

Commissioner Fox: I think Mr. Aieta brought up a good point, and maybe you can answer this question, what does going to the max, ninety-eight decibels mean? Is it as loud as a locomotive passing by, loud as a gunshot?

Regina Winter: I'll give you some examples, I just happen to have them. A vacuum cleaner is seventy decibels, a washing machine is seventy-eight decibels, a diesel truck is eighty-four decibels, a farm tractor is ninety-eight decibels. So I think that covers the range.

Commissioner Pane: Madam Chairman, I just wanted to put on the record, since I wasn't here last meeting that I have read the minutes thoroughly and I did get a copy of the blueprints of the original approved plans for this project and the existing ones that were presented last meeting, through Ed, and I also have visited the site and I feel that I am informed with everything that happened last meeting. Now to get into a couple of other things, if I may, under Special Exception it doesn't mean that we have to grant something under Special Exception. It means special that we have to protect the adjacent property owners, that's the most important thing under Special Exception. Matter of fact, under Special Exception we could present timeliness under Special Exceptions if we find that there is cause to make sure that the adjacent neighbors are protected. I just wanted to bring that up.

I think that those air conditioning units shouldn't be there. Besides the noise level, they're unsightly and those are not typically done for a building like this. The original plan had them inside, they should be inside. I also think that the parking space in the front there, at Church Street, is only five feet off the pavement, I have a big problem with that, the handicapped parking space. It's got to be relocated somewhere else. The chimney is also a problem. One of the other problems that I have with this, is on the side that abuts the house to the south, I don't see any buffer there. It says that there is a twenty-five foot buffer, but I don't see any trees there. Now under Special Exception they have to comply with our buffer regulations and that states in our regulations that there is supposed to be two rows of five foot trees planted every fifteen feet apart, staggered. I don't see that on the plans. I just think that it's very important to have the adjacent neighborhood protected.

I also would like to bring up the parking. I don't know what the occupancy level of the building is, but there is only fifty-seven parking spaces. I would like to bring this Commission, there is a small church on Maple Hill, that was approved some years ago, and they came in and said, well, they have a small congregation, we allowed it to come in, they only had so many parking spaces, now they've grown, and the parking has expanded into the street and the adjacent property. There is a right of way right next to the church, and they have forty, fifty cars parking there. Now, we can't have that happen on the corner of Pane Road and Church Street. So I think it is very important that the Commission takes a look at that other church down on Maple Hill and we somehow protect the streets by either by putting a maximum level on this, or putting a time limit on it, so that the parking doesn't become a problem. After all, this church had the opportunity to buy an additional one acre parcel south, or west, okay, down Pane Road. They had an opportunity, they may still have an opportunity to buy that additional one acre of land. I think that this whole project is very tight for parking. I mean, the whole object of a church and a congregation is to build that congregation up, and bring more members into it. Well, with fifty-seven parking spaces, how many members can you have? I would just like to have the Commissioners to think about those items. Thank you, Madam Chairman.

Chairman Hall: Okay. Anyone else? Ed, do you have anything else that you want to add at this time?

Ed Meehan: No, I'm all set, thanks.

Chairman Hall: I think at this point, oh, I'm sorry....

Commissioner Ganley: I don't know how much more we can get out of this.

Chairman Hall: That's essentially where I was coming from, I think we have probably talked this from every angle, and I think at this point we can close this and move on.

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

None.

IV. MINUTES

May 8, 2008 – Special Meeting
May 14, 2008 – Regular Meeting

Commissioner Pruett moved to accept the minutes of the May 8, 2008 Special Meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Pruett moved to accept the minutes of the May 14, 2008 Special Meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: Just to mention the follow-up on that Special Meeting, the Commission members who have been contacted by Attorney Sterling, there are follow-up letters for you on the table tonight. That matter has been postponed until June 30th. Right now a tentative date, so if you haven't called back to his office, please do so to let him know if you can make the 30th of June or you can't make it.

VI. NEW BUSINESS

A. Petition 26-08 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Site Plan Modifications to Petition 04-05 approved March 23, 2005. Continued from May 14, 2008.

Jim Cassiday: My name is Jim Cassidy, my address is 35 Cold Spring Road, Rocky Hill, Connecticut. I'm an engineer for Hallisey, Pearson and Cassidy. I'll just briefly go over some of the site comments and talk a little bit about parking. The building occupancy level is 170 people. Your zoning requirement is three spaces, or one space for three people, so that's fifty-seven spaces for the site. I think the way to have no parking on the roadways is to post no parking, and if we do find that we are short of parking, we would have to come up with an area where we would need some off site parking, because there is not going to be any additional room for parking on this site, other than the fifty-seven spaces that we are proposing. With respect to this handicapped space up along Church Street, the requirement is five feet from the front property line, per your zoning regulations, that's the way the parking space is actually set up. We don't want it there. When we initially designed the site plan we didn't think we needed it there. When we submitted for a building permit, the building official made the determination that he thinks we

need a handicapped space as close to that front entrance for accessibility, as possible. What we can do is to go to the State Building Inspector for a clarification of that regulation, and see if the State Building Inspector feels the same way, if he does, then we can go to the Board of Disabilities and request a waiver of that requirement. We think we are eligible for it, mainly because we have handicapped spaces back here, we have an accessible ramp to our lower section, and when you get into the building, you have an elevator to get you to the upper level, so we think we are a good candidate to get that space waived from that location, and we promise that we will proceed with that, and try to get a waiver from the State Building Inspector or the Commission on Disabilities.

With respect to buffering, from the property to the north, the majority of this area in this location is going to consist of a shallow detention basin. Presently all the drainage from this site runs from this northwesterly corner of the property down to the southeasterly corner. We are building a new drainage system which will take the water from the parking lot and tie into the drainage system in Pane Road, so we need to control that water before it goes into that system. With respect to buffering, way back when we did our initial site plan, we actually proposed to put a series of evergreens, a double row of evergreens along this whole side of the slope to act as a buffer between us and the property owner to the south. It was determined by the property owner and by the Commission that the preference would be to actually go with a six foot high solid vinyl fence as shown on the plan, and as shown on the detail, so that is something that is lingering from the previous application. Again we did propose an evergreen edge along that whole property line, but it was determined that the preference would be to have a solid vinyl fence along that whole property line, so that is on the plans at this point.

I think with that, that is all the additional comments, oh, sorry, one more thing, there was a comment about this area well for this unit, it is down below grade. It is about four feet to the bottom below grade, so it is lower than the surrounding grade. We do have a little area drain in it, it's about fifteen feet wide by twenty feet long. It does go over the building line, but in reviewing it with the zoning and building department they determined that this structure could go over the building set back line because it is actually a modular block retaining wall structure, it's not part of the actual building. The only thing that could not go over the building line would be the air handling unit itself, which does comply with the thirty foot setback in that area. Because it is a depressed area, there is a small four inch diameter drain in it, so any water that collects within that fifteen by twenty foot area can go into that area drain, discharges through a pipe to a drainage swale that runs along this entirely southerly property line. In the initial comments received from town engineering they asked that we take that pipe and reroute it, all the way down basically to our detention basin and reviewing it, what I think we determined was that this swale, along this property line is more important to have because basically everything from the south side, the grass area from the south side of the parking lot slopes down to that swale, and this area is a lot larger than that little area, therefore to be sure that none of the runoff from the lawn area goes onto the abutting property owner to the south, we would really like to keep that swale there, so right now we have a pipe that is discharging to it collects to a small rip rap pad and what we agreed to do is to put a couple of elbows in it, and bend it down along that swale so it's directing in an easterly direction rather than directing towards the south towards the property owner. With that, I conclude my additional comments, I'd be glad to answer questions you may have.

Ed Meehan: I know from the minutes and I don't want to be repetitive, from the last meeting, but we did talk about trying to reduce some of the pavement on the Pane Road side with the exit walkways. That was required by code, building code, I believe.

Jim Cassidy: Yes, we have two exit doors along the north side of the building out towards Pane Road. Correct me if I'm wrong, Regina, but we need to keep at least one of them for accessibility to the building in case of emergency. From these two doors, right now we have a four foot wide sidewalk that feeds back to the parking lot in case someone needs to get out in case of

emergency they have some place to go. Staff made a recommendation that we reduce the amount of sidewalks in the area, so what we can do is we can take one of these sidewalks and run it directly out to Pane Road, so people have an accessible route to get to. Then the additional door, we can just leave a concrete pad at, and eliminate the remaining sidewalks. So it will substantially reduce the amount of sidewalk along that side of the building.

Ed Meehan: One more question on this Church Street side, HVAC unit, it's four feet below grade, and the unit is probably going to sit on a curb....

Jim Cassidy: The bottom of the unit is almost sitting at the top of the retaining wall elevation because what happens is that the ducts are coming out of the bottom of it and feeding through the foundation walls, so along the top of that retaining wall, is going to be a four foot high solid fence, which is actually shown here on these elevations, so that would be screening the units. You wouldn't see the unit because it would be behind the fence. The units themselves are not sunk down.

Ed Meehan: Thank you.

Regina Winters: This is a rendering we did of the building which shows the vinyl fence around each of the air handling units, and again, you won't be able to see the units at all, it's behind the fence and we have also included plantings, arborvitae which will add to muffling whatever sound is coming from the air handling units and masking the area.

Commissioner Pruet: What is the square footage of that building, and also is it the same square footage as the original plans?

Jim Cassidy: Yes, it's the same square footage as the original plans, that's actually the foundation that was on the original plan, poured in place and that is what we are working on, I'm trying to think, I want to say....

Regina Winters: Each floor is a little bit over 4300 square feet, so it's about 7000 square feet total.

Commissioner Pruet: Also, what are the numbers they are looking for for occupancy of the building, like for the main area.

Jim Cassidy: We're looking for an occupancy of 171.

Ed Meehan: Is that per the Fire Marshal?

Regina Winters: The occupancy, I believe building code, by building code, and it's approved also by the Fire Marshal but it's based on square footage, and actually it's based on the maximum number of people you can have in the largest unseated space. There are only 100 seats in the sanctuary, but because the Fellowship Hall is essentially the same size and people can be there standing, they'll probably not ever have a function where there are people taking up seven square feet per person, but that is the number we had to use to determine the load on the building.

Chairman Hall: Other questions?

Commissioner Ganley: Just this sidewalk that is going to run from the northerly side of the building, it will run northerly to Pane Road? That was a suggestion to ease up the amount of...

Jim Cassidy: To reduce the amount of pavement on the site.

Commissioner Ganley: If you would do that again, please, it's going to go?

Jim Cassidy: This is the door, this is the door that we would have the accessibility to, so we would come out of this door, straight up.

Commissioner Ganley: To Pane Road.

Jim Cassidy: Yes.

Commissioner Ganley: So the sidewalk ends at the Pane Road curbing.

Jim Cassidy: Correct.

Commissioner Ganley: To serve what purpose?

Jim Cassidy: In case there is an emergency and emergency apparatus needs to get in and get people out of the building, they have a point of access.

Commissioner Ganley: Thank you.

Ed Meehan: To give some background history, these issues, these items that are being talked about, Mr. Cassidy mentioned the handicapped space on Church Street, the sidewalks coming out onto Pane Road, and the architectural impact, I'll call it the mushroom, the vent, are code related subsequent to the original approval. After all of the building plans got submitted through the building department, after this board approved the land use side of it, the code official added those three items.

Commissioner Pane: Madam Chairman, weren't these plans reviewed? Weren't these plans reviewed during the whole process of this Commission, I mean, normally,.....

Ed Meehan: The floor plans are, but not to the detail....

Commissioner Pane: The parking area is.

Ed Meehan: Oh yeah, that was reviewed.

Commissioner Pane: So how did the handicapped, how did the handicapped space get missed?

Ed Meehan: It wasn't. The original handicapped spaces have always been down below where the number of spaces there provided are adequate. When it went through the actual issuance of the building permit, the building department said, well, you've got a second level, we interpret it to require you to have an accessible space on that second level.

Commissioner Pane: But he must have seen that second level when he looked at the plans when the plans were coming in.

Ed Meehan: Well, if he did, he didn't require it at that time. I don't agree that it is needed there. We've discussed it at staff, we would support it being eliminated, I would like to see some of the sidewalks out to Pane Road reduced, because the original plans don't have all of that. Originally they were going to be bituminous and I recommended that they have to be concrete sidewalks.

Commissioner Pane: Are those concrete?

Ed Meehan: Those are concrete.

Commissioner Pane: They look like they are bituminous.

Ed Meehan: They are supposed to be concrete.

Jim Cassidy: They are bituminous on the plans but per recommendation of staff they have to be concrete.

Chairman Hall: Any other questions, I think that's it. Thank you very much.

B. PETITION 20-08 – 29 Costello Place, Rafael Amaya Architects, applicant, DPP Investments, LLC owner, request for Site Modification to add to existing building PD Zone District. Postponed from April 23, 2008. Sixty five day decision period ends June 13, 2008. Continued from May 14, 2008.

Ed Meehan: I don't think the applicant is here. I talked to the project engineer this afternoon, and Tony Ferrero, our town engineer, at the last meeting the detention basin capacity estimates were turned in that evening, and the engineering staff has gone through those and found that they are adequate, so they're really isn't any follow up on the engineering. But what the project engineer is concerned about is that the proposed detention system is in the way of a galley, a couple galleys on the south side of the building, and in order to get the drainage line into that, they would have to go very near an existing underground gas line and underground electrical line. He has advised his clients to reconsider that location of the galleys and switch it to the northern side of the site. Once they make that decision, they will come back with their final plans. They need to get Call Before You Dig out there to do a markout, to see where everything is. It's also my concern that that side of the building abuts the back yards of Adams Drive, which is a residential zone, and they are supposed to maintain the buffer in there. If they put in the storm drainage line, and they put in the galleys, they're not going to have anything left for natural vegetation, so I recommended that they go the other way. They are going to cost that out and come back with that information.

Commissioner Ganley: Is there a time frame, it's apparent that he is going to be getting some kind of a continuance, from now to a particular date, how any idea of what a window there might be so that we could fix a date when this would come back to us and thus give you time in the interim to review what it is he is going to make in terms of modifications.

Ed Meehan: If they are going to modify the location of the detention basin, we'll have it by the end of next week, ready for the Commission meeting on the 11th.

Commissioner Ganley: Okay.

C. PETITION 27-08 – 597 North Mountain Road, Hawthorne MBM, LLC owners, Sudhakar Nagarokolekar, Architect, c/o Russell & Dawson, 330 Roberts Street, East Hartford, CT 06108-3654 applicant, request for Site Plan Modification, Section 5.3 to convert part of B & L Lighting Co. Building to office use. I Zone District.

Sudhakar Nagarokolekar: Good evening, my name is Sudhakar Nagarokolekar, I'm a principle in the firm of Russell & Dawson Architect and Engineers. What we are here for is that Data Mail also owns one of the buildings which is called B & L Lighting Company, at one time. I believe that the latest addition on that building was done in 1977, so I would think that the remainder of the building was built way before that. The building as you know has got lots of loading docks there

right now and as Data Mail is adding new equipment for printing and stuff like that they are kind of squeezing all the office staff. They are not adding any, but they are just squeezing them in a place where they just can't seem to work. So the intention here is to modify the existing building, remove the three loading docks out of there, do a little green area in front here, add some five to seven parking spaces over there, and the building being four foot high as it is because it was designed for the loading dock area, we'll be putting the new entrance, the new handicapped ramp, stairs to get into the building. Basically, as you see this is the best that I could take the pictures, because when the trucks are there I can't even take a picture of the whole building, so we are going to modify half of the building right now with new windows and a new façade on top and also carrying the windows, which are not there on this side, which is the northwest side, has very high level windows there and they are right now, so we are kind of bringing that building up a little bit and we're hoping that this Commission will see that there is some improvements in there, reduce drainage, we are also proposing right now, the building kind of pitches both ways, southwest and northwest, the water is just running down. We wish to kind of capture all this water and put in underground drains to reduce the impact that is there right now on the existing area. So essentially, what they are trying to do, is to out of all this squeezed area, the office space, they want to get their payroll and purchasing department there, Data Mail would really love to stay in Newington unless they are forced, and that is what they are trying to do. So they need the office space, it's got probably twenty-eight work stations that are going to be there inside, about eight offices, a couple of conference rooms, and a little lunch room. It is their hope in the future to try to modify or to do the rest of the remainder of the modifications to the building, but they haven't reached that decision yet. Right now we are proposing half of the building basically modified for the office use, the remainder of the half of the building will remain as it is. We are removing three loading docks out of there. There are six loading docks, three will go and the building will be essentially (inaudible) as you probably have seen it if you have been by there. Again, we meet all of the zoning requirements and as we stated before, there is no increase in staff so all of these thirty-four spaces, really 491 spaces that they have right now would satisfy all of the requirements that they have.

Chairman Hall: Thank you. Ed?

Ed Meehan: I think it's important as Suda said at the end, in his presentation, the people who are there now are moving from the main building over to this new office space, so there is no increase in the net number of new parking spaces required which was one of the first things that we looked at. The redevelopment of this B & L Lighting building is heading in the right direction in my opinion, it's reducing the non-conforming loading docks that face North Mountain Road, it's trying to address a drainage problem which is not good at that area. It's street drainage that is a result of roof drains and everything being blacktopped so that is a good improvement. So you have the roof drains, the street drainage, the accessible ADA parking out front, reduction in impervious surface and architectural improvements, which, I talked to Mr. Mandell today and he says, as Suda said, this is something that they hope they can finish, the rest of this building in the near future, and it would really make this a nice campus.

Chairman Hall: Questions from the Commissioners? I only have one. I'm assuming that this is Hartford Avenue, and this is North Mountain Road?

Sudhakar Nagarokolekar: No, this is North Mountain Road.

Chairman Hall: That's North Mountain Road, and this is Hartford Avenue.

Sudhakar Nagarokolekar: And then they have that entrance, and they have the executive offices here.

Chairman Hall: And that view is actually take from North Mountain Road.

Sudhakar Nagarokolekar: From here, right. The idea there was if we could improve this side and add some windows on that side, which there are no windows on that side whatsoever, if there are they are way at the top, so we're kind of making this really nice, and then the next thing is to, the next proposal will probably continue this treatment all around the building and improve the looks of the building and essentially maybe one day they probably, may not have any loading docks.

Chairman Hall: Any other questions?

Ed Meehan: We're hoping to find a place for Data Mail to do some storage for loading docks someplace else.

Chairman Hall: Thank you very much.

VII. OLD BUSINESS

- A. **PETITION 07-08 Faye H. Karanian, 179 Meadow Street, Newington, CT 06111 applicant request for Zone Regulation Amendment "to restore Section 6.7" formerly Interior Lots and Single Family Homes, deleted effective August 15, 2007. Hearing closed March 26, 2008. Sixty five day decision period ends May 30, 2008.**

Commissioner Pruettt moved that Petition 07-08 – Faye H. Karanian, 179 Meadow Street, Newington, CT 06111 applicant request for Zone Regulation Amendment "to restore Section 6.7" formerly Interior Lots and Single Family Homes, deleted effective August 15, 2007 be denied for the following reasons:

1. Amendment to re-instate Section 6.7 would be applicable to all single-family residential districts. The applicant has not presented any information on the potential impact to existing vacant residential parcels or the estimated number of properties that might qualify to apply an interior lot special exception.
2. The applicant presentation at public hearing on March 26th did not bring forth any new information regarding why Section 6.7 should be restored.
3. The Commission is concerned that Section 6.7 as proposed to be restored by the applicant, could result in over crowding by the development of an interior "flag lots" stacked behind existing homes with conforming street frontage. This over crowding would not be compatible with development character the Commission wants to maintain for the Town's established single-family residential districts.
4. The Commission received comments from the Newington Fire Marshal (May 29, 2007) prior to voting to delete Section 6.7 supporting the elimination of interior lots because of public safety concerns that access by emergency vehicles to these parcels is difficult and long private driveways are frequently not maintained.

The motion was seconded by Commissioner Fox.

Chairman Hall: Discussion?

Commissioner Pane: Madam Chairman, I will vote no on this, I think you guys know my opinion on this, I think that interior lots is something that is needed in the Town of Newington. Our

forefathers had it in our regulations, it has not been a big impact in the Town of Newington in the past, I don't foresee it to be a large impact in the future. It only affects a few lots and I feel that it's something that certain parcels, it's needed for certain parcels because of the way the Town of Newington was cut up, the property was cut up. Thank you.

Chairman Hall: Other comments?

Commissioner Fox: I will be voting in favor of this denial for just about the reasons that are presented. While, there may or may not be only a few lots that are affected as Commissioner Pane has just stated, and this is one of the reasons that I am voting against it, the number of interior lots that we have approved, that have come before us in the last ten years is very minimum, and I agree with the statement that allowing interior lots in Newington is just adding to the congestion. Newington has enough trouble retaining a small town flavor, so to speak, and although there is very little property left, I have always been a big believer in open space and I really don't believe that any future interior lots would be conducive to good planning. Thank you.

Commissioner Schatz: As Commissioner Pane said, our forefathers thought it would be a pretty good idea to have interior lots but they didn't exist, because in those days you had chickens and victory gardens in your back yard, you didn't have interior lots, that's why the lots were large.

Chairman Hall: Any other comments? I'd just like to say that I agree with the four reasons for not bringing it back, and I think back when Newington wasn't quite as densely populated that there were instances that when you carved up a portion of a neighborhood, it really didn't matter. But I think at this point because we are so heavily developed, that what does remain, we will end up with a stacking attitude, that the only reason that you are going to have another house on a flag lot is again to maximize as much coverage of the lot as possible. I don't think we necessarily need to do that. Number four in particular, I know that it is a safety factor, that if an emergency vehicle is trying to find an address, they try very hard to view everything within their sight line, to try to look for something that might be at the foot of a driveway, maybe not knowing exactly where that house is, it can be a problem and can waste precious minutes when somebody needs help. Last, I know for a fact that a rear lot is more difficult to sell, and I think it actually is a detriment to the front lot to have a lot in the back. The back lot may have the benefit of a little bit more open space, because often times they do, they may be up against a wooded area, or a brook, or whatever and they may have a little bit more space and a little bit more privacy, but the front lot then becomes surrounded by property, and it is very difficult to sell that. If somebody steps on the back porch of that front lot, and sees something in the back, it immediately turns them off, so I think, to protect some property values, it would be important not to have the flag lots. Any other comments?

The vote was in favor of the motion, with five voting YES and one NAY (Pane.)

B. PETITION 08-08 Faye H. Karanian, owner and applicant, 179 Meadow Street, Newington, CT 06111 request for interior lot at 179 Meadow Street Section 6.7 (proposed) R-12 Zone District. Hearing closed March 26, 2008. Sixty five day decision period ends May 30, 2008.

Commissioner Kornichuk moved that PETITION 08-08 Faye H. Karanian, owner and applicant, 179 Meadow Street, Newington, CT 06111 request for interior lot at 179 Meadow Street Section 6.7 (proposed) R-12 Zone District. (Public Hearing closed March 26, 2008) be denied because Petition 07-08 request to restore Section 6.7 has not been approved by the Commission.

The motion was seconded by Commission Fox.

Chairman Hall: Discussion? I think it's pretty self explanatory that since there is no regulation for it that we cannot approve this interior lot.

The vote was in favor of the motion with five voting YES and one NAY (Pane.)

C. PETITION 19-08 – 26-28 Eighth Street, Sebastiano Menta owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for re-subdivision approval duplex property R-7 Zone District. Public hearing closed April 23, 2008. Sixty five day decision period ends June 27, 2008.

Commissioner Schatz moved that PETITION 19-08 26-28 Eighth Street, Sebastiano Menta owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for re-subdivision approval duplex property R-7 Zone District be approved finding that the map prepared by BGI Land Surveyors, dated April 4, 2008 scale 1"=20' shows compliance with the Zoning Regulations and the Building Department has inspected and certified that the utility separations and firewall protection are complete.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Discussion? Ed, this is pretty much a done deal, right?

Ed Meehan: It's straight forward, it's a re-subdivision and it was postponed last time because the fire wall protection in the basement hadn't been completed. That was inspected today and found in compliance.

The vote was unanimously in favor of the motion, with six voting YES.

D. PETITION 24-08 – 133 Louis Street, Dr. Stephen C. Judson applicant, Innate Investments, LLC owner, request for Special Exception Section 6.4.2 ground sign, PD Zone District. Public Hearing closed May 14, 2008. Sixty five day decision period ends July 18, 2008.

Commissioner Pane moved that PETITION 24-08 - 133 Louis Street, Dr. Stephen C. Judson applicant, Innate Investments, LLC owner, request for Special Exception Section 6.4.2 ground sign, PD Zone District be approved with the following conditions:

1. A non illuminated two sided sign, with maximum sign area of 30 square feet per side, total height not to exceed seven (7) feet as presented to the Commission at public hearing May 14, 2008.
2. The sign shall be placed at least two (2) feet behind the street right of way boundary.
3. Prior to placement a zoning and building permit shall be obtained. Mark outs of utilities shall be verified.

The motion was seconded by Commissioner Pruett.

Chairman Hall: Ed, anything for this? It's non illuminated, which is important.

Ed Meehan: That is the key point here, because of the residential uses across the street at Hunters and a little bit up the street at Foxboro, non illuminated signs are the preference on this street.

The vote was unanimously in favor of the motion, with six voting YES.

**Fennwycke Estates
Site Bond Release Request**

Commissioner Fox moved that the Commission approve the release of the remaining Fennwycke Estate site bond of \$2,500 upon the completion of the following items as observed by the Town Planner's field inspection May 23, 2008:

1. Replace 2 dead evergreens within landscape buffer behind 9 Memory Lane.
2. Replace dead trees in front yards of Memory Lane #3, 5, & 7.
3. Replant with loam, seed or sod the edge of the overflow parking area on Memory Lane.
4. Lower water shut-off in front yard of 31 DaCosta Drive.

This work shall be completed by June 30, 2008.

The motion was seconded by Commissioner Kornichuk.

Ed Meehan: Well, this is going to be interesting to make this all come to pass. I had a walk around the property with the, some members of the Board of Directors who had many other items on their list, things that hadn't been on their list before, that myself and the Town Engineer didn't feel were actually bonded items. Some look like maintenance issues where they may have been damaged by snow plowing or settlement, that went beyond the normal purview of a bond and we did not agree to put them on the list. I did talk to the developer today and explained what I was going to recommend to the Commission, somewhat upset, some of these trees on Memory Lane may not be within his one year warranty so, he didn't say he was going to do it. So I said, well, this is what I am going to recommend, do the best you can. I think that there is no issue with the two evergreens, he's got to replace those, he recognizes that, the water shut off, his contractor should take care of that. The lawn has been put in, over the past year the contractor who has been doing that has done a very good job. This site had really deficient ground cover up until this past spring, so that has pretty much tightened up. When these people bought these houses, I think it's some pin oaks in the front yard, I think they are pretty much dead. Maybe they didn't water them, maybe they went in at the wrong time, they could have been damaged, but I think it is the right thing to do to replace them, so hopefully he will change his mind. He hadn't even been on the site, hasn't been on the site for quite some time, so he said, let's go out and talk together out there. He doesn't do it, I would recommend that you call the bond and at that point the Town steps in and does it, or talk to the home owners association, turn the money over to them, let them do it. They have things on their list that, power washing the building doesn't come under the bond, and things like that, but it's hard to keep everybody happy up there.

Commissioner Ganley: Okay, the work is to be completed by June 30th, when is our next meeting after that, because then we will know whether this is done.

Ed Meehan: Second Wednesday in July.

Commissioner Ganley: Okay, maybe just put it on the agenda, as part of the Staff Report, that might be the most appropriate and then we will know if it's been done.

Ed Meehan: And maybe by this time you may want to wait to the fall to do some of this planting when it cools down for the trees. I think some of these items are going to get done, I mean, I didn't get any push back on some of them.

Chairman Hall: But can I assume that the \$2500 is an all or nothing, or is it going to be pro-rated as he does some of the work? I'd like to see.....

Ed Meehan: That was the question that was posed to me and I said I don't make those decisions.

Chairman Hall: Do we?

Ed Meehan: It was, can we negotiate, what if I do some of these, do I get some of the money back, do I have to do all of them? This is a bond balance, so they really should do everything.

Commissioner Ganley: Can we then get some kind of an update, say, the first week in July to see what he is doing.

Chairman Hall: Right, July 9th.

Commissioner Pane: Why are we even voting on this? Just tell him to do that work.....

Ed Meehan: To give direction.

Commissioner Pane: Give him direction, tell him to do the work, and then we will look at it later when he completes the work.

Chairman Hall: I think this does give a deadline though, that at this point you're giving an ultimatum. I think at this point if you say.....

Commissioner Pane: But Ed can give the deadline too. All Ed has to do is say, you've got until such and such a date, get this work done, or we are going to call the bond.

Chairman Hall: Can you do that without.....

Ed Meehan: Well, I really would prefer to have the backing of the Commission because.....

Commissioner Pane: The Commission can say it too, we are verbally telling you to.....

Commissioner Fox: We're saying it right now, by this.

Commissioner Niro: That's why we're here.

Ed Meehan: Just to give you some background, this was before you back in October where it was reduced from a much larger bond down to this minimal amount and there was not agreement on this amount. The developer wanted all his money back, we recommended no. So to tie up the loose ends, that's why I think it should come back to your Commission. Give the direction and, you know, but what the Chairman brought up is what the question was asked to me, well, what if I do three of these items am I going to get seventy-five percent of the money back, or, that doesn't make the home owners association happy and it doesn't fulfill the obligation, I don't think of making that site whole. The gentleman who posted the bond usually comes around in the end, does the work, but he may be going on vacation too, he told me so, that's the only reason I wanted to put a deadline in here. If he's gone for the summer, I'd like to have a deadline.

Chairman Hall: Any further discussion, I'm in agreement that it would be \$2500 for all of it, or nothing. Okay, I think that's the direction that we would like to take.

The vote was unanimously in favor of the motion, with six voting YES.

62 Rockledge Drive
Bond Call

Commissioner Pruett moved that the Commission request the Town Manager to notify Mr. Larry Webster, poster of the bond for site work at 62 Rockledge Drive and Mr. Timothy and Robin Aldieri, owners of 62 Rockledge Drive, that the \$2,500 surety will be called on June 28, 2008 for failure to complete the slope stabilization along the westerly property boundary. Further, that the Town Attorney be requested to assist securing the necessary access and hold harmless agreements to allow the Town's contractor entry onto 62 Rockledge Drive to complete the slope stabilization work to the extent covered by the proceeds from the bond.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Discussion on this? Again, I think the main thing is to get, in writing the agreement, the owner of 62 Rockledge for the Town to come onto the property to complete the stabilization work.

Commissioner Pane: Just for the record, Madam Chairman, most of that work can be done from the adjacent property.

Chairman Hall: It can be, but if need be, I still would like....

Commissioner Pane: I'm just stating that for the record.

Chairman Hall: Okay, but I'd like to get his permission. Any other discussion on this? Ed, do you have anything to add on this?

Ed Meehan: No, the property owner at 62 is, we've talked to him, told him what was going on, gave him one more chance and in the conversation with the Zoning Enforcement Officer, again, this is verbal, he said, well go ahead, come on my property, take care of it, and as the Chairman says, we will get the Town Attorney to give us the legal protection we need to do that. We do have a sign off from the neighbor next door, Steve Tabor, we will revisit that with him, I mean, I don't want to mess up anybody's yard.

Commissioner Pane: It's all hand work.

Ed Meehan: It can be done probably with a couple of laborers and some spades.

Commissioner Pane: That's it. A day's work with three guys.

Ed Meehan: Some nice blue rug juniper would probably take a day to put out.

Chairman Hall: Any other discussion?

The vote was unanimously in favor of the motion, with six voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ June 11, 2008 and June 25, 2008.)

- A. PETITION 28-08 – 1096 Main Street, Roma Properties III, LLC, owner, Chad Kirby applicant for “Goldburgers” request for Special Permit Section 6.6 Liquor Use Restaurant, B-TC Zone District, waiver of minimum distance separation standards requested. Schedule for public hearing June 11, 2008.
- B. PETITION 29-08 – 512 Cedar Street, Cedarrock, LLC, owner and applicant, attention: Nick Gallicchio, 2 Cinnamon Road, Newington, CT 06111 request for Site Plan Modification Petition 48-98 outside recreation area, approved August 12, 1998, to convert existing volleyball courts to in-ground swimming pool, PD Zone. Schedule for presentation June 11, 2008.
- C. PETITION 30-08 - 512 Cedar Street, Cedarrock, LLC, owner and applicant, attention: Nick Gallicchio, 2 Cinnamon Road, Newington, CT 06111 request for amendment of Petition 22-95 Special Exception, approved June 14, 1995, for recreational use volleyball courts to convert to in-ground swimming pool, PD Zone. Schedule for public hearing June 11, 2008.

Ed Meehan: What is the Commission’s pleasure? You are not carrying any public hearings forward from tonight. A couple of these are liquor related. There is one that’s not on the Petitions for Scheduling, came in after the agenda went out, for 1052 Main Street, rear, that’s Joe Motta’s building, where they’re building in back where the parking lot is now, they are asking for a restaurant and wine bar permit there.

Commissioner Fox: That’s in addition to the one at 1096 Main?

Ed Meehan: 1092 Rear, we call it.

Chairman Hall: No, he said in addition to Petition 28-08.

Ed Meehan: Oh, in addition to Goldburgs?

Commissioner Fox: Yeah.

Ed Meehan: Yes, they are changing Goldburgs to Goldburgers. I just know what Mr. Kirby said , Chad said that they were going to change the menu a little bit, and they were looking for a liquor permit. There are separation waivers because of the Congregational Church, there is also separation distance I believe because of Cugino’s for 1096 as well as 1052 rear, and maybe Vito’s for 1052 rear, I’m sure not, I’d have to get a map, do a radius map. So, does this work load look okay?

Chairman Hall: That would be four.

Ed Meehan: Then, 512 Cedar Street is called The Bar, for the swimming pool change.

Chairman Hall: Is there anybody who knows that they won’t be here on the 11th? Okay, at this point it looks like a full compliment, might as well do it, because I think as we get into July and August, we might hit fewer, so take advantage.

IX. PUBLIC PARTICIPATION
(for items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Pane: Madam Chairman, could we have somebody from staff contact the owner of the corner of Pane Road and the Berlin Turnpike to ask them to cut the grass, and also the Atlanta Bread property.

Ed Meehan: Is that the Vitamin Shop you're talking about?

Commissioner Pane: Vitamin Shop and the Atlanta Bread. Thank you.

XI. STAFF REPORT

- A. Fennwyck Estates Request for Bond Release
- B. Request to call Site Bond, 62 Rockledge Drive – Incomplete Work.

Discussed under Old Business

- C. Accessory Apartment Report.

Chairman Hall: We have one item, the Accessory Apartment Report.

Ed Meehan: The last time we discussed it, we had the Town Attorney's opinion letter and comments came up, what do some of the neighboring towns do with accessory apartments. We researched some of the neighboring towns, Berlin, Farmington, Wethersfield, Rocky Hill, and I have copies. You should have all the abutting towns. West Hartford Code of Ordinances, it's like kind of difficult to go through, I've got a call into their staff to give guidance as to how they handle accessory apartments, but what I've done, is, and I'll get this word processed for you, I went through and tried to address two comments that we discussed with the Town Attorney, and he responded to you, and one is, restricting it by age, and the other question is restricting to relatives by blood, marriage or adoption. What I found in those towns that I just passed out, the only town that restricts it by age is Berlin. They have an age restriction of fifty-five plus for an accessory apartment except when a covenant is placed on the land records where the occupant of the accessory apartment will meet low and moderate income. If that is placed on the land records, then they take credit for providing affordable housing. So I don't know how often that happens, but that was the only wrinkle in it. All the other communities, Farmington, Glastonbury, Rocky Hill, Wethersfield, they have no restrictions as to who occupies either the accessory unit or the principal unit, other than the requirement that someone has to be an owner/occupant. The owner/occupant can live in the principal unit, or the accessory unit, but they have no restrictions on age, or relatives in those other towns. They all have a procedure that Newington has followed, that is controlled by Special Exception or Special Permit. Wethersfield is the one exception, you can do it either way in Wethersfield. The Zoning Enforcement Officer can issue it as a matter of right, if the application meets all the design standards. If there are questions, he can refer it to the Commission, and they do what they call in Wethersfield, a Special Permit Conditional Use Permit. A Conditional Use permit is very similar to what we do, it has some time frames on it, used a lot for earth removal and filling, one year, two year permits. All the towns obviously are pretty much following the standards which were in Newington regulations. They have architectural guidelines for the appearance, not change the appearance. They have issues about making the front door and exit aesthetically pleasing, keeping the style of the house. They have

standards for how large the accessory can be, either a percentage of the gross floor area, or not to exceed a certain amount, which was the tradition in Newington. I think it is Wethersfield that has the requirement that the access has to be from a common hallway within the house, or an enclosed breezeway, so that is how they control it within the principal house. But you can also have a secondary access into the unit that has to be on the side of the building or the back of the building, so you can't have two front doors on a house with an accessory. They all have little different standards as far as how they phrase architecture, also as far as providing one parking space off site, or on the property, but that's, Dave asked me about this I think, to get some of these comparisons. You're not going to see, and I can go even further out another ring of towns, I don't think you are going to see too many communities that get into the issue of regulating occupancy, the user rather than the use issue because they probably have been advised by their Town Attorneys, or maybe involved with court cases, that that is illegal. You can limit it by age. That is permissible case law if you want to go that way. So I think that there are some things that may have merit here, that you know, could be folded into a revised regulation if you want to put this back into your regulations, and I can sit down and start drafting some options for you if you want to pursue it. We started talking about this in January, we got Ben's report I guess in April, so.....

Commissioner Pane: Does that fall under Special Exception?

Ed Meehan: It's a Special Exception.

Commissioner Pruet: Ed, you mention that they all had in common a common entrance, there was no two front doors.

Ed Meehan: Right, they have architectural standards, criteria of maintaining the appearance of a single family house or, I think it was Glastonbury, if you are going to have two separate entrances, then you have to have a second entrance on the side, so you don't have two front doors. Only one or two of the towns get into the issue of combined, shared utilities, common metering, sharing utilities which is sometimes a problem. I think it was Berlin that says you cannot apply for a Special Exception for an accessory apartment until the house has been occupied for at least five years. I'm not quite sure why that criteria comes in, because that to me, people who are building a home, with a relative in mind, not that they would be limited to a relative, but they know, immediate occupancy, and we have seen that, in two or three of the accessory applications that you have had that I can recall.

Commissioner Ganley: Pfister Drive I think is the one that comes to mind.

Ed Meehan: Pfister Drive, Harmon Court, Barn Hill has had one or two.

Chairman Hall: Judge Lane, that was one of the early ones. I notice that Berlin also mentions rental, may not be rented at a cost that exceeds thirty per cent of the income.

Ed Meehan: Yeah, that's the affordable criteria.

Chairman Hall: I would like everybody to review these, and become familiar with these and then maybe Ed, if there are any others that you think.....

Ed Meehan: I'll get West Hartford, Plainville, and try to get Southington. You know, in reality over the last nine years, if you have had seven or eight of these, I think that is all you had come before you. This is not something that you see every meeting.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary