

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

January 25, 2006

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

Commissioners Present

Commissioner Anest-Klett
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Prestage
Commissioner Pruet

Commissioners Absent

Commissioner Andersen
Chairman Camilli
Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Pruet was seated for Chairman Camilli and Commissioner Prestage was seated for Commissioner Schatz.

Commissioner Pruet: Mr. Chairman, I want you to know for the record, that I have read all the previous minutes and I met with the Chairman, and I'm well aware of the current events.

II. PUBLIC HEARINGS

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

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, I am not Alan Nafis, Vincent Sabatini, Attorney, One Market Square Newington, Connecticut. I will start off your reign with a good note, because we are going to withdraw this application. Do you need a letter, Mr. Meehan?

Ed Meehan: Yes we do.

Attorney Sabatini: Okay, we'll send a letter. Thank you.

- B. PETITION 01-06 Reno Properties, LLC, 170 Pane Road, Newington, applicant represented by Attorney Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hurtle, City Place I, 22nd. Floor, Hartford, CT 06106 request zone amendment to CD Zone District regulations for Connecticut Children's Medical Center property (28.6 acres) Assessor's Parcel NE 505 to permit by Special Exception Townhouse developments. CRCOG and Central Connecticut Regional Planning Agency Referral Notice Required.**

Vice-Chairman Cariseo: Is the applicant here?

Ed Meehan: Their attorney was in yesterday. They are not in the house. We can pass over it, maybe they will show up later.

- C. PETITION 02-06 2-14 East Cedar Street, Eddy Morales, 817 Main Street, Newington, CT 06111 applicant, Newington Development, LLC, owner, request for Special Exception Section 3.12.1 Restaurant Use, B-TC Zone District.**

Attorney Marc Needelman: Mr. Chair, good evening, Members of the Commission, good evening, my name is Marc Needelman, I'm an attorney with offices in Bloomfield. I'm here on behalf of item C and item D. I reference you that initially because it is my intention to request a continuation of opening and a continuation of the public hearing. The reason for my request is that my client initially filed the application on his own, believing erroneously that he might be able to produce and prepare and present everything on his own. He subsequently engaged my services, I met with the Town Planner, there is more work to be done, and we intend to be prepared to go forward at your next scheduled meeting date, and we ask that we be given that opportunity to present you a complete, and what we believe will be an acceptable application with respect to both petitions.

Ed Meehan: That's fine. You may want to read 03-06 into the record too.

- D. PETITION 03-06 2-14 East Cedar Street, Eddy Morales, 817 Main Street, Newington, CT 06111 applicant, Newington Development, LLC, owner, request for Special Permit Section 6.6 Liquor Use and waiver of separation distance, B-TC Zone District.**

Vice-Chairman Cariseo: We will leave both of these petitions open.

Ed Meehan: Until February 8th.

Attorney Needelman: I thank you very much.

Commissioner Fox: I don't know how long this is going to take, but is there a sixty-five day requirement, would that be....

Ed Meehan: You have sixty-five days to start the hearing, and we are within that time period.

Commissioner Fox: Okay, I wasn't sure.

Alan Bongiovanni: Mr. Chairman, I apologize for being late, my clients are stuck in traffic and they should be here momentarily. This is for the amendment to the zoning regulations.

Vice-Chairman Cariseo: Okay

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

None.

IV. **MINUTES**

January 11, 2006

Commissioner Fox moved to accept the minutes of the January 11, 2006 Regular Meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: There is a flyer on everybody's table tonight relative to an open house by the Department of Transportation for February 21st at the Senior Center. They are trying to bring to the public, the Department of Transportation is trying to bring to the public more definitive plans on the proposed New Britain-Hartford busway. I know that the Town Council talked about this last night with your legislatures, and we have mentioned before the Governor is putting this forth as part of her transportation initiative. Up to this point we have just seen conceptual drawings and we have seen conceptual stationary plans. This is an effort by ConnDot to move this forward, and to eventually, this month try to seek federal transit administration approval. I'll keep you informed as this evolves.

Vice-Chairman Cariseo: Okay, I guess we will hear Petition 01-06.

PETITION 01-06 Reno Properties, LLC, 170 Pane Road, Newington, applicant represented by Attorney Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hurtle, City Place I, 22nd. Floor, Hartford, CT 06106 request zone amendment to CD Zone District regulations for Connecticut Children's Medical Center property (28.6 acres) Assessor's Parcel NE 505 to permit by Special Exception Townhouse developments. CRCOG and Central Connecticut Regional Planning Agency Referral Notice Required.

Vice-Chairman Cariseo: We'll hear from the applicant.

Attorney Lewis Wise: Yes, thank you very much. I'm Lou Wise from Rogin, Nassau. We apologize for being a little late. We thought there was another matter on before ours. I am here tonight on behalf of the applicant, Reno Properties. With me is Alan Bongiovanni who is our consulting engineer on this matter, and also with me is David Occhialini one of the principles of Reno Properties.

My client, Reno, has a contract to acquire the parcel in question, which is the almost thirty acre piece of land up on a portion of Cedar Mountain at the interchange of the Berlin Turnpike and Route 175. The property, as most of you probably know, is owned by the Connecticut Children's Medical Center. The property is today zoned CD, Commercial Development. It was formerly zoned Business Town Center until 1991 when it was re-zoned to the current CD zoning. My client wants to develop this property as a townhouse condominium complex and believes that the units would be, could bring as much as \$275,000.00 to \$350,000.00 each, depending on size and amenities and so forth.

We filed this proposal to amend the zoning regulations because this particular type of development with a townhouse condominium complex is not allowed in the CD Zone. The CD zone uses, which are spelled out for you in the memo from Mr. Meehan, the CD uses basically

are office, business professional and corporate, conference centers, research laboratories, research and development uses, and sales rooms for commercial and industrial equipment, and then there is also a catch-all provision for any other use which is similar to those listed above. So because the existing CD regulations would not permit this type of development, we have made a proposal that is before you tonight.

I brought extra copies of the proposed zoning amendment, I don't know whether you all have them, or not. If not, I would be happy to provide each of you with your very own copy.

Ed Meehan: I have them for the members.

Attorney Wise: Okay. While these are being handed out, let me just add one thing about the existing zoning. As I said, the property was re-zoned CD back in 1991, which is now, fifteen years and during that time I think it is fair to say that there really has been no viable development proposal that has come before the town. Or for that matter, has come to the Connecticut Children's Medical Center. So although it is zoned CD, it doesn't seem that there is any demand for the uses that are now permitted in the zone.

Let me just walk you all through the proposed amendment. The amendment, if you look at 3., well, the CD zoning, the CD zone regulations are contained in 3.20 of the existing regulations. We are proposing a new section to come at the end of the regulations for the CD Zone, and as you can see from the first paragraph there 3.20.11, the multi-family, I shouldn't say multi-family, the townhouse style condominium use that we are proposing would be a Special Exception use. That is, the Planning and Zoning Commission would retain the same discretion to approve or to deny or modify any proposal that might come before you, any specific proposal that might come before you under the regulations that we are proposing. Moreover, the, any proposal for a Special Exception, or Special Permit, for a townhouse style development would have to meet the standards of Section 5.2 which are the general standards for all Special Exceptions and Special Permits, and would also have to meet the standards set forth in Section 5.3, which contain all of the standards for any site plan. I want to emphasize the fact that by allowing this amendment you are not necessarily authorizing any particular development, you retain full discretion to review any application that might come before you and apply the same Special Permit and Special Exception criteria that you would apply to any other application.

Section 3.20.12 discusses the newly proposed use which is a residential dwelling type use and in parenthesis it says townhouses, we are limiting this to townhouses and if you go down to the first specific standard that would apply, parcel size, we are proposing a minimum parcel size of not less than ten acres so that you would have to have a fairly large parcel obviously for any type of development under the new regulation.

Section D further provides that any site location has to have either direct access to the Berlin Turnpike or to a public street, which directly connects to the Berlin Turnpike. In connection with that requirement let me just say that there are only four properties in Newington that are zoned CD. As explained by Mr. Meehan in his memo to you, three of those properties are already developed. Moreover, I don't believe that any of those other properties satisfy the locational requirements set forth in subsection D, in other words, none of those other parcels have this access to the Berlin Turnpike. So the practical impact of the amendment that we are proposing would apply only to this parcel, and I suppose any parcel in the future that might be re-zoned and then fit this amendment, but today, what we are proposing would impact only this parcel.

The development standards that are contained in subsection C, D, E, F, G, H and I, are taken directly from your existing regulations pertaining to multi family developments in the R-12 and R-7 zone, and those are all found in Section 3.7 of the regulations. The only, I believe that there is only one standard that is different, one that we did not take from Section 3.7 and that has to do with the density. The density that we are proposing, and when I say density, I'm referring to the maximum density that could be allowed under this regulation. The density requirement we took from the schedule A, and if you look at subsection C, height, area, and yard requirements it states that townhouses shall be permitted subject to the schedule of height, area and yard requirements

for townhouses identified in Table A. So if you look at Table A of the regs, you will see that there is a, there is criteria for townhouse developments and we utilized all of those standards just as Section 3.7 does but by utilizing those standards for townhouses we have, the regulations would permit a density of up to forty-five, minimum lot area required of forty-five hundred square feet per unit, rather than the minimum lot area provided in the R-12 or R-7 zone which is eight thousand, eight thousand square feet per unit. Now, why did we choose a higher density standard for our proposed amendment? Well, we did it for a couple of reasons. One, the property is, this property is basically adjacent to the Berlin Turnpike, and therefore most of the traffic that would be generated from a development on this property is going to utilize the Berlin Turnpike for commuting, for shopping, and so forth. So the impacts from this development will largely be borne by the turnpike, and secondly, keep in mind that the proposed amendment applies to the CD Zone, so you are not, unlike the R-12 and R-7 regulations, you are never going to have the situation where you have a multi-family development that abuts, or is in the area of single family homes so we felt that a somewhat higher standard was appropriate on this site. Also keep in mind that the density standard that we had proposed is consistent with the standard that is applicable in your PD Zone now, and furthermore, sets only a maximum. Since you will have ultimate discretion to review any concrete proposals that come before you, if you feel that a particular development is too intensive for this site, or for any other site that might be governed by this amendment you have the ability to reject it or to modify it.

All the other requirements, as I said, frontage and utilities, required buffers are all taken from your existing regulations, the same is true for roadways and sidewalks. The open space provision is identical to what is contained in existing Section 3.7 and the homeowners association requirements.

Again I want to emphasize because of the criteria that are in this particular proposal, the impact of your enacting our proposal is very limited unlike many zoning amendments which have significant impacts in terms of development, the impact of this amendment is going to be limited to this one thirty acre site.

In terms of the criteria that I think that you should be considering when you decide whether or not to grant our application, I completely agree with Mr. Meehan's thoughts on the subject, as expressed through his memorandum to you. In enacting regulations you are not acting in an administrative capacity, you are acting in a sense as a legislative capacity which means that you have very broad discretion as to how you would want your regulations to read. The law says that in determining whether or not to amend regulations, or to rezone a particular piece of property you should look at the Plan of Conservation and Development, see what that says, and you should make sure that whatever you do is compatible with existing land use patterns in the areas around the parcel in question.

If you take a look at the Plan of Conservation and Development, and Ed has referenced portions of it in his memo, but we believe that what we have proposed here is fully consistent with the plan that was adopted by the Town in 1995 and is still in effect. As you know, the Town's Plan of Conservation and Development sets forth the Town's development goals and vision for the future development of Newington.

I think the most important provision in the Plan of Development that is pertinent to our application appears on page 17 of the plan. On page 17 the Plan of Development states that, and I quote, "higher density multi-unit housing is appropriate within the town center and on large (five acres or plus) parcels adjacent to the Berlin Turnpike." While this property is obviously not in the town center, it is none the less quite close to the town center. Furthermore, the parcel basically is adjacent to the Berlin Turnpike. It is certainly in the Berlin Turnpike corridor and for that reason we believe that the Plan of Development is quite consistent with our proposal. In addition, the Plan, on that same page recommended a reduction in housing densities that were at the time, permitted by Special Exception in the PD zone, from one unit per fifteen hundred square feet to one unit per forty-five hundred square feet and I think you have already adopted, or implemented that recommendation, so right now the density permitted in the PD zone is one unit per forty-five

hundred square feet, and what we proposed really is the, contains the exact same standards, so I think the density that we have proposed is also consistent with the Plan of Development.

The Plan of course addresses other important considerations and goals that the town has. The town entrance, the Plan of Development emphasizes the sensitivity of development in this area and, on page 2 and it talks about the importance of protecting the Cedar Mountain ridgeline, and on page 21 of the Plan of Development proposes as a goal, using a portion of the Old Highway right of way, which is up in here, that is completely undeveloped, or unusable, I guess is the word, and proposes to use a portion of that old right of way for a trail system, and scenic vista overlooks which would give people a good view of the town center and Farmington valley.

While this property is not technically within the ridgeline criteria that the town adopted recently, and therefore would not be subject to those regulations, none the less what we are proposing will go a long way we think to protecting the environmental and the visual resources that are important to the town because they would leave completely undeveloped of course the cliff and the very, very steep portion of the property that is worthy of protection. In addition, keep in mind the property, as it is zoned today, that is CD Zone allows a variety of uses which would be far more intensive and far more intrusive than the use that would be permitted by our proposed amendment. This type of a development is going to be set back from the cliff, or from the base of the mountain, it's going to be set back so that when you look up, you are not going to see the development. Some of the, if you look at the criteria for the uses that are now allowed in the CD Zone, office uses and so forth, they provide for three story buildings, well, they actually, three story buildings are permitted as of right, and the Commission is permitted by those regulations to authorize developments of up to five story stories. In addition, an office development could produce more traffic than a residential development of this type, and as Alan Bongiovanni will explain, in a few minutes, will require far more excavation than this type of a townhouse development. So in terms of protecting environmental resources and protecting views that are important to the town, what we are proposing is fully compatible with the objectives of the Plan of Development.

Finally, the Plan of Development emphasizes the importance today of insuring a variety of housing types. As I guess we all know, there is, not just in Newington, but throughout this whole area there seems to be an almost insatiable demand for this type of housing alternative, particularly for young couples and for empty nesters, and that goal, which is articulated in the Plan of Development on page 18, would be obviously met by this type of a development.

Mr. Meehan's memo pointed out the fact that there have been other proposals to amend the zoning regulations to permit the development of this parcel, and I just want to touch on them briefly. As he noted, back in 1997 the Commission denied a proposal to amend the CD Zone so as to permit hotels, residential housing, retail stores, restaurants, and liquor sales. The Commission denied that application and one of the reasons was the fact that you did not want to open up this parcel to those types of other uses, the hotels and retail and restaurants, and liquor stores, and because of those types of unknowns, the petition was denied. In 2002 there was an application before you to amend the CD Zone regulations so as to permit multi-family residential use of up to six stores, or eight stories, depending on how much open space was dedicated, and at an average density of twenty-five units per gross acre, and I believe that was turned down because the Commission believed that the type of development that would be permitted would be too dense for this site, and perhaps even more importantly that six stories, or for that matter, up to eight stories in this location would really destroy the visual, the sensitive visual sight lines that you are attempting to protect, as well as other towns are trying to protect, which is represented by your ridgeline protection act, and so that petition was denied.

We think that the proposal that we have before you satisfies at least the concerns that you had with respect to those last two proposals. For one thing, the proposal before you allows only one new use for this parcel, which is a townhouse complex based on the (inaudible) in our proposal, and in the terms of the development densities and so forth, the standards that we have adopted come right from your existing regulations.

Why do we need this amendment? Some of you may wonder, well why don't we just utilize some of the other zones that already exist in the regulations, and the reason that we need this, is because none of those zones will satisfy all of our criteria, as well as your concerns, and by that I mean this, there are existing residential zones that permit, that would permit a townhouse style condominium complex, in particular the R-12 and R-7 zones. However, they don't allow the type of medium density that we think is appropriate for this location, as I discussed before, given it's proximity to the Berlin Turnpike, and that fact that it is a CD Zone that we are talking about, and not a R Zone. You have other zones, business zones that also permit this type of a development but for the same reason I suspect that you denied the petition in 1997 to permit all those other types of uses like hotels and retail stores and so forth, we felt that if we had asked for this property to be re-zoned business, you would again deny it because of the type of uses that would all of a sudden be permitted, many of which are incompatible with this location. So that is why we decided that the best way to get where we want to go is to simply amend the existing CD regulations, leave this property in the same zone, amend the regulations so as to permit this one type of new development.

If anyone has any questions, do you want to wait until we are completely finished to ask questions. Okay. Alan is going to show you, walk you through a schematic, this is just a conceptual plan of the type of development that the proposed regulation would allow, if it were ever to be approved by this Commission. I want to emphasize again, it's a Special Permit use, so you retain full discretion, full authority when it comes to an actual proposal. Alan is also going to show you a conceptual plan of what could be developed on this property under the current regulations, the current office uses. He is also going to talk a little bit about the compatibility of this proposal, or a proposal like this, with the surrounding uses, and I think he is going to talk a little bit about the positive economic impact a development like this might produce for the town, for tax revenue and so forth. Thank you.

Alan Bongiovanni: For the record, my name is Alan Bongiovanni, 170 Pane Road, Newington. The plans I have before you on the board on the right are four copies of the Town of Newington GIS map in case anyone has questions on what properties are CD zones. This is the subject property that we are talking about now. We have the property that is on New Britain Avenue which is the Emanuel Church, the property at the northwest corner of town where the new hotel is, and is fully developed with the exception of a preserved wetland area in the back, and finally the last parcels are on Willard Avenue in front of Fafnir, 505 which is an office park, and then the two buildings, 365 and 375 Willard Avenue which was developed by Radot in the late '80's. We are, for information purposes working with a client now designing an office park for the remaining portion of that CD land.

I would first like to talk about what is permissible under the current zone. As Lou said, this has been zoned CD for about fifteen years, and there have been no viable proposals to develop it under its current zoning regulations. Our client, Reno Properties, this is their business of working with commercial, industrial, retail tenants, buyers, occupiers of such land and although they have, for some time been trying to market this, under its current zone, there have been no takers for the entire 28.6 acres of land. The best thing that their marketing indicates is that there are sporadically people interested in smaller office uses, and we have prepared a conceptual plan that demonstrates how this site could be developed as about a ten acre, or ten lot, I should say, office park. We have designed the road in conformance with the standards that the Town has for geometry. I would first like to say, the road, where it would access the property is currently being worked on with the applicant or the draft for Cedar Mountain, LLC which is the below property and working on the location of a traffic signal in this area. So we come into the site, come up to its maximum of six percent grade, travel northerly to Old Highway and then would have to improve Old Highway for a second means of egress out to Russell Road in Wethersfield. The plan that I have here yields about 145,000, 150,000 square foot of office space, one and two story configurations. If we pushed it to three story, or five story, buildings you may get two, two

hundred and fifty thousand square feet, but based on the indications that our clients have, the one and two story would probably be most likely for this area, so you are looking at a hundred and fifty to two hundred thousand square feet. The issue that you get with a design criteria is that this site, about in the center, about twenty-six feet of material would have to come off the high point of that site to create not flat sites, but platforms to work with and maintain the maximum road grade permitted by the regulations to maintain safety and accessibility. In developing a concept such as this and there are many ways to design things, this is my view of it, it would necessitate about four hundred thousand cubic yards of material coming off the site to effect a plan like this. We looked at different configurations of the road, possibly coming straight up into a T, and then coming in with a cul-de-sac. The problem with that is that you have to go through the higher part of the site and to create the platforms and it would actually yield a greater excess of material to create development of the site. In the scenario, take an average, say two hundred thousand square foot, yield twelve hundred cars of parking. Not as a traffic engineer, but I'm going to tell you, you've got twelve hundred cars of parking, you've got twelve hundred trips in, twelve hundred trips out, with only two trips per vehicle per day, could yield twenty four hundred additional cars per day on the site. As I said, I didn't present that as a traffic engineer, but as a simplistic view of something that is probably very conservative but realistic, as a minimum.

The second plan I have before you is our concept of a townhouse community, developing basically the same portions of the site, which we feel are the most usable portions of the site for development, and the proposal that we have here would use the same road alignment, connect a town road through to Old Highway, and then out to Russell Road which is part of one of the components of the corridor study for the Berlin Turnpike and 175 which would help accomplish that plan, but would also provide access to the site. This again is not intended to sell the Commission a site plan, but is a study. Our clients are talking to two national builders and this is buildings and footprints that are basically a thirty foot width unit, an upper scale unit to fit within the price range that they talked about, two car garages and it yields about 168 units, the plan that we have there is 168 units. That is, density wise, about seventy-four hundred square foot per unit. The nice thing about this from a grading and engineering perspective is, when you do this type of development, you can have steps in all the units, you can go to a steeper roadway, and still meet all the requirements, and make this site work with the topography of the hill. It would be some cutting and filling, but we've designed this so that there is actual balance of material between cut and fill, that an excess or mining operation would not have to take place in order to develop a plan in a townhouse type community.

At 168 units, typical standard is ten trips per day per housing unit, would be 1680, 1700 trips, it would still be considered less than I think a very, very conservative estimate of the type of traffic that would be generated from an office park in this area.

The compatibility with the neighboring uses, I'll go to the GIS map, CD zone for the subject property, the land to the north is zoned R-20 residential use. I know that portions of that are protected by the ridgeline protection area, but it is a residential use. It's more appropriate to go from one residential higher density to a lower density, than it is to go from a commercial development to our largest lot, least dense zoning in the Town of Newington. To the east, we have the regional center, higher density single family housing, we have remaining Children's Hospital property, or Connecticut Children's Medical Center property, and then to the south we have a couple of residential properties, about four acres of land, we have the old WPOP, which is a church, auto upholstery place, exercise, health facility, and then just to the east of that, we have a motel, and then on the east is the Berlin Turnpike, or Russell Road and the Berlin Turnpike. The Cedar Mountain LLC property is currently undergoing a design and I think they have been working with staff for a proposal of that piece of property. It's going to be a multi-use type of development, retail, restaurant possibly, hotel, and we believe adequate buffering because of wetland areas in this location would be provided between the proposed use on this property, and the proposed townhouse development we're talking about today.

Again, I'm not going to talk as an expert on economic impact, but it's not, as a citizen and taxpayer of the Town of Newington, this type of proposal is not a negative when it comes to the bottom line for tax dollars for the Town of Newington. A proposal, 168 units, between \$275,000 and \$350,000 would probably average a minimum of forty-five hundred dollars a year taxes, factor two cars into that at about \$1500.00 in the Town of Newington, and you are looking at over a million dollars of revenue for a townhouse type of development. From past experience, and I know when we did the Ravenswood Development, which is now the Woodlands on Fenn Road, we did that analysis, we had Don Klepper-Smith do an analysis of build out, the potential impact to the school system, along with that, we confirmed his numbers by talking with the Board of Education and the higher end condominium developments in the Town of Newington, we've got Foxboro, Crown Ridge, Hunters Green and Cobblestone on Culver Street. Of those 355 units, two years ago yielded fourteen students in the Town of Newington, so we know a townhouse development in Newington typically will not generate a large demand on the school system as many other types of housing do and negatively affect the cash flow to the Town of Newington. Along the same lines, in an office development, at two hundred thousand square foot, and my clients average yields over eighty thousand square feet of office, in the Town of Newington, he averages about \$1.55 a square foot for taxes. At two hundred thousand square foot, you are looking at about \$300,000 in revenue from an office style development, if you doubled it to four hundred thousand square feet, you are still looking at about \$600,000 and change in real estate tax, of course there is the personal property component, office equipment, computers, things like that, but we're pretty comfortable that that wouldn't come close to the yield that a townhouse type of development would have for the Town of Newington. With that, I'd be happy to answer any questions.

Vice-Chairman Cariseo: We'll go to the Town Planner.

Ed Meehan: The applicant has described the staff report very thoroughly, the Commission members have it, it's available to the public if they would like to also have a copy. I don't have anything to add, this is a policy decision, it's been described to you. I think the key issues would be your consideration of do you think you have, or are you satisfied that you have enough commercial land like this left in town for a possible business park, given the supply and demand of what is available in Newington right now at this stage of development. We know that we are down to maybe 1100, 1200 acres of vacant land, so you can kind of take stock of that. I think Attorney Wise has fairly described the density, and the difference between the density here and the current 8,000 square foot density standards permitted by Special Exception is also another added feature to that where the Commission has the right to net out wetlands and flood plains to get to a net buildable to determine your net density yield. So I think that is another facet of that. The guidelines in the Plan of Development are in the staff report, and I think they were described in a fair way also. The only other thing I would add before I forget and I would like to just mention, and put into the record, the Central Connecticut Regional Planning Agency report which finds no inter-town conflict with neighboring towns in the regional plan of development; and the Capital Regional Council of Governments advisory report that also finds no apparent conflict with the regional plan or policies, and that is required by statute to be part of your record. Thank you Mr. Chairman.

Vice-Chairman Cariseo: Commissioners?

Commissioner Ganley: This was a good presentation, very detailed, very strait forward, a lot of documentation. I don't know how much more we can get out of this, it's a rather simple decision for us, one way or the other, so I would call it an up or down vote, but this was a good presentation. I don't know where we are going to go with this, or any further with this.

Commissioner Anest-Klett: The ridgeline, is that depicted correctly on that. Does it terminate right there in that road?

Alan Bongiovanni: The ridgeline is actually this area, north of the site, north of the Old Highway.

Commissioner Anest-Klett: So it doesn't go into this site at all.

Alan Bongiovanni: No.

Commissioner Anest-Klett: Okay. Why are you looking at medium density housing and town houses that have six or seven buildings attached to each other, rather than a low density?

Alan Bongiovanni: Couple of reasons. One, the amount of infrastructure, it's an economic reason for one, the amount of infrastructure that has to go onto this site, is going to command a certain number of units to make the project feasible. Some of the previous applications, I know the last application to amend your regulations was to do apartments looked at a very, very high density, because, and I think it would have yielded seven, seven hundred fifty units had you approved that, because of the amount of work that it is going to take to develop this site. It's not a simple site, there's a lot of topography, and it's mostly rock. So you are going to carve whatever happens there out of that rock, so it's an expensive proposition, along with traffic improvements. No matter what happens here, we believe that the road would have to connect through, so there is a lot of off-site improvements involved in this, so there has to be a balance between allowable units to allow, to enable the developer to make some money. We, over the past year and a half, two years, Ed can attest to this, have brought in a couple different apartment developers and they were talking two, two hundred and fifty, to two hundred seventy five units in larger buildings, and at that, in an apartment where basically in order to determine if it is feasible you divide the cost of everything and if you can't pay for it in ten years worth of rent, you can't make it work. So we have looked at a lot of other options for the property, and this is the most viable, from our perspective, we hope you find the same thing, like I say, we are talking with two national developers, I think the town is familiar with both of them. Don't let the plan mislead you that they are going to be eight unit buildings, this is not terribly attractive, but it is a study that represents the footprint size we are looking for. They would like to go with two car garages, they would like to go with a thirty foot unit width, you know, when an architect gets to it, it's going to look a lot more attractive than my study.

Commissioner Anest-Klett: Okay. I might have missed this in the presentation, because I was reading some stuff, because there is so much rock, what is, is there going to be any blasting that needs to be....

Alan Bongiovanni: Anything that happens there, whether it is a single family house or.....

Commissioner Anest-Klett: I understand that, but is there going to be a little bit more because there are going to be more areas that need to be.....

Alan Bongiovanni: This type of development would have significantly less site work and blasting than an office type development. Even given the size of the site, with off-site, if you did have one major tenant, or occupant of the site, it would be a significant size building and would generate, probably even a single building, more than this, to install parking, utilities, detention, and such.

Commissioner Fox: Through the Chairman, again, that was an excellent presentation. I particularly liked your, shall I say, that you compared a typical CD development to your residential. However, I think as Commissioner Anest-Klett said, 168 units. I know that you said that they other townhouses have yielded very low percentage of students, but you never know

what is going to happen. I worry about that, and I worry about, in this development any other drags that would be put on the infrastructure and the tax base. Whether you have students or not, you still have new roads, new people whose safety you have to worry about, etc., etc. Getting back to blasting, I'm looking at that topo, the GIS over there and I see a couple of big mounds. I see a lot of blasting there. I really do.

Alan Bongiovanni: Either way, any way this is developed there is significant earth work that has to be done. We believe, because we have more flexibility with percents of grade for the infrastructure as well as in the condo, you can step it a couple of feet, every unit, you can work with (inaudible) grade, where as an office, they are not going to be able to do that. Even by splitting it up.

Commissioner Fox: I agree, and also, speaking of other developments, as you know, you mentioned Woodlands, and that's what, I think seventy-four?

Ed Meehan: One hundred and fifty-four.

Commissioner Fox: One hundred and fifty-four.

Ed Meehan: Toll Brothers is seventy-one.

Commissioner Fox: Seventy-one. A lot of housing going up in Newington, and that leads me to, there is so little space left, I don't have to tell you that, Alan, or anybody else, so I'm wondering about the need for even the medium to high density residential development, and I'm kind of an open space guy myself anyway. I think that you know that. Those are just my comments. Commissioner Ganley had mentioned that perhaps this is a pretty simple thing, I don't know how, so evidently, I'm sure Tom would like to see this closed today, but I would like to digest a little more on the implications of residential as opposed to leaving it open space, and as I said, if the majority of the Commission wants to close it, fine, but I would like to digest the information a little bit more.

Alan Bongiovanni: If I may Mr. Chairman, if it is the will of the Commission we have not requested that it be closed, but if there is specific information on things that you would like us to provide, and leave the hearing open, we would be happy to do this, send up home with a laundry list, we'll do our homework and come back before you.

Attorney Wise: If I could just respond to your comment about the proposed density of this development, let me just emphasize again by adopting or by granting our application to amend the zoning regulations, you are not approving this. All you are doing is giving us an opportunity to come in with a far more specific plan, and you will have the full discretion to do what you want.

Commissioner Fox: Oh, I understand that fully. And, dealing with developers, me, for about three or four years, or so, most people want to get the most bang out of their buck, so maybe we won't see 168 units.

Attorney Wise: If I may also respond very briefly to your comment, you would rather see this open space, the choice isn't between a residential development and open space, it's a choice between a residential development like that, and office development.

Commissioner Fox: I understand that, I just thought I would put my preference on there, and you know, if it stays, as you mentioned Alan, there haven't been people, people haven't been coming out of the woodwork for, to develop up there. And, for the record, I'm smiling. You also alluded

to a project over, what I presume is around where Charlie Lowe's property is, and that also brings to mind, a lot of development on that piece.

Commissioner Pruett: I'm just curious, from a marketing standpoint, are they, have they thought about targeting as a fifty-five and over, just curious if the developer has given that any kind of consideration.

Alan Bongiovanni: The, there is becoming quite a glut of active adult. Not so much in the Town of Newington, but Rocky Hill has a moratorium, Berlin has a moratorium, Cromwell has a moratorium, a lot of these have come before us. Not that there is going to be a glut of them on the market, but developers are paying attention to this because there are so many developments being proposed, they are looking to do this as unrestricted. With the thirty foot width in the units, and basically the footprints I think are about 1500 square foot per floor, excluding the first floor garage, they have given us box dimensions so they can accommodate in some units, or maybe in all units, all the amenities, so it would be age targeted, would have the first floor bedroom, the full bath and all that, but not necessarily expressed any desire to restrict them.

Commissioner Anest-Klett: I don't know if this is feasible, but could I mean, could he come back with something with single family houses to see what that would look like? Or, that's not what they are looking at, at all?

Alan Bongiovanni: We've had people ask us, about doing this, as single family for a number of years, in the single family zones with all public roads and that, you're probably going to, in order to get some yield, you are probably going to do more damage to the hillside, no one has found that even being close to being palatable, financially. We've done sketches for people and they've looked at them, and okay, thanks.

Ed Meehan: The thing to keep in mind with this, and I think Commissioner Fox started to talk about a little, the density yield. Attorney Wise went through, that is the only thing really different in this than other standards you would apply, or have applied already, to Toll Brothers or Pulte Homes for Ravenswood and Woodlands. That is the key issue. They are showing you a concept for 168. Mathematically if you divided forty-five hundred into the twenty six or twenty-eight acres, it's like 260, 270 units. So, there is no guarantee that you will get 168, there is no guarantee that you are going to get 200, but someone is going to want to get the maximum, and anyone selling this is going to represent the maximum deal, so eventually if this is made as a policy decision and put into your regulations, that is the standard that you live with. That was what I was trying to reflect in my staff report.

Commissioner Fox: That is why I don't think it is that simple a decision for us to make.

Ed Meehan: Well, that is one factor, and I think the amount of land left in town, and other things, but these two sites, they mentioned both of them together, Mr. Lowe's site and this site, are gateway sites, and that's in the staff report and was also mentioned by Attorney Wise. The site has been sitting there for a long time, and they are gateway sites into Newington. A chance to get the policy that you want for them now.

Vice-Chairman Cariseo: We will go to the public. Is there anyone here wishing to speak in favor of this application?

Jamie Campbell, 42 Sequin Street: I do know a little of the area but I am just curious, why would they bring, set-up a light out here on East Cedar Street when, couldn't they incorporate the development with Mr. Lowe's property and have the road come out onto Russell Road rather than putting a light there? As you all know, trying to come up that hill on a snowy day, or stop, coming

the other way, is a little tough. It's a great development for the town, being the gateway there, but it would be just as nice coming through the other corner rather than coming out onto the highway so everybody has to stop.

Ed Meehan: Just to clarify, the point is not the site design, or roadway, as Mr. Bongiovanni said, this is just conceptual. The issue tonight before the Commission is the zone change.

Vice-Chairman Cariseo: Does anyone from the public wish to speak against this application? Do you have any more information?

Alan Bongiovanni: If I could Mr. Chairman, we were just talking, and the Town Planner's calculations are 200 and some odd units. We would like you to leave the hearing open so I can discuss it with the Planner and maybe modify our request in a different density type so that the town is not exposed to 250 or 275. We don't think it is ever going to practical for an upscale development. I think we would like to have an opportunity to maybe, hearing your comments, digest it, and come back.

Attorney Wise: We think that among other reasons, the topography would never permit that dense of a development here. It's a reality of life, I mean, six or seven, eight acres is unbuildable, so, but we would welcome the opportunity to discuss the issue and see if perhaps we can, not alleviate your concerns.....

Vice-Chairman Cariseo: What is the will of the Commission?

Commission: Leave it open.

Vice-Chairman Cariseo: Okay, we'll leave it open.

VI. NEW BUSINESS

A. PETITION 51-03 50 Rockwell Road, Reno Properties, LLC, 170 Pane Road, owner represented by Joseph S. Eddy, AE Design Group, One Factory Square #206 Southington, CT 06489, request for site plan modification to delete requirement to install guard rail fence along top of retaining wall, Section 7.4.8 PD Zone District.

Alan Bongiovanni: For the record, my name is Alan Bongiovanni, 170 Pane Road representing the applicant before you. I gather we are asking for a waiver of guard rail, it was just presented to me. We have a site plan which is now the Bloom's Office (inaudible) and when we laid out the plan, we showed a retaining wall to the right side of the loading dock, which is about six foot in height. We have a row of planting along the top of that. Given the location of the dumpster at that location, and the actual look of it, we would like you to waive what we had proposed as a guard rail along that retaining wall, because we don't think it is necessary.

Ed Meehan: Did you get, or did David get a copy of the staff report?

Alan Bongiovanni: He just handed it to me.

Ed Meehan: Okay, I'll help you out here. The Commission has standards for fencing atop of walls, and the standard that came in to effect here is that a chain link is required for safety purposes both by the zoning regulations and the building code. The approved site plan showed both the chain link fence and the guard rail. There is no waiver provision for the chain link fence in the zoning regulations. The Commission could, if it felt appropriate, eliminate the metal beam

guard rail. That is not required, and it wouldn't satisfy the building code. But the chain link fence is not a waivable item. It is bonded by the bond that was put in place at the time that the Certificate of Occupancy was issued.

Commissioner Fox: So the chain link fence isn't an issue here, is it?

Ed Meehan: Well I think, the letter asks for waiver of both, and I believe that is what they are talking about, but you can't waive the chain link fence.

Alan Bongiovanni: In light of that, we'll ask for a waiver of the guard rail.

Ed Meehan: They are both about 160 feet long. The chain link fence could be shortened because it could tie into the existing fence around the dumpster and provide the protection that is required by the zoning and building codes.

Vice-Chairman Cariseo: Any questions?

Commissioner Kornichuk: Was that their thing to put in both, or was that something that we put upon?

Alan Bongiovanni: No, it was something that we had proposed in our design. You know, sometime we do things, trying to be extra careful, and it was an issue that really didn't need a guard rail there.

Ed Meehan: The way that this site ended up is that there is a compactor near the overhead door, right at the high point of this, so there would be no trucks in that area. As Alan mentioned, there are some plantings which are not going to stop anything, but there is a little bit of a curb lift which would stop anything from going over it, and certainly the chain link fence, if someone were walking about there, the fence would stop them from falling over, it wouldn't stop a truck, but it would stop someone walking up there. That is the purpose of the fence on top of a retaining wall, so someone doesn't walk over and kill themselves. The staff report has the copy of that section of the site plan.

Vice-Chairman Cariseo: What is the will of the Commission? Do we go with the fence?

Ed Meehan: Well, this would be moved to Old Business. We can act on it tonight if you add it to the agenda.....

Commissioner Fox: That wouldn't be much of a motion to add.

Commissioner Kornichuk: But you need it in writing that they just want the guard rail, because didn't you say, it was both and guard rail and fence.

Ed Meehan: Well, the letter that we received from AE Design, said, "there is little need to," here it is, " I respectfully request the Commission to consider modification of the site plan to eliminate the required fence and guardrail."

Commissioner Fox: So if we move it to Old Business it wouldn't be a problem if you wrote the motion, say, modify the site plan to remove installation of a guard rail, period.

Ed Meehan: Right. They would still be in compliance.

Commissioner Fox: If that be the case, then I move this to Old Business.

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

VII. OLD BUSINESS

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

Commissioner Pruett moved that Petition 58-05 3000 Berlin Turnpike, known as the Grantmoor parking lot, CNLRS Exchange 1, Inc., owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for site plan approval, 20,602 sq. ft. retail use, PD Zone be approved based on the following site plan and modifications:

1. The site plan entitled: CNLRS Exchange I, Inc., 3000 Berlin Turnpike, revised dated January 13, 2006, Sheets C-0 to C-8, scale 1"=20' prepared by AN Consulting Engineers, Inc., and exterior building elevations, Sheet Z-2, dated 11-16-05 prepared by FLB Architecture & Planning.
2. Prior to the Chairman signing the site plan mylar the following modifications shall be made:
 - A. The storm water management system design shall be approved by the Town Engineer and incorporated into the final site plan.
 - B. The method and construction design of the parking lot shall be approved by the Town Engineer and incorporated into the final site plan.
 - C. The notation referring to the removal of the pylon sign shall be changed to "Two (2) pylon signs shall be removed before issuance of the building permit."
 - D. The 15 foot driveway along the front (west) side of the store shall be one way only and marked with appropriate traffic control signage. This shall be shown on the final site plan.
 - E. The location of site irrigation system shall be shown on the Landscape Plan Sheet C-3. The areas irrigated shall be the islands in front of the store, along the entrance, west elevation planters and front 35 foot green space with heads projected into the adjacent lawn within the State right of way.
3. Prior to the issuance of the Certificate of Occupancy the applicant's engineer shall certify to the Town Engineer that the storm water management system has been constructed in accordance with the approved site plan. Prior to initiating site work the project engineer shall hold a pre construction meeting with the Town Engineer to verify the requirements that will be followed to certify the storm water drainage systems installation.

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

Vice-Chairman Cariseo: Motion passes unanimously.

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

Commissioner Kornichuk moved that Petition 63-05 Sunrise Estates Subdivision, Griswoldville Avenue, Griswoldville Associates, LLC owners and applicant, represented by Mr. Patrick Snow, 110 Court Street Cromwell, CT 06416 request for waiver of condition A.3 Petition 01-04 approved March 24, 2004 installation of traffic signal at the intersection of Griswoldville Avenue, Waverly Drive and Deming Street prior to the issuance of Certificate of Occupancies, R-20 Zone District be postponed to February 8, 2006 because the developer has not completed construction and certification of the sight lines at the easterly intersection of Waverly Drive and Griswoldville Avenue, and the stop sign, stop bar, and street name identification sign have not been installed. These are important safety measures that must be completed prior to the Commission voting on this waiver request.

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

Vice-Chairman Cariseo: Motion passes unanimously.

C. PETITION 65-05 3065 Berlin Turnpike, known as JoAnn's Plaza, Ceres-Newington, LLC, owners and applicant, represented by Attorney Vincent F. Sabatini, Sabatini & Associates, LLC, One Market Square, Newington, CT 06111 request for site plan approval to add 7,460 sq. ft. to easterly side of JoAnn's building. Waiver of 35' buffer, Section 6.10.4B and waiver of parking Section 6.1.1.J requested. Extension granted to January 25, 2006.

Commissioner Fox moved that Petition 65-05 3065 Berlin Turnpike, known as JoAnn's Plaza, Ceres-Newington, LLC, owners and applicant, represented by Attorney Vincent F. Sabatini, Sabatini & Associates, LLC, One Market Square, Newington, CT 06111 request for site plan approval to add 6,978 sq. ft. to easterly side of JoAnn's building. Waiver of 35' buffer, Section 6.10.4B and waiver of parking Section 6.1.1.J be approved based on plans entitled: "Site Plan modification Ceres-Berlin Turnpike, LLC, 3103-3105 Berlin Turnpike, Sheets C-0 to C-9, Scale 1"=20', revised dated January 3, 2005" and architectural elevations entitled: "Conceptual Elevations Shopping Center Addition, revised dated December 16, 2005."

1. This approval is for the addition of 6,978 sq. ft. gross retail floor area to the easterly side of the existing JoAnn's store.
2. This approval is based on granting a waiver of an additional 35 parking spaces for a total plaza waiver of 211 spaces. The Commission finds that the location of the 6,978 sq. ft. addition can be adequately accommodated by the 44 spaces immediately adjacent to this new retail space. The location of these 44 spaces is separate from the larger parking area and the Commission has observed that it is not being fully utilized.

3. The request to waive the 35' front yard green space is granted, the Commission finding that the addition of 6,978 sq. ft. is less than the 25 percent of building 66,532 sq. ft. gross floor area. Section 6.10.4 (A).
4. Pursuant to Section 5.3.6 the developer shall post bond surety of not less than 10 percent of the total site improvement costs with the Town Manager prior to the issuance of the building permit.

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

Vice-Chairman Cariseo: Motion passes unanimously.

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

Commissioner Anest-Klett moved that Petition 66-05 3065 Berlin Turnpike, known as JoAnn's Plaza, Ceres- Newington, LLC owner and applicant, represented by Attorney Vincent F. Sabatini, Sabatini & Associates, LLC, One Market Square Newington, CT 06111 request to amend Petition 22-05 pylon sign location be approved. The location of the sign shall be on the north side of the Berlin Turnpike entrance drive as shown on Sheet C-2 Layout Plan, CERES-Berlin Turnpike, LLC, 3103-3105 Berlin Turnpike, dated November 1, 2005.

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

Vice-Chairman Cariseo: Motion passes unanimously.

E. PETITION 04-06 2434 Berlin Turnpike, O'Neil Plaza, Antonio Sousa applicant, Trans-Berlin Corporation, owner, request for Special Exception Section 3.15.3 Restaurant Use, contact Antonio Sousa, 167 South Road, Farmington, CT 06032. Sixty-five day decision period ends March 17, 2006.

Commissioner Ganley moved that Petition 04-06 2434 Berlin Turnpike, O'Neil Plaza, Antonio Sousa applicant, Trans-Berlin Corporation, owner, request for Special Exception Section 3.15.3 Restaurant Use, contact Antonio Sousa, 167 South Road, Farmington, CT 06032 be approved based on the location and floor plan for public seating area presented to the Commission at public hearing, January 11, 2006. The seating area shall be approximately 400 sq. ft. with nine (9) tables.

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

Vice-Chairman Cariseo: Motion passes unanimously.

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

Commissioner Prestage moved that Petition 05-06 Newington Business Park, former Torrington Company property, Willard Avenue, Newington Business Park, LLC owner represented by A-N Consulting Engineers, Inc., c/o Mr. Alan Nafis, 124 White Oak Drive, Berlin, CT 06037 request for re-subdivision Lot 11 into two lots, 4 acres and 2.034 acres, CD Zone District be approved the Commission finding that the two (2) proposed lots conform with the CD Zone District design standards.

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

Vice-Chairman Cariseo: Motion passes unanimously.

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

Commissioner Pruett moved that Petition 07-06 120 Styles Avenue, Lot 5 Styles Avenue, LLC, owner represented by James Campbell, 419 Robbins Avenue, Newington, CT request for site plan modification, Petition 35-02 Condition No. 2, occupancy Use, I Industrial Zone be approved as follows:

- A. Condition No. 2 is deleted and the revised set of requirements for the use of 120 Styles Avenue shall read:
1. The Conservation Commission's Inland Wetlands permit and conditions on the location and limits of outside storage are made a part of this site plan approval.
 2. The Site Layout Plan entitled "C & A Enterprises, Styles Avenue, Sheet No. 1, scale 1"=20', dated May 17, 2002, prepared by A-N Consulting Engineers" shall be revised to include the following notations prior to signing by the chairman:
 - A. Section 7.4.11 and 7.4.12 requires that buildings used for human occupancy must be connected to MDC utilities unless waived by the Commission upon consultation with the Newington Public Health Coordinator.
 - B. 120 Styles Avenue is not served with water and sewer utilities and shall not be used for human habitation until these services are provided in accordance with the public health and building codes.
 - C. Prior to the provision of water and sewer utility connections to 120 Styles Avenue a modified site plan showing the location of these services shall be submitted to the Commission for its approval.
 3. The amended Certificate of Action for Petition 07-06 shall be attached to the site plan mylar and a new signature block added for signing by the Commission Chairman.

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

Vice-Chairman Cariseo: Motion passes unanimously.

H. PETITION 51-03 50 Rockwell Road, Reno Properties, LLC, 170 Pane Road, owner represented by Joseph S. Eddy, AE Design Group, One Factory Square #206, Southington, CT 06489 request for site plan modification to delete requirement to install guard rail fence along top of retaining wall, Section 7.4.8 PD Zone District.

Commissioner Kornichuk moved that the site plan approved for 50 Rockwell Road, granted January 28, 2004 be modified to eliminate the metal beam guard rail along the top of the retaining wall. The chain link fence shall be maintained as shown on the site plan as required by Section 7.4.8. This fence shall be installed prior to the release of the site completion bond.

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

Vice-Chairman Cariseo: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING (TPZ Meeting – 2-8-06 and 2-22-06)

Ed Meehan: Mr. Chairman, there is one petition that came in after the agenda was mailed out, for a flood hazard permit on Stamm Road which is being reviewed by the Town Engineer because Stamm Road is a problem area as far as flooding, and we want to take an extra look at this. I'm proposing it be presented to you at public hearing for your second meeting in February, February 22nd.

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

None.

IX. REMARKS BY COMMISSIONERS

None.

X. ZONING ADMINISTRATOR COMMENTS

None.

XI. STAFF REPORT

Ed Meehan: Three items, quickly. The Webster Bank sign, that we discussed over the fall has blown down and we are talking with two different entities on this. One the sign company that presented to you and they had said they called and were going to put a public hearing application in to put the sign back as permitted by the regulations, and then the sign company itself, which said they wanted to put the existing sign back up. At the staff level, we have the opinion that it's a non-conforming sign, and it can only be replaced if it comes back in conformity. There is a standard in your regulation that requires that all non-conforming uses be eliminated or, the word is amortized. There is also the standard in your regulation that for causality, like if a house

caught on fire, if a structure caught on fire, and you want to replace more than fifty percent of the value, it has to come back in to the standard of your regulations. That is a little bit harder to apply in the case of a sign. The only thing that is left is the pole and the base. So our position, at least in talking to the sign company is that before they get a building permit, they are going to need to get a new Special Exception for a sign that conforms to your regulations, and I'll keep you informed if they believe otherwise.

The other item is Walgreens got officially opened yesterday. They had a premature opening last Friday. There was a miscommunication between the developer and the Walgreens staff as to when they could open. The developer had not posted his bond on Friday, and had not provided us with the engineering information that was required as far as the drainage and some wetland protection. So, between myself and Mr. Hobbs, the building was closed to the public. It was supposed to stay closed through the weekend, and finally the bond got secured yesterday afternoon, the store opened, they brought the bond in at three, and it was open by four, four-thirty. It was quite an inconvenience to Walgreens. I think they went forward in good faith, they had staff ready, they had their pharmacist in there, actually they had taken prescriptions and so they understood that it wasn't the Town's problem, it was their builder's problem. We got off to a pretty good start with Walgreens.

The third thing I want to mention is that we are still pursuing full implementation of the news rack ordinance. We had again meetings with the Herald, the Herald has appealed, and they will be going before a hearing officer on the, several issues that they take exception with in the ordinance. It is up to the hearing officer to make his decision, and we will follow that course of action. They can still appeal beyond that if they have concerns. The Courant has come into full compliance, and paid their permit fees. Several non, these are the racks that don't charge anything, the free information, have been removed from the town right of way. The ones that you still see on Main Street, and so forth in some areas, are in the state right of way, which we can't regulate. So actually, it's worked out pretty well. I mean, it took a lot of work, but if the Herald will come and cooperate as the Courant, well, I think we will succeed what the Council intended. I expect that the Courant, they have eliminated probably thirty boxes, will try to find locations within the state right of way, or on private property that their customers can get to. Because that is quite a number, it was over a third of their boxes. That's where that stands.

XII. AJOURNMENT

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

Respectfully submitted,

Norine Addis,
Recording Secretary