

NEWINGTON TOWN PLAN & ZONING COMMISSION

January 11, 2006

Regular Meeting

Chairman Vincent Camilli 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.

Commissioners Present

Commissioner Anest-Klett
Chairman Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk

Commissioners Absent

Commissioner Andersen
Commissioner Schatz
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 59-05 Lot #209 Berlin Turnpike, known as the Libretta property, located on the easterly side of the Berlin Turnpike opposite Pascone Place, Donald F. & Betsy B. Libretta owners, Victor Bassile, Basile Enterprises, LLC, P.O. Box 270-361 West Hartford, CT applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037 request for Special Exception Section 6.5 Site Filling, PD Zone District. Continued from December 14, 2005.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, One Market Square, Newington, Connecticut representing the applicant. On this application, we, I told this to Mr. Meehan, we decided that we need to go back to the Inland Wetlands or Conservation Commission for modification of the Wetland Permit, so that we can use a different entrance, which is over the state right of way rather than creating another one. We spoke to Mr. Mancini today, Alan Nafis did, and he is trying, and I sent him a letter, he is trying to get us on the agenda for Tuesday. So if we get on the agenda for Tuesday, Mr. Mancini thinks that the modification will take place on Tuesday, if that is the case, I would request that we just continue this hearing until the 25th, I think that is the next hearing. Otherwise, if we can't get the modification next Tuesday we will run out of time, as Mr. Meehan told me, and I will send a letter withdrawing it without prejudice and file a new application, but right now we think that we will be able to get it modified next week, and we will have the proper modified wetlands permit in place, which will make it a better and different application.

Chairman Camilli: Okay, is there any technical problem?

Ed Meehan: There are thirty-seven days left on the clock for the Commission to close the hearing and decide on this. So if you close the hearing on the 25th, you are going to use up fourteen of the thirty-seven days, which gives you twenty-three days. You really only would be able to talk about this and vote on it then at the first meeting of February, which is February 8th. The only thing that I need to look at, now that you have introduced a new petition to the Conservation Commission, there is statutory extensions on time when the Conservation Commission acts, where the Planning Commission gets additional time, until they receive a report from Conservation, but if they act on it the same night that they receive it, the time is a moot issue.

Attorney Sabatini: Right, if they don't, you'll have a letter the next day saying that we will start all over again, because we certainly won't have enough time. They only meet once a month, as you know, so we won't have enough time. I hope our, Alan Nafis spoke with Mr. Mancini earlier, and we sent him a letter requesting the same, so we can hope that it will happen.

Chairman Camilli: Does everyone understand? Does that seem okay, but we would have to vote on it February 8th.

Ed Meehan: Because by the second meeting in February, the thirty-seven days is going to lapse.

Commissioner Anest-Klett: Can I ask, if there are going to be any staff reports, that night, could we have them in advance?

Ed Meehan: Yes.

Chairman Camilli: Okay.

Attorney Sabatini: Thank you very much.

B. PETITION 04-06 2434 Berlin Turnpike, O'Neil Plaza, Antonio Sousa applicant, Trans-Berlin Corporation, owner, request for Special Exception Section 3.15.3 Restaurant Use, contact Antonio Sousa, 167 South Road, Farmington, CT 06032.

Antonio Sousa: Good evening everyone. I'm fairly new at this, so you have to bear with me. I'm applying for a special change of use I guess, from commercial to restaurant use at 2434 O'Neil Plaza. I guess that is about all. I know that there is more than enough parking there. When I submitted an application, I submitted a copy of all the parking specs, with all the handicapped and so on, so I'm looking for the change of use.

Chairman Camilli: Is there anything else that he needs to move this forward?

Ed Meehan: The only question Mr. Chairman is the parking, and there is a brief staff report that explains the status there, also copies of the floor plans. The applicant is asking to re-use a space that is 1400 square feet, is that where the shoe....

Antonio Sousa: The old Red Wing Shoes.

Ed Meehan: So it is at the north end of the building. Of that 1400 square feet, based on the floor plan, about 400 square feet, with what looks like nine tables would be open to the public. So based on your zoning criteria for parking for restaurant use, that area would require eight spaces. As a retail space, you count the whole 1400 square feet, and that would generate the need for

seven spaces. The plaza, as it is now designed, has a surplus of eighteen spaces for the whole plaza, which is about 41,000 square feet, almost 42,000 square feet. So there is extra parking around this building. It is used pretty much on all four sides, and quite a bit of parking on the north end of this site.

Chairman Camilli: Do you know how many tables you are going to put in there?

Antonio Sousa: It should be right on the floor plans.

Ed Meehan: I have them right here. I thought I counted nine, but I wasn't sure if one was.....

Antonio Sousa: Nine.

Chairman Camilli: That's about it. Okay. Any questions from the Commissioners? Anyone from the public wishing to speak in favor? Anyone wishing to speak against?

Commissioner Cariseo: Is there a public restroom in here?

Antonio Sousa: There should be two, there is one here, and one here.

Commissioner Cariseo: Okay.

Ed Meehan: I didn't think of this and I should have. Are you putting in outside tables?

Antonio Sousa: No.

Chairman Camilli: Any questions from the Commission? Nothing from the public? Okay, we will close Petition 04-06. Thank you very much.

Antonio Sousa: You're welcome and thank you very much.

C. PETITION 05-06 Newington Business Park, former Torrington Company property, Willard Avenue, Newington Business Park, LLC owner represented by A-N Consulting Engineers, Inc., c/o Mr. Alan Nafis, 124 White Oak Drive, Berlin, CT 06037 request for re-subdivision Lot 11, into two lots, 4 acres and 2.034 acres, CD Zone District.

Alan Nafis: Good evening Mr. Chairman, Members of the Commission, my name is Alan Nafis of A-N Consulting Engineers representing Newington Business Park on this application. The application is to take Lot #11 on the Newington Business Park site, and subdivide it into two lots dividing it into one four acre and one two acre parcel. Just to orient you where we are, this is the Newington Business park outlined in here, Willard Avenue heading north, on the right hand side here the existing large buildings, the self storage units down in here. This is the six acre parcel that we are talking about. It was subdivided previously, well, we had a couple of subdivisions. We subdivided out this piece, then we subdivided this large piece here into three lots, this becoming Lot #11. This being Lot #11 here, Willard Avenue heading north down at the bottom, and we are just proposing to break that into two lots, a four acre lot, on the south side, 2.03 acre lot on the north side. It meets all the regulation requirements for the CD District, and hopefully this will be an easy one. I did get comments from Mr. Meehan about the need for certain easements, cross access easements, all of them certainly are acceptable to the owner. I do have a letter here stating that they would agree with a drainage easement across the lot. I'll just put that into the record. As far as the access easements, that has been talked about ever since this

project was started, if there is going to be access off of that circular road into these sites. I don't see any problem with getting those things taking care of. With that, I will be happy to answer any questions.

Chairman Camilli: The bottom bullet, do you, on the staff report.....

Alan Nafis: The explanation of probable future anticipated development uses? Whatever is allowed in a CD zone, but I'm not working for the individual who is looking to develop this site, but I was told, I could say it is going to be a professional park. But I haven't seen anything. I'm not, at this point, involved in it.

Chairman Camilli: Okay. Any other questions? It seems like it is rather straightforward. I don't have any questions. Anyone? Anyone from the public wishing to speak in favor? Against?

Audience: What does CD mean, what kind of zone is CD?

Chairman Camilli: Commercial Development.

Ed Meehan: I can explain a little further. It means Commercial Development, but in that zone you can only do professional offices, you cannot do housing or retail uses. So you can have professional offices, doctors, attorneys, accountants, financial institutions, or licensed service uses, a chiropractor.....

Commissioner Ganley: White collar.

Ed Meehan: Pardon?

Commissioner Ganley: White collar uses.

Ed Meehan: White collar uses, similar to what Spectrum Park is, to the north and the one adjacent just to the south.

Chairman Camilli: We can close this one too, so we will close PETITION 05-06.

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

None.

IV. **MINUTES**

December 14, 2005 – Annual Meeting

Commissioner Anest-Klett moved to accept the minutes of the Annual Meeting. The motion was seconded by Commissioner Cariseo. The vote was unanimously in favor of the motion, with six voting YES.

December 14, 2005 – Regular Meeting

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

V. COMMUNICATIONS AND REPORTS

A. CRCOG – Regional Planning Commission Appointments – 2006

Ed Meehan: You just have your annual consideration of who you would appoint to the CRCOG Planning Commission. It is a one year appointment.

Chairman Camilli: Do you want to discuss that now? Mike, were you.....

Commissioner Fox: I've been doing it.

Chairman Camilli: Do we have someone that can help you out with that?

Commissioner Fox: I think Commissioner Ganley is the alternate.

Commissioner Ganley: Okay.

Chairman Camilli: Would you care to continue, unless someone else comes forward.

Commissioner Fox: I will, unless somebody else wants to do it.

Chairman Camilli: Okay. Tom, do you want to be the alternate?

Commissioner Ganley: Sure.

Chairman Camilli: You can go with him too, I think, if you wish.

VI. NEW BUSINESS

A. PETITION 58-05 3000 Berlin Turnpike, known as the Grantmoor parking lot, CNLRS Exchange 1, Inc., owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for site plan approval, 19, 685 retail use, PD Zone, Continued from December 14, 2005. Sixty five day decision period extension granted to February 5, 2006.

Attorney Sabatini: Good evening, Mr. Chairman, Members of the Commission, Vincent Sabatini, One Market Square, Newington, Connecticut, attorney. With me is Alan Nafis and Rich Coriss from Northeast Retail. On this site, you know we have had a number of hearings, and we have gone back and forth about everything. The last proposal I think we settled all the issues having to do with the building with regard to the glass, the black colored glass was resolved, we resolved the issues with the lights, they are going to conform to Panera Bread lights. We resolved the issues with the slopes by not having grass, but having mulch and plantings. So that left the issue of the waivers, and the green space, and the deferred parking. We spoke to the end user, the tenant, and we talked to him about those spaces that are, were proposed in the green space, and he has agreed, and we have agreed that we are going to remove those spaces. By removing those spaces, well, it is upside down, but the entrance is over here, it looks, I know it is upside down, but this is the entrance, so what we are doing here, and Alan is here to explain the technical part of it, we're taking off the table the request for waivers. And will give a whole green space, thirty-five feet. We're not asking to defer any parking and we're able to comply with all the site plan regulations, with all the required parking for this building, all the required ten percent green space, all the required access to the Grantmoor, and to the Sphinx. So, I think it is a project now as of right, and it conforms to the site plan regulations. I know that Ed hasn't seen this, but this came about today, but I believe that that plan again, is going to work, and it conforms

to the site plan regulations in terms of, we have all the utilities, we have all the traffic access, we have everything that we need to have under the regulations. All the required parking, so we are not asking for waivers, and I think, I know that was a big problem for the Commission and I can understand where you were coming from on it, and conforming with everything else that is over there, and I think this does it.

Chairman Camilli: Well, it is kind of hard to react just looking at it for the first blush. I don't know if the Planner can.....

Ed Meehan: Well, certainly you know, I'll be happy to look at it, and go through the standards with the applicant, the engineer, and Attorney Sabatini to verify it. And, as he said, I haven't seen it, so an extension was granted to February 5th, so you've got the 25th meeting between now and then to fine tune it.

Chairman Camilli: Well, it's very difficult, as I said, to react, and, the only perplexing thing to me, is why would ask in the first place and now, all of a sudden, miraculously, it fits.

Attorney Sabatini: No, no, no, not miraculously, no. It's not that. I wish it was that easy. The tenant wanted spaces in front, for his users. That is what he wanted, he wanted those, remember we had ten spaces right here and we were going to defer some other spaces, but he wanted, he thought those spaces were going to be important for his business. But, when we talked to him and told him that you know, the building faces south, the main entrance, you are going to have your parking in front of the building anyway, that if you can not live with these ten spaces, you know, then because we told the Commission, then they do not want to give up their green space, and stuff like that, so I mean, that was the whole thing.

Chairman Camilli: So where did you pick up the parking spaces?

Attorney Sabatini: Well, it fits, we moved, because the parking is eliminated here, the building was moved up. We have the extra space in the front. We gave you all the landscaping in front of the building, on the west elevation that you wanted before, so we were able to do it. We have the, how many spaces, Alan?

Alan Nafis: One hundred and twenty-four.

Attorney Sabatini: One hundred and twenty-four spaces required.

Chairman Camilli: And the spaces where the easement was given up on the east....

Attorney Sabatini: This is all (inaudible) right here, this is Grantmoor, this is Sphinx. Thirty feet, still thirty feet.

Chairman Camilli: Again, as far as the spaces, under the easements, I guess if they are there, they're there, I really don't have a problem, but....

Attorney Sabatini: Again, I apologize for the lateness of it, this all came about in the last couple of days, I know that you haven't seen it, but....

Chairman Camilli: Where these spots were, on the west side,

Attorney Sabatini: Over here?

Chairman Camilli: No, excuse me, on the east side,

Attorney Sabatini: Do you have that, Alan?

Ed Meehan: You say that all one hundred and twenty-four of your spaces are on this property?

Attorney Sabatini: Yes, exactly, oh yes. This property conforms to the requirements. We are not asking to have shared parking, this is standing on its own, self contained. Before what we were doing, is that we were trying to get the tenant to have spaces in the front, in that green space, and that is why we were asking to waive eight spaces, and waive the green space for eighty-one feet, but, we convinced him, told him the Commission wanted to have conformity, we convinced him to remove them, so by removing the parking in front, we could push the building up, and put all the parking in the back. And give you that landscaping in front of the building that you wanted, that green space.

Ed Meehan: Along the foundation, right.

Attorney Sabatini: The foundation plantings, right. Before we didn't have that.

Chairman Camilli: Okay.

Commissioner Kornichuk: I just have one question. He has mentioned it twice, that they have moved the building up, now is it still parallel with.....

Attorney Sabatini: Yeah, actually it's here is the line right here.

Commissioner Kornichuk: I'm just asking because you said you moved it up.

Alan Nafis: It's well behind the building line.

Ed Meehan: Well, I think what Commissioner Kornichuk is questioning is if it still lines up with Panera.

Attorney Sabatini: It lines up with Panera, absolutely. You get that uniformity, I don't know what happened to the elevations, I guess the architect.....

Ed Meehan: I think he took them.

Attorney Sabatini: He took them the last time?

Ed Meehan: The boards.

Alan Nafis: That hasn't changed.

Attorney Sabatini: The building, if you remember is a beautiful building. I mean, it's a good looking building, and that has not changed at all.

Chairman Camilli: Any other reactions from the Commissioners? I think until the Planner.....

Ed Meehan: Submit the plans, the revised plans, and we'll look at them. Engineering is still looking at the drainage, so that's coming along. This revision won't affect the drainage.

Alan Nafis: Yeah, it will actually.

Ed Meehan: It will? New catch basins in different locations?

Alan Nafis: Everything will be in different locations, and the flows will be different and the, everything will be different.

Ed Meehan: The calculations?

Alan Nafis: Yeah, the calculations, because we actually have a little more green space in front there, less impervious area than I think we had before.

Ed Meehan: So you will be submitting a revised

Alan Nafis: They'll be pretty close but they're in different areas is what is happening here, so ...

Ed Meehan: So a revised plan will come in for that, too?

Chairman Camilli: How much time do we have for this?

Ed Meehan: We have until February 5th. And that's, you can't get any more time, I mean, that's, they already granted sixty-five days. Under site plan you get one extension.

Chairman Camilli: So this would all have to be done by the next meeting.

Ed Meehan: By the 25th.

Chairman Camilli: So you are going to have to get those in right away.

Attorney Sabatini: They will be in right away. Can I ask, is there anything else that we want to talk about, put on the table?

Chairman Camilli: No, the big question you took care of.

Attorney Sabatini: Okay.

Chairman Camilli: In my mind anyway.

Attorney Sabatini: Okay, thank you.

Chairman Camilli: But we'll see what happens.

Attorney Sabatini: No, no, technically we have to conform, and we are going to do that...

Chairman Camilli: As long as you work with the Planner, everything is in working order, the drainage and so forth, then it meets the site plan.

Attorney Sabatini: Okay, fine. Thank you very much.

Chairman Camilli: Okay.

Attorney Sabatini: I'll leave this, Ed.

- B. PETITION 60-05 2920 Berlin Turnpike, known as Walgreen's Pharmacy, TJJJ, LLC owner, Basile Enterprises, LLC applicant represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for modification of Site Plan requirement Petition 21-03 approved September 10, 2003, condition #4 "installation of a traffic signal at the intersection of Griswoldville Avenue, Waverly Drive and Deming Street and associated land widening" prior to issuance of certificate of occupancy. PD Zone District. Extension granted to January 11, 2006.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, One Market Square, Newington, Connecticut representing the applicant. Well, finally everything came together on this and we, today I faxed over to Ed a letter from RDR, the company that is putting the light in, at Griswold and Deming and they, Ed wanted proof that they had in fact ordered the controllers and the traffic signals for the light, and they indicated that those are just a four week turnaround, they are going to be ordered on January 23. Today we received confirmation from David Griffith, the Assistant Town Attorney that the hold harmless agreement had been approved by the Town Manager, and that the Town Manager was going to execute it tomorrow, assuming that there was positive action on this motion for the modification. Ed's memo January 11th, verifies that all of the site work that was required by the town could be accomplished has in fact been accomplished. The remaining work, a bond is going to be put in place, the bond values were reviewed by Mr. Mancini, and our contractor and we were in agreement with that. We will put up a letter of credit, which is already in place and Mr. Basile is ready to come to the Town Hall tomorrow again, barring, assuming that there is a positive vote and put the bond up, sign the hold harmless agreement. He has the necessary insurance certificate and we're going to be able to get the Certificate of Occupancy. Walgreens anticipates trying to open by January 20th. They are working hard now to get the store ready, so I think that we did everything that we were required to do, and it has all come together and hopefully the Commission will see to this favorably, and act favorably on the modification.

Chairman Camilli: Are you done?

Attorney Sabatini: Yes.

Chairman Camilli: Do you want to ask something else by any chance? A move to Old Business?

Attorney Sabatini: Oh, I request respectfully that this matter be moved to Old Business.

Commissioner Cariseo: I have a question. Remember when you first came in with the plan? And I think I asked, and correct me if I'm wrong, if it was going to look like the building in Manchester. Remember that?

Attorney Sabatini: Okay, I think I do.

Commissioner Cariseo: Not that I have a problem with the shingles on the building, but the one in Manchester has the aluminum, green.

Attorney Sabatini: Oh, but I thought we rejected that.

Commissioner Cariseo: Okay, that's fine. Also, the apothecary thing does not match the one in Manchester at all. That window up on the top, and for some reason I thought it was in the discussion that that wasn't going to be put in, but I see that it is there, I'm just asking the question.

Attorney Sabatini: I don't specifically remember it, Mr. Cariseo, but I believe it was built in accordance with the elevations that were submitted and approved, I don't think it deviated from that.

Commissioner Cariseo: I mean, my question was, is it going to look like the thing in Manchester?

Attorney Sabatini: I know that the green copper look, I know that was talked about and rejected, nobody wanted that, because I remember bringing in a photo simulation of that, and everyone discussed it and said, no we don't want that.

Commissioner Cariseo: Okay.

Attorney Sabatini: It was like too flashy or something, so that is why we did more of....

Commissioner Cariseo: I don't remember that conversation, but the window is the thing that really surprises me because in Manchester, it isn't there. It's solid brick all the way up, and it looks absolutely magnificent out there, and I think that window with the apothecary thing, I don't know, is not the greatest looking design, but, it's there. I just thought I would, I don't know if it's in the minutes, or not.

Chairman Camilli: Any other comment?

Ed Meehan: Just a little bit about this staff report, the last bullet is very important. It is somewhat beyond the control of the applicant, but I do understand from Pat Snow that he is moving forward as quickly as he can to open up the sight lines at the easterly end of Waverly Drive, so that the westerly end of Waverly Drive can be barricaded. That is important before the store, before Walgreens is open to the public, because the thought is just to keep that intersection a one stop sign intersection, so that the people who use it every day are not going to encounter another, you know, slug of traffic coming in from Waverly Drive. If you have been into Waverly Drive, or gone by there, you will see that there is quite a bit of activity in there. There's, every house under construction has three or four different trades working on the houses, as well as site contractors, and I have even encountered home owners coming in during the day to look at the progress on their houses, so it is very important that these traffic controls, interim measures be put in place, respective of Walgreens opening to the public and also as far as Waverly Drive and the safe sight lines at the other end. The balance of the information that Attorney Sabatini is giving to you I will confirm. We do have a bond number, \$179,000.00, that's for both on-site work, which is essentially for the rough grading and the grading for the landscaping, and off-site work, which would be the final roadway, the traffic signal, and the segment of the sidewalk. I did get the fax, as mentioned from RDR, which is the site contractor, and you see on the report that we do have a permit from the State Traffic Commission to the Town of Newington, because the Town of Newington is going to own the signal, for issuance on December 15th. I have not seen the hold harmless agreement, although I did talk to Dave Griffith, the Assistant Town Attorney this morning and this afternoon, and he confirmed that it is in the Town Managers Office but awaiting your direction.

Attorney Sabatini: May I respond to that Mr. Chairman. Two things, number one, in regard to the obligations of Mr. Snow, I want to note for the record that his attorney is here, Keith Shaw, and I did put Mr. Shaw on notice, by fax yesterday, and I told him that the road has to be barricaded opposite Deming and that the sight line has to be corrected on the other end of Waverly and Mr. Shaw confirmed to both by phone conversation and by e-mail, that that will be done by Monday, Monday the 16th, and he is here now and I think he will tell you the same thing during his portion of the site hearing. I also have, if you want for the file, a fax from Mr. Griffith indicating an attachment of hold harmless agreement saying that the version is acceptable to the Town. It's

not signed, but it is a confirmation. That is my only copy, so if you could, you don't have to make it now, I can pick up a copy tomorrow morning. So with that, I think I have answered all the questions that were required.

Chairman Camilli: I just have one. The indemnification agreement goes to June 1st, what is the schedule of putting the light in, actually.

Attorney Sabatini: Well, the schedule is, as soon as the poles arrive the light will be installed. We wanted to give enough time, and obviously it's to everyone's benefit, especially ours, my clients, to get that light in because the sooner it gets in, it cuts off any exposure that he might have. So the poles were ordered last December, I think the end of November actually when the shop drawings were approved, so it takes four months, so hopefully the poles will be in, in March and the light will be installed immediately. That is the goal. We don't want to go out to June, but we thought, given a safety net, just in case. We didn't want to come back, in case there was a problem, you know, with all the things that have happened over there.

Chairman Camilli: Well, as you know, there was a lot of opposition and there is probably some concern that this Commission has taken a walk on the light, which obviously we have not, but I was just wondering.

Attorney Sabatini: I understand. I have spoken to the Mayor, and I think that the Mayor understands, I don't want to speak for him, but I think he understands what is going on, and he didn't have a problem with this. He had no problem with it, and he understands why it has to happen, so it's no one's fault, but it's something that is fair and reasonable and it is going to work.

Ed Meehan: Just two minor things. I know Mr. Basile wants to get the Certificate of Occupancy as soon as possible, of course the bond agreement would have to be put in place, and we need a letter of credit and the town manager has to sign it, and then just, I see that Alan is still in the audience, is that the town building department and the Zoning Enforcement Officer will need an as built plan as part of the Certificate of Occupancy process. It's called a zoning compliance map that verifies that the plan meets the zoning, and from my understanding from the Building Department, they have finished their walk throughs, together with the Fire Marshal, and the building is ready for a c.o. Then, one last thing, I would ask you to have the site contractor fix the street sign again.

Attorney Sabatini: I saw that. It's, I talked to him at six o'clock tonight, and I told him it's on an angle, and I told him to fix it.

Chairman Camilli: I just had one question on the sign. I was talking to somebody, well, what was your question on the sign?

Commissioner Cariseo: Well, it looked like the sign that we didn't want, you know, that could rotate around.

Ed Meehan: The sign is not complete yet.

Commissioner Cariseo: You know the one that is on the bottom.

Ed Meehan: Yes.

Commissioner Cariseo: That is going to be just one sign at a time?

Ed Meehan: Yes, they.....

Commissioner Cariseo: They can change it though?

Ed Meehan: They can change it remotely from inside the store, or any, they can change the sign from Chicago from what I hear, but it can't be a flashing rotating sign. It's got to be fixed.

Commissioner Cariseo: In other words, it can say free aspirin for a certain amount of time, and then change it to something else.

Ed Meehan: Yes, but we don't want them to change it every half hour on the hour.

Commissioner Cariseo: Well, how are we going to do that?

Ed Meehan: Well, we can observe it. And, the brick columns haven't been put around that sign yet. It's just on two stilts.

Chairman Camilli: Any other questions? Okay.

Attorney Sabatini: Thank you Mr. Chairman.

C. PETITION 63-05 Sunrise Estates Subdivision, Griswoldville Avenue, Griswoldville Associates, LLC owners and applicant, represented by Mr. Patrick Snow, 110 Court Street Cromwell, CT 06416 request waiver of condition A.3 Petition 01-04 approved March 24, 2004 installation of traffic signal at the intersection of Griswoldville Avenue, Waverly Drive and Deming Street prior to the issuance of Certificate of Occupancies. R-20 Zone District. Extension granted to March 5, 2006.

Keith Shaw: Good evening, Mr. Chairman, Members of the Commission, my name is Keith Shaw, I'm an attorney for Patrick Snow, Griswoldville Associates. Mr. Snow apologizes, he couldn't be here tonight, he's in Boston attending a meeting. We are here in connection with the application. Basically you have heard most of the stories, the status of the traffic light from Attorney Sabatini. We have also been advised this afternoon that, by Attorney Griffith, that he has approved the indemnification agreement, the hold harmless. For those of you who may not be familiar, one of the conditions that they insisted on was that prior to issuance of the c.o., that we, both Griswoldville Associates and Mr. Sabatini's client agreed to indemnify the town for personal injuries or any accidents that occur at the intersection. Also, to get insurance, two million dollars for each liability. Both Attorney Sabatini's client has agreed to do that, we have agreed to do that, I believe Mr. Meehan has seen the agreement, it was finally revised today and approved, and we were advised that it would be signed off by tomorrow by the town, and we are prepared to sign the agreement tomorrow as well.

We also received a memo today dated January 11th, from Mr. Meehan noting six additional conditions in order to grant the waiver. Mr. Snow has agreed to all of those conditions, he is agreeing to fully comply with every condition requested. Also want to reiterate that the blockade on the corner of Waverly Road hopefully will be installed by Friday, if not, by Monday. We had planned to do it by the end of the month and we expedited and moved it up, had everything moved up ahead of schedule. Keep in mind that we are trying to work in conjunction with Walgreens, we are trying to use our best efforts to cooperate and make sure that they can open on their planned date of January 20th.

Chairman Camilli: Okay, thank you. So, whatever those conditions are, when they are filled, we will do the same thing, we'll be entertaining for Walgreens. Any other questions or comments?

Keth Shaw: Just to add one other thing, in terms of Waverly Road there is, a sight line had to be straightened out, that will also be completed by Friday or Monday. So he is working very quickly to do both of those conditions.

Ed Meehan: We will also ask Mr. Cassidy, his project engineer to certify the sight lines after they are graded back. I saw the general contractor when I was out there today, they have half of it done already, so if they can work with the weather, we're pretty lucky right now, they should be able to finish it up before the weekend.

Chairman Camilli: Thank you.

Keith Shaw: Thank you, have a good evening.

D. PETITION 65-05 3065 Berlin Turnpike, known as JoAnn's Plaza, Ceres-Newington, LLC, owners and applicant, represented by Attorney Vincent F. Sabatini, Sabatini & Associates, LLC, One Market Square, Newington, CT 06111 request for site plan approval to add 7,460 sq. ft. to easterly side of JoAnn's building. Waiver of 35' buffer, Section 6.10.4B and waiver of parking Section 6.1.1.J requested. Sixty five day decision period ends January 13, 2006.

Attorney Sabatini: Good evening Mr. Chairman, Vincent Sabatini, One Market Square, Newington, Connecticut attorney for the applicant. At the last hearing a number of things were pointed out about the site and we went back and looked at everything, and met with Ed and this is what happened. The applicant reduced the size of the building from 7,670 square feet to 6,978 square feet. Because he did that, we were able to push everything west and comply with the five feet requirement in front of the parking that is shown by this green space. So we don't have that added problem of the non-conformance of the front yard. We comply with that. In terms of the building, it remains exactly the same as previously designed with no change in the elevation. By removing the space that was reduced, is in the area of the site. Down below you have the present picture, and above you have the after, what it is going to look like when the improvements are done. The improvements are made to conform to the other improvements on the façade that you approved last time, which are already in place, where Radio Shack is, Chucky Cheese, and those places. So, by doing this, reducing the size of the building and Joe Perraginni here will talk about it, you have more green space in front, less of a parking waiver is required. He will talk about that. The other issue, and you have the ten percent green space requirement met. The other issue that was raised is what affect would TGIF have on this particular area for the parking. I have photographs that were taken, one on January 10th, 2006, at 12:15 p.m., Tuesday, which is a lunch time, and another photograph that was taken at night on Tuesday, January 10th, 6:30 p.m. and you can see from the photographs which I will hand to the Chairman, or Mr. Cariseo, that no one parked in that area. I can also personally attest that on January 2, 2006, I went to TGIF, had lunch there at 1:30, and the place was mobbed, there was a line out the door, and I had to wait to get in, but the parking worked just like the Commission planned it. Everyone parked around the building, and I purposely went to the other side of the plaza, and there were no cars in the parking lot. That was at the busiest time, and when they had lines out the door. So, and they still had some construction equipment on some of the parking spots in and around the place, so TGIF will not have an effect on this. I think the Commission can view this as dead space, similar to where the TGIF property was placed, and as dead space, because the entrance is no longer needed by Jo-Ann's, the developers came up with the idea of having some more retail there, and it's going to work, it's going to fit, and it's designed that the people who are going to use this new retail area will be parking exactly in that area. And, just like TGIF the parking requirements for this additional retail space, 6000 something feet, is met in this particular area, just like it was met at TGIF. So, I believe that we have a good plan, we have what the Commission wants, and we

don't have that five foot problem, and would ask the Commission to entertain an approval and to seek the waivers that Joe Perraginni will talk to you about in terms of the actual numbers.

Chairman Camilli: Would you explain this photograph? I'm just trying to, are you looking north?

Joe Perraginni: You are looking north. That is TGIFridays. We tried to lighten it because it is at night of course. That is the first two rows of cars. This is the next two rows of cars....

Ed Meehan: The first one is the row closest to the turnpike?

Joe Perraginni: The first two rows, yes.

Ed Meehan: And the next one is the next row back. Okay.

Commissioner Anest-Klett: I have a question. How come the pictures were taken on a Tuesday, and not on a Friday night or Saturday.

Attorney Sabatini: Well he is some that were taken on a Friday.

Commissioner Anest-Klett: Oh, okay, thank you. Thank you. I was there Friday night and there were people parking there. Right here, there were people parking there when I drove by Friday night.

Commissioner Ganley: About this parking, the wife is a frequent customer of Jo-Ann's, and I drive her there all of the time, and what I do is I come down this driveway and I park up in here, I park there all the time. The reason that I park up here all the time, I can always get a parking space there. I've been there when there was snow, there was construction equipment, any time the store is open for a bargain, I always get to park right in that spot, and I used to be able to sit there, rather recently and look all the way across an empty lot to TGIF and watch them construct it. I've seen customers come in and out, I can still park there, these parking spaces are never used. I've never seen anybody there at all, and I've gone there every day of the week, all times, anytime during the day. I can always park up in here and watch, like I'm staking the joint out, watch the front entrance, wife comes out, pull up and go home. This is all dead space. All through here. I recall conversations when TGIF was going up over here somewhere, and there was a discussion about where the employees would park. It was said, well, the employees are going to park over here. If there are employees parking over here, they must be coming at four o'clock in the morning, because they sure aren't there during the day. These are all dead spaces, all in through here. The whole area. I don't see us losing anything by saying well, let's do away with these spaces, and by the way, I've never seen anybody parking over here! So I don't know what we would be giving up, but I say, these parking spaces here we are eliminating, there's a whole bunch of parking spaces over here which aren't used anyway, and these were never used. That's my observation.

Chairman Camilli: Okay, and you had a different observation.

Commissioner Anest-Klett: Yeah, I mean, I don't have a problem with it, but I drove by there purposely Friday night and Saturday night, and there were cars parked there. When I go to Jo-Ann's, I have to park, I was there Monday at 10:45 in the morning, and I had to park away, and I know it's because of the snow because a lot of the spaces are taken up with, they aren't pushing the snow off of the spaces, so it's going to a whole different story when the snow is gone, it's going to be a lot more open. I mean, I don't have a problem, I was just wondering why, every time you take pictures it's during the week and not on the weekend, but that did happen. No, I'm set, I don't have a problem with the parking at all.

Attorney Sabatini: I think that, Joe will tell you, what the count for the deferral went down because of the smaller building. Do you want to, just talk about the technical things that we did because of shrinking the size of the building.

Joe Perraginni: For the record, my name is Joe Perraginni with A-N Consulting Engineers, just for the record, the difference in numbers because of the reduction in the size of the building, we reduced the building by 692 square feet. For this proposed building area, thirty-one spaces, we previously required thirty-five spaces, but what we also did, and this was at the recommendation of the staff, we eliminated an additional two spaces to increase the green space and enlarge this island here, so what this does is, with the thirty-one spaces because of the building, and the four spaces for the island eliminated, to create the island, that would be thirty-five new spaces to be waived, added to the existing waiver of one hundred and seventy-six. That brings the waiver to two hundred and eleven, which is two spaces less than what we previously came in for. Vinnie was pretty thorough with the rest of the elements, I did want to mention that we have added a stop sign, and stop bar at this location, and what this would do is, vehicles leaving the plaza, heading east would have to stop first, and cars entering the plaza from the turnpike, would have an opportunity to turn left into this area, without having to back up into the turnpike, so we are trying to improve the traffic flow at this intersection. Just to comment on these photos, we do have one from Friday night, and we have several from noon, and dinner time on Monday.

Chairman Camilli: Someone mentioned the snow, I think, didn't you also put little snow shelves so you could push some of that snow in the back.

Joe Perraginni: We had, this area here was larger, I think it was a comment of the staff that this would be more valuable as green space but snow could be piled here, and this remains the same, but we do have an additional five feet along the edge also.

Attorney Sabatini: The dumpster, too.

Joe Perraginni: Yeah, at the last meeting there was a comment about the dumpster, how this being a smaller dumpster on wheels that could be rolled out for trucks to pull in, a front loading truck probably would be able to lift those, the dumpster, once it is rolled out and turned.

Chairman Camilli: Any, Ed?

Ed Meehan: The revised plan shows that this is all going to be concrete curbing, and new bituminous, so that is a good start on the rehabilitation of the whole lot which the applicant said they were going to try to do in the next five years.

Joe Perraginni: There is concrete curbing and concrete sidewalk all along the front, with concrete curb. We added a little pathway for tenants to get to the dumpster, and this sidewalk wraps around the corner and matches up with the existing concrete walk, so there are improvements for pedestrian traffic between the stores.

Ed Meehan: You, do you know if the applicant is planning to go to the State Traffic Commission and seek a modification for their certificate?

Attorney Sabatini: I think we have to. We have to do that. The reason why last time there was a problem with that, is that when Konover built that, in the '70's, nobody recorded the State Traffic Permit, so nobody knew that there was one even required. Now they have a different procedure.

Chairman Camilli: All set Ed?

Ed Meehan: Yes. No, not all set, we need an extension to the next meeting, because the sixty-five days is up Friday the 13th.

Attorney Sabatini: I can grant you the extension, I'll send you a letter tomorrow.

Chairman Camilli: Okay, I guess you are all set.

E. PETITION 07-06 120 Styles Avenue, Lot 5 Styles Avenue, LLC, owner represented by James Campbell, 419 Robbins Avenue, Newington, CT request for site plan modification, Petition 35-02 Condition No. 2, occupancy use, I Industrial Zone.

James Campbell: Good evening ladies and gentlemen, James Campbell from Lot 5, Styles Avenue, LLC and 419 Robbins Avenue. 419 Robbins Avenue is our place of business for Campbell Cooling and Lot 5 is like a lay down area for our business that we do some site modifications down there, to some of our equipment, and basically have some people down there that have to put plows off and on trucks, and stuff like that, and I guess what we are looking for is to hang a couple of heaters to allow us to do that in the colder weather as the temperature dictates. Obviously nobody is planning on staying down here and living, it's basically just a place to shed some stuff from the main facility and store it down there, and make some repairs to some vehicles inside, and obviously heat helps. For the record, we have petitioned to the MDC in years gone by, since 1998 to try to get some sewer and water use down to our building, which has never been answered by the MDC for some reason. As we know, recently Mr. Arbor has recognized the street as a town road, and things have changed down there, so we do plan on rattling that cage again in the future, just to try to get some water down there, but right now we are just trying to modify the site plan to get some heat into the building.

Chairman Camilli: Well, I think MDC will respond now.

James Campbell: Again, we really haven't pursued it since the finding.

Chairman Camilli: I don't really know, but that would be my take on it. Ed?

Ed Meehan: Well, just to step back, what Mr. Campbell wants to do is to modify the petition that was approved for Mr. Cientello that basically said that the building had to be maintained as cold storage because it didn't have frontage on a public street. That is a moot issue now because of Mr. Boorman's determination that it is a public road. So, those requirements can be removed from that application, but you see in my staff comments, I would still recommend to the Commission that you keep this language in here because actually, using the building for human habitation, in other words having an office in there, someone is in there, or someone is there five days a week, eight hours, ten hours a day, would not be permitted under the Health and Building Code, because you haven't got public sanitary facilities, but you could heat the building, as you suggested. You could bring heaters in....

James Campbell: Well, right now there isn't even a chair in there, much less an office.

Ed Meehan: I think these two recommendations should stay with the application, until such time as MDC through the petitions you mentioned respond with water and sewer. It affects this property, other property to the west, Mr. Lenares' building is connected to the sanitary sewer, has a non-potable well. It's not for human use.

Chairman Camilli: Okay, so you can put in heat, but until the sewer.....

James Campbell: No permanent occupancy. That's understood. All set?

Chairman Camilli: All set, unless some people have questions.

James Campbell: Any questions, or public rebuttal, or anything.

Chairman Camilli: Sorry about there, there is no rebuttal. You're all done.

James Campbell: Thank you very much ladies and gentlemen, I appreciate it.

VII. OLD BUSINESS

Chairman Camilli: First of all, before we go to Old Business, there was a request by the applicant to move PETITION 60-05 to Old Business.

Commissioner Fox moved to move PETITION 60-05 to Old Business. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with six voting YES.

- A. PETITION 66-05 3065 Berlin Turnpike, known as JoAnn's Plaza, Ceres-Newington, LLC owner and applicant, represented by Attorney Vincent F. Sabatini, Sabatini & Associates, LLC, One Market Square Newington, CT 06111 request to amend Petition 22-05 pylon sign location. Public hearing closed December 14, 2005. Sixty five day decision period ends February 17, 2006.**

Commissioner Anest-Klett moved that Petition 66-05 3065 Berlin Turnpike, known as JoAnn's Plaza, Ceres-Newington, LLC owners and applicant, represented by Attorney Vincent F. Sabatini, Sabatini & Associates, LLC, One Market Square Newington, CT 06111 request to amend Petition 22-05 pylon sign location be postponed to January 25, 2006.

The motion was seconded by Commissioner Fox.

Chairman Camilli: The only reason for postponing this is just with the companion application up above.

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

- F. PETITION 60-05 2920 Berlin Turnpike, known as Walgreen's Pharmacy, TJJJ, LLC owner, Basile Enterprises, LLC applicant represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for modification of Site Plan requirement Petition 21-03 approved September 10, 2003, condition #4 "installation of a traffic signal at the intersection of Griswoldville Avenue, Waverly Drive and Deming Street and associated land widening" prior to issuance of certificate of occupancy. PD Zone District. Extension granted to January 11, 2006.**

Commissioner Ganley moved that the request to modify Petition 21-03, condition #4 "installation of a traffic signal at the intersection of Griswoldville Avenue, Waverley Drive and Deming Street and associated lane widening prior to issuance of certificate of occupancy" be approved with the following requirements:

1. The installation of the traffic signal prior to issuance of Certificate of Occupancy is modified and amended to require the installation and operation of the traffic signal and completion of associated roadway plans **prior to June 1, 2006**. The traffic sign and roadway construction shall be done in accordance with the Connecticut Department of Transportation, Report of the State Traffic Commission, issued December 15, 2005.
2. Prior to the issuance of a Certificate of Occupancy the developer shall submit to the Town Planner documentation that the traffic signal controller and signal head has been ordered.
3. Prior to the issuance of a Certificate of Occupancy the uncompleted site work and off site roadway and traffic signal shall be bonded and bond agreement signed by the Town Manager. The required bond amount that shall be posted is \$179,000.
4. That Waverly Drive, a private developer street, opposite Deming Street is closed to vehicular traffic.
5. That the hold harmless agreement recommended by the Town Attorney has been executed.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING (TPZ Meeting 1-25-06 and 2-8-06)

- A. PETITION 01-06 Reno Property, LLC, 170 Pane Road, Newington applicant represented by Attorney Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hurtle, City Place I, 22nd floor, Hartford, CT 06106 request zone amendment to CD Zone District regulations for Connecticut Children's Medical Center property (28.6 acres) Assessor's Parcel NE 505 to permit by Special Exception townhouse developments, CRCOG and Central Connecticut Regional Planning Agency Referral Notice required. Public hearing scheduled upon receipt of advisory reports.
- B. PETITION 02-06 2-14 East Cedar Street, Eddy Morales, 817 Main Street, Newington, CT 06111 applicant, Newington Development LLC, owner, request for Special Exception Section 3.12.1 Restaurant Use, B-TC Zone District. Schedule for Public Hearing January 25, 2005.
- C. PETITION 03-06 2-14 East Cedar Street, Eddy Morales, 817 Main Street, Newington, CT 06111 applicant, Newington Development, LLC, owner request for Special Permit Section 6.6 Liquor Use and waiver of separation distance, B-TC Zone District. Schedule for Public Hearing January 25, 2006.

Chairman Camilli: Some of these were on before. Reno Properties there, any question on that? The other one is Cedar Street, for restaurant use.

Commissioner Ganley: Where is that?

Commissioner Anest-Klett: Puppy Love was there.

Commissioner Ganley: Oh, okay.

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

None.

X. REMARKS BY COMMISSIONERS

Commissioner Fox: I have a question of the Planner. I would like to get a sign, a street sign on the corner of East Robbins and Kitts Lane directing to the VFW Post 98, such as NCTV has. Who do I go to for that?

Ed Meehan: I'm not familiar with the NCTV, you mean, like we have signs for schools?

Commissioner Fox: Yeah, something like that. Right on the street post though.

Commissioner Anest-Klett: It matches the rest of the sign.

Commissioner Fox: Yes, it matches the rest of.....

Ed Meehan: Talk to Mike Mancini, who is Public Facilities. Billy Califano, who is the sign guy, works for him.

Commissioner Fox: Oh, okay. He can just order a sign made up, without going through.....

Ed Meehan: Well, he would have to discuss it. If you give a sign to the VFW, you would have to give one to the K of C, the Saugerbund....

Commissioner Fox: Well, NCTV has one, so, the Polish American Club has one, they have one already. Thank you Ed.

Commissioner Kornichuk: Ed, I know that I have mentioned this to you before, but the manhole at the corner of Willard and Bayberry, in the state road. I know that the state was there a week ago, whatever, did something to it, but every time it rains, water just does not go down that manhole. It just flows right into Bayberry's manhole. I don't know if it's plugged somewhere. I think they vacuumed it and everything.

Ed Meehan: This is south of QuickStop? In the state right of way?

Commissioner Kornichuk: Well, it's right on Willard Avenue.

Ed Meehan: The state right of way.

Commissioner Kornichuk: It just flows right out of there, into, fortunately there is a catch basin on Bayberry, because it just all flows into that one.

Ed Meehan: I know that there were a lot of drainage issues in that neighborhood this past fall, when we got heavy rain. I'll bring it to the engineering department's attention again, but, state right of way, it's going to be, it may need to be vacuumed out.

Commissioner Kornichuk: I think they just did it, I think they were there just a week ago. Whatever they did sure didn't take care of the problem.

Ed Meehan: I'll find out.

Commissioner Cariseo: I have a question. The Zoning Enforcement Officer's report, I see newspaper boxes on it.

Ed Meehan: I can explain that, if you like. In November, actually late October early November, we went and inventoried the town of all the various vendors, newsracks, for fee and for free. There are nine to ten, depending on how you count them, and we went through the ordinances, sent the legal notices, we gave everybody a month to come in and comply with the ordinance. In the meantime, we developed an inventory and record keeping system. Just to be brief, the biggest newsrack vendor in town is the Hartford Courant. They were very cooperative. They came in with an inventory that they keep, of seventy-nine boxes and after going through the location of the boxes, only about twenty-four are actually on town property. The balance are either in the state right of way, which unfortunately we cannot regulate, or on private property. As of today, they paid their fees, for the twenty-four that they are permitted to have, and they have their stickers, and the next couple of weeks they are going to begin looking at, the ordinance requires certain ways to fasten them, they can't chain them and stuff, they are going to start doing that. Either weight them, or they have a screw type into the ground.

The Herald has appealed. They are not going to be cooperative. They would not give us an inventory, although we have our own inventory, but they weren't forthcoming with their inventory and they took issue with the color, which we weren't surprised at, that could be an issue, but the whole legality of the ordinance, which at our level, we are just here to administer and enforce it. That's a different issue, the constitution issue is for somebody else.

The other, for free newsrack people, like Careers, Home Journal, I Sold My Home.com, they did respond. Most of those are going to be taking them out. If they are in the public right of way, owned by the Town of Newington, they are going to remove them. A couple did not. They said they would, but then they didn't. So we are, under the ordinance, we are citing them. It's not actually a zoning citation, it's an ordinance citation, and they are subject to the fine. If they don't pay the fine, within thirty-five days, we will take them out. There are a couple that are a little bit irritating. They are the yellow ones that you see. I think that they are either Home Journal, or Careers. Unfortunately they are in the state right of way, but there is never anything in them. Once in a while you find some liter in them, and sometime some brochures, but we've been checking them for the last two months, and because they are in the state right of way, under the ordinance, we can't remove them. Home Journal is based out of Manchester, and we started a conversation with them to convince them to either keep them in better shape, or take them out. So that is where they are.

Commissioner Cariseo: What's this private property thing?

Ed Meehan: The ordinance reads that.....

Commissioner Cariseo: If they put a box in front of the bank, I guess it's private property, right?

Ed Meehan: Yeah.

Commissioner Cariseo: What gave them the right to put it on private property? They never asked the bank.

Ed Meehan: Well, they should be asking, for instance, there is one in front of Dunkin Donut as you walk in, the Hartford Courant has a box. They should be asking the property owners, can we put our newsrack there?

Commissioner Cariseo: Well, I can only speak for the bank, I was there, and they just put it around the pole, and locked it in. Same thing at Steve's, that's private property too then right?

Chairman Camilli: Well, wouldn't it be up to the bank to complain?

Ed Meehan: Yes, the post office got rid of them.

Commissioner Cariseo: Did they? Are they all gone?

Ed Meehan: There are only two or three out there, USA Today, and the Herald.

Commissioner Cariseo: There were like thirteen or so out there.

Ed Meehan: Yes, the postmaster talked to me and he said, do you regulate them? I said, no we don't, because it's private property, and I guess it was actually his insurance people felt that there was a liability, and got rid of them. The one at Steve's, if that is anywhere near Market Square, is it near the door going into Steve's?

Commissioner Cariseo: Yeah, right by the driveway.

Ed Meehan: Okay, so it is on private property.

Commissioner Cariseo: Well, it's on the sidewalk.

Ed Meehan: It's on public property if it is on the sidewalk.

Commissioner Cariseo: It's on the sidewalk.

Ed Meehan: Then that is one that we can regulate, it should be removed. Is it a Courant box?

Commissioner Cariseo: I believe so, or it could be the Herald, or both. There used to be two of them there.

Ed Meehan: We actually had some fun doing this, we put it all into the GIS and we mapped them, and took pictures and spotted them, so we have a good inventory. The Courant was most cooperative. They do this in West Hartford, they do it in Wallingford. They brought their Circulation Manager in, they sat down and said, what do you want to do?

Commissioner Anest-Klett: I have a question. Is there anyway that you can give us the keys, to the status. Like I know what some of them are.....

Ed Meehan: The last page doesn't have it?

Commissioner Fox: No, it used to be on the last page, but it hasn't been there for quite a few months.

Chairman Camilli: There was one.

Commissioner Anest-Klett: Okay, then on Main Street, down like across from Highland, I don't know if it's a wood chipper, or what, sitting out in front of a brick ranch. It's been there for a couple of months. It's between two pieces of property.

Commissioner Fox: It is a wood chipper.

Commissioner Anest-Klett: Is it a wood chipper? It's huge. It's big and yellow and it's been there for a while.

Commissioner Fox: It's a towable wood chipper.

Ed Meehan: In the street right of way.

Commissioner Fox: No, in the driveway.

Commissioner Anest-Klett: No, it's just sitting there in front of the property, it's not even in the driveway, it's on the grass in between the two lots.

Commissioner Cariseo: Going through this list, seeing the same things, year after year after year.....

Ed Meehan: Repeaters.

Commissioner Cariseo: Are we anywhere closer to getting fines for these people?

Ed Meehan: Most of them have been fined.

Commissioner Cariseo: Oh they have?

Ed Meehan: Oh, yeah. We have a frequent flyer down on New Britain Avenue, at the corner of Berkley and New Britain Avenue, the fine went out again.

Commissioner Cariseo: Are we collecting them?

Ed Meehan: Yeah. It's usually the tenant who gets stuck paying the fine, not the landlord. They pay a fine, they move out. The auto ones, they pay the fine, they move the car, but then a month later, the car is back.

Chairman Camilli: I'll take my one shot at my favorite spot, JDC. The past weekend, there were many, many trucks down there, on the weekend, all kinds of them.

Ed Meehan: Did they have snowplows on?

Chairman Camilli: No. It's seems to me that they are way out of compliance.

Ed Meehan: I'll check that out.

Commissioner Cariseo: How much are the fines?

Ed Meehan: Fifty dollars a day.

Commissioner Cariseo: You would think that that would get somebody's attention.

Ed Meehan: Well, they do appeal to ZBA, particularly the cars. We've had people down in the Sixth, Seventh Street area take it to ZBA, we had one guy who took it to ZBA, was denied, took it to Superior Court, went to a stipulated agreement, and he hasn't even abided by that yet.

Chairman Camilli: Any other questions?

XI. ZONING ADMINISTRATOR COMMENTS

XII. STAFF REPORT

Ed Meehan: I talked to the Chairman about this, in the next three weeks, I'm going to provide the Commission with a hard schedule in draft form, for the Plan of Development. It's going to be a real push the next eight months, I think to get that to the sub-committee, get it out to the appropriate boards and commissions, have some workshops for the public, and try to bring a draft together by mid-summer. There is a new procedure that was adopted as of July 1st, where the Plan has to be referred to the Town Council, which is a legislative body, for its endorsement before it can be adopted. They don't have the power to reject or deny it, but they have to endorse it. If they don't endorse it, they send back comments to Planning and Zoning, you can consider the comments, you can put them back into the plan if you like them, or if you don't like them, you just adopt it by a two thirds vote. So you have that, in this situation, you have the over-riding two thirds vote where sometimes it's the council.

The land use component has been done, we are fine tuning the map as far as the land use, the vacant land analysis has been done, as part of the land use, we did the open space, and we started to, with the vacant land, we started to put the wetlands and the flood plain areas on to get a sense of what the net buildable areas are in town, and then I have been talking to Vinnie about how we can recycle older sites, calling them opportunity sites, or where we have room to do some half way decent development. That is why I want to bring those things to the committee, to get guidance. The population component, and the housing component aren't going to be drastically changed from the 95-2005 plan, and they have the census to go with. We have an aging population, so that will be reflected.

Updating those primary components, population, economic development, housing, land use that we could be ready to go into some workshops, open workshops with the public and bring this to informational meetings in, right after Labor Day, and then the public hearing scheduled in early fall, and adopted before the close of the calendar year, stay on task. That's what I want to do.

Chairman Camilli: Speaking of procedures, I don't know how the Commissioners felt tonight, but having something put up on the board up there, for the first time, and at first blush, you know, just, it kind of, to me, I was like taken back by it to be quite honest with you. Not only is it not in front of you, and not only has the Planner not seen it, it's like the first time, and it's like the applicant is waiting for a reaction, and it's extremely difficult and my question to you is, is there any way we can control that?

Ed Meehan: Well, I think we have up to this point. Making sure that plans are filed in advance so they can be reviewed and get reports to you as soon as possible. That one came out of left field, and must have been the result of the meeting we had last Friday with the issues of green space, but I wasn't even tipped off to that today. The only way that you can control it is getting, using all the legal time that you have, and not acting until you are fully comfortable with the plan. Postpone it.

Chairman Camilli: It's unfair to the Commission, it's unfair to you, as far as I'm concerned, certainly you should be able to look at it and not instantaneously like that. We don't know if it satisfies the green space, the parking, you know, it's changed and it may be perfectly okay, but we really don't know that.

Ed Meehan: Well, actually a fair question was asked, you know, we went through two, actually three meetings on this, we were cut short in November with the untimely death of Officer McDermott, but three times you looked at this, had a good discussion on December 14th, the minutes ran five or six pages, and so, why couldn't they do this before?

Chairman Camilli: I think this was a little bit of brinkmanship, this could have been done before. If that is a workable plan for now, it could have been done before.

Commissioner Anest-Klett: They were just waiting to see how much we would give, before they would give.

Chairman Camilli: Okay, that was my only comment on that.

Commissioner Cariseo: What about Krispy Kreme? What has happened, do you know?

Ed Meehan: A lot of interest in Krispy Kreme from various developers. There may be, and I'm not really permitted to tell you who at this point, because I think there is a contract in place with the owner from Rhode Island, so that the person can do some due diligence and come forward with a plan. A very short decision time to make the contract and to do the due diligence, so, it was, we got a lot of calls.

Commissioner Kornichuk: There are a lot of rumors going around.

XIII. ADJOURNMENT

Commissioner Cariseo moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary