

NEWINGTON TOWN PLAN & ZONING COMMISSION

January 24, 2007

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

I. ROLL CALL

Commissioners Present

Chairman Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruett
Commissioner Schatz

Commissioners Absent

Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. **PETITION 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111 Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District. Continued from January 10, 2007.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, One Market Square, Newington, CT., attorney for the applicant. It's my understanding that the engineering department has not had the opportunity to finalize and review the drainage plans, so consequently we're not going to do much business tonight. The report that the test pits were dug, I'm not sure, I know that the town was notified, I don't know if anyone went out to see it,

Ed Meehan: They were dug today, they finished about noon time. The town engineer was out, I was on the site, but the excavator closed the holes up. So we need to get the soils report from anybody from AN Engineering to certify....

Attorney Sabatini: Yeah, they were out there, they told me that everything was what they thought it would be, but we'll get a report. So, and I have a request in to continue the public hearing, and I won't be here for the next meeting, so I've asked that the public hearing be continued to February 28th.

That's all I have, unless you have questions.

Chairman Camilli: Okay. Any questions, Ed do you have any questions?

Ed Meehan: No, the time frame, because this is a public hearing, you have additional time, with the consent of the applicant to keep the hearing open. We will await the test pit results, and continue with the review of the subdivision plan. There are a couple of neighbors who did submit letters that I recommend that you acknowledge for the hearing tonight, and make part of the record.

Chairman Camilli: Should they be read?

Ed Meehan: Read, or at least acknowledged that they sent them in, and then they are available to the Commission members and the applicant.

Chairman Camilli: Okay. We have two, one from Stephen and Susan Longchamp and one from Betty and William Wolf. I can read them....

Ed Meehan: All the commission members have copies,

Attorney Sabatini: You can give me a copy now or fax it over in the morning.

Chairman Camilli: Okay, these become part of the record. Do we need a letter for the....

Ed Meehan: We have a letter for the file granting the continuation.

Chairman Camilli: Okay. So, for the people who are here for this petition, as you probably heard, they did drill more holes, more than just the one in the center of the plot there, and obviously we didn't get a report yet, but we will be getting a formal report. Any Commissioner want to ask any questions? Anyone from the public who wishes to speak, for or against?

William Wolf, 77 Vincent Drive: Good evening. There is just one point that my wife and I have discussed since I submitted the letter. I am asking the Commission that they take a very, very close look at the number of homes that are planned to be put up. Once they are there, we can't do anything about it, and we're going to have to live there and look at it. My personal opinion, I believe there are just too many homes squeezed on that small piece of property. That's the only additional request that we have.

Chairman Camilli: Okay, would you want to read your letter into the record? You can if you wish, it's up to you.

William Wolf: No, that's fine, unless anybody here wants me to read it? If you want to hear it, I'll be happy to do it.

Audience: I'd like to hear it.

William Wolf: Thank you. "I am concerned about the proposed development that is planned for the land that abuts our property. The number of homes, the style of homes, and the layout of the project flies in the face of appropriate development for the Town of Newington. The Town has worked diligently to preserve the remaining open space that exists in Newington. These efforts have included the Eddy Farm, the Young Farm, and other developments, Strawberry Hill have been done in the way that preserves and enhances the quality of housing in the town. The density of this project, the size of the homes and the fact that no area of this development was to be designated as open space continues to create the urban sprawl that reduces our quality of life and decreases values of our homes. Any effort to reduce the housing density and create even a small oasis will help, even a little, combat the urban sprawl that is so evident in Newington. This continued movement to build on every square inch of Newington is a burden to the tax payers.

The revenue generated by the taxes from these homes will not in the short or long term, pay for the services, schools, police and road maintenance, social services, etc., that will be required. The cost of services versus tax revenue generated when development occurs was made clear when the town justified buying the development rights to the Eddy Farm. The residents of Vincent Drive deserve to maintain their property values, be free from obvious and yet unresolved drainage problems and to (inaudible) from the utilization of yet another area of Newington, saving another area from urbanization, inconsistent with the past and current practice of the town and should certainly be considered when this project is evaluated. I am requesting that the Planning and Zoning Commission consider the negative consequences of this. Clearly this development flies in the face of good land use since it supports building on every square inch of the land in Newington without regards to neighbors, taxpayers and citizens." Thank you very much.

Chairman Camilli: Is there anyone else?

Steve Toofeldt, 107 Vincent Drive: Question, so the meeting will be open to the public on February 28th?

Chairman Camilli: Yes.

Steve Toofeldt: Okay, and at the last meeting my wife spoke about papers that we had regarding the flood control project designed by Mr. Wayne Bell and Pete Arburr back in 1994. I provided copies to Mr. Meehan, the Town Planner, on Tuesday. After reviewing these papers, I feel that the Town of Newington has a responsibility to my neighbors and myself, to protect our properties from possible future water problems. As neighbors, we spent our money and implemented the first part of the flood control project. The town was supposed to implement phase two of the project in the fall of '94, however that is yet to be done. I realize that when this board makes their decision on this application they can either vote yes, no, or yes with stipulations attached. In the event that vote is yes, I have a list of stipulations that my wife and I and neighbors would like to see among this the board and the town of engineers deems necessary. I'd like to see all the excavation from the foundations be hauled away instead of being pushed around and re-graded to a higher level. The down spouts, the applicant stated that the rear downspouts would not be attached into the storm water system. We would like to see all downspouts front and rear, be placed into the storm water system. Storm water pipe should be run to the end of the cul-de-sac closest to Vincent Drive to allow the swale to be drained back in and keep the water onto that property. Fourth, put the side yard drains, on the south side, so it would run north to south, to be able to handle their own water and take it back into their storm water system. I believe that they should also have sidewalks on at least one side of the street. We would also like the town engineering department to babysit this project as it goes along. We all know that these plans are only conceptual and once excavation begins, there can be many changes on site. With that, I will hand this over to you. Thanks.

Amy Ciarcia, 113 Vincent Drive: I don't know if I'm supposed to say if I'm for or against this, this project, but I just have concerns about the water, because my property I believe, if it's not the lowest point on the street, it's the second lowest point. I'm almost sure it's the lowest and so the water that we have to deal with and that my husband has done extensive work with our neighbors to control, it's still a problem. In the spring it's a problem because the ground is frozen and the water comes into our property. I know a letter that I wrote because I wasn't able to attend the last meeting was read, but if the ground is frozen, last year the water level had risen so high that the water came into the windows of my foundation. It wasn't water seeping in, and coming into the foundation, this was a river rolling through my property and Mr. Toofeldt's property, and when I say a river, I was out there standing almost shin deep in water that was just rushing between our houses, it was crazy. So I guess if this is going to go through, I only thing that I really care about is that our properties are going to be protected because we have suffered a lot of loss, you know,

you can't file a claim with your insurance company, because they'll drop you, so I mean, we have had to deal with a lot of water damage and fixing it on our own, and as I said, we were trying to work with the town, and we did do thousands of dollars worth of preventative things to keep the water off our property and draining properly, but that is the main concern, and I think all those things need to be put into place and a checklist followed because you know, if they are going to cut corners in order to make their development more profitable to them, it's going to harm us, and I'm all for everybody, you know, you want to make money that's great, that's the American way, but not to the detriment of somebody else. So, you know, if it's going to be done, and everybody, you know, you want to do it, just do it right, and be considerate of our property, because you know, we all have worked really hard to beautify our yards and our homes, and the water is a huge issue. I wish somebody could just come out and walk the back end of those woods where our houses are, because that ground right now, of course it is frozen, but it's frozen solid puddles of water that has just sat there, and the water will sit there and in the spring time again, my sump pump is going to be going non-stop because there is always water there, there's always water in my sump hole, it doesn't matter if it doesn't rain for a month, there's just, it's wet, there's water there. So you need to not test way up the road where the ground is high, you need to come down and see what it is like down there, where it is really wet, because in those woods, it's always wet. Mosquitoes are a problem, and so, that's the area that you need to look at, and anything you do up there, is going to push the water closer to us, so it's got to be caught up there so it doesn't come down, and I hope I'm not coming across as a little too forward, but we've really had to deal with this water a lot, so I hope that you will really consider that and you know what, build the houses if that is what you are going to do, but take the precautions and all the necessary stuff so that we don't have to suffer any consequences because of that. Thank you.

Chairman Camilli: Thank you. Is there anyone else?

Matt Peck, 65 Vincent Drive: I don't have the research that these people have, I moved in I think two years ago, maybe, now, and like my neighbor said, I'm all for, you own the land, you would like to build something on the land and turn a profit, that is your right, that's the American dream, you want to make money, I'm just asking the Commissioners to look hard. I had to miss the last meeting, but I read in the minutes, something about how they were going to have to get creative with building to be able to get the houses on the lots they have, and basically, from my understanding, it's going to be a house, twice the size of my house, on my lot size, and I don't think I have a big lot size. I'm not saying, don't build there, I'm asking you to consider besides the draining problem which I have along with all my other neighbors, anyone wants to come to our basement next time it rains, you can come right down the line and see all our basements, but I'm just asking to consider if a ten lot subdivision is what's necessary, or if an eight would suffice, and give the people a return on their property without costing the neighbors on the other side. I'm not trying to take away anything from someone else, I just don't want anything taken away from me. Thank you.

Chairman Camilli: Thank you. Anyone else wishing to speak?

Marcel 33-37 Vincent Drive: I'm concerned about the other side of Vincent Drive. I'm 33,37, back there is wetlands, now you guys are having a water problem now, I don't want that water diverted to the other side of Vincent Drive. You can take care of this problem you take care of it for the whole area. You're not going to take care of it just on one end, because you are building on one end, and say screw the other end because nothing is happening, and let that water go there and then I'll have water problems. It's already mud there, and there are already water problems behind that area. I just don't want it increased any more than it is. Thank you.

Chairman Camilli: Anyone else? I think the Commission is well aware, the town is well aware that obviously we have to take a very close look at the drainage, which is basically out of our hands, and we, hopefully the town engineers know what they are doing and will make sure that any off site water that comes off this development is taken care of, if it gets approved, which is still not a done deal at this point. We certainly are aware that there are a lot of drainage problems here. Any Commissioners want to add to that? Ed?

Ed Meehan: One question, Steve Toofeldt mentioned the letter that he gave me on Tuesday, and I will make copies for the Commission members and for the applicant's engineer, because there are some historical engineering background information here that I think AN Engineers would benefit from, but I just wanted to ask Steve, or the neighbors, it mentions two phases, and one of them has to do primarily I guess on the Birdsell property, with the enlargement of the pond, and the extension of a six inch drain through the Zeldes property, which has changed hands, raising of the berm, behind Birdsell and Burns property, and cleaning and deepening of the existing swale, and the depression behind Toofeldt and Zeldes. Was that work done and completed?

Steve Toofeldt: Yes.

Ed Meehan: And then the phase two that you mentioned was the work that the town engineering staff was to do.

Steve Toofeldt: Correct. That was never completed.

Ed Meehan: Okay. Thank you. These properties are south of the subject site, 103, 107, 113 are two or three lots south, but we know from the drainage report, as well as being on the property, at 68 and 80 Maple Hill, that's where the overland flows begin, as reported by Mr. Nafis. They come across those undeveloped parcels and flow south, southerly and southeasterly and in addition it picks up water from 86 Maple Hill Avenue and 106 Maple Hill, which is Birdsell, where there is wetlands and a pond, and it outlets easterly to 113 which the woman spoke about, and that is the lowest point, and it makes its way out to Vincent that way at that point.

Chairman Camilli: What about the gentleman that spoke that is on the other side?

Ed Meehan: He's at the north end, northerly of this, 33-37 is northerly of these sites, don't believe that the water is flowing that way. We can check it, it may be coming overland from behind 36 and 42 Maple Hill which also have long, deep lots and then Mr. Peck, at 65 is directly behind the proposed development, as is Mr. Wolf.

Chairman Camilli: The engineers will look at the whole thing, right, they're just not....

Ed Meehan: We're going to look at the whole drainage, not just segregate this out. We'll look at the whole drainage area, and the flows will be based on the site of the drainage area, and the type of cover of the drainage area, whether it is full vegetation, the road, which is impervious, the roofs, which are impervious, and the way that that can be slowed down, mitigated, diverted is the issue.

Chairman Camilli: Okay. Yes?

Steve Toofeldt: I have a question for Mr. Meehan. The pond was really never a pond, it was always a low area that water collected so when the town was involved, they decided that this would be an area that we could make deeper and put a pipe in to allow and control the amount of flooding that goes on. That system has worked, from time to time we do have problems, but this whole system was designed, basically by Mr. Arbur, so that was just a wet area back there, it

was never a pond. It would dry up, like on the other property that we have been saying, but now it just never dries up because it is pretty substantial. The amount of water that comes from that general direction is pretty sizable to keep that pond full. There is an eight inch pipe that runs from that pond to a catch basin and then from there about 370 feet to Vincent Drive to the town's storm water system.

Ed Meehan: That is going though Ciarcia's property?

Steve Toofeldt: Correct.

Ed Meehan: You're right. The pond shows up on our aerial photos, and.....

Steve Toofeldt: Even on the applicant's aerial photos there are area in which there are no trees, that would indicate wet areas in the back there. I know that they had their soil analysis done, and it shows no wetland area, but as I was told when we first moved onto the street, just because it is not on the map does not mean that there are not wetlands.

Ed Meehan: I just want to point out to the Commission and to the audience that when Mr. Arburr wrote this letter to Ross Zeldes, back in '93, he did consult with Assistant Town Attorney Frank Borowy at the time, and the legal opinion was that since this is not town water contributing to the flow, that's the overland flow that we have been talking about, the Town of Newington is not legally involved in this matter, except that there was a zoning issue at 106, so at that point, because this was all on private property, the town did not have any legal responsibility, that will change with a public cul-de-sac, because we are going to be effectively (inaudible), so that is.....

Chairman Camilli: Attorney Sabatini, would you like to respond to any of these.....

Attorney Sabatini: I'd like to reserve my statements at this time.

Chairman Camilli: Any questions from the Commissioners? Ed, are you all set for now? We are going to keep this public hearing open until February 28th.

Ed Meehan: If plans come in, or correspondence comes in, they are available for public review in the Planning office, and it is almost a month away, so if new information comes in, check in the file.

Chairman Camilli: So if you have any personal questions or anything, just call the Planning Office and you can come in and look at whatever you want to. Whatever they have. So we are all set with Petition 69-06 for now.

B. PETITION 74-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Special Exception Section 3.19.2 (23 detached residential units,) PD Zone District. Inland Wetlands Report required. Continued from January 10, 2007.

Chairman Camilli: We have a letter from the attorney requesting an extension until February 14, 2007 on that. If anyone is here for that particular petition, if you want to say something, you are welcome to come up, either for, or against. That is Petition 74-06, otherwise we will just continue that one.

C. PETITION 06-07 2207 Berlin Turnpike, Summit Motel, Neel, LLC owner, Kayshik Patel, Applicant, 2207 Berlin Turnpike, Newington, CT 06111 request for Special Exception Section 6.2.4 pylon sign.

Chairman Camilli: Is the applicant here. You have to come up to the microphone and state your name and address for the record, please?

Kay Patel, 2207 Berlin Turnpike: I'm here for the sign for the Summit Motel.

Chairman Camilli: Does it meet the specifications?

Ed Meehan: Yes, it does meet the height and area requirements. The pole sign is twelve feet. It's replacing an existing sign which is larger, the existing sign is about fifty two and a half feet per side for a total of 105, the proposed new sign is 48 square feet, per side for a total of 96. I believe it is going to be placed in the same location as the existing sign which if the Commission wants to see is identified in the aerial photo. I think the sign may have been hit by a vehicle.

Ms. Patel: Yes.

Ed Meehan: So there was an accident and now they have to replace it. The only question that I had, is there any internal illumination for this sign, is it going to be lit?

Ms. Patel: I don't know about that.

Ed Meehan: Is the existing sign lit?

Ms. Patel: Yes.

Ed Meehan: So there is wiring out to, I would expect, since the system is there, the electrical system is there, they would probably also light this. It looks like it would be an internally lit sign, that's the question I had, I don't see anything on the drawing.

Chairman Camilli: Okay, this is a pretty simple application. Do any of the Commissioners have any questions on it?

Commissioner Cariseo: Should we know if it is going to be lit?

Chairman Camilli: Well, we're just assuming, what about the illumination?

Ed Meehan: We want to make sure that you know, it isn't going to be lit, and be flashing, or rotating, or a digital sign. That would be the question, you know. Like, no vacancy flashing at you, or, that was my concern. If it is a lit, internally lit sign, based on the colors which are dark reds and blues, it's not going to have a glowing effect to it. I was more interested in the two reader boards below, as to how they are going to be treated.

Ms. Patel: They won't be flashing.

Chairman Camilli: It's just going to be a straight sign, it's not going to be a reader board, because I don't think they are allowed in the regulations. Okay, we are assuming that it is going to be lit, you are going to have lights, it will be lit up at night?

Ms. Patel: Yes.

Chairman Camilli: I would think so. Any questions? Anyone from the public wishing to speak in favor of this, against? Okay, we will close Petition 06-07. Thank you. We're not going to vote on this tonight, but we will be acting on it at our next meeting.

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

Steve Tabor, 52 Rockledge Drive: We recently, most of the residents received a letter regarding the tree plantings in the subdivision. Mr. Snow is requiring us, basically, he wants us to mail him a check for \$1000.00 to put two trees in on every lot. A lot of the residents up there, they don't really want to see Snow, or have him on their property, whatever. A lot of residents don't want trees, period, because they have in-ground sprinkler systems, they have put in landscaping, extensive landscaping, thousands of dollars worth, and the scenario seems like, if we don't allow Snow to put these trees in, the town is, he's going to forfeit his bond, and the town has the bond money, and then, accordingly the town would proceed to use that bond money to attempt to put trees in on our lots?

Chairman Camilli: Is that your question?

Steve Tabor: Yes.

Ed Meehan: This is definitely a Mexican standoff.

Steve Tabor: Yes, it is a Mexican standoff because, let me just say one more thing, in our sales agreements it says, item number 13, trees and shrubs, it is understood that there are no additional trees required to be provided to the buyer by the seller, other than those existing. Any planting required by virtue of subdivision approval by the Town of Newington shall be the sole responsibility of the buyer, and the buyer shall hold the seller harmless from said....which means we are going to hold Snow harmless if the town is going to require us to put in trees.

Chairman Camilli: Well, what happened, when the subdivision got approved, just so you know, in our regulations, we require two trees to be planted by the developer, and what Snow did was get around it by hooking the, by selling the individual lots, and hooking the people into this, but that, and we held a bond for that, obviously, but Ed, just take it from there, because....

Ed Meehan: Mr. Tabor and I have talked about this, I've talked to a lot of neighbors down there, since this letter went out, on January 15th, I've gotten e-mails and copies and I wasn't surprised, because I thought it might come down to this, but what the Chairman is asking is that the property owners submitted a waiver request last spring some time that apparently Premier Development had circulated in the neighborhood.

Steve Tabor: Yes, Snow gave us waivers, if we signed off saying that we didn't want trees, he was going to present those waivers to the town and say, hey there is nothing I can do, the property owners don't want the trees, my hands are tied.

Ed Meehan: That did happen and the Commission discussed it and felt that, typical of other subdivisions and particularly here where it was blasted and re-graded, that some street trees were warranted, and it was referred to the town attorney. The town attorney advised the Commission that first, when the applicant, Premier Development applied for the subdivision, they never asked for a waiver of any of the subdivision conditions, which could have been waived at the time, by a two thirds vote of the Commission, a, he didn't do that, and b, the developer's contract with each individual buyer does not trump the town's zoning subdivision regulations. So Mr. Snow is still obligated to the town Planning and Zoning Commission to plant these trees.

Now, I expect that other property owners will feel the same way that Mr. Tabor does and they will not be sending any checks to Premier Development in the next couple of months, and the Commission will be faced with making a decision probably I wouldn't think later than May, about what you are going to do, and the Town Attorney sort of hinted at this, when I talked to him, and I think we will look for his guidance again, but I believe that you would be within your rights to call the bond. Then what do you do with the money? There are liability issues, going on people's property without their permission, and I don't think the Town Attorney would encourage that. There may be other options, such as putting this into a reserve fund for planting trees somewhere else in town, doing something in that area with the money from Premier Development. That is where the Town Attorney has got to look at the bond agreement, and see what latitude you have there. I think there was a count of about twenty-three trees on various lots that had not been completed on this portion of the bond, and as the Commission said as we discussed this last spring, it's not your intent to force this on people, but on the other hand, you have a developer who is obligated to do what he is supposed to do, and I don't think you just want him to walk away from it.

Steve Tabor: It says here, the Town of Newington has required Premier Development Inc., not us as individual property owners....

Chairman Camilli: Yeah, we said that.

Steve Tabor: But say, I'm a property owner, I don't want a tree on my property, period, ever, I don't like raking leaves, so why am I obligated to put, you know what I'm saying, do I have the right, on my own property in the Town of Newington to not have a tree.

Chairman Camilli: First of all, you have to bac up to that, and the backup is that development was approved with subdivision regulations that required two trees to be on, it wasn't your property at that time, it was Mr. Snow's property, and at that point, he should have put the two trees in because those were his responsibilities according to the approvals that were given. Had nothing to do with the property owner. So your question doesn't fit here, because the only thing we are going to do at this point if you heard Mr. Meehan, we aren't going to force a property owner at this point, even though the subdivision regulations require it, to have you as an individual property owner take these two trees. We're not going to do that. I don't think that we can, and I wouldn't suggest that we do, so, to answer your question, was it to the individual owner, you didn't own it when those trees were supposed to be put in.

Steve Tabor: Right, like when I first got my lot, there was a conservation easement in the rear of my property, with respect to that, but outside of that, on my general lot, I cut down trees.

Chairman Camilli: See you didn't get the approval for the lot, Mr. Snow did for the full subdivision and that is where the two trees come in, had nothing to do with.....

Steve Tabor: That applies to the subdivision plans only.

Chairman Camilli: That applies to the subdivision plans only.

Ed Meehan: It's like building the road and the detention basin....

Chairman Camilli: Exactly.

Ed Meehan: And the developer is one hundred percent responsible for that.

Steve Tabor: I have another question. When the Planning and Zoning Commission, when your Commission approves a subdivision plan, and there are notes in that subdivision plan by an engineer, and say the engineer requires, states, three to one slope factor or a retaining wall will be constructed, and that is stamped by the town, Domenic Pane at the time signs it, and its stamped and its down in your vault, in the clerk's office, if the town has a generalized slope requirement of subdivision, of two to one, say, two to one slope factor, what prevails? Does the actual subdivision plan as it's stated, say like, because I have a slope issue with my neighbor, it needs to be graded and in the spring, hopefully something is going to happen, but it is eroding onto my property, and I'm in confusion with three to one, or two to one slope because the subdivision plan states three to one, and Art Hanke had mentioned, oh, that's something that the engineer just throws in there, it's generic, but if its on the subdivision plan, and its on file in the town hall, in your records department, that all slopes in this subdivision must conform to the three to one slope factor, is that what you have to adhere to, or do you adhere to the regulation of a general subdivision?

Ed Meehan: Well, first you would have to adhere to the minimum, which is two to one, or the maximum slope in this case, but the engineer who designed the lot layout interfaced it with hopefully a three to one slope, that is what it should be graded to, and if it said three to one between you and your neighbors, and three to one up the road, that's what it should be graded to. As you know, there was a bust between your lot and the lot to the east of you, in the surveying, or whatever, and that's where we are with that one, but I don't, if it was approved for three to one, then without errors such as the situation between you and, I forget your neighbor's name....

Steve Tabor: Aldiari.

Ed Meehan: Aldiari, three to one should be the result in the field.

Steve Tabor: Okay.

Ed Meehan: That is what Cassidy, who was the project engineer certified it at, and that is what the lot should be, that is what the drainage is based on, and the yard slopes are based on.

Chairman Camilli: He's saying there is some kind of error?

Ed Meehan: In this particular case, in the subdivision.....

Steve Tabor: You guys corrected, from that point forward, of the error in my lot, what happened was is, the lot next to me is the only lot in the whole subdivision that used an engineering firm other than Cassidy. They used Bongiovanni. The two engineers obviously didn't know what the fine grades were to the line, because he used a different engineer, because, now you guys require, when Snow built the Waverly Drive subdivision, every lot has to be engineered by the same engineering firm. Like if I was to purchase a lot from Snow for Waverly Drive, I would have to use the same engineer that engineered that subdivision, to make sure that all the sloping was right. The town internally corrected that, because there was an error when my lot was done....

Chairman Camilli: But this is certified, they have the stamp....

Ed Meehan: Well, you have your plot plans for your building permit, your zoning permit, it shows grades and then you get certified plot plans for as built, and we've been going back and forth with those for quite a while.

Steve Tabor: The retention pond, they had to take some out, they had to re-grade it....

Ed Meehan: It's obviously determined that there was a bust in the grade between the two land surveyors.

Chairman Camilli: That's what happens I guess when mistakes are made.

Ed Meehan: Well this is a very visible mistake if you go up there.

Steve Tabor: I mean I'm cooperating to the point where the town holds a \$2500.00 bond from his builder, the builder is supposed to be coming out in the spring to re-grade. Once he finishes re-grading, I know that I'm going to have to dig all along that whole property line and put a drainage system in there, because the water already, when I walk in the side of my property here, you are squishing, because the water comes down that slope and collects near my foundation, due to the sloping, but we will wait and see in the spring. Thank you very much.

Chairman Camilli: Thank you. That's a tough...

Ed Meehan: I'm surprised more neighbors from Rockledge didn't come.

Chairman Camilli: I think you probably get the reason why people who are up there don't want Snow on their property. I think they are totally dissatisfied with some of the construction work, but then again, I don't know if it was Snow or just the engineers.

Ed Meehan: In this particular case, he sold the lots, and he was, he sold the lots, he was out of it. So it had to be the two other situations.

Chairman Camilli: And that is how he got out of the tree business too.

Commissioner Fox: And that struck me when Mr. Tabor was speaking, when push comes to shove, and the town does hold the bond, and we have to decide whether we are going to plant those trees, what happens to that regulation or that stipulation, if we wind up not planting the trees. If the current homeowner, like Mr. Tabor, he doesn't want trees.....

Chairman Camilli: So we can do what Mr. Meehan suggested.

Ed Meehan: I suggest that you call the bond, again, we will contact the owners and say, we've called the bond, do you want trees? Take one more pass at it, and I don't think you are going to get a lot of people taking the trees, so let's say that you get five that want trees, so you take a thousand dollars, ten thousand dollars of the bond, whatever that equals, and you do those folks yards, you get the release and the hold harmless agreement to go on their property, you get the markouts for the utilities, and we would have to act as a contractor, we'd go out and hire a landscape company to do the work. We become the construction company.

Commissioner Fox: Okay, but that wasn't my point...

Ed Meehan: What we do with the rest of the money, hopefully we will get a legal opinion you can maybe put it into the Park and Rec maintenance budget to replant trees, or hiring someone to prune trees in the town center, there's lots of things that we could do to make good use of that money, if we have the rights to do it.

Chairman Camilli: That's still at this point a legal question, but that is a suggestion...

Commissioner Fox: Good explanation, but that wasn't my question. I'm thinking of the future, let's say Mr. Snow decides that he has found enough land in Newington, which I doubt he will

ever do again, for another small subdivision, and he says, gee, the last time, over there on Rockledge, we got away without putting trees in....

Ed Meehan: But we called his bond.

Chairman Camilli: We called his bond, so he still had to pay one way or the other.

Commissioner Pruett: And he's aware of the regulations.

Ed Meehan: We are getting better cooperation on Waverly. Some of the trees that have gone in are lacking size let's say, they could be better, but we are getting better cooperation without pressuring him. The problem we have, there is another subdivision of his on New Britain Avenue, small, about five houses, who are second and third time buyers. They have, they're not even aware of what this is, they get the letter, and say, what is this letter about.

Chairman Camilli: Is there something in the regulation we could put in, before the lots are sold individually that the trees have to go in, by the developer?

Ed Meehan: Well, not really, because practically, that is the last thing that you do on the lot. The lot's are being graded, they are torn up, and you know, that's why they are bonded.

Chairman Camilli: It's a buyer beware situation. They signed a piece of paper that hooks them in for the cost of the trees when he knows that he has to put them in.

Ed Meehan: It's an item carried in his bond with us. You know, the extreme would be, not to belabor this, to pass on the responsibility for building the road to each individual buyer. Believe it or not, that is in the contract for Waverly. Not the road, but improvements in front, sidewalk improvements, so if you benefit by having a sidewalk on your site, your site development contract, maybe it's a little higher than the typical site development.

Chairman Camilli: Something that the individual lawyers who represent these buyers should point this stuff out, instead of waiting until it hits them in the face. Any other questions? It's very interesting though.

IV. MINUTES

January 10, 2007 Regular Meeting

Commissioner Fox moved to accept the minutes of the January 10, 2007 regular meeting. The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: There should be a flyer for each Commission member and I'll make the public aware of it, of a workshop that the Department of Transportation is going to sponsor on February 6th, over at the Joe Doyle Center for the busway. They have, they are calling it a charet, which is basically like a design event, where they are going to have their architect and engineers looking at Newington Junction and the Cedar Street station. They are much further along than they were a year ago as far as the conceptual stationary designs, this is more specifically on the parking lot layouts, the access and the structures themselves. They are looking for public input, so the program is alive and well, it's moving along.

Chairman Camilli: Any questions on that? Okay.

VI. NEW BUSINESS

Chairman Camilli: Petition 75-06, they have requested a continuance there, so that should be continued as well.

- A. PETITION 75-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 request for Site Plan approval Section 5.3 (23 detached residential units,) PD Zone District. Inland Wetlands Report required. represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037,**
- B. PETITION 78-06 751 Russell Road and corner of East Cedar Street, known as Lower Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, P.O. Box 366 East Longmeadow, MA 01028 applicant, represented by Attorney Michael A. Zizka, Murtha-Cullina, LLP, 125 Asylum Street, Hartford, CT 06103-3469, request for Site Plan approval Section 5.3 gas station use and convenience store, I Zone District. Inland Wetlands Agency Report required.**

Chairman Camilli: Do we have anything on that?

Ed Meehan: I have a letter from Attorney Zizka, received this afternoon requesting the Commission to continue this to February 14th. They asked for additional time to review the staff report, and town attorney's opinion, and to be prepared on the 14th, when they are here. Also, I clarified with Attorney Zizka that the revised plan that the Commission is looking at, there are two separate site plans submitted, will be the one that was submitted January 8th, received on January 10th, and the sixty-five day review period will start on January 10th, and that brings it, I believe, to March 16th, for the first sixty-five days, contingent upon what report you have from the town attorney regarding his opinion on the special permit requirement. I think Attorney Zizka was going to talk to Mr. Nassau about that, so it is basically held over to the 14th.

Chairman Camilli: It's going to be held over to the 14th, which would be the second meeting...

Ed Meehan: That is the plan that does not have the regulated wetland area.

Chairman Camilli: Is that the one that they are going to....

Ed Meehan: That's the one that they want to present.

Chairman Camilli: Okay, did we get anything in writing on that?

Ed Meehan: Yes, he talks about the extension, and also as you and I discussed, we will be relying on the revised site plan submitted January that eliminated the activities previously proposed in the area regulated by the Inland Wetland Commission. So, he is referring to the January 8th submission. My staff report said March 11th, the correct date is March 16th.

Chairman Camilli: Does this second one have a petition number?

Ed Meehan: No, it's the same petition number.

Chairman Camilli: I'm just a little confused, even though we talked about it at length, if it has the same petition number, how can it have two different dates?

Ed Meehan: Well, what the applicant did is, he submitted a full set of drawings on November 22nd, and that drawing was limited to the very first submission, as far as the site plan layout, and did involve wetland impact, the access road. That is the plan that we began to revise and began to review and we knew we had to coordinate with the Conservation, Inland-Wetland review. Then, on January 8th, a new set of plans was brought in, with the revision eliminating the access road, that went around the back of the proposed convenience store and up to the hotel and the rest of the site. Somewhat of a substantial change in the site layout, but also affecting a procedural issue, because the applicant claimed because they eliminated the access road, they weren't in a regulated area any more, so they didn't have to go to the Conservation Commission with this plan, and what I was going to discuss tonight, but I cleared up with Mr. Zizka, on the phone today, was which plan did the applicant want the Commission to act on? The response and the extension letter here tonight is the plan that removes the wetland area from the site plan. That is the January plan, so that is the one that I would recommend that you look at, and the implications of that plan.....

Chairman Camilli: So then to answer my question, the clock then, a different clock because they submitted a revised site plan, that gives you another.....

Ed Meehan: In my opinion it does, and Mr. Zizka agreed with me. If you started the clock back on December 13th, and, that's not really fair to the Commission because your sixty-five days runs out February 16th, which is your next meeting, and if you don't act on it, it's approved automatically under site plan, if this is still really a site plan, so by submitting a new plan, and substantially changing it by eliminating that road, removing the wetland review, in my opinion, a new clock starts, based on January 10th, and I asked Attorney Zizka what he meant by the extension, he said, okay, I'll go along with the January submission.

Chairman Camilli: The reason why I was playing the devils advocate here, I just wanted the Commissioners to kind of understand what was going on, it takes a while to digest all this.

Ed Meehan: There are different time frames, whether they are before Conservation Commission for wetland review, based on their report, you have a different time frame for making your decision, whether it's just straight site plan, there's different time frames, and then there is a third caveat here, which the Town Attorney recommends that this should be really treated as a Special Permit, based on Section 6.11, which was the way this project was originally submitted, back last spring, or even earlier than last spring, so that has to be ferried about too, because that will set up a whole different time problem.

Chairman Camilli: I'm sure you can get another copy of this, but I would suggest that you keep this staff report so we have it when they are going to come back before us.

Ed Meehan: The other thing that we have, we have the traffic reports, both the original traffic report, and the supplemental report which was done by the traffic consultant, updated, giving you additional information on their opinion as far as the traffic impact of this particular usage of the gas station which I would recommend that you take with you, and look through, and the site plan is obviously here for your review, between now and the 14th. And I'm available.

Chairman Camilli: As I understand it, and I don't know if I should bring this up, they are still appealing the other approvals.

Ed Meehan: They are appealing the Inland Wetlands non-favorable vote, and they are also before wetlands for re-consideration, they may be voted on, on February 20th. They are appealing your special exception denial on the gas station, and they obviously have reapplied to you.

Chairman Camilli: I don't know how all of this is, it's like pick up sticks, how it is going to shake out, because we have approved, and denied the gas station, now coming in under the I zone with the gas station, but they are still going ahead with the original stuff. I'm not sure where it is all.....

Commissioner Kornichuk: That was my question, I was going to ask, are they still going on with the rest, and are just coming back before us for what we denied, the gas station, and you answered that.

Chairman Camilli: Well, I guess, yes, this would just be specifically for the gas station...

Commissioner Kornichuk: But the rest of it we already approved, so they are kind of accepting that approval, they are just trying to get the gas station again.

Chairman Camilli: I don't know what, but we also gave the whole site a zone change, so I'm not sure what the technicality of all of this stuff is.

Commissioner Ganley: My question is on the traffic report, the one, the stack behind you, you are referring to? Okay, that's the recent one as relates to just the gas station, is that correct?

Ed Meehan: Yes, this one here.

Commissioner Ganley: And that relates to just the gas station....

Ed Meehan: Well, it looks at the whole site, but the engineer has broken out some of the questions about peak hour trip generation and pass by, and he focuses on those numbers here, and he has given a couple of tables and where he got his data from, the assumptions made which....

Commissioner Ganley: What I am getting at is this, as I can recall, when the original site plan was submitted, in its totality, was there a traffic report with that one, showing what traffic would look like....

Ed Meehan: Oh yeah.

Commissioner Ganley: Now, is that traffic report just for the gas station, with the rest omitted?

Ed Meehan: No, it has part of the whole site, the turning movements and the background traffic and the combined traffic, but there are two or three tables in here, and some narrative explaining trips specifically related to a gas station use, pass by trips and new trips generated by that particular component of the development.

Commissioner Ganley: So would it be of any value to us to have the original traffic report?

Ed Meehan: I have both here.

Chairman Camilli: He has both,.

Commissioner Ganley: Okay, that's what I wanted.
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Ed Meehan: Then we have the proposed roadway improvement plans also.

Chairman Camilli: Technically, for this particular application, we're only supposed to look at it as it applies to this application. You know, the traffic, as it applies to this application.

Commissioner Pruet: Now, do we have another consultant review that plan too?

Ed Meehan: No.

Commissioner Pruet: Buberis, was it? Didn't he take a look at that too?

Ed Meehan: No, GM2 looked at this whole project back in September I think it was before, in totality, there were four or five components of this thing.

Commissioner Pruet: Isn't that the third review now, during the past year of that site?

Commissioner Kornichuk: Didn't we hire somebody?

Ed Meehan: Yes, a consultant, that was GM2.

Commissioner Pruet: So there was three.

Chairman Camilli: These two, plus GM2.

Commissioner Pruet: Right.

Ed Meehan: There is GPI, which is the applicant's engineering firm and their presentation, and then, partially through the project the town retained GM2 out of Glastonbury to critique this project's report, that was addressed to you in a memo, critiquing, and they also sent technical memos to the applicants engineer, recommending several changes to the site plan, as well as the roadway plans, but I don't know of any third.

Commissioner Ganley: The new one.

Ed Meehan: This is the same engineer, this is like a supplemental report, same engineer.

Chairman Camilli: Should we have the report from our engineer, even though it applied to the whole site?

Ed Meehan: I can copy that, and bring it forward, but it's not going to, it's basically the roadway improvements on Route 175 and the driveway configuration for the gas station, and the issue of the right turn in and the right turn out, the issue comes down to traffic counts and you know, trip generation, pass-by, and impact of the traffic signal at that location.

Chairman Camilli: I think we have that all squared away.

Ed Meehan: Vinnie and I spent a lot of time talking about this, and unfortunately the applicant isn't here, I think you need to talk about these issues with the applicant and his attorney, we've got part of the answer, they are going to go with the January site plan, but the other issues, how this relates to the zone change, the rest of the site, I think they are all valid questions that they need to explain to you, because you did give them the benefit of the zone change. It won't come into play unless they come in with a site plan.

Chairman Camilli: But its been approved,

Ed Meehan: It's in limbo out there.

VII. OLD BUSINESS

- A. PETITION 01-07 86 Clarendon Terrace, William D. Unghire owner and applicant, 86 Clarendon Terrace, request for Special Exception Section 3.2.4 radio antennas, R-12 Zone District. Hearing closed January 10, 2007. Sixty five day decision period ends March 16, 2007.**

Commissioner Ganley moved that Petition 01-07 86 Clarendon Terrace, William D. Unghire owner and applicant, 86 Clarendon Terrace, request for Special Exception Section 3.2.4 radio antennas, R-12 Zone District be approved based on the following conditions:

1. Retrofit/replacement of existing fixed ham radio tower not to exceed 32 feet shall be permitted. The applicant has identified this tower as "Model BX, Catalog No. HDBX-32."
2. The second new "crank up" tower is not approved.
3. The applicant shall secure the required building permit and submit the documentation certifying the tower's structural safety as directed by the Building Inspector.

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

Chairman Camilli: Motion passes unanimously.

- B. PETITION 02-07 45 Costello Road known as former Acorn Rental, Bulley I, LLC owner, PDS Engineering, 107 Old Windsor Road, Bloomfield, CT 06002, attention Timothy Mulcahy applicant, request for site plan modification to construct additional parking and storm drainage, PD Zone District. Sixty-five day decision period ends February 16, 2007.**

Commissioner Schatz moved that Petition 02-0745 Costello Road known as former Acorn Rental, Bulley I, LLC owner, PDS Engineering, 107 Old Windsor Road, Bloomfield, CT 06002, attention Timothy Mulcahy applicant, request for site plan modification to construct additional parking and storm drainage, PD Zone District be approved with the following modifications:

1. Site plan entitled "Goodwill Super Store" Sheet C-100 dated 12-4-06 (Revised) prepared by PDS Engineering & Construction shall be modified to add two (2) street trees (minimum 2 ½ caliper) along the Berlin Turnpike frontage and to change bituminous curbing within expanded parking area to concrete.
2. Prior to the chairman signing the site plan mylars the storm water management design shall be acceptable to the Town Engineer.
3. Relocation of the existing free standing sign outside of the detention basin grading area will be permitted but any changes to the height and sign display shall require a new Special Exception approval from the Commission.

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

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Chairman Camilli: Motion passes unanimously.
We'll go to Petition for Scheduling.

Audience: Excuse me, are you being heard on any of the new business that you spoke of tonight? Are we able to talk to any of that, or no?

Commissioner Kornichuk: Those aren't public hearings.

Audience: Okay, thank you. I'm new to this.

Chairman Camilli: Which one.....

Audience: The Russell Road property. When do we get to talk on that, or don't we?

Chairman Camilli: You don't get to talk on that, unfortunately, but you don't. It's not a public hearing, it's under just a regular site plan.

Ed Meehan: There may be a public hearing.

Chairman Camilli: There may be a public hearing?

Ed Meehan: Well, if the Town Attorney prevails.....

Chairman Camilli: Well, eventually, but not at this point. See, I don't know if you caught what Mr. Meehan was saying, but he said that the Town Attorney has advised this Commission that this is the wrong application.

Audience: I understand that part.

Chairman Camilli: And if we, as long as the applicant doesn't agree to that, they can go along and do it the way that they want to do it, and so therefore you don't have a chance to speak because it isn't a public hearing, but if it goes to court, lets say, and we prevail on that issue, of whether or not there, in other words, it needs a special exception, for a gas station, that would require a public hearing, then you could talk.

Audience: Thank you.

Chairman Camilli: Okay, is that clear enough?

Audience: Very good. Thank you. Actually you are telling us that we don't have any say in it until it becomes a public hearing, and you can approve it without us even giving our opinions or.....

Chairman Camilli: Exactly.

Audience: Well that's not fair.

Chairman Camilli: Well that's why they are called public hearings and that's why our attorney in this particular case thinks that we are right, but the applicant right now thinks that they are right. It's an attorney thing, we're just innocent bystanders.

Audience: Thank you.

Chairman Camilli: Did that straighten it out? That's the way it is.
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Audience: We have to wait is what you are saying.

Chairman Camilli: Only if.....

Audience: Only if you guys do the right thing.

Chairman Camilli: Only if it get denied, and they appeal it, and the judge says they need a public hearing on this, and then you would come back again, in other words if it got, if it got denied, I'm not saying that it will, but if did get denied, then, the judge says, you need a public hearing on this, a special exception he would say, it needs a special permit for a gas station, in other words, the judge would agree with us. If the applicant then wanted to reapply, and then it would go to public hearing, and then you could talk.

Audience: Thank you.

VIII PETITIONS FOR SCHEDULING (TPZ February 14, 2007 and February 28, 2007.)

- A. PETITION 03-07 262 Brocklett Street, John G. Formato, 798 Southing Road, Kensington, CT 06037 owner and applicant, represented by Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for Zone Map Amendment, R-12 District to B-BT District. Schedule for public hearing February 14, 2007.
- B. PETITION 04-07 262 Brocklett Street, John G. Formato, 798 Southing Road, Kensington, CT 06037 owner and applicant, represented by Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for Site Plan Approval Section 5.3 to construct a 7,275 sq. ft. business office building, B-BT District (requested.) Schedule for presentation February 14, 2007.
- C. PETITION 04-07 42 Maple Hill Avenue, Antonio Pinho and Jose Pinho owners and applicants represented by Antonio Pinho, 52 Wolf Pit Road, Farmington, CT 06032 request for Special Exception Section 6.7 Interior Lot, R-12 District. Schedule for public hearing February 28, 2007.
- D. PETITION 07-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Fincent F. Sabatini, One Market Square, Newington, CT 06111 request for Certificate of Location, Dealer and Repairers License, CGS 14-54, Section 6.11.7, I Zone District. Schedule for Public Hearing February 28, 2007.
- E. PETITION 08-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Fincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Permit Section 6.11 Sale of Motor Vehicles, I Zone District. Schedule for Public Hearing February 28, 2007.
- F. PETITION 09-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Fincent F. Sabatini, One Market Square, Newington, CT 06111 request for Site Plan Modification, auto related use, I Zone District. Schedule for presentation February 28, 2007.
- G. PETITION 10-07 114 Richard Street, Frank Giangrave, 128 Richard Street, Newington, CT 06111 owner and applicant, request for Amendment of Special Exception, Interior Lot Section 6.7, R-20 Zone District. Schedule for Public Hearing March 14, 2007.

Chairman Camilli: We have Brockett Street for February 14th.

Ed Meehan: I have a suggestion to move this out to the 28th, because of the postponements tonight, so you don't load up too much on one night, you will have Deming Street, you are going to have Maple Hill, and you are going to have Hunter. I would think, given that work load, you may want to push this out, it's a zone change for a public hearing, so you have sixty-five days to set the hearing.

Chairman Camilli: Okay, we'll move A and B out to the 28th. That's another interior lot there, the rest of them are for the 28th.

Ed Meehan: I would move D, E, and F which are also public hearings to the March 14th hearings. That is a resubmission of a prior denial.

Chairman Camilli: And G, oh, that's already at the 14th. Any questions on that, it's only a question of homework.

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

None.

IX. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: That drain on Bayberry, we've got this cold weather coming, that is going to be a sheet of ice. That state one still backs up into the town one. The state has been out there, they have looked at it, there is water constantly flowing out of that sewer on the corner of Willard and Bayberry, and just flows right into our sewer line. I don't know if it's that brook across the street, but I mean, constant, constant water coming out of that.

Ed Meehan: It's beyond me.

Commissioner Kornichuk: I mean, they have been out there,

Ed Meehan: It could be the State of Connecticut or maybe there is stuff coming off of private property, someone is emptying a sump pump, I don't know where it is coming from, but I will mention it to the Town Engineer. That neighborhood has had drainage problems in the past.

Commissioner Kornichuk: I know there are drainage problems, but I mean, it's, with this cold weather coming up, that's going to be a sheet of ice there.

Ed Meehan: Just past Quik-Stop on the right there?

Commissioner Kornichuk: Yeah.

Ed Meehan: Okay, I'll mention it to the town engineer. I know there were some issues back in that neighborhood, with people doing things in their backyards causing some problems for some other neighbors. It's not unusual in Newington, but....

Chairman Camilli: A lot of drainage problems in Newington.

X. STAFF REPORT

Ed Meehan: I have, I was going to talk about the trees at Rockledge, Mr. Tabor did a good job, but I do have the letter, a sample of the letter that went out to the residents if the Commission members would like it, you can pass it around, just for your edification.

The Chairman has a couple of items to talk about. You should be all current on the appeals, Reno Properties has appealed, Hunter has appealed, we talked about earlier, 426 Hartford Avenue, we are in an appeal on that, 57 Church Street, interior lot we are in an appeal on that, Section 6.14, residual lots, we have an appeal pending in Superior Court, and Attorney Boorman's office is also contacted me, they are getting ready to go to Appellate, the appeals court. I have prepared some documentation for them.

Chairman Camilli: Which one was that?

Ed Meehan: 6.14, Residual Lots. Talked to various attorneys representing you, I'm starting to prepare what they call the return of the record on those, have to file those in court in a couple of weeks. That's a stack of stuff that we have to give back.

Chairman Camilli: A couple of things that I have been meeting with the Town Planner about, one thing that Commissioner Ganley brought up, and that was the enforcement of the citation process and the cease and desist, the process we have to enforce our regulations. I talked to Ed about it, and we are going to write a letter requesting that the town manager and our town legal people look at what we can do to either tighten up the regulations so that we have a little more in terms of, what do they call it, home rule, in West Hartford, that we talked about. If we can do that, or someone, some kind of, like a policeman, or someone, whatever, but obviously it is a legal process and we can initiate it, and I thought it was an excellent suggestion that Commissioner Ganley had made, or whoever else made it, we all agree that we have a problem, especially on weekends, you know, you tell them to move the car out of the right of way, and then they move it, so they don't get cited or whatever, and then six weeks later it's back there, so there is a whole process, and I don't know where it is going, exactly, but you are going to write a letter to the town manager, right, and to the legal people.

Ed Meehan: As a department head, I can request an opinion of Steve Nassau's office, we'll copy the town manager, given the breadth of this, I think I will let the town manager know what you have in mind before we do it, and it may be something that requires some research.

Commissioner Ganley had given me information that Hartford Health Department uses for abandoned cars. I'll put that in the package. Our zoning enforcement officer picked up, visited West Hartford Zoning folks and he picked up their ticket notice form, a copy of their charter, a copy of their ordinances, which we've gone through, and we will show that to our town attorney. I guess the question that we want to ask, is that we know that we have the right under 8-12 of the statutes to do citations or cease and desist. Each have different time frames, each have different appeal periods. The town adopted the citation process five or six years ago, by ordinance and it was supposed to be a little quicker and that's when we use our local hearing officers. We've used them on four or five cases, there are some repeat offenders, we call them frequent fliers because we see the same guys, month in and month out. There is a frustration level, I know on your part, as well as frequently on ours, that they have certain rights on their side, as property owners, and they also have a certain lifestyle, and I'm not sure the police powers are going to change some of these guys. You know, some people just like to park on the lawn, they like to do things that their neighbors don't like, and that is why we try to enforce a standard of quality, but the question that I would pose to the town attorney is, beyond the citation process and the cease and desist, what do we have as far as legal authority to probably use the ticketing process.

Maybe having the zoning enforcement officer be deputized as a constable, or use a police officer, or the situation that they do in Hartford, where the Health Department, the Health nuisance
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actually can do, probably get pretty quick response on abandoned vehicles. That may be different than the type of abandoned vehicles that we have here. I mean, they may be abandoned vehicles in some redevelopment lot with the tires torn off and up on jacks, no one knows who owns it as opposed to, we have cars that are unregistered in people's yards or they work on them, they repair them, three, four, five cars. It drives neighbors crazy.

Commissioner Ganley: Just because somebody walks in the door with a return of plate receipt, saying the plates are off the car, ergo, I don't have to pay taxes on it, that doesn't mean, I don't think that doesn't mean they should have to pay taxes on it. It is a registered vehicle, it is not a vehicle qualified for taxes. A vehicle is qualified for taxes, so if they leave it on their property, just because they take the plates off, I think we should still be able to tax that vehicle. That's my opinion.

Ed Meehan: And that's not really related to any land use policy.

Commissioner Ganley: Well, it represents by ordinance two bites of the apple, one for taxation purposes, when somebody goes out and says, wait a second, I turned the plates in two weeks ago, you brought the slip out, I'm on your property, and this Buick is still there. So, you do have to pay the tax on it. That may be one incentive to get the thing off the property. The second one is, the standard ordinance itself, unregistered motor vehicles on property are not allowed in these type of areas, and you get a summons for that. Those are the two very basic things that are going to have to be worked around, but I think two bites of the apple, to me, that's the best approach, and I personally think that the ability to tax a vehicle even though it's not registered, is an approach.

Chairman Camilli: Yeah, but you are going beyond, see this is where the legal....

Ed Meehan: You can just do what you are enabled to do under the statutes for land use. The taxing of a vehicle, penalties related to that, that is under the assessor's office.

Commissioner Ganley: I understand that, but I'm saying, if the Council would look at this thing in the two areas, they may enact a, two separate and distinct ways of approaching that, but it gives us two separate and distinct tools to address unregistered vehicles.

Chairman Camilli: The only suggestion that I can make at this point, and the argument shouldn't be made here, Tom, when the attorneys, when the attorneys and the manager meet, or something, maybe we could have some representation there, and present it to the people who could do something about it, we're not going to get an opinion tonight.

Ed Meehan: My concern is, we have a hard enough time enforcing zoning and land use laws without trying to do tax collection.

Chairman Camilli: But I understand what you are saying, it's another hammer.....

Commissioner Pruet: Help clean up the issue.

Chairman Camilli: Exactly, but it is a legal question, maybe you could, did you write the letter yet?

Ed Meehan: No.

Chairman Camilli: Okay, in the letter.....

Commissioner Ganley: Ask for an audience.

Chairman Camilli: An audience, however you want to word it, we have a very interested Commissioner, someone that would be willing to meet with the town attorney and whatever, and present some ideas of his own, if you want that, if they were willing to do that.

Ed Meehan: I certainly will.

Chairman Camilli: Well, we had someone who was an expert on the boxes, the newspaper boxes, racks, we had an expert there, now we have somebody that, we'll make that, you're a subcommittee of one on that.

Commissioner Pruett: I'll come.

Commissioner Ganley: Dave said that he'll come with me, being a constable.....

Chairman Camilli: Well, I agree with you, but it's just a question of whether it is legal, enforcement, if we are beyond our level, the Council would have to go and do something else, again, it's a question of enforcement and how do we tax it and so forth and so on, if it's taxable. You know, we're not there yet.

Commissioner Fox: I tend to agree with Ed, I don't think we should, at all, as a Commission, get into the assessor's.....

Commissioner Ganley: We're not.

Commissioner Fox: Well, if you are going, if Ed is going to be introducing you, or asking for an audience for you with the town manager, then we are. If Ed is going to be asking for it, asking for the audience.

Chairman Camilli: Well, that's the audience, not the enforcement of it.

Commissioner Fox: I don't think he's wrong, Tom's wrong, I think he is right, but I think Tom, as a citizen should ask.

Chairman Camilli: Well, we want to move ahead because we think it's a problem, and I talked to Ed about it, and I thought it was a good idea, and we are moving it forward, now under whatever conditions the Commission wills.

The other area of concern was the permitted uses in the zones, and there is a lot of language here, again I want to, I didn't do it before but I should complement Mr. Meehan for all the work that he has been doing. We've been loaded with a number of very difficult petitions and you know, staff reports, which are extensive at this point, which take a lot of time on his part, more I would think than just the usual time, and also putting together this proposed zone regulations amendment changes there, which may, again, these are at this point proposed, they are not, whatever ones the Commission wants to approve or move forward we can, and if you feel otherwise, as a Commission, we can take votes on the different ones, if you think a different way. So very quickly, we can go down these, I think that is the best way to do it, very quickly.

1. Section 3.11 Special Exceptions Permitted in B-Business Zones

Section 3.11.3 Sale, service, rental or repair of motor vehicles. "Delete"

Chairman Camilli: So in the B-Business Zone, we would delete. Is that something that you concur with? Okay.

2. Section 3.12 A Town Center Village Overlay District

Section 3.12.A.4 (c) Add “monument ground signs shall be colonial in design with brick enhancement and shall not exceed a total height of 12 feet.

Chairman Camilli: Now this had to do with some requests in the center of town, so we had problems in the center of town with banks and people who wanted to go and do all kinds of things and the regulations weren't clear, so this kind of clarifies it, and also brick, with colonial enhancements.

3. Section 3.13 Special Exceptions Permitted in B-TC Business Town Center Zone.

Section 3.13.1 Residential Buildings (c) change density from 1,000 sq. feet of land area for every dwelling unit to “2,500 square feet.”.

Ed Meehan: That is basically reducing the density, down zoning it. I kept looking at this and saying, if we had ten thousand square feet of land in the town center and a density of one unit, that's a hundred units on ten thousand square feet. We limited the height several years ago to three stories, practically you may not be able to get that density, but this is an attempt to bring it more in balance to what other zoning is for multi-family units around town. You want to have higher density in the town center, where you have the services and so forth, but I think a thousand, a thousand is pretty high.

4. Section 3.15 Special Exception Permitted in B-BT Business Berlin Turnpike Zone.

Section 3.15.4 Drive through restaurant window service. “Delete”

5. Section 3.16 Uses Permitted in I Industrial Zone

Section 3.16.1 (F) Auto Related Uses “Delete”

6. Section 3.17 Special Exceptions Permitted in I Industrial Zones

Section 3.17.2 Retail stores “Delete”

Section 3.17.4 Retail stores over 40,000 sq. ft. “Delete”

Chairman Camilli: Do we want retail in an industrial zone, I don't think so.

Ed Meehan: The other strategy there, just to amplify it, that, it's by Special Exception now, and we've always been challenged, well, we meet all the Special Exception criteria, you have to approve it. This way it's not there, if they really want to have retail, banks and so forth, in the Industrial zone, they would have to petition and try to get a policy decision.

Chairman Camilli: So what it does, it puts us in that policy decision role, rather than one of saying, we think it is, and you don't think it is, and we'll see you in court, and that's what this is all about. Section 3.17.4, again it denies them.

7. Section 3.19 Special Exceptions Permitted in PD – Planned Development Zones

Section 3.19.2 (B) (2) Site area amend to add “such computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, geologic or topographic conditions, inland wetlands and flood hazard areas render any portion of the site unsuitable for use by the residents of the development, such portion of the site will not be used in computing the total number of dwelling units permitted and shall be set aside as conservation open space.

Chairman Camilli: Just very briefly explain what that is, so they understand what that is.

Ed Meehan: This language comes from another section of the Zoning Regulations, Section 3.7 where in the R-12 zone, if an applicant petitioned for multi-family housing, they had ten acres, and they could develop it, you would go to the net buildable area to determine density, you wouldn't base it on the ten acres, you would base it on the net buildable, which may be three acres or four acres, which limits the overall density. Right now, in the PD Zone this language is not there, so they could count and take a bonus of a couple acres of wetlands that you really shouldn't build on anyway, so why should you get the density values, so it's a tightening up.

Commissioner Pruet: It's a good one.

8. Section 4.3 Application of Height, Area and Yard Requirements for Zones.

Section 4.3.2 (A) Construction in Yards amend to add “enclosed and screened dumpster.

Ed Meehan: It's just really a housekeeping one, where applicant's don't put them on the plan, or they say, well, it's not listed, why do I have to do it, so....

Commissioner Ganley: Shouldn't you make it plural?

Ed Meehan: Dumpsters? Yeah, sometimes they have more than one.

Commissioner Ganley: Yes they do.

Ed Meehan: They should have them in one enclosure, not scattered over everywhere. One dumpster enclosure, and maybe they have multiple dumpsters inside of it.

Chairman Camilli: You want the word dumpsters...

Commissioner Ganley: Dumpsters, or make sure if they have multiple dumpsters they can all fit inside that one enclosure.

Commissioner Fox: Or dumpster area.

9. Section 4.4 Modifications to Height, Area and Yard Requirements.

Section 4.4.5 (A) Projections “Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more than 2 feet into a side yard but not within 5 feet of a side property line. A hatchway may project 3 feet into the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 feet projection into the front yard setback.”

Chairman Camilli: Just very briefly, there have been problems with this, with the building department.

Ed Meehan: The new language is that last sentence about the projection of a porch and limiting to 24 square feet for a platform, which is standard building code. We have applications where the house is right on the front setback line, and they want to project a porch over that, three feet. What they do, is they say, well you don't say how much area the porch can have, so we have a forty foot long house, so they do a three by forty foot overhang or something, and that really wasn't the intent. The intent was to provide a landing, a covered landing.

Chairman Camilli: There are always creative people out there. These are reactions to past sins that either....

Ed Meehan: Well, you can't catch everything, and we're learning from our past mistakes, and are tightening up.

Table A: Schedule of Height, Area and Yard Requirements Non Residential Uses amend reference to Accessory Building in Non-Residential Zone to add "(C) at least 5' minimum distance from lot line."

Ed Meehan: Again, it's just to tell people who are industrial, commercial zones you can't stick stuff right up on the property line next to your neighbor, and it comes up to the zoning enforcement officer, they do something, and they say, well it doesn't say I can't put in on the property line, show me where it says it.

Commissioner Fox: Now it does, or it will.

Chairman Camilli: Again, these are all reactions.

10. Section 5.3 Procedures and Requirements for Site Plans

Section 5.3.4 (C) add "8. Inland Wetland and watercourses showing 50 foot setback area and 100 foot upland review area."

Ed Meehan: Again, this is a house keeping, applicants should do this routinely, particularly if they have regulated areas, but for some reason they don't and what we are telling them is, if you have a wetland area, put it on your site plan. We shouldn't have to hunt for it, and then, if it comes to Planning and Zoning, and for some reason they try to by-pass Conservation, we have it on the map, and the statute requires they file with Conservation first. Most local professionals who do business around here do this, but sometimes they forget to put a little wetland on there.

Chairman Camilli: Even tonight, you're hearing an application and they are saying that it is wet, we don't know, we don't go out and inspect it, there are no wetlands on any of the maps. It may or may not be, I'm not saying that particular one, but if there is a wetland, it's better to show.

Section 5.3.4 (E) add "dumpster enclosures, and mechanical equipment."

Ed Meehan: We didn't know where it was going on the site plan if they have mechanical equipment, compressors, sometimes transformers, although the plans that come to your board for review are a little bit early in the process for them to have sat down with CL&P and identify where the transformers are going, but it could affect the side yard setback, it could affect issues like, do you want this equipment in the front yard, the aesthetics of it, so we want to know where it is going.

Chairman Camilli: See this eliminates, in my opinion, if we don't ask that kind of question, like if the mechanical is going to be on the roof, or if it's going on the back. If we fail to ask, then they basically can put it where they want, so this way here, they have to show where they are going, so they follow our regulations, where ever they want to put it. It should be shown on the plans so that we don't have to ask.

11. Section 6 Special Regulations Section 6.1 Off-Street Parking and Loading Regulations.

Section 6.1.1 (B) Parking Spaces for Buildings Used for Residences. Amend to clarify "All parking of vehicles shall be on the surfaced area not on the lawn." The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front wall of the residence."

Ed Meehan: This is a hard one to enforce, but we have, we're always trying to do it, because there's cars, you tell them to do it, they go out, turn the car, back it into their driveway or they do something with the car, usually there are three or four cars on the site, parked all over the front yard. A lot of residents are creative, know the regulations because they have been cited so many times, the definition of the front yard under zoning is, the thirty-five feet from the street, thirty-five feet in, and a lot of times, it doesn't go all the way to the front of the house, because you may have another fifteen, twenty feet. So that area is basically unregulated. That is not the front yard under zoning. What this section is saying, for parking, we're saying from the very front of the house, to the street is the front yard, so you can't park the car in that fifteen, twenty foot area. You go out and say, you're parking in the front yard, well, that's not the zoning front yard. Now we're saying, you're parking in front, that's everything. It's good to have in the regulations, it's a very difficult thing to enforce. You know, we have people in this neighborhood, driving around here, they have construction projects going on, all winter long, the cars are parked everywhere.

Commissioner Ganley: Along Main Street, between Northwood and Centerwood, you can't walk on that sidewalk that's wet, that's part of my route, that's why I know this,

Ed Meehan: On both sides of Main Street.

Commissioner Ganley: I have to walk out on the street, walk down the gutter, past the big tree and then come back up on the sidewalk to get by. It's always a mud puddle.

Ed Meehan: There are a couple of houses, up opposite Kitts Lane, I don't know how many times they have been cited.

Chairman Camilli: See if we put this together, and this was one of my concerns, if we put this together along with our first proposal that we had, the enforcement part, you know, we need an enforcement schedule of some type, maybe it might take away some of these problems.

Commissioner Ganley: That's exactly right, because it is almost like a domino effect, you park the car on the front lawn, then they take the plates off the car, now we have a car on the front lawn, with no plates. It just becomes a whole series of events.

Commissioner Cariseo: Is fifty percent generous? Fifty percent of the front yard?

Ed Meehan: Well, that's what's in the regulations now, I didn't change that at all.

Commissioner Cariseo: Is that generous?

Ed Meehan: Not really.
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Commissioner Cariseo: I'm looking at my own house now, driveway, I'm not sure how much of that takes up to the fifty percent business.

Commissioner Ganley: And how close to the house can they get the car if they pave it?

Ed Meehan: Well, the car has to be on a hard surface.

Commissioner Ganley: But if they hard surface right up to....

Ed Meehan: The whole front yard?

Commissioner Ganley: They hard surface right to the edge of the house, the foundation, they could put a car there.

Ed Meehan: Well yeah, like you park your car up next to your garage.

Commissioner Ganley: Okay, that's the garage, but if they pave over a piece of the lawn, they can then park it right up against the house. There is a guy on Robbins who does that, he's, I walk by it all the time, I look at the driveway, it's down slope, around Cheney, down the slope a little bit, and he parks one car in front of the garage, and the other car is off to the right, on pavement, right against the concrete step that you step up onto so as to go into the house.

Ed Meehan: Well beyond, you have a double driveway, and some people have turnouts, so they can back around, fifty percent is okay.

Chairman Camilli: It's probably average.

Commissioner Fox: Just one thing, you notice in the paper every body is talking about, you know, hopefully we are not going to have them in town, some of the bigger houses, you know, like the Barn Hill type, they are building them with three and four car garages, but they still have just about the same frontage, so I'm just wondering, fifty percent, this fifty percent thing might just kind of keep the number of garages down, which is okay with me, by the way.

Ed Meehan: Well, the number of garages is based on the size of the lot. Your third garage, your third bay, you have to be so much over the minimum zoning lot size, so in an R-12 zone, you have to have another 3,000 square feet to get that third bay, and then, as far as the width of the driveway, at least at the street line, is not supposed to be more than 22 feet wide, then fan it out. We've had cases down on Waverly, where people were paving out from the garage, thirty feet, straight out, right out to the sidewalk, you can't, you have to taper it down to 22, and then the driveway width, in the town right of way, between the sidewalk and the gutters has to be not more than 22.

Section 6.1.3 Landscape Requirements (G) Amend to clarify "trees 2 ½" caliper measured at one foot above the root crown."

Ed Meehan: That's standard, but, how come I can't do a half inch tree, where does it say what I have to do.

Commissioner Fox: Well, it says in the regs now, 2 ½

Ed Meehan: It says in the subdivision regs

Commissioner Fox: And this is going into TPZ regs, okay.
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12. Section 6.2 Signs

Section 6.2.2 Residential signs (E) Amend to read "Residential uses approved by Special Exception in the R-12, R-7 and RD Zone, signs not more than 75 square feet in area on one side, nor more than 150 square feet in area on both sides and located within the building setback lines shall require Special Exception approval of the Commission.

Ed Meehan: The reason this is here is right now occasionally you will get a development in the R-12 zone, it could be a condominium development, Fennwyck Estates, Toll Brothers, Pulte, and they have done nice signs, all three of those, but there is nothing in the regulations that require them to do a sign package and bring it before Planning and Zoning. They have done that, those particular developers, as part of their site plan, and they let the Commission, you had input into the design of the signs, locations, landscaping, this is something that is not in the regulations right now, should be. You could get someone who says, you can't regulate my sign....

Chairman Camilli: This says we can.

Ed Meehan: Yeah, if you are going to have these nice little community developments, community age restricted places, you want to have a nice entrance, and that is part of the sign package.

Section 6.2.3 Non Residential Wall Mounted Business Signs

Section 6.2.3 (A) 2 Amend to read "Business signs provided that the gross area of all such signs both wall and free standing shall be less than 1 square foot for each linear foot of building frontage. Building frontage shall mean the side of the building with a public entrance facing the abutting public street.

Ed Meehan: It's a standard clarification, you know, a lot of times we get a building that has a long side facing a public street, but there is no way to get in, there is no public access. The access could be perpendicular to the road that it is on, and that is really the public entrance, and that is where the square footage should be counted, but they want to take credit for the long blank side, so again, this is more or less, we learn. Where does it say I can't do both, you know.

Chairman Camilli: And Section 6.2.4, that's another, that's in there because Mr. Meehan, I remember him educating me on that one.

Section 6.2.4 Free Standing Business Signs Section 6.2.4 (A) Amend to clarify "only one (1) free standing sign may be permitted per property."

Ed Meehan: We say it now, we don't quite say it this succinctly, you know, we saw it with Price Chopper, they wanted to put another sign on Louis Street, it happens, well the only one that has legitimate multi-signage is probably Newington Fair, where it's Rowley, Maselli and the Berlin Turnpike, that's a big site, but, maybe Lowe's, Lowe's is a big site, but Price Chopper was a classic example of, I got to know all the Konover attorneys over this one.

Section 6.2.5 (B) Amend to delete reference to "approval by Traffic Authority."

Ed Meehan: We've never done this. I'm the local traffic authority now, but it's never been referred to, if you had a sign in the right of way, certainly you would want to have the traffic authority approve it for public safety, but the regulations don't permit signs in the public right of way, so I don't know why it is in there.

13. Section 6.4 Removal of Earth Products

Section 6.4.1 General Amend to add "No removal of any earth products or grading for site development shall commence until a building permit for the project has been issued. This condition may be waived by a two-thirds vote of the Commission.

Ed Meehan: This was based on the argument, and again, you know, fool me once, that the grading is incidental, and is part of creating, removing land, earth products for foundation. We have a classic example next to Wendy's, where there was supposed to be a site plan, a building permit for that hole, it hasn't occurred yet. And we've heard it on another application that it's part of preparing the land for foundations, well if you are going to prepare the land for foundations, you should have a building permit, so what I tried to do here is, you may be able to get a special exception for earth removal, but you can't start until you get a building permit.

Commissioner Ganley: How about trees?

Ed Meehan: Clear cutting?

Commissioner Ganley: Yes.

Ed Meehan: I don't think we can stop them on that, they have to meet erosion control measures and so forth, but you don't get a three, four year run up, to get a building permit is all I'm saying.

Chairman Camilli: That also happened across the street, from Pascone Place.

Ed Meehan: That was the filling side.

Chairman Camilli: Yeah, the filling, oh, that's the next one down. Okay, go ahead.

Section 6.4.2 Special Permit amend to read "The Commission may grant a permit."

Ed Meehan: Now it says shall, shall is mandatory.

Section 6.4.3 Conditions (B) Amend to require slope limits "of one foot of vertical rise in 3 feet of horizontal distance."

Ed Meehan: Now it's at two to one, pretty severe. Hard to grade, stabilize, hard to maintain, you know, with grass matting or cover, seed and loam, plus, it has less of an impact on a site with a three to one slope versus a two to one.

Amend to limit removal "within 50' of a property line unless waived by a two thirds vote of the Commission."

Ed Meehan: Now you have 20', this room is 34, so....

Section 6.4.3 Conditions (D) Amend to prohibit the processing of any earth product except when permitted by the Commission."

Ed Meehan: Now you can have equipment other than removal equipment in the industrial zone, which means they can bring in a crusher, sifters, and so this is just taking it out. You can't do it anywhere, unless you get approval from the Commission, which incidentally has been your practice, I mean, you did it for Pulte, they wanted to do it on site, and they presented their case,

the off site traffic versus doing it on site, so this just clarifies it, you have to get a special permit from the Commission.

Chairman Camilli: Yes, this is one of the major reactions, what happened, as you know, is that, as the land becomes more and more scarce, and these attorneys become more and more strident, if you will, in terms of what they say to us, and what we can do, it's not black and white.

Commissioner Fox: They get very creative.

Chairman Camilli: They get very creative, so what we want to do is to try to clarify as much as possible.

Section 6.4.4 Approval Amend to require the filing of plan of the operation and site restoration with the Town Engineer rather than Building Inspector.

Ed Meehan: The Engineer is the agent of controlling the erosion and the run-off, and grading.

14. Section 6.5 Filling of Land

Section 6.5.2 Special Permit (C) Amend to delete "grading or removal" amend to add requirement "that no filling of land shall commence until a building permit for the project has been issued."

Ed Meehan: Well this is what the Chairman was referring to down on Pascone, we had an application opposite Pascone on the Berlin Turnpike, next to the Grantmoor, just want to fill 11,000, 12,000 yards, you know, we're not sure what we're going to do with it, we're just going to fill it, they had Conservation approval, well, let's get a building permit to go with it. Let's not just cut all the trees down and fill it, get some viable project to go with it. That is the intent.

Section 6.5.4 Approval Amend to require the filing of site plan of filling operations with Town Engineer rather than Building Inspector.

Commissioner Fox: That just makes that consistent with the other one.

15. Section 6.7 Interior Lots and Single Family Homes.

"Delete"

Ed Meehan: Policy call.

Commissioner Pruet: An example, 57 Church Street.

Commissioner Fox: And there is one coming up.

16. Section 6.11 Sale, Rental, Service or Storage of Motor Vehicles

Revise to regulate existing auto related uses that become "legal non conforming by the deletion of auto related uses. Standards should remain in the regulations for those properties that redevelop their sites.

Ed Meehan: Okay what is going to happen if you take that out, you are still going to have several properties in Newington that are basically going to be grandfathered, and they could want to
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expand, because they are grandfathered, they have the right to expand, but they have to be guided by some standards. Can't take everything out, it's not like eliminating interior lots, or drive through window service, but those standards now have the location of gas pumps, separation from residential, and then there is also the statutory regulations on distance to schools, churches and places of public assembly. You've got to leave those in the regulations, what I'm suggesting here is to look at those, see if those are still what you want. You can tighten those up a little bit. Let's say, an example would be, let's say you had eliminated auto related uses from the regulations, and since it has been approved, I think we can talk about it, the gas station at Hartford Avenue and Main Street, Ron's old gas station there, comes in and wants to redo their plan. Well, they legally are protected, they're a legal non-conforming use, but if you haven't got it in the regulations, as a use, what guidelines do they have to come in under? That's why you leave something in there.

17. Section 6.13 Accessory Apartments

"Delete."

Commissioner Pruett: Just a clarification, somebody wants to remodel their home, to add a mother-in-law apartment, or accessory apartment, can't do it.

Ed Meehan: If they add a second kitchen, it's a second unit and it's not permitted anymore. This has been in and out of the regulations off and on, probably since the '80's, it was in, it was out, put back in with the restrictions related by blood or marriage, or so forth....

Commissioner Pruett: Would that include new construction too, on a new lot?

Ed Meehan: Yes, if you are going to build a new house, if you want to add a second kitchen, you can't do it. Not legally. We found a lot of them. First, we found a lot of them through re-evaluation, but we even found more this past June, July when we put the trash barrels out. People were calling, I've got another unit, how come I can't get two recycle bins, or trash. The Assessor doesn't have you on for a second unit. We had 600, 600 additional requests for trash, that doesn't mean they all had separate units, some people wanted two or three of these things, but a lot of people basically said, we need it because we have an apartment, or someone is living with us, we'd check the building records, they never got building permits for that second unit.

Commissioner Cariseo: They bought it that way.

Ed Meehan: Yeah, they bought it that way, the real estate agent didn't know.

Chairman Camilli: So those, just to move this along, those other two that I had alluded to, the construction yards, I don't know if I would just as soon, I just want to get it on the table, again, I'm not insistent, but I would take your suggestion that we be restrictive on that, as well, and also the storage, the self storage units. And again, the only thing that comes to mind, in many conversations with Mr. Meehan, my mind goes back to what he said, it's not the highest and best use for this particular project, but nevertheless, it's permitted in the regulations and we don't have much to say about it. As our land becomes more and more scarce, I think we want to be vigilant as to how it gets developed, and the best way to do that, we can permit something, if a petitioner wants to do something, he can come back in, under any one of these regulations, and petition for a zone change, or whatever, to get his wish, but it would become a policy decision, rather than this he say, she say, kind of thing, we don't do what they want to do, we'll see you in court kind of thing. And that's where we are.

Commissioner Kornichuk: One other thing, about these storage units, can we put something in the regulations about how long people can have them in their yard? The PODS. How long does it take to empty a ten by twelve POD.

Ed Meehan: There is a section of the regulations that if you have a building permit you can have storage containers and trailers. You can write anything that you want, but practically, how are we going to enforce this stuff. That's very frustrating. You say, you can't have it for more than thirty days, how do you know it's that....

Peter Kornichuk: You've got that one on Maple Hill, all the guy did was throw a tarp over it.

Ed Meehan: I know, but there is nothing in the regulations that says that he can't have a storage unit, but I mean, I just don't want to raise expectations, well, it's in the regulations, so it's easy to enforce....

Commissioner Fox: It's the same as those portable garages.....

Ed Meehan: The vinyl hoop houses, and they put their boats under there. One guy had one in his front yard in the south end of town, I mean, the zoning enforcement officer went down and camped out there, waiting him to come back and take it down.

Chairman Camilli: Okay, so we can move ahead on these?

Ed Meehan: Well, there are procedural requirements to get these before the public. They should be referred to the Capital Region Council of Governments, and the Central Connecticut RPA for inter-town review, there's probably nothing here that is going to conflict with inter-town, but they should be reviewed, procedurally. I recommend that the town attorney look at these. Just to have it passed by him. Then, schedule a public hearing, given the time frames for the regional reviews and over at the attorney's office, you are probably looking at the second meeting in March. There is still some fine tuning on the language, and when we format these for the public, you had the benefit of being able to stop, and say, this is new, this is old, this is why we are going it, we have to be clear, as to what we are deleting, have to have a certain format, what we are putting in.

Commissioner Fox: They have to see the whole regulation. Then either underlined or highlighted.

Ed Meehan: Just like a legislative bill.

Chairman Camilli: Okay, and then as I said again, this is something that we're, as you know, are encountering in some degree and hopefully, between the enforcement and the rule changes, it will make everyone's job a little easier to interpret the regulations so they are crystal clear, and if it is a policy decision, I think we have a much stronger leg to stand on.

Ed Meehan: There may be other things that are on your mind, let me know. This is going to evolve over the next couple of meetings before it really gets to public hearing.

Chairman Camilli: Take a look, if there are other things, you know, as I said, most, most, virtually all of these things are because of some past experience. Now if you can think of more, unfortunately we can't put a catch-all in there, they are very creative people, very creative, but if you can think of more, call the Planner.

Ed Meehan: I will start to get these in the right format, the so-called bill format, the Legislative bill format, and.....

Chairman Camilli: And whatever we can do, some has to do with the Plan of Development, in terms of designating areas, zone map changes, we are going to be doing some of that.

Commissioner Fox: When do you think we are going to be able to get back to work on.....

Ed Meehan: We're only six months behind. We got through the vacant land component, the open space component, and that was about as far as we got.

Chairman Camilli: And he has about seven appeals right now?

Ed Meehan: Six.

Chairman Camilli: Six appeals that are taking an awful lot of time. It's an amazing amount of work. It's almost like you need your own attorney at this point.

Commissioner Ganley: We've already raised that question, as I recollect, a land use attorney.

Chairman Camilli: We are, we're also at this point, discreet inquiries are being, we're not, we don't know where that is going, because of cost factors, there are all kinds of things, but I'm very concerned with all these appeals, how many we are going to get sustained, or if we are going to lose them, and then we have to appeal, you know, what kind of attorney's you have. I think the Council and the manager are probably going to take a look at it, but it's too early for me to say anything at this point, but I did express a concern about it.

XI. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Cariseo. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary