

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

August 27, 2008

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 Pane  
Commissioner Pruet  
Commissioner Schatz  
Commissioner Camerota  
Commissioner Niro (7:05)

Commissioners Absent

Commissioner Kornichuk  
Commissioner Ganley

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Kornichuk.

**II. PUBLIC HEARINGS**

- A. PETITION 35-08 – Newington Town Plan and Zoning Commission applicant, proposes Amendments to Sections 6.3 Flood Plain Standard, Zoning Regulations and Section 3.2 Suitability of Land Subdivision Regulations to address requirements of the National Flood Insurance Program, new Flood Insurance Rate Map effective September 26, 2008.**

Chairman Hall: Ed?

Ed Meehan: Thank you. I'm going to present this on behalf of the Commission and for the Commission members who do not have the amendments which were passed out at the last meeting, I have an extra copie, and also for the public if they would like to review them. Does anybody need these for tonight? We are talking about amendments to implement the National Flood Insurance Program requirements for the new mapping that has been completed in Connecticut. Municipalities in Connecticut are required to have in place by September 26<sup>th</sup>, which is the effective date of the new mapping, changes to their zoning and subdivision regulations to reference the new ortho maps which are done, and also to update the regulations to reflect some engineering standards which were not in prior model regulations. Specifically the mapping which I have on the wall represents the version that we are talking about tonight. This map here is the 2002 version for Newington and you can see it's just a Plano metric street map and there's maybe four or five panels that cover Newington and the dark gray area is the one

hundred year flood area and then there is a fringe area that is called the five hundred year area and then, you have to come up and read these closely, there is what they call the floodway which is basically a stream or channel and each of these have different flood risks and each of these carry different insurance requirements for people who are located, businesses or homes in these areas. The new map which is effective September 26<sup>th</sup>, is based on the aerial photos of Greater Hartford with the superimposing of more accurate flood boundaries based on topography and new vertical datum from the 1988 mapping. This mapping goes back to sometime in 1929. So with the advantage of the aerial base which is static in time, at least we can now see a reference to a structure which may be required to get flood insurance. It does require very careful reading though, the Town Engineer and myself have been going through these and after a while you get a little bit of vertigo looking at the different lines. So you have to really focus in on the property that you are referencing to determine if it is in the flood zone; these have cross sections, what the elevation is, and so forth. What we have done in Newington is subsequent to the adoption of the maps in 2002 we were able to get a computer disc and we were able to put the one hundred year flood plain into our GIS system, so people who use the system, both staff and public can zoom in and increase the scale of the map and really get a good reading and also overlay of the topography, you get better accuracy. So the principal change is to reflect the new maps, over here and then other changes as required by DEP model flood insurance regulations and the FEMA regulations have also been incorporated and some of those include engineering standards for the buoyancy of structures within the floodway, anchoring them, anchoring of fuel tanks in the floodway, also have to do with the compensatory storage requirements which, if you displace or fill a floodway, what the engineers need to do is to show how that displaced area is going to be made up, so that you don't create additional flood hazards. New construction and substantial improvements is now defined much more tightly so that someone who is putting a building, tearing down fifty percent of the building and rebuilding it, is now going to be subject to the minimum floor elevations which is one foot above the one hundred foot flood level. Many new standards as far as definitions. The current regulations had eight or nine definitions or standards, the new regulations and DEP model, they have, I think it's up to twenty-one different standards, everything from what the floodway map is, the hundred year flood level, right down to water surface elevation referencing the North American Vertical Datum explanation. The regulations which the Commission has before you tonight, we're suggesting a whole new section in Section 9 to handle the definitions to incorporate these changes as far as definitions.

The changes to the subdivision regulations are really only one sentence, our subdivision regulations were updated also in 2002 and all we are saying as far as the subdivision regulations is that for base flood elevation data for new subdivisions over five acres, or fifty units the engineer or land surveyor would have to provide that information on the map that they submit to the Commission.

These regulations in draft form were submitted to DEP, actually we worked on these in May and June, to prepare draft regulations, we sent it up to DEP for their review and I have a letter that I want to acknowledge as part of the public hearing record. DEP basically made these comments; the amended regulations should reflect the flood insurance rate map and the flood insurance study dated September 26, 2008, and that is provided for; we should choose a definition for market value, the draft regulations have two or three different definitions for market values, one being an appraisal from a professionally certified appraiser, another one using the assessor's information, another one using a cost approach in depreciating the building. DEP recommends that we pick two of those. That we use the correct water surface elevation, again, referring to the 1988 Vertical Datum and as far as the subdivision regulations, they don't really have any changes. This letter is dated August 7<sup>th</sup>, to me, I want to make sure that it is part of the public hearing record, and copies went to the Mayor, the Town Engineer and the FEMA Region One Administrator.

For one thing, it's a little bit more difficult at this time in the management of this is where we have three or four panels covering Newington, now we have all these panels covering Newington. You may have a little slice of Newington and all of West Hartford, or you know, the Rocky Hill,

Wethersfield area and some of Newington. Hopefully once this program gets settled across the state DEP will be coming out with rate maps which are easier to handle and/or we will get the computer disc and be able to input it into the GIS system, get this information on line, particularly for people who you know, in the real estate field, or people who are contractors and need the elevations, we will hopefully get this information on line.

If we do not adopt these regulations over time the Federal government can declare a community who does not adopt these to be non-eligible for flood insurance, which would be a disservice to the people in town who need it. That's pretty much it. I'd be happy to answer any questions.

Chairman Hall: Any questions from the Commissioners?

Commissioner Pane: There are a lot of new residences that this will be affecting, is there a time period where they only have so long to get new flood insurance and after that they're not eligible for it? I thought I heard.....

Ed Meehan: It's my understanding that as properties are re-mortgaged, when that happens if they are in the flood area their insurance company would look at that, and they will be required to get flood insurance. There was an article in the Hartford Courant last week, a front page article that basically said that if you think you are in the flood zone, before September 26<sup>th</sup> is the time to buy the insurance because the rates are going to be less expensive than after September 26<sup>th</sup>, it wasn't mandatory, it was a heads up to say if you thought your home in Newington, or some place else in Connecticut, or anywhere really in the Northeast could take advantage of this to save a couple of hundred bucks. This, it's pretty hard to tell exactly how many more units, residential units are going to be affected unless you really study these maps. An example, I happened to pick up that panel, the back section of Carriage Hill, going down towards Main Street, there is a little intermittent stream in there, in the 2002 mapping, it's not even identified as a flood area, in the new mapping, proposed for September it is identified as a flood area. So now it appears to us that someone who has a backyard or a structure in that southwesterly corner of Carriage Hill may have to buy flood insurance, where in the past they didn't. There are other little nuances to the map, you can only tell by comparing 2002 to 2008.

Commissioner Pruet: Will people that are now affected, will they be notified somehow.

Ed Meehan: No. It only comes up through the transaction of a property and the re-mortgaging through the real estate process and writing the mortgage for insurance.

Chairman Hall: Other questions from Commissioners? Anyone from the public wishing to speak in favor of this? Anyone wishing to speak against it? Anyone wishing to speak. Seeing none, I don't see that we have to keep this open. We'll close this public hearing.

**B. PETITION 36-08 – Market Square – Municipal Parking Lot “Newington Waterfall Festival”, September 27, 2008, Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 061121 request for Special Exception Section 3.2.8 B-TC Zone District.**

Chairman Hall: If the petitioner is present, would you come forward, state your name and address.

Val Ginn, 15 Golf Street: I'm Chairman of the fifth annual Newington Waterfall Festival, it's been an incredible adventure the last five years. We have about the same thing, the main feature is the artists chalk walk, children's activities, we have light entertainment, we have food vendors, business owners are going to be promoting their businesses and the historical artifacts from the Deming Young Farm. We are adding something very special this year as a Farmer's Market at

the end of Market Square, and they will also have the Newington Rotary sponsoring a live band in the celebration of our fifth anniversary, so it's going to be quite a show down for everybody, I think everyone is going to have a good time. I mean, each year we keep adding and improving and if you have any questions for me, I'll be more than happy to answer your questions.

Chairman Hall: Do any of the Commissioners have a question?

Val Ginn: And by the way, I want to add, this is free admission. It's something that is open to the public and if you do of course want to purchase food it might be a cost, but not that expensive, but I think everyone is looking forward to, on Market Square, to open the doors to the residents, and as I said, it's growing each year.

Chairman Hall: Where did you say the Farmer's Market is, on the east end of Market Square?

Val Ginn: On the east end, we call it the East Pavilion and Alan Budney is running this one and it's going to be from the Urban Oaks Organic Farms in New Britain, and what they have done is, which is very awesome, they have taken the antique wagon from the Deming Young farm and they are going to display it, and this year we have had Connecticut Insurance Exchange sponsor some environmental friendly bags with our logo and their logo which will be available to the public for \$3.00, so they can purchase their produce, their food, cut flowers, so it's a nice little addition for the Town of Newington.

Commissioner Fox: Through the Chairman, I just wanted to say I've been to everyone of them, and I have enjoyed all of them, and if I'm not mistaken, isn't one of your bands Avenue Groove?

Val Ginn: Avenue Groove is a little bit of Motown flair, sponsored by Newington Rotary. Again, we want to try to sell, because it's our fifth anniversary and we just want to give the community something special that day. We also have a walking magician and a balloonist for kids this year, and you know, it's election year, so everyone will be out.

Commissioner Fox: I think you'll like Avenue Groove.

Val Ginn: I think so too.

Chairman Hall: Ed, do you have information for us from your end?

Ed Meehan: No, the past four events have gone really well. There is a rain date, October 4<sup>th</sup>?

Val Ginn: October 4<sup>th</sup>, but we try not to think about it.

Ed Meehan: There is a companion review that goes on under a town ordinance for events in public spaces which has already been initiated. It's gone through the east end of the building which is Building, Zoning and Health. It should be down around the Police Department by now. When that comes back what we would like to do is sit down with Val and her committee and make sure the town staff is working in coordination with what you need to have done as far as public works and set ups that we could help you with.

Val Ginn: Well, one thing that I forgot to mention is that this is the third annual Chili Cook-off and it is literally sponsored by the Fire Department, so it's going to be held outdoors because last year we had the Showmobile in between Premier Cleaners between Market Square and Main Street. This year that's where the Chili Cook-off is going to be, right in that vicinity which is going to have the apparatus blocking the street, and we are moving the Showmobile to in front of the

Lechowicz's building, which will draw more people to the center, so something new again that we have added.

Ed Meehan: The Showmobile, is that the one that you get from Wethersfield?

Val Ginn: Yeah.

Chairman Hall: Any other questions with this added information? Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak against it? Anyone wishing to speak? Seeing none, I don't think we need to keep this open either, we will close it as well. If we want to act on this tonight, do we have to do that now, or can we take that up later.

Ed Meehan: You can do it later, there is a suggested draft motion in the packet, if you add it as Old Business later on.

Val Ginn: Thank you very much, Commissioners.

Chairman Hall: Thank you.

Val Ginn: We will see you on the 27<sup>th</sup>.

**C. PETITION 37-08 – 3066 Berlin Turnpike, Sphinx Temple AA ONMS owner, Samuel A. Frank, Potentate, Sphinx Shriners applicant, Attention Gary Lee Harris, 85 Bradley Avenue, Meriden, CT 06451, request for Special Exception Section 3.2.8 Charitable event “Shriners Halted House”, PD Zone District.**

Chairman Hall: If the petitioner is present, come forward, state your name and address.

Gary Harris, 85 Bradley Avenue, Meriden: I grew up in Newington, I graduated in 1969, moved to Meriden in 1998 and have been involved in a hobby Halloween for the last eighteen years. Devoted most of the last eighteen years to running a haunted house garage at my home in Meriden, giving all the profits to UNICEF and the Cancer Research Fund. I've got a few articles that I just wanted to pass around, I want to thank all you Commissioners for listening to me, by the way, and the Sphinx Temple thanks you folks for listening. This is something that I have been hoping to get done for many years, these are some articles that have been done on me, if you want to pass them around, over the years. 20/20 wanted to do a story on me a couple of years ago, but I had prostate cancer, I was in the hospital and I could not work for a year. I recovered and right now I'm going pretty good. What we want to do is, I personally purchased a haunted house which is inflatable. You do have a picture of it. It's not that big, it's thirty by thirty. It inflates with one blower, it's puncture proof. If it's punctured, it would take a good hour, two hours for it to come down. It's all rated safety factor for flame resistance. The Sphinx Temple itself, it would be located in the front of the Sphinx Temple. As far as parking, I got a hold of the manager of the Laz-E-Boy factory outlet which is right in the front, and he told me Monday that he would give me permission to park all of the vehicles in the front, so we wouldn't have to bring them around the back and have all the traffic come around the back of the Temple which, there are a lot of houses back there, so we would bring them in from the front. The letter is coming from corporate headquarters, I don't have it tonight, but I do have his promise that he gave me permission and the Sphinx Temple that he would let us to all our parking there. It's well lit, I have about fifteen to twenty people already that are going to be security, if we have to get a Newington Police Officer there, we will get him there, that will be on-going, if you people give your okay for me to do this. Volunteers, I have quite a few young people who are in high school that are volunteering from the Key Club from Meriden, Wethersfield, and hopefully Newington that are going to come and be actors. I do have a couple of professional people that are from Hollywood

that I met over the years that are willing to come in and do make-up. These people have worked with movies throughout the United States putting on make-up, so they are highly qualified to do that. I also have been involved with Elvira, I don't know if anyone has heard of her, and one of the actors who was in the Munsters. He used to play the little boy, Eddie, I know him quite well, he told me he would like to appear here with the Munstermobile. So that may go on. Brad Davis is going to be there. He's a friend of one of the gentlemen working with me from the Sphinx Temple, he wants to be there and promote it on the radio. All the proceeds are going to run our twenty-two hospitals, all the proceeds except for a few dollars to run the unit and you know, pay some of the people who are going to help me, like the electrician I have and some other people who are qualified that I am going to pay out of some of the ticket sales. It does cost us two hundred million dollars a week to run these twenty-two hospitals, so anything that we can get it's good to put it into the pot. This is my idea, I am the only one really in charge of doing this. This is all coming out of my pocket. I paid for the Haunted House, cost me fifteen grand, and it just came in two days ago. Hopefully I can get your okay to do it. If I don't, well, I'll put it in my front yard and chop a tree down, but hopefully not.

All of the Shriners are behind me, I'm on the hospital unit, I'm one of the clowns, one of the Shriner clowns, there are thirteen of us so I devote a lot of my time also to doing that, plus I'm a Mason and I go down to the Wallingford Masonic Home and Hospital three nights a week with my dogs, therapy dogs and help the elderly, so that is what I do. So I'm asking if we can have the thirty days, from October 1<sup>st</sup> from about 5:30, 6:00 o'clock at night till about 10:00 on the weekdays maybe until about 11:00 o'clock, Halloween night until midnight. Any questions that you have, I would be glad to answer any of them for you. Safety wise, I'm very in to that, I was on the OSHA National Committee for twelve years, I was an officer, I'm very, very strict about safety features so that would be addressed by me primarily. I would work of course with all the town officials, the electrical permit, the Building Inspector of course would all be done to the T. So the only thing I'm asking for tonight is for you folks to give me the thirty days. Next year, if this goes well, this is what I have planned to set up. This unit if you want to look at it is also inflatable, that is about \$59,000.00 which I would buy out of my own pocket to set up in Newington in place of the thirty by thirty foot structure that I am going to use this year.

Everybody likes to be scared. I've had people from one, two years old through my garage up to sixty-five to seventy, running out. I do have about, probably \$60,000.00 worth of props I've acquired over the sixteen to eighteen years that I have bought myself, from all over the world. I'm not going to use them all in this particular haunted house because I don't have room, it's not that big, it's only thirty by thirty but it would be quite a show. You are all welcome to come, with your families and enjoy what would be there and it will hopefully be an ongoing thing where it would be done every year, and it would put Newington on the map. I don't know what else I can say, other than any questions, concerns, anybody needs to address them to me.

Chairman Hall: Ed, how about we start with you?

Ed Meehan: Okay. There's a staff report that Commission members have in front of them, as well as Mr. Harris' application information. Gary, why don't you take on of these so that you can follow along with the questions. I've met with the applicant three or four times since June about this, and it's been evolving up until Monday when we met again. So these are the questions that have come up and I think the Commission should be aware of these, and be comfortable with, this is going to be a place of assembly and recreation, it's going to be at night, it's going to be a structure that you don't normally see for places of public assembly, and I will say that both the Fire Marshal's office and the Building Inspector have seen the specifications for this building which were submitted back in June I believe. I sent them over to the Fire Marshal's office, I got a report from the Deputy Fire Marshal today. I don't know if you got this, Gary?

Gary Harris: No I didn't.

Ed Meehan: I'll make sure you get a copy. They are, they are raising questions as to the normal safety code issues which have to be worked out for this as far as exiting, where you set props up inside, making sure the passage is clear, and these are technical things that have to be worked out. Pete Hobbs, when he was reviewing this as Building Inspector, didn't have any specific concerns other than tie down, wind load, making sure that if the air goes out it doesn't collapse immediately, and he reserved his comments until he actually saw it inflated and would be there to inspect any electrical, exiting, accessibility issues. Pete left last Friday, but this has been passed on to the acting Building Inspector and he is well aware of these code issues. The questions that I have, we have talked about these, but this is as of Monday when you came in with the plans that changed a little bit. You mentioned an approval letter from La-Z-Boy for parking and insurance coverage, and I recommend to the Commission that that is very important to know that the public coming in there has the rights as well as the coverage which is going to be needed for this event. I do recall, and I don't see anyone here from the Sphinx, that there are cross easements on that property that go back many years, and I tried to figure them out today just where they ended up after La-Z-Boy was built. The site plan for La-Z-Boy says that Sphinx Temple has access rights as well as parking rights, but certainly a letter from La-Z-Boy and maybe even the Grantmoor if you could get one because I was down looking at the site and people have a tendency to wander around and could be parked on the Grantmoor site.

Fire Marshal review, I gave you a copy of his letter, you know, you have maybe eighty to eighty-five parking spaces out front there, what are your plans to control the public as they exit their vehicles and line up to go through the structure, how many people can go through, and how are they going to be managed. Have you thought of that?

Gary Harris: Yes, I have quite a few security people who will be there and they will direct the traffic in and make sure they are all parked. If the parking lot is full, we will wave people off, we're not going to have bringing their cars in there if we don't have any room. They will more or less come back when there is, if the parking lot is full of course, there is only one way you can do it, and that would be the only way to do that. The second issue is, we only bring six people in at a time, a group, through the haunted house. The approximately time through that house is going to be ten to twelve minutes. Six people at a time, and then another six at a time. So there would be at least six to eight people inside that unit that would be monitoring the public and of course there would be actors in there that would be scaring the people in the separate little rooms, six at a time, that's it, that's all we are going to allow. We're going to have it cordoned off into areas where they are going to line up. These things usually involve, sometimes an hour waiting period. People do wait. I do know the person who runs Trail of Terror in Wallingford, they have a three to four hour waiting period and people do wait there in the rain, just to be scared for ten or fifteen minutes. Everything that I have seen over the years, attending national conventions on these Haunted Houses and what they do, would be put to use on this property. This would be the first year, so there are going to be some bugs to work out and of course there are going to be things that I would have to work out and probably, you know, polish for next year, if it does get on this year. There would only be six at a time through the unit and I would have it heavily secured as far as the cars, the vehicles so that we don't get a crazy mixed up mess there.

Ed Meehan: Item four, the lighting out there now, because the La-Z-Boy is a brand new parking lot, that's pretty well lit, but what lighting is available right up next to the Sphinx Building? I don't know if, there is only one pole light on their property, I'm not sure it works, I haven't seen there to see if there are any wall packs on the building works. That is the area, and I would recommend that the Commission members go down and look at this, that the older parking lot is a little broken up in front of the old front entrance. I think that is where you are going to put this building?

Gary Harris: Yes, yes sir.

Ed Meehan: How is the lighting going to be around that for the people who are milling around?

Gary Harris: Actually I have an electrician that works with me because I'm a home improvement contractor by trade, and we've already been over it, but we are going to go over all of the lighting and if we have to put up temporary lighting there to light up the area so that it is pretty well lit, that is going to be done. So it is going to be lit up on a very high scale. Whatever it takes to light it up, if we don't have the proper lighting on the building or they're not working, we will get them fixed. That would be done by the Potentate, Sam Frink, who promised me that if we need more lights we can put more light there, so that issue will be taken care of.

Ed Meehan: Are you going to provide any food?

Gary Harris: At this point I really don't think the first year I'm really going to try to do that. I'm going to try more exercise on getting this thing running right with all of the volunteers. I don't think we are going to run food this year, no.

Ed Meehan: Okay. Will the Shriners be able to provide you with their insurance certificate, or are you taking out a separate one for this event?

Gary Harris: Yes, I talked to the recorder yesterday at the Temple and he informed me that, he showed me the coverage, it's about three yellow pages thick, and what we would do is we would get a certificate of compliance for that particular month that would be issues and we would give you a copy of it. They can't get it yet until we get the okay to do it, but that would come, yes.

Ed Meehan: They can add you on?

Gary Harris: Yes.

Ed Meehan: Okay. Any special sound effects or props or noises or things like that, that could affect the area? This is more germane when you are talking about the Deming Road side versus the Berlin Turnpike.

Gary Harris: Yeah, the noise that would be coming from the inside where I would have a couple of computer controlled audio-visual effects that would be spotlights inside, strobe lights in one room or two, a vapor machine which has ice and puts down a low area of fog, like in a movie. As far as noise, of course there would be spooky noises coming in there, but that's the front of the building, it's not going to be that loud where it would penetrate to the back. So I don't think any neighbors in the back would hear us. There's no crazy shouting, or things like that, well, I shouldn't say that, there may be screaming, you know, kids are going to be screaming, they are going to be running out, I know they are, just from my past experience.

Ed Meehan: What do you have in mind for signage to get people into this event, in the way of temporary signs?

Gary Harris: That's what I needed to ask you folks, I mean, what would be allowed up front there, could I get a banner made that could be posted out there, maybe ten feet by three feet tall, Terror on the Turnpike, Sphinx Temple First Annual Haunted House, whatever you folks would let me do as far as getting some sort of sign out there. I already spoke to the La-Z-Boy manager and he said there's not problem putting a banner out there on their property.

Ed Meehan: It can't go in the state right of way, but you do have a pylon out at the island, coming in.

Gary Harris: Okay.

Ed Meehan: I'm not saying that you can do it, that's the Commission's decision.

Gary Harris: Right.

Ed Meehan: The accessibility, is this handicapped accessible?

Gary Harris: Yes. Three handicapped accessible exits in that haunted house.

Ed Meehan: Okay. And I did mention that the Building Inspector would have to inspect this before it is opened to the public.

The last item, number ten is something that I had talked to or exchanged e-mails or faxes with Mr. Frink. The letter he provided, I think it is kind of open ended, I don't know if you saw that letter.

Gary Harris: I did, he said he would re-write it, as far as, he said that we are considered, the Department of Internal Revenue considers us non-profit and non non-profit because we don't ask for any money when we take children in from zero to eighteen years old, no billing unit. Everything that we get in is from contributions so we are exempt, I did speak to the State of Connecticut Revenue Department the other day, you know, as far as being exempt. That letter will be clarified. Sam will re-write it.

Ed Meehan: Just to get all the Commission members up to speed on this, because this is a special charitable event it needs to be for a charitable purpose, and the letter said, this is to verify that the Sphinx Temple is at 3066 Berlin Turnpike, Newington, which we know. But I think they left out the rest of it.

Gary Harris: He did. Sam did.

Ed Meehan: The proceeds are going to go to the hospital.....

Gary Harris: Yes, proceeds will go to the hospital, to run all the hospitals.

Commissioner Fox: Well, they are a 501C aren't they?

Ed Meehan: I'm sure they are.

Gary Harris: Yes we are, yes sir.

Ed Meehan: Those are some of the things that occurred to me, in talking to the applicant, in talking to our code officials, I think the issue here is going to be controlling the people who show up. If you have long lines and traffic milling around, they have to be controlled.

Gary Harris: I agree.

Ed Meehan: That's all I have.

Chairman Hall: Questions from the Commissioners?

Commissioner Fox: Through the Chairman, my first question is, I hope they have taken care of your prostate cancer?

Gary Harris: It's in remission.

Commissioner Fox: Second, you have quite a resume here and I and I just wanted to, you said that you were a Vietnam veteran, I just wanted to welcome you home after all these years.

Gary Harris: Thank you sir.

Commissioner Fox: The only thing, and it's just a comment, about the signs, I'm sure there will be no problem with that pylon sign, I don't see any problem with putting a temporary sign up there.

Gary Harris: Whatever the Commission would want for size, I wouldn't want to go over it. Just as long as people know that we are there, so they will come in and enjoy it. You know, that's me, that's what I do, it's my enjoyment to make children and adults scared. As you can see, the few years that I did it like, I don't do it any more because I don't have really the time, if I'm doing this, I can't run my house, but you can see the letters there, that I won scariest and best overall, I do a nice job. I do scare you. I don't do it in a way where it is too bad, there's a few bloody areas where maybe somebody gets their head chopped off, but you know, it's for fun.

Commissioner Schatz: You said there are no vendors, there are going to be no vendors there.

Gary Harris: This year I rather not have any vendors there, I just rather concentrate on trying to get this thing going and more or less concentrate without having some guy selling balloons or face masks, you know, I don't think so.

Commissioner Schatz: How many rooms to this unit?

Gary Harris: Thirty by thirty, I plan on having at least probably having six or seven rooms, with a maze. There will be one room that is going to be a room with an autopsy table, with a gentleman who pops up, you've got a bloody table, and then there is another table, another room where there may be a chain saw, there will be a room where you will actually walk in and there will be a graveyard on either side, and it will be elevated, and there will be people who will be coming out of the ground, it's going to be a false scene, it's called. It's pretty scary when you are walking through it and it's pitch black in there and you hear the music and you see these people who are done in makeup. I've been to a few Chicago seminars, Transworld Halloween Show, for the last fifteen years, which is the largest in the world, and they have props from all over the world. This is where I get my ideas by the way and it takes a talent to do this. It took me a long time before I actually understood how people are scared. There are different ways that you can scare people and if you do it the right way, where you are not going to get a child that is not going to be petrified, so I have honed my skills over the years, because this is my hobby and this is my first attempt to do this you know, professionally. Sam Frink, who is the Potentate this year, I grew up with his children, went to school with them, that's how I know Sam, and he's the Potentate this year which is like the CEO. Changes every year, so when I explained it to him, he said, that sounds like a good idea since we can't have the Shrine circus any more. We tried, but we can't seem to get anybody to do it for us here in Connecticut, so this would kind of take that place, on a smaller scale of the Shrine circus. Even though there are not going to be lions and tigers, it will be with corpses and skulls running around, and crazy clowns and whatever.

Chairman Hall: Any other questions from the Commissioners?  
I have just one, you said the building is inflatable, but the floor surface?

Gary Harris: The floor surface is rubber.

Chairman Hall: It's rubber, but it's not like a bouncy thing?

Gary Harris: No, it lays right on the asphalt. It lays right down, and as far as the stability and wind, the wind factor, this would be staked down with circus tent stakes. The unit that I bought, by the way came from Kansas and it was about three or four hours old. They set it up at a church, this is how I got it, and a freak wind storm came by in Kansas, and it put a big tear in it, so they had to take it down. Now in the meantime, I was in touch with the company that manufactured these, he could not get me one this year because I was too late. Part of my story is that I was not in the best of health so I was down, and I couldn't get it in, in time. He told me he knew of this particular man who had this inflatable, which I wanted, new, which had a big tear in it. So I got a hold of him two months ago, and he said, well listen, I'll sell it to you for this, and he sent me pictures of where it was ripped and I went down to New Haven Awning Company and I spoke to the owner down there, and I showed him the pictures and he said, we can fix it for you. It just arrived there two days ago from Kansas, and they are, it's in a huge, huge room where they can lay it out, and they are going to fix it for us, for free. I wanted to pay for it, but he said, well, if this is Shriners, it's for the kids, we'll do it for free. So that is where it is sitting right now, it's sitting in New Haven Awning.

It will take me about three to four weeks to set this up, so you know, to get it set up and get the insides set up right with all the exit signs and the lighting and the safety factors and the fire extinguishers and everything else that we need to do on this thing, it's going to take about three to four weeks. If you people approve it, you are welcome to come down anytime during the construction, come on in with your families, take a look at it. If I do have the actors there, Elvira, you're welcome to come and meet her personally and all the other, he's not a young man any more, the Munsters, I'm sure people know that he doesn't look like he did then, but I did meet him and I do know him personally. I don't know if that's going to come off, these people I have been in contact with, so it may come off, but it should be a good thing for Newington, it will put Newington on the map.

Chairman Hall: Okay, thank you very much for your presentation. Any other questions?

Commissioner Pane: I just wanted to state that I think this is, I commend you for taking this on, and you have my vote for keeping this open for the thirty days and for whatever temporary signage that you may need. I think this is an excellent thing for the Sphinx.

Chairman Hall: All right, if that is the end of it, thank you for your presentation. Anyone from the public wishing to speak in favor of this? Anyone wishing to speak against it? Anyone wishing to speak. Seeing none, I think we should keep this open to get some questions answered, or not.

Ed Meehan: You can keep it open until you get Mr. Frink's letter, the letter from La-Z-Boy, I want you to get a chance to review the code official's comments, talk to the Deputy Fire Marshal, and then we can bring all that back to the Commission. They meet September 10<sup>th</sup>. I know that is getting tight, but I think the Commission needs to know that you are okay with those things.

Gary Harris: I will get all that information to you this coming week, so all of the folks here can see everything and I'll tie everything together. Everything that has to be done will be done, just to let everybody know. So we will get everything connected and I will get the letters and we'll get everything in order and have a good time.

Chairman Hall: Thank you very much.

Gary Harris: Thank you for your time.

**D. PETITION 38-08 – 205 Kelsey Street, Reno Properties II, LLC owner and applicant, Attention Mr. John Mullin, Director of Property Management, 170 Pane Road, Newington, CT 06111 request for Special Exception, Section 3.2.9 Adult Day Care use, PD Zone District.**

Chairman Hall: If the applicant is available, please come to the podium, state your name and address.

John Mullin, 158 Windmill Hill, Wethersfield: I'm the property manager for Reno Properties and we have a tenant, CRI Community Residence. I have a couple of floor plans for you to look at. They are looking to move into the first floor, occupy the first floor, two sections. You can see the white parts at the end of each building, about 1600 square feet and about 3600. CRI is a state funded organization. They have eleven adult clients that come in, Monday through Friday, in vans around 9:00 a.m. and get picked up around 2:30. There are six providers from CRI that would be working with these adults, anywhere from feeding them, they play music during the day, because they really can't take care of themselves at all so they need 24/7 assistance. So again, there is not a lot of traffic that comes in. The vans drop them off. We just finished renovating the floor. We had Chris Schroeder in today, gave us the okay on the fire and safety, so we have pretty much done everything that we need to do except this last step. I would like to request from the committee that they consider making a decision on this as soon as possible, if not tonight, just from the urgency, they need more space for their clients and it would be very helpful to them at this point.

Chairman Hall: Thank you. Ed?

Ed Meehan: Thank you. I'm trying to understand, and this would help the Commission also, there is already some space occupied by Residential Community, Inc.,

John Mullin: Yes, by CRI, yes.

Ed Meehan: Could you just sort of run down what's there now?

John Mullin: Right now they are at 48 Kelsey. This plaza is called Town Line Plaza, the buildings with the red roofs on the corner of Kelsey and Christian. There are three buildings down there, and Michael Angelo's Pizza. They are currently in 48 Christian Lane on the first floor, taking around 4000 square feet and they are growing in size and they would like to go and take additional space at 205 Kelsey, which is the adjacent building.

Ed Meehan: Based on what you just handed out, this cross section area is about 4700 square feet.

John Mullin: Yeah, that's in 205 Kelsey.

Ed Meehan: Are they already there though?

John Mullin: They are already there at 205 Kelsey. I guess, apparently before my time, they did get approval to go to 48 Christian and then I guess five years ago, they moved into a piece of 205 Kelsey and Mr. Meehan brought it to my attention, along with the building department that they never got approval, I guess, five years ago even though we did get a c.o. and we got everything finished and completed, they did not get approval I guess to move into 205. But they have been at 48 Christian Lane for ten, twelve, fourteen years and they are just growing.

Ed Meehan: So overall, you would be about 11,755 square feet.

John Mullin: On the ground level of those two buildings, yes.

Ed Meehan: Okay. I just wanted to clarify that, thank you.

Chairman Hall: Is that it?

Ed Meehan: Yeah, I had some questions and John answered two or three of them already. The big one was parking needs here are pretty minimal because of staff, staff is going to be able to park obviously.

John Mullin: Staff is going to be able to park, they have vans that come in, and the vans don't even stay in the building. They drop the clients off between 8:30 and 9:00 and pick them up between 2:00 and 2:30, and we have the six providers that are there taking care of them.

Ed Meehan: That is all I had.

Chairman Hall: Questions from the Commissioners? I guess one of my questions was, were you going to maintain the two of them simultaneously, and the answer is yes.

John Mullin: Yes.

Chairman Hall: You will have them in two places, and these clients, are they in private homes now, are you picking them up from other facilities.

John Mullin: I think they are being picked up from their houses. Most of them are wheelchair bound, most of them can't communicate, so I think they are picked up from and brought back to their homes. I know a lot of them tell me that they just pick them up and drop them back at their houses.

Chairman Hall: Okay. And during the day, in here, is there physical therapy or is it literally day care?

John Mullin: It's day care. I mean there is music, they will read books to them, if you go in there they are playing soft music and stuff like that. There is no physical therapy because they are just, they are confined to a wheel chair. They are fed and washed but there is no physical therapy what so ever going on.

Chairman Hall: Other questions from Commissioners? Seeing none, anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak against it? Anyone wishing to speak? Seeing none, is there any reason to keep this open. I think we pretty much exhausted all the questions that we may have had, so we will close this Petition, 38-08.

**E. PETITION 39-08 – 2414 Berlin Turnpike, Greek Village, LLC, dba Cavos Tavern & Pizzeria, attention Malgorzata Karas-Golka, 37 Johnson Street, Newington, CT 06111, J.C.J. Associates, LLC owner request for Special Exception Amendment Section 3.15.3 to convert outside dining area to enclosed year round restaurant use, B-BT Zone District.**

Chairman Hall: If the petitioner is in the room, come forward if you would come forward, state your name and address for the record, please.

Malgorzata Karas-Golka, 37 Johnson Street, Newington: We just opened a couple of months ago, and we gaining clients, customers, and everybody has been so happy. Basically right now

we have a patio outside and everybody has been enjoying the patio, unfortunately we really haven't had that great weather this summer, something happened, Mother Nature didn't do a good job this year, but we would like to enclose it, put a roof over it so that we have more dining room space in the months when it is not available for the customers to sit outside. It's New England, we do tend to get snow, so I don't think people would be sitting outside, and we do have limited space inside right now, so we are petitioning to be able to enclose that space so we can have all year round dining. The question that was raised to me was the problem with parking, I took some pictures if anybody wants to see, the prominent feature there is my Mini-Cooper, in every single picture probably, but there is really not that many cars in there. Whether you are looking at two pictures during lunch time and during our dinner time, and basically the building that is right next to us, construction, there is only the owner parking there. We have Pronto Printer, people are coming in and out pretty quickly and there are only a couple of cars that are always there. Liquor store, their turnover is quick, people are coming and getting their stuff and getting out, and only a few cars during the day, the most that I have seen is when the weekend is coming, there are a couple of extra cars. Really, there is not much traffic for the Vacuum Village. So really it looks like there is enough parking to accommodate any traffic that we would be creating at this point. That is the only question that was raised to me.

Chairman Hall: Ed?

Ed Meehan: For the Commission members, I have at your place at the table a brief staff report which includes the original site plan which show the patio which was approved for outside seating when this restaurant was given a special exception to relocate there. The original concept was to have a patio at grade level from what I'll call the green house all the way out to the edge of the curb, and during the presentation to TPZ the applicant asked if they could put up a privacy wall which the Commission approved based on meeting the building department's structural requirements. So the actual privacy wall when it was built was fourteen feet long going out towards the highway by twenty four feet wide, which is the width of the building. That is the area that they want to enclose. In addition, they would gain some additional space by taking off the greenhouse, the glass enclosure, so the total length would be about twenty-two by twenty-four, which would become year round seating. There would still be some concrete pavers in front of this wall, but not all the way out to the curb. We asked them to pull them off the curb because of the car overhanging, and that is one of my questions. Do you know if you are going to have any tables in that outside area?

Malgorzata Karas-Golka: Maybe next year if you approve it, but nothing this year, and that area is small, it is, right now what we did, we did some landscaping, but it is not right off the curb, so....

Ed Meehan: Right. The parking I would concur, I haven't seen those pictures but I drove by tonight on the way to this meeting, I've been over there a few times and about 5:30 Pronto Printers closes, Vacuum Village is closed, so you get the quick in and out for the A & P Package store, I don't think parking is going to be a problem. You will see, there are sketches of the proposed addition, the reason the last sheet shows twenty-four foot width and then the roof joists are twenty-two six because as I mentioned, they are going pull off, they would like to pull off that greenhouse and bring the roof right into the front of the building. So, it's not a big floor area, in fact the original approval you see in the letter already gave them permission to have up to twenty seats inside and twenty seating outside. I think you have three booths inside, or four, and maybe two tables for two. So, it's maxed right now. I don't think it would be a problem, given the facilities they have there for parking and access. This addition will have to be reviewed by the code officials to make sure there is proper exiting out of it, both from the existing space and the new space, that's about all I have.

Chairman Hall: Questions from the Commissioners?

Commissioner Pruet: I concur with Ed too, it's not a problem with parking, it's always, I go by there three or four times a day and I don't, my first concern was that, maybe if they were going to be coming out further, but now that it has been explained to me, I don't think it would be a problem.

Chairman Hall: Anyone questions?

Commissioner Schatz: I'm glad they are succeeding.

Commissioner Fox: Must be good food.

Malgorzata Karas-Golka: It's supposed to be Greek food. We're not cutting any corners.

Chairman Hall: I don't see any more questions at this time. I would like to keep this open only because, I may be wrong, but when I drove by I didn't see the sign for the public hearing posted. So I think we need to keep it open until next time, and put a sign up, just in case there is anyone from the public that wants to speak on this. I don't want to have this process tripped up just because we didn't have a sign, so if I can get some agreement from the Commissioners on that, that's the only reason, I don't want to get messed up on a technicality. You don't remember a sign in the front yard, do you that said, Public Hearing notice?

Malgorzata Karas-Golka: We did before.

Chairman Hall: Right, but this time around?

Malgorzata Karas-Golka: But not this time around.

Chairman Hall: Right, I didn't think so, so if that's okay. They can get that quickly, right?

Ed Meehan: I can do it right now.

Chairman Hall: Then when we come back on the 10<sup>th</sup> of September, in case there is somebody out there that wants to speak. There is plenty of parking, even over here. When it was Moto-Photo there was never a problem with parking. Okay, thank you for your time, and we will keep this open until.....

Commissioner Fox: Just put it in front of your patio.

Malgorzata Karas-Golka: Do I need to stand behind it?

Commissioner Fox: Well, you will probably attract a lot more customers.

Ed Meehan: Ten days, that's what it has to be up for.

Malgorzata Karas-Golka: Well, I don't know if I can stay out there for ten days. That's it, right? Thank you so much.

Chairman Hall: Anyone from the public wishing to speak on the petition? Anyone wishing to speak against it? Anyone wishing to speak?

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

None.

**IV. MINUTES**

August 13, 2008 – Regular Meeting

Commissioner Fox moved to accept the minutes of the August 13, 2008 Regular Meeting. The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion with six voting YES.

**V. COMMUNICATIONS AND REPORTS**

Ed Meehan: I have some communication matters that I would like to bring up in executive session for you, regarding the Amaning case. I think it is better to talk about it in executive session because there are some legal issues.

Chairman Hall: So we can move that to the end, after the staff report.

**VI. NEW BUSINESS**

None.

**VII. OLD BUSINESS**

**A. PETITION 34-08 - 375 East Cedar Street, Healthtrax Fitness & Wellness applicant, Healthtrax International, owner, attention Richard Booth, request for Special Exception, Section 3.2.9 Day Care Use, B-BT Zone District. Public Hearing closed August 13, 2008. Sixty five day decision period ends October 17, 2008.**

Commissioner Schatz moved that PETITION 34-08 - 375 East Cedar Street, Healthtrax Fitness & Wellness applicant, Healthtrax International, owner, attention Richard Booth, request for Special Exception, Section 3.2.9 Day Care Use, B-BT Zone District be postponed to September 10, 2008.

The motion was seconded by Commissioner Fox.

Chairman Hall: Any discussion? Anybody want to talk about this before we get to the meeting on the 10<sup>th</sup>. Any additional questions anybody had. My only one was driving past there quite a bit, was traffic, my concern is traffic. Little people coming in and out of there along with all the other people coming after work, sun in your eyes at certain times of the year, it's very busy in there, that's my big concern. We will postpone this until September 10<sup>th</sup>.

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

**VIII. PETITIONS FOR SCHEDULING (TPZ September 10, 2008 and September 24, 2008.**

**A. PETITION 40-08 – 171 Pascone Place, Paul McBride, 24 Beacon Street, Newington, CT 06111 applicant, McBride Properties, Inc., 3153 Berlin Turnpike owner, represented by Alan Nafis, P.E. Weston & Sampson, 273 Dividend Road, Rocky Hill, CT 06067 request for Site Plan approval Section 5.3 PD Zone District. Schedule for public hearing September 10, 2008.**

- B. PETITION 41-08 – 171 Pascone Place, Newington Knights applicant, McBride Properties, 3153 Berlin Turnpike owner, contact Lou Riccelli, 4 Grandview Drive, Newington, CT 06111 request for Special Permit Section 6.6 liquor permit, PD Zone District. Schedule for public hearing September 10, 2008.

Ed Meehan: Right now you have the public hearing that you continued tonight, and site plan for the Knights of Columbus who want to move into 171 Pascone and they would like a club liquor permit, the second petition.

Commissioner Niro: What building is that?

Ed Meehan: It's the one next to American Glass. It's between American Glass and Kindercare.

Chairman Hall: It's kind of a white, stucco type building.

Commissioner Fox: That's the one, Mirabelli or somebody wanted to go in there?

Ed Meehan: Henry Basso wanted to put his construction equipment in there, it just didn't fit, the back is kind of tight for trailers and construction equipment. It's an, Pascone is an old street, the front yards are very minimal, but they have a site plan to present.

Commissioner Fox: It will be a lot different than North Mountain Road.

Ed Meehan: That's all we have right now.

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

None.

**X. REMARKS BY COMMISSIONERS**

None.

**XI. STAFF REPORT**

- A. Bond Release Request – 3103-3105 JoAnn's Plaza addition.

Ed Meehan: There is a request for a bond release for the JoAnn's Plaza. This is the addition on the easterly side that was built out about five thousand, six thousand square feet. They finished their site work, a \$7500.00 bond I believe. The parking was done, the lighting was improved, concrete curbing was put in, a very small amount of site work, and that's been done for some time. That's one of the agenda items.

- B. Proposed Zone Amendments:

Section 4.4.8 Temporary Handicapped Accessible Ramps  
Section 7.4.19 (D) – Corner Lot Fence Height Standard.

We had talked at the last meeting, I don't know if the Commission is interested in bring this to public hearing, is to change the Zoning Regulations so that the Zoning Enforcement Officer can issue temporary permits for accessible ramps that may go over a front yard or side yard setback. Right now a household has to go to Zoning Board of Appeals. It could take sometimes two

months to get a ramp and a variance. Many communities do this on a temporary basis and the permit expires in one year, it can be renewed if the party still needs it, and it's done in compliance with the ADA standards for grading and so forth. It's something that we think would be worthwhile, would help certainly older residents, residents coming back home and they wouldn't have to wait a month. Also out there right now, you can actually lease these ramps, and put them out front, or on the side of your house, they are not the most attractive, aesthetic things, because they are metal, but they are functional. Some of the health providers actually rent these, lease them. So it is just something to think about.

The second item is an issue that has been going on for a long time, it's this issue of how you measure the front yard, and what size fencing you put in your front yard and if you are a corner it's issues with safe sight lines, so we have looked at that, and there is some suggested draft language that we think is more practical to apply to the front yard when the house is thirty feet back on one side, and thirty on the other, there's usually no sight line problems that would restrict a fence location. They are not classified as structures, so there are no building permits involved, and there are actually no zoning permits involved, but there are standards that they have to follow, they don't have to get a building permit or a zoning permit.

So I put those on the table for the Commission to think about.

A couple of other quick items. The Town Attorney, I've asked him to prepare a hold harmless agreement and a right of entry to 62 Rockledge. We want to get that soon, Ben told me that it is going to be ready, so I can get talking with Mr. Auderi, get the landscaping going during the season, coming up on the season pretty soon, talked to Ben this afternoon, and he will have that ready for us. He's also referred to Robinson and Cole, who is co-counsel for him this issue of the Accessory Apartments. He's asking them to look into it and provide a letter to him that he can pass on to you as far as some of the issues of interpretation of the statutes in case law. That's pretty much it.

Chairman Hall: Now do you want us to put the ramp and the corner lot fence height on for next, I mean, there is not that much more than we have to talk about. You gave us the whole write up on it.

Ed Meehan: Yeah, if you want to put it out for public hearing, then you can talk about it in the public hearing process, get citizen input if anyone shows up and wants to talk about it.

Chairman Hall: Everybody in agreement with that. Okay, well let's do that then. Also, we had two people who asked us to act on their petitions this evening, if we saw fit, one, being the Waterfall and the other the adult day care. What is your pleasure on that?

Commissioner Fox: I'd like to move that Petition 36-08 and Petition 38-08 be moved to Old Business and that in addition that any bond that would be the Fennwyck Estates also be added to Old Business.

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

**Petition 36-08**  
**Newington Waterfall Festival**  
**Special Exception Section 3.2.8**

Commissioner Fox moved that Petition 36-08 – Market Square – Municipal Parking Lot “Newington Waterfall Festival” Val Ginn Committee Chairperson, 15 Golf Street, Newington, CT 06111, request for Special Exception Section 3.2.8 B-TC Zone District be approved as a public event, scheduled for September 27, 2008 rain date October 4, 2008. It is a condition of this approval that all requirements of the Town of Newington's Event Application Ordinance, Section

14-2 be complied with and that the program's representatives meet with Town departments to coordinate responsibilities.

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

**Petition 38-08**  
**206 Kelsey Street**  
**Special Exception**  
**Adult Day Care Use**

Commissioner Pane moved that Petition 38-08 – 205 Kelsey Street, Reno Properties II, LLC owner and applicant, Attention Mr. John Mullin, Director of Property Management, 170 Pane Road, Newington, CT 06111, request for Special Exception, Section 3.2.9 Adult Day Care use, PD Zone District be approved the Commission finding that the applicant have demonstrated a need for this use and that the site's building layout, driveways and parking are adequate for its operations.

The Special Exception is for the operation of the adult day care by Community Residences, Inc. and is limited to the total combined floor space area of existing 4,000 sq.ft. in Building 48 on Christian Lane and Building 205 Kelsey Street, plus new additional floor area of 3,120 sq. ft. in 205 Kelsey Street.

The motion was seconded by Commissioner Pruett.

Chairman Hall: We have a change in the square footage, that last line, 3,120 according to the calculations that they gave us tonight should be 4,755.

Ed Meehan: For 205 Kelsey, that's based on what they handed out tonight.

Commissioner Fox: Does that require an amendment?

Chairman Hall: I think it would because we read it one way.

Commissioner Fox moved that the additional floor area of the building be changed from 3, 120 square feet to 4,755 square feet. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion with six voting YES.

Chairman Hall: All right, now discussion on the motion itself. This is the adult day care on Kelsey Street. Ed, have we had any reaction to the, he said they have been there five to seven years. I don't know whether, I can remember seeing vans out and about but I honestly never even knew that this place existing.

Ed Meehan: I, we knew about the one at 48 Christian Lane because it went in there as a Sheltered Workshop, the folks making things or packing things. The move over to 205 we didn't know about until they came in for building permits recently, so we have had no complaints. No complaints at all.

Chairman Hall: Apparently they seem to think that there is a need.

Commissioner Camerota: Parking doesn't seem to be an issue. I think that is always our big concern with this type of use.

Chairman Hall: Right, and you don't see anything with the driveways in and out or any of that either? Egress, access, anything?

Ed Meehan: No, it's a well laid out site and it functions very well. A lot of parking there. I know the driveways, well one driveway actually exits into New Britain, so I don't see any problem with this type of use.

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

**3103-3105 Berlin Turnpike  
JoAnn's Plaza Addition  
Bond Release**

Commissioner Pruett moved that the site bond in the amount of \$7,500 for 3103-3105 Berlin Turnpike JoAnn's Plaza addition, TPZ Petition 66-05 approved January 25, 2005 be released all site work having been satisfactorily completed.

The bond shall be returned to the project developer, Gilman Management Corp., Rockville Center, New York.

The motion was seconded by Commissioner Fox.

Chairman Hall: Now this is the part that is on the Berlin Turnpike, on the easterly side of the building.

Ed Meehan: Yes, there are two tenants in there now, there is one available for lease. I think one of them is Kinko's, T-Mobile, I thought the space in the middle was going to be take by FedEx. They are small spaces, only about 2,000 square feet.

Commissioner Fox: Kinko's and FedEx are together.

Ed Meehan: Right, you can drop off at Kinko's.

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

**Fennwyck Estates Completion Bond  
Steven daCosta Developer**

Commissioner Camerota moved that the Commission approve the release of the \$2,500 site completion bond posted by Steven daCosta developer of the Fennwyck Estate Adult Condominium project.

This released bond shall be made payable to the Fennwyck Estates Condominium Association and sent to Mr. Tim Luddy, President, Board of Directors per the agreement made with Mr. daCosta, August 22, 2008.

The motion was seconded by Commissioner Pane.

Chairman Hall: Discussion? This gets it off our table back into the hands of the development where it belongs and I don't see any issue with this? Ed, do you see any issue with this?

Ed Meehan: No, we can work the mechanics out to make sure that the board, through Mr. Luddy gets the payment. It's a good resolution, we're out of the middle of it. I think the board of

directors is happy, Mr daCosta will be happy and the amount of work left can easily be handled by the landscape contractor who is managing the site now.

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

**XII. ADJOURNMENT**

Commissioner Fox moved and Commissioner Pruett seconded the motion to adjourn the regular meeting and enter executive session at 8: 15 p.m. to discuss legal matters.

Commissioner Fox moved to adjourn the executive session at 8:24 p.m. The motion was seconded by Commissioner Pruett.

Respectfully submitted,

Norine Addis,  
Recording Secretary