

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

February 8, 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

Commissioners Absent

Commissioner Andersen  
Chairman Camilli  
Commissioner Schatz  
Commissioner Pruett

Staff Present

Ed Meehan, Town Planner

Commissioner Prestage was seated for Commissioner Schatz.

**II. PUBLIC HEARINGS**

- A. PETITION 01-06 Reno Properties, LLC, 170 Pane Road, Newington, applicant represented by Attorney Lewis Wise, Rogin, Nassau, Caplan, Lassman & Hurtle, City Place I, 22<sup>nd</sup>. 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. Continued from January 25, 2006.**

Vice-Chairman Cariseo: Is the applicant here? Please come forward.

Attorney Wise: Thank you Mr. Chairman. My name is Lou Wise from the law firm of Rogin, Nassau in Hartford and I'm here tonight on behalf of the applicant, Reno Properties. As you know, we were here on January 25<sup>th</sup>, and presented our proposal. The proposal is of course to amend the zoning regulations so as to permit town house developments in the CD Zone in Newington subject to a variety of conditions which were described in some detail at that session on the 25<sup>th</sup>. There were some questions and comments and concerns that were expressed at that time about several issues and the hearing was continued until tonight in order to give us really an opportunity to address those concerns, if we could, and we have done so. We have modified several of the provisions that were explained two weeks ago, and I'd like to hand out, if I

may, a redlined copy of the amendment that we proposed two weeks ago, so it will be very clear, exactly, what we are doing.

The first substantive change that we made we'll find in Section 3.20.12 C, and that change that was designed, or has been designed to deal with the density issue. Several members of the Commission, a couple of weeks ago expressed some concern about the maximum number of units that could be theoretically built under the, under our initial proposal. Under the initial proposal 4500 square feet would have been required for each unit. That theoretically could have yielded a maximum of 276 units, although that would have been highly unlikely given the topography, but none the less, that would have been the theoretical maximum given the size of this parcel, which is approximately 29 acres. We have changed that, as you can see, so that the minimal lot area for each unit must now be 7500 square feet per unit, so we have gone from 4500 square feet per unit, to 7500 square feet per unit, so the result is, again given the size of this parcel, the maximum number of units now is 166, which is approximately what the conceptual plan up on the board contains. I believe that plan contains 168 units. Under the new standard we are proposing the maximum, as I just said, would be 166 units. So, and again, I want to stress that is the maximum because keep in mind, we are proposing this as a special permit use, which means that you have complete discretion when and if you ever get an application for it, a special permit for this type of a development to accept, you know, the maximum or something less than that, but this is the maximum.

The second substantive change that we made, if you turn to the next page, the second change that we made is under the roadway section. It's in what we have numbered G-2, and this was a response, not so much to comments that we heard from you, two weeks ago, but just in discussion with the staff, we became sensitive to the fact that the Town may be unwilling to accept a multiplicity of new public roads, for the obvious reason that that would impose you know, costs upon the town. The version that we had given you a couple of weeks ago, which was really taken from one of your existing regulations, would have limited the amount of private roads because it specified that you couldn't have more than seventy-five units on any private road. So what we did was to eliminate all of that language, so as to give the Commission maximum flexibility in dealing with any proposed roadway systems. We didn't, with this language deleted, you could even, you know, approve the development with all private roads if you wanted to. We just wanted to make sure that there were no standards contained in the regulation that would have limited you in any way, when it came to the issue of public versus private roads. Any questions about that one?

And then the third substantive change that we made, is in the subsection dealing with open space, which is subsection eight. There were some concerns about open space, and so we have attempted to respond to that. Under the original proposal that was before you two weeks ago, the open space requirement was a thousand square feet per unit. At 166, or 168 units, that would have yielded, or that would have required approximately, on this parcel, approximately four acres, give or take. The new proposal that is before you tonight, increases the number of square feet of open space per unit to 2500, so we are increasing it from 1000 to 2500 which on a development of 166 units would yield approximately ten acres of open space, so it is about two and a half times the amount of open space that the original proposal would have required. In addition, in the open space subsection, we have taken out the language that required a certain percentage of the open space be dedicated to recreational use by the town house community, and the reason that we did that, again, was to give the Commission maximum flexibility in dealing with how the open space should be allocated. So, for example, on a property like this, you know, given the sensitive area that everybody hopes to be preserved, if you want to allocate the entire amount of open space to that area, then this proposal would allow you to do that, and in fact, the conceptual plan that you have up there, the open space that is shown is about, I believe, is about ten acres. It's about a third of the whole parcel. I was going to tell you at the beginning and I forgot, that Alan Bongiovanni who of course participated in the hearing a couple of weeks ago, and who is our consulting engineer on this project unfortunately had to be called away for a family emergency, so

he is out of state tonight, and cannot assist, so if you have any technical questions, I'm not sure that I will be able to answer them, but I will do my best.

Those are the three substantive changes that we have made to address the concerns that we think that you, and the town in general may have. I made some stylistic changes to the provision in subsection I, dealing with the homeowners association, but substantively that was not changed. I'll be happy to answer any questions. I think that, in terms of the density, the questions that you had about the maximum possible density for this site are now answered, and basically, 166 is the maximum number of units. That gives you some idea of what a development of that nature would look like. Similarly, with the open space question, there was some issue with that, and under the proposal that is before you, a project of this approximate density would require approximately ten acres of open space and you could determine how you, you know, where the open space should be and how you wanted it to be used. Again, with respect to the roadway system, you would retain full flexibility as to which if any roads would become public roads and which would be private roads.

I'm not going to repeat everything that I said, or that we said a couple of weeks ago when we were here, but we went through the various provisions in the Plan of Conservation and Development, in an effort to show that our proposal is consistent with the Plan in several respects. You are going to hear a lot tonight, I suspect, about open space, and I know that a lot of people would hope that this parcel could be preserved, perhaps in its entirety as open space. That issue is not really before you tonight. What's before you tonight, is the very simple question of whether a townhouse development should be added to the list of uses in a CD zone. Since it would be added as a Special Permit use, and not a permitted use, you would continue to retain full discretion as to what type, if any, townhouse development you might approve in the future. The choice tonight is not between this particular amendment to the regulations and open space, because this property today, is zoned CD and, as we explained two weeks ago, this is the type of development, an office development as part of a subdivision which could be built, as of right, tomorrow. All we are suggesting is, that this type of use, be added to this zone, so that you would have the opportunity to consider in the future, that type of development.

If the town, obviously if the town thinks that this entire parcel should be preserved as open space, then the town has to purchase it, or take it by eminent domain at its fair market value. But that is not the issue before the Commission tonight. I'll be happy to try to field any questions as long as you don't get too technical.

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

Ed Meehan: Thank you. I just wanted to continue to make my report as part of the record tonight, as I did at the last hearing, and as the Commission members know, this petition doesn't just affect this particular twenty-eight, or thirty acres on Cedar Mountain, but there are three other CD districts in Newington, on Willard Avenue, on New Britain Avenue, and Southeast Road are the three other locations. The way that the petitioner has framed his amendment, for all practical purposes because of the threshold of ten acres, this is probably the only realistic piece that could qualify for a Special Exception if the Commission made that policy decision change to put this into your regulations. I think the Commission is well aware that this has been before you on two prior occasions with different renditions of possible zone changes affecting the development of this piece as well as other CD pieces, and the Commission has denied both of those for various reasons, essentially because of the density issue and the height issue, was a concern to the town at that time. The applicant is very much correct that the issue of consistency with the Plan of Development, the policy guidelines of the plan should be kept in mind. My staff report outlines some of those, and just to repeat, one of the issues is the concern that, right now the CD zone is an exclusive zone in Newington, it's not a mixed use zone where you can combine housing and professional offices and commercial use. It's an exclusively a professional office business use zone, so this Special Exception opens the door for a mixed use zone, and I think that the Commission sort of needs to weigh what we have left in Newington for commercial properties.

Given the amount of land that is left in town, as we begin our new Plan of Development, we know from our inventory work that there are very few pieces left for exclusive commercial development. On the other hand, I think you need to look at the environmental aspects of this site, and the reality of its suitability for intensive development. I know most of the Commission members know this piece well, it's a difficult piece because of its terrain and topography. Superficial bedrock is very close, if not exposed to the surface, as well as access and infrastructure limitations for public utilities. So, anything that happens up here, it's not an easy piece. The Commission has to keep that in mind. There are some comments in the Plan of Development that are germane to this piece. One of them happens to be Cedar Mountain Ridgeline Protection. Another one, subsequent to the adoption of the Plan, Planning and Zoning Commission, along with the efforts of the Town Council have identified Old Highway as a greenway in Newington, and it's one of the four greenways that have been approved by DEP for certification as potential greenway trails. So there is both the economical side and the environmental side to this piece. Lastly I would just like to, again for the record, we did read into the record the two advisory reports from CRCOG, Capital Region Council of Governments and Central Connecticut RPA into the record, so should be kept in mind. They were both advisory and both reports found no inter-town conflict and lastly, a procedural matter, this is some new information that you received tonight on proposed changes to the density and open space standards. The Commission could, if it wished, continue this public hearing to digest that information with whatever else you want to take in tonight, and hold this open until your February 22<sup>nd</sup> meeting. You still have time to do that before you close the hearing, so it's up to the board.

Vice-Chairman Cariseo: Any Commissioners have any questions? We'll go to the public. Anyone from the public in favor of this application? Anyone in favor? Opposed? Come on up. State your name and address for the record, please.

Robert Briggaman, 75 Groveland Terrace: I have two minutes? That doesn't really give me time to justice to the presentation.

Vice-Chairman Cariseo: I'm sorry, you have three.

Robert Briggaman: Three minutes, okay. The Town of Newington presently has less than seventy-five percent of its land in open space. In contrast, the State of Connecticut has approximately sixty-eight percent. You are presently considering Petition 01-06 to rezone 28.6 acres on the top of Cedar Mountain for townhouse development. This will effectively destroy a beautiful piece of treed open space which is presently home to a wide assortment of wild life and provides lovely views to the west. It's a piece of property that could continue to be home to wild life, future nature trails, school classroom field studies, and infinite other public uses. Let's not make the same mistake that we did with the thirty-five plus acres on Fenn Road. It was a piece of land which had the potential to be enjoyed by all the citizens of Newington, for future generations. Now that possibility is gone forever. As Will Rogers once said, they aren't making any more land. You as public officials are by default, entrusted with a careful stewardship of what little open space we have left. I urge you to think outside the box and to think of what is in the best interest of the future generation of Newington residents. Let me quote a few facts. Connecticut is the fourth most densely populated state in the country. Connecticut is among the twelve states with the highest rate of land base changed to development. As previously mentioned, Newington has less than twenty-five percent of open space while Connecticut has sixty-eight percent. We need to preserve open space for future generations. Some suggestions, consider implementing open space zoning. If not already in place, establish an open space committee to study these issues. Consider acquiring land by applying to the Open Space and Watershed Land Acquisition Grant program of the State of Connecticut which will pay the municipality or a combined municipality and non-profit organizations forty to sixty percent of the approved appraised value. Work with the U.S. Department of Agriculture's Natural Resource and

Conservation Service. They will provide help in implementing open space objectives. These are just a few suggestions, and I'm sure with a little thought, you will come up with many more. I urge you, as Newington officials, to work in concert with the Humane Society and to save this piece of property for future generations for our community. Thank you.

Ryan McCain, Shipman & Goodwin: I'm speaking here tonight on behalf of the Connecticut Humane Society. The President of the Humane Society, Richard Johnston is also here. He can certainly shed some light on the mission of the Humane Society to the extent that it is not already known to you. The Humane Society is the owner of the property which immediately abuts one of these CD zones. Their property is on Russell Road, which intersects with East Cedar Street, and their property happens to be immediately adjacent to the property that you see depicted in these concept designs. Quite frankly the Humane Society is concerned with this, for the potential that a re-zoning and residential development of this property has the ability to increase the potential for nuisance lawsuits filed against it, for the potential increase to complaints to you, to other town officials, and this all derives, as I'm sure you can see, from the erosion from this natural buffer. You've got a number of properties in this region here that are industrial zoned, that are intensive land uses, that are separated from your typical residential use by what is a pure business zone here. What you are being asked to do here is to make a policy decision to go against your Plan of Development, to go against the Zoning Regulations and the map that has been developed by this Commission and erode that buffer, that transition between intensive land uses to less intense residential uses, by placing residential uses right up and immediately adjacent to the Humane Society property, and other industrial properties. I speak of this as a concept. One thing struck me during the applicant's presentation, was their concession to you, if you will, that you're still going to have control over any of these properties by virtue of the Special Permit. As I'm sure you are aware, the Special Permit gives you some control, but it doesn't allow you to deny a site plan that meets the regulations. So if they craft a regulation that allows them to put a residential use here, and they come up with a site plan, it may not look like that, it may not look like the other one, but if their site plan does comply with that regulation, you have to approve it as a Commission. So that the idea that the Special Permit gives you an extra check on this process going forward is a little bit of a misnomer. I spoke of the CD District as being a buffer between industrial and intense uses and other residential uses. I believe that there is a memo from the CCRP in file, if not, I have a copy that I can submit as an exhibit. I also point out that the Town of Newington has a number of residential zones, at least four of which provide for town house uses. So the idea that townhouses can only be built here is just false. There are plenty of districts, there are plenty of opportunities, plenty of land for this type of residential development. On the contrary, there is very little land for business development. Business that promotes jobs, adds to the grand list, and doesn't increase the educational burden on the school system. Again, I think it is important for this Commission to keep in mind also that, it's not just one parcel on East Cedar Street that we are discussing. We are talking four separate parcels. One on New Britain Avenue is a church, another that is up in the northwest corner of town, which is really adjacent to WestFarms Mall, and the fourth, which is on Willard Avenue, is another prime example of how that CD zone serves as a buffer, serves as that transition between the former Torrington Industrial Park, which is even highlighted in your Plan of Development as an area that industrial use should go back into with this caveat that some type of transition, some type of business use to promote that buffer, to promote that segue, if you will, with the surrounding residential uses. I recognize that my time is running short, I do want to point out one thing in particular, in your Plan of Conservation and Development, there is a map on page 12, which I believe highlights possibly three or four areas for business development in the town, ironically two of those areas, are the East Cedar Street ridgeline property, and the property on Willard Avenue as well. Clear indication, clear vision by this Commission to adopt this plan, if business is appropriate in certain sections of town, those are the sections that are zoned CD. I know that you are aware that this property was the subject of two prior applications within the past ten years, both of which were denied, one of which was remarkably similar to the proposal that is here before you. Nothing has

changed. The '97 denial, the 2002 denial, there is nothing that has happened in the Town of Newington that will warrant you to go back on your rulings, your prior rulings. If you will just allow me to sum up briefly, the Town Planner, Mr. Meehan, has done an excellent job with his report, I understand that is part of your record. He highlights the key issues for you to consider here, that it is a legislature decision, it's a policy decision, it's a plan change, it's a zone change, it's not a site plan application. What you see here is a conceptual site plan, could change dramatically. What you are approving is a residential use in a business district which will erode that buffer, that transition, that segue, and quite frankly, will put residential uses up against industrial uses, not just on Cedar Street, but also on Willard Avenue. I do have a couple of exhibits that I would like to submit for you. I don't know if the Plan of Development has been made a part of the public hearing record, if not, I would like to submit this as officially part of the record. Ed, has the memo from the CCRPA been part of the record?

Ed Meehan: Yes, that is part of the record.

Ryan McCain: And the prior rulings from '97 and 2002?

Ed Meehan: No, the records and staff reports, but the actual Certificate of Action is not part of the record yet.

Ryan McCain: As well as your staff reports from 2001?

Ed Meehan: Right.

Ryan McCain: Then I would like to submit those for the record as well. I drafted a letter, I have a number of copies of those, so all the Commissioners can feel free to take one. This letter basically outlines, in much more detail everything that I tried to convey to you tonight. I do have one for the applicant's attorney. I'm sure that I have exceeded by allotted time, but I would be glad to answer any questions you might have.

Vice-Chairman Cariseo: Thank you. Next, please?

Phillip Block, 58 Fleetwood Road: Good evening, members of the Commission. I am no where near adjacent to this property, but I came after looking at this and trying to understand it, and I believe that this proposal is incomplete at this point. And it is incomplete as to either use. The proposed use or the existing use and the reason for that is that as was mentioned briefly by another, there is the Ridgeline Protection Act. As far as the Town of Newington is concerned, the ridgeline in this particular case, to our view, also includes the whole vista and no where in the proposal that I am aware of, is there any prospectus as to the visual impact of this, of either usage on the slope, this extreme slope. If you take a look at the townhouse proposal, particularly as I understand from the paper, it's for aged people. You have a roadway that is both perpendicular to the slope, and one that has a sharp curve in it, both of which seem to be prime accidents. If you go down to the business usage, presumably where it would be a modicum of heavy vehicles, you also have grave dangers with runaways. Or in other words, the question is at this point in time, with the knowledge that we have, particular with the highway and the hill accidents of this past fall, isn't it time for the Town and the Commission to consider whether or not it's appropriate to try to build at all on this type of a slope with the exposed rock that is involved here. You know, if either proposal had considered using the lower edge of the slope, and leaving the ridgeline better protected, creating the greenway connectors that are being recommended by the environmental advocates, then perhaps there might have been something more redeeming with it. But right now, it looks to me that when you stand in the center of town, and you look up at the green hills, all you are going to see is exposed building and precipitous roadways. Please consider this carefully. Thank you.

Richard Johnston, Connecticut Humane Society: First of all I wanted to say I'm here of course representing the interest of the environments and the animals on behalf of the Humane Society, but as importantly, I'm here to represent the community as a corporate citizen. I think that this petition, and this application has the prospect to profoundly affect the character of this community. It wasn't so long ago that I was a State Senator representing this community, and I was very proud of this town, and continue to be very proud, continue to be proud of the support given to the Humane Society, and very proud of the wisdom that is given to decisions made at the town level here. The community is at risk if it passes favorably on this petition and as the citizen from Newington so aptly put, the open spaces in Newington are few and far between. They are roughly twenty five percent against the state average of sixty-eight percent. Destroying this, one of the last remaining pieces of open space would be disastrous. Secondly, the habitat that continues to be fragmented in the State of Connecticut and the region does have an impact on the animals as well as our citizens. Of course the habitat destruction for the animals affects where they live, how they obtain water, how they recreate, how they reproduce. I'm talking about rare species, as well as not so rare. This has an impact on how the humans on our community use open spaces. The humans in our community need solitude, they need open spaces, they need greenways. They need spaces that are contiguous with other greenways in neighboring communities. Lastly, a community is the sum of many parts, and I know that this Commission is wise enough not to look at this particular project as just one piece, it all fits together in the grand view of what a community is. A community is a sum of parts. The importance of this one particular piece is not that it is 28.6 acres, which can be analyzed to a number of townhouses per acre. Another very profound importance to this piece is it's adjacency to 160 acres and how that fits together from a regional point of view, from a community point of view, and what the responsible thing is to do. I think Mr. Meehan, as usual, is a fair person. He identifies the positive facts and the problematic facts and I think he has pointed out very soundly the problems with site development, the other competing interest that make this not a positive development. I think that the greenway considerations and the ridgeline view considerations are profoundly important. These are issues that were deliberated very deliberately and very thoughtfully and should be respected for that. The prospect for the traffic problems that this creates, is profound as well. I believe I read between the lines with some effort to address issues raised by CRCOG historically, but I am very troubled by the proposed new road that passes very close to existing wetlands and existing wet areas and through wooded parts of the site. So, like my lawyer, Brian McCain, I prepared a letter for the Commission, and I will distribute that, but, and I go onto a great more detail than what I am doing very generally with you but when you, the lawyer for the applicant is quite correct, you are deciding upon a particular petition, and a particular application but as usual there is a broader issue involved. To pass favorably on this petition creates a community with less open space, creates Newington as a community with no animals, and creates a community that is less attractive to residents. Thank you.

Vice-Chairman Cariseo: Thank you. Come forward, please?

Jessica Vanderbean, 124 Indian Hill Road: I regularly go hiking with my dog on the Cedar Mountain trail and I'm greatly concerned about the proposed zone change which would likely lead to a condominium development for part of Cedar Mountain. Newington is over-developed. The answer is not to allow residential development of a large part of one of the two open spaces left in Newington. Once land is developed, it is virtually impossible to reclaim it as a viable vibrant natural climate for plants and animals. Residential housing is expensive. It is the most expensive development, leaning on the town's infrastructure, water and sewer systems, fire, police, and emergency personnel, and school systems. We all have experienced the rising costs of education and its direct impact on our taxes. Residential units on this parcel could greatly affect school populations and consequently our taxes. People on limited or fixed incomes are being taxed out of surrounding towns, would Newington want to follow this example? Furthermore,

multiple units, on the highest point in town will be an eyesore and add to traffic congestion, but more importantly it will negatively impact the animals and their habitat, and it will detract from the natural beauty of Cedar Mountain and the enjoyment of all of those who use this, or could use this, could in the future use this open space. The Zoning Board who endorses a petition such as this is pursuing short term gains and property tax revenue. The cost of losing this open space isn't calculable. Please vote no again this petition. Thank you.

Vice-Chairman Cariseo: You're welcome.

Christine Peruzzi, 134 East Robbins Avenue: I'm the chairperson of the newly formed Newington Greenways Alliance. I was just made aware of this issue, so I'm not prepared, but I do want to read, when the Cedar Mountain Balf Vista trail was designated as an official greenway, I want to read the description of the trail. "The Balf Park vista trail was located on Cedar Mountain, one of the state's seven trap rock ridges. The two components of this vista trail are the town owned five acre Balf Park and Old Highway, an unimproved right of way which leads down the road from Newington Town Center to Russell Road on the Wethersfield town line. Old Highway Trail is approximately 2500 feet long. It is popular with hikers who use it to climb the steep west (inaudible) slope of Cedar Mountain and enjoy scenic views of the Farmington River Valley. It was identified in the Newington 1995-2005 Plan of Conservation and Development." I'm a life long Newington resident and I remember when there was a lot of farm land in town, and I understand that that is not the issue tonight, but there is a aesthetic issue here that needs to be addressed. Developing this now will add to traffic congestion, but it's virtually going to stop cold our efforts to get some greenways linking. We have a very small piece of property, the Old Highway trail, it's just a ribbon of land, and with this adjacent property, we might have had a chance to get some type of right of way to get some greenways linking these. I believe something like this will eventually stop it cold, and stop our efforts, and we are just getting started and would like the opportunity to at least have a chance to get something going, and I don't personally, the aesthetics, and like everyone has said, some type of townhouses on top of Cedar Mountain, Newington is not ready for that yet.

Vice-Chairman Cariseo: Thank you. Anyone else?

Bill Chase, 126 Mt. View Drive: As the petitioning attorney said, the decision here is to allow townhouses or not to allow townhouses and as our prior Town Manager Featherston indicated, for every dollar in taxes, we have to spend 2.5 dollars for education. I heard that these are going to go for about \$350,000.00 plus, and they really aren't going to be geared to children, but you never know. If this is the cheapest new construction in town, that is where families will end up, and the only way you will not end up with families in a townhouse development is if they actually don't allow them, you know, over 55 units where you can't have children unless they visit. So unless they put some stipulations in, there's just no way that you aren't going to end up with children there, which will impact the school system. You know, Perlini's asking for 8.6 percent increase this year, and if you have another 166 homes, say, there is 322 cars, versus if you have ten commercial properties, sure there will be traffic there, but it won't be a dense as townhouses. The overall impact, based on what my house is assessed at, you are probably going to be looking at a plus two million dollars that won't be for school expenses. That will be above and beyond their assessed value, so I would hope that you would consider not having town houses up there. I would prefer to keep green spaces, but I think commercial zoning, which it is zoned for would be a better alternative than the townhouses. Thank you.

Vice-Chairman Cariseo: Thank you.

Chris Banach, 145 Starr Avenue: I speak in opposition to this. I'll be short. I know that as the applicant referred to, there is one issue before you, however there is a broader issue in terms of

looking ahead into the future and what you can preserve. I simply think that we do not need more townhouses in Newington. If it came to it, I would be in favor of the commercial development over the townhouses. I think that we could, if you can deliberate this over time, something else could come of it, so I would urge you to give every caution to this before you decide to allow this. Thank you.

Sheldon Soanes, 15 Coachman Lane: Good evening. Although I'm a member of the Town Council, I want to make it clear that I speak as a private citizen tonight, not representing any part of the council or the majority party. Last time I spoke at this podium, was several years ago when I spoke in terms of a, something that was going to be developed in my area that was allowable by the zone that we were in. That time, and I had to present a reason, and was not successful in trying to change and affect that decision. This time it's different. It's to actually change a zone, and we needed a reason then, to have a decision made favorably, and we need a reason tonight, to make that change, to make a zoning change, and I would just like to say that I have listened to the presentations and I have heard no such reason. The impact, the issue at this time is its impact on all of the stakeholders. So I asked myself, who are those stakeholders. Most pre-eminently, it's the people of Newington in general as well as the neighbors of the affected area, who are about to be joined by as many as 166 new neighbors. It's the school system as a stakeholder, it's the police department, the fire department, sanitation, highway department, and I believe that there will be a significant infringement on all of these services. I further believe that with a retrospective view, that we will be prospectively seeing lesser tax revenue, without any question, than the costs which are actually an experience. So let's look at those stakeholders and the impact of resources of those stakeholders. Will the school system and its children be better off by such a development. The answer clearly is no. The police department, within its confines of resources, no. The fire department, sanitation, highway and traffic, the answer continues to be no for those stakeholders. During the presentation, the applicants repeatedly made it clear to us that there was a need for a certain density in order to make this project financially viable. I am concerned about that very density, and in a clear view, it is my opinion that the only stakeholder of all of those I've mentioned that will prevail if this project is approved, is the developer. Part of your fiduciary responsibility here at the table, and having sat at the table myself, is to have a vision of what Newington will look like going forward. We often talk, amongst ourselves about vision twenty-twenty, having twenty-twenty vision, and more specifically while we're thinking about is what will Newington look like in 2020. What will they be saying? I fear that they would be saying that, at that junction, that on February 8<sup>th</sup>, 2006, we erred, not only in a judgment, but in lack of a twenty-twenty vision, which we should have and could have, had. So I urge you to reject the petition 01-06. Thank you.

Vice-Chairman Cariseo: Anyone else?

Paul Banach, 145 Starr Avenue: I guess you could say I'm representing the youth in this town, because I often use this trail, the Cedar Mountain trail with my brother, with my sister, with my friends to walk our dog, to go up there to just see something different in this town beside houses and beside streets, beside people. It's really beautiful, it really is. That's by far my favorite part of this town and I can tell you I have often said to my brothers and sisters, you know what, if this ever gets developed here, the desire, my desire to be in this town is going to drop dramatically. It's by far my favorite part of town and I think that it's something that is irreplaceable. I mean, if you go down the street and see townhouses, there aren't many people who would say, oh how beautiful, townhouses. But, there are people who go down the street and when they have the opportunity to see something like Cedar Mountain, something natural like that, and this busy town, and all you see is buildings, and people, there are people who look at it and say, wow, that's really refreshing to see something like that. So, I urge you to do whatever you can to keep Cedar Mountain green.

Vice-Chairman Cariseo: Is there anyone else?

Ken Kelly, 365 East Cedar Street: I'm directly across from the property there. I've been there for like twenty-four years now and everyday I look across the street and see the deer, watch turkeys raise their young, see fox chasing them. I've been watching several years now a golden eagle, has a favorite tree he sits on, the last year now he has a mate, and I don't know where he is going to go when they develop this property. There's a lot of hikers that use this property every day, it's just going to be a big, big loss. You can't replace this. You can't build it, you can't, it's just going to be a terrible loss if you do this to the animals. Thank you.

Vice-Chairman Cariseo: You're welcome.

Marion Sackett, 50 Courtland Way: Mr. Soanes, there is one other profit involved here, and that is the property owner. That property owner owns a lot of other property which would be a lot easier to develop, and I don't know why they are doing this. I don't know why, and I'm kind of horrified that nobody has addressed the traffic issue. I mean, I'm certainly not the only one who has to travel Route 175, and occasionally I make the mistake of staying over and going to the mall in the afternoon, and it is just horrendous, and I don't know why it hasn't been addressed. It really should be a part of consideration before the board ever considers it. I did call the state, and they have not been considered, consulted, only in general, they said that they have had some preliminary discussions with the developer on this. They also have not done a traffic and vehicular count on this stretch of highway since the year 2000. When you discuss this preliminary, I really did not hear about this until Monday morning when I heard Mr. Johnston on WDRC, and I heard him again on TIC. Did you have an impact report of what is going to happen when you get the run off from this construction? I mean, if you have read anything about what is happening out in Avon, it kind of gives you an idea of what could happen right here. These changes certainly would permit construction that is not in the best interest of our community. They also permanently and disastrously affect the landscape and it's irrevocable. The Native Americans have a saying that I would like to quote. "We have not inherited the earth from our Mothers and Fathers, we are borrowing it from our Children and our Grandchildren."

Vice-Chairman Cariseo: Thank you. Is there anyone else?

John Bolles, 1692 Main Street: Good evening members. I would like to go on the record as being against the proposal before you, whether it is residential or commercial. When I think of Cedar Mountain I think of all the old Indian sites up there, the Indians camped up there for thousands and thousands of years. It's actually the only part of Cedar Mountain that is still pretty much in its natural state, and I'd really like to see it remain that way, and I would ask you to deny the proposal before you. Thank you very much.

Vice-Chairman Cariseo: You're welcome. Is there anyone else? Okay, rebuttal by the applicant.

Attorney Wise: Yes.

Vice-Chairman Cariseo: Limited to five minutes.

Attorney Wise: Are you serious?

Vice-Chairman Cariseo: Yes.

Attorney Wise: I would object actually, and ask for a waiver of that.

Vice-Chairman Cariseo: We can do that, by a vote of the Commission.

Attorney Wise: I'm outnumbered.

Vice-Chairman Cariseo: Yes you are.

Attorney Wise: I would like to take this opportunity to rebut, obviously I don't have the time to rebut every single comment, but with respect, obviously one of the themes that you are hearing is wouldn't it be nice if we could preserve this as open space, and I'm not going to stand up here and disagree with that. Everybody would like to see everything preserved as open space. Every farm, and every undeveloped area, and I don't disagree with that at all, but the question before you today is not whether you prefer to have open space, or a townhouse type of development. It's whether you want to add a townhouse development as one possible use in this zone, in addition to an office use, which as I said before, is permitted as of right. In other words, we could come in here tomorrow with an office development and the town would have absolutely ability to stop it, because it is permitted as of right. So the question before you is whether you want to add to the possible uses for this property by granting our application. We would then have to come back with a very specific application. This is simply a concept plan. We would have to come back with a very specific application, and we would have to satisfy the requirements, not only of our own amendment, obviously but in addition, we would have to satisfy you under this zoning regulation. You would have to decide that whatever we were proposing was appropriate for this location in terms of density, in terms of the style of the development, in terms of the road system. We would have to present you with traffic studies and all the detailed analysis that you would get with any proposal. All we have before you tonight is a request that the regulations be amended simply to permit us the opportunity to come in with a detailed plan. If I could just have a few minutes to respond to some of the specific comments, because some of them really do demand some response.

First of all the attorney representing the Humane Society said that what we proposed here is somehow in conflict with your Plan of Development. Now, I was here two weeks ago and I went through in detail the Plan of Development, and showed you that there are actually several parts of your plan that are very consistent with our proposal, one of which states that higher density, multi unit housing is appropriate within the town center and on the large, five acres plus parcels, adjacent to the Berlin Turnpike. Well, we are practically adjacent to the Berlin Turnpike, and in that respect we are, our proposal is consistent with the Plan. The attorney for the Humane Society also indicated that, or disagreed I guess with me, I keep telling you that you have almost total discretion under your Special Permit regulations, ultimately either to approve to deny a specific plan that might come before you. Well, that is true, if you look at your Special Permit regulations on page 45 of the Newington regulations, Section 5.2, it gives you very, very broad discretion. You have to evaluate any plan under all kinds of criteria that give you wide ranging discretion. You have to look at the existing and probably future character of the neighborhood, you have to look at the need for the proposed use, you have to look at the size, type and location of the buildings in relation to one another, you have to look at traffic circulation, and on and on and on. So, you retain full discretion under your Special Permit regulations when it comes to any specific proposal.

It was suggested to you that there were two applications, two previous applications which you denied and you were told that those applications were virtually the same as the application before you. Well, that is simply not the case. The first application that was before you in 1997, Petition 27-97 proposed an amendment to the CD Zone which would have permitted hotels, residential housing, retail stores, restaurants, and liquor sales. This does not propose anything other than townhouse developments under very very limited and strict criteria. The second petition that you denied in 2002, Petition 67-01, proposed an amendment to the CD Zone to permit multi-family residential use up to six stories in height, this does not do that. This is a residential, or any residential development in our proposal would be limited to the same height as the other residential zones, and one of the reasons why you denied the petition in '02 was because of that very height issue. Actually it was six, up to eight stories depending on the amount of open space,

and nobody wanted to be able to see these towering residential buildings from virtually all over town. So the two, the two proposed amendments to the zoning regulations were very, very different and in fact this, in fact we tailored this amendment in such a way as to differentiate it, as much as we possibly could from the two proposals that you already denied.

It was suggested that this was somehow going to be right up against industrial uses and there should be a, there is no transitional use, well in fact, that is not the case because to the east there is going to be a commercial development, as you well know, the Berlin Turnpike, up in this area, to the north, is single family housing. This is a perfect transitional use that would separate much more intense retail and commercial development from single family housing. Someone suggested that, it was actually suggested by several speakers, that somehow you know, this shouldn't be approved because it, the property is in the ridgeline protection area, and as Alan Bongiovanni explained two weeks ago, that is not the case. We are not in the ridgeline protection area as defied by your regulation or the Connecticut statute.

One speaker talked about how this is a very difficult site to develop and that is certainly true, but as Alan Bongiovanni explained two weeks ago, it would be a far more difficult site to develop as an office complex and he explained that if this were developed as an office complex again, permitted as of right, it would require a huge amount of excavation that will be unnecessary for a town house type development. I think that Alan explained that, and I can't remember the exact numbers, but it would require four or five hundred thousand cubic yards of material in order to build out this site, and that is not necessary for a townhouse style development because you can work with the terrain and you don't need nearly as much excavation.

Someone suggested that wetlands would be an issue. Again if there are wetlands, we would have to go to the Inland Wetlands, the town's wetland agency, we would have to get all the normal wetland permits so that is something that would be dealt with at a later time, and for that matter, that would be dealt with no matter what this property was developed as, including the office use.

Similarly, with traffic, if we, we would have to come in with a traffic study and we would have to, if we need a state traffic, STC permit, we would obviously have to go the state and satisfy all of their criteria.

A number of people talked about how they liked to go hiking up on this property, but unfortunately, this is private property and it will be developed at some point. Now, people did talk about the trailways, the hope that this could be part of a greenway, and one of the, this particular concept plan shows that virtually all of Old Highway can be incorporated as part of that greenway. In fact, it's easier to work in a trail system in this type of a development than in the office development, so the, and again, the issue isn't whether or residential development is somehow inconsistent with the desire to have a greenway, because, as I keep going back to, the, this can be developed for an office complex. But I do believe, and we would of course work with the town and the sponsors of the greenway proposal to try to make sure that that happens because Old Highway is there, and it's not, you can see from the concept plan, it's not really incorporated into the (inaudible) at all.

Again, there was talk about the burden on the town in terms of taxes and expenses, Alan two weeks ago talked about the impact on the school system. I don't remember whether he put into the record the document that we had from the Newington Public School System. Do you think it's in the record? If not.....

Ed Meehan: No.

Attorney Wise: All right, a couple of years ago, the Superintendent of Schools did a little analysis of the burden that this type of development places on the school system in Newington, and, now this was as of 2003, but there is no reason to believe that the numbers have changed in any significant way, but they analyzed, the school system analyzed some of the major developments in Newington; Cobblestone, Cobblestone Court had one student in the public school system out of thirty eight units. Hunter's Green had two, Foxboro had three, Crown Ridge Development on

Kitts Lane had zero, and on Crown Ridge had eight, and based upon those numbers, we extrapolated that with 168 units, you could expect 6.6 children. These types of developments typically do not generate a very large demand on public school systems. The type of townhouses that would very likely be built here, would be no larger than two bedroom units, which is another reason why you usually do not find families with children living in these complexes. As Alan, I believe Alan went through an economic, a fiscal analysis, and because there is so little demand placed on school systems by these developments, the impact on a town is actually positive. Keep in mind that if you have an office complex here, you are going to have demands on fire, public safety, and all the other services, and so again, it's not a choice between no demand on any public services and something like this. I will put this in the record, although I don't have any copies of it.

I'm getting to the end here. Again, one gentleman asked you to consider you know, what vision you have for Newington. That is a fair question. What vision do you have? What do you want on this site, twenty or thirty or forty years from now. Well the question that you face today is, do you want to have office development here, because that is what this office, and similar types of office uses, or do you want to have the possibility of having a townhouse type of development. That is the choice before you. It's not whether or want to have open space forty years from now, and a residential development, it's whether you want what is permitted today as of right, and what we are asking that you consider as a additional use in these zones, in this zone, the CD Zone. Somebody else talked about how you have to keep in mind that you have four of these parcels that are zoned CD in town, and that is true, but there are two reasons why its very very unlikely that this type of development would be possible in any of the other three. One is as Mr. Meehan suggested, the size limitation, the regulation requires a minimum of ten acres, but the other is the locational requirement. Under the proposed regulation that is before you, the property would either have to have direct access to the turnpike, or connect to a road that has direct access to the turnpike, and I don't believe that any of the other three could satisfy both of those criteria, so as a practical matter, this proposal would impact only this particular CD parcel in the Town of Newington.

I think I have responded to, many not all, but at least a large majority of the comments. We think that if you keep focused on what the issue really is, before you, knowing full well that you have full control ultimately through your special permit procedures and regulations, the only question is whether you want to allow this as an additional possible use. We think that we have demonstrated to you that it is certainly not in conflict with the Plan of Conservation and Development, in fact, we think it is very consistent with it, that it is a better use for this particular parcel given it's sensitivity than the uses that are permitted today as of right under the regulation and we believe that it will certainly be in the best interest of the town to have this as a possible additional use for this parcel. Again, I'd be happy to try to answer any more questions.

Attorney McCain: Excuse me, Mr. Chair, I wonder if the Commission would afford me the opportunity to rebut the rebuttal?

Vice-Chairman Cariseo: Yes.

Attorney Wise: That is unusual, because usually the applicant gets the last.....

Vice-Chairman Cariseo: No, the applicant was first.

Attorney McCain: Thank you. Again, for the record, Attorney Ryan McCain representing the Connecticut Humane Society, and I will be very brief, I only want to speak to the points that Attorney Wise made that addressed points that I had made earlier. Specifically, with regards to the prior applications, and what you will see in those denials of prior zone change requests here is twofold. One is a denial of the addition of residential use. But the other, and I think more importantly, is the denial of the erosion of business uses. This Commission saw fit, both in '97

and 2002 not only to disallow residential use here, but to preserve business use in one of the few pure business zones available in town, and for some of the few parcels available in town as well. Specifically to this parcel though, the applicant has said that their proposal, to add a residential use would only apply to the East Cedar Street parcel given the acreage requirement. I disagree, and you can see from the zoning map there is quite a large area of CD zone property on Willard Avenue, designed to serve that buffer, and again I'll come back to that buffer between the industrial uses and the residential uses that business uses provide and the key is, that business people don't sleep in their offices. You don't have someone sleeping here, in this property that is adjacent to industrial use, that is adjacent to the Humane Society, out of 166 people, it's only going to take one to have a problem. The Humane Society, sixty years ago, over sixty years ago, when it chose to locate itself in an industrial zone, did so partly at least because they knew that they would be surrounded by other industrial uses who were much more of an intense land use than they were, but also by this buffer zone, by this business zone, providing them a transition, providing them a segue, providing them some distance, some separation between residential uses. Again with the Willard Avenue parcel, you can see from the zoning map a very similar land use development pattern.

I would like to speak of one more thing that Attorney Wise had brought up, and that is the compliance with the Plan of Conservation and Development. Attorney Wise is certainly a respected attorney, but I have to disagree with him on many counts. The Plan of Development, page one, lists trends, slower population growth, increased value of commercial parcels, lower demands for housing, all contrary to adding residential uses to town. On page two, protect the Cedar Mountain ridge line, also on page two, non-residential uses support the grand list, they are essential to the economically successful community. A listing on page four of the number housing units that have been approved and still haven't been built, on page nine, the statement that we need to protect industrial areas from encroachment from non-industrial uses which sometimes result in non-compatible uses. I mentioned the map on page twelve, showing these two business parks, one on East Cedar Street, and one on Willard. Page seventeen, the comment to preserve existing housing from the (inaudible) and incompatible neighboring uses, also to review the zoning regulations for buffer areas between residential and non-residential uses. Page eighteen, promote multi-unit development in the town center, page nineteen, a map indicating appropriate uses for high density which is defined as one unit per forty-five thousand square feet, I understand that has been changed to seventy-five thousand here, but again, it's a higher density use, the Plan encourages those uses in other areas of the Town. Page twenty, protect the ridge lines, page twenty-seven and twenty-eight, East Cedar Street identified several times as a traffic problem, page thirty-two, specific references to the Willard Avenue parcel and the East Cedar Street parcel and an indication of non-residential uses for both of those properties. Page thirty-five, to promote the Willard Avenue frontage for light industrial and office, again, the Willard Avenue parcel will be subject to the zone change as well. Page thirty-five, maintain buffers between residential and commercial uses. Page thirty-seven provides a specific goal for this property, that is in subsection four, subsection five also references the industrial parcels that are adjacent on East Cedar Street. Those are the ones that I was able to come up with in a brief review of the Plan of Conservation and Development. That to me is a plain, clear indication that the vision that this Commission had when it developed the plan was not to promote residential use in any of the CD zones, especially this zone. Thank you.

Vice-Chairman Cariseo: Thank you. Anyone else?

Bill Chase, 126 Mountain View: I think, you know, one of the things that he said was difficulty in developing the office part. I think if you survey the surrounding communities, you know, Bloomfield, I know JVSU went out of business and there is a lot of, hundreds of square foot of office space is empty. There is empty office space in Windsor, Enfield, I have a friend who is looking for office space, and he is finding empty offices all over the place, even over here in Fenn Road, just north of Stop and Shop, there's an office building built, I think a year and a half ago,

two years ago, it's still empty. I think the reason that they want to go town houses over here is to profit themselves because they can sell townhouses a lot quicker, a lot easier than putting in these office buildings. If it was profitable to put in the office buildings, you would have a plan here for office buildings. I think you should deny the townhouses and it will be a long time before we see office buildings in there because there isn't a demand for it. In Middletown, Aetna is going to, in '07 when their building becomes empty in Hartford, when ING moves up to Windsor, to the building that they are building, they are going to be moving people from Middletown up to Hartford, so there is more office space. So, I thank you for your time, and your consideration in denying this special use for this parcel.

Vice-Chairman Cariseo: You're welcome. Anyone else?

Edith Hartleb, 134 Jeffrey Lane: I heard on the radio this morning about this meeting, I had no idea about this. I would like to know who owns the property, and who acquired it first? Was it part of Newington Children's Hospital in Newington. I have two handicapped children that will be able to access that, it's a beautiful nature area. I know it will probably never be. Pulte is building the Woodlands of Newington, we have, as somebody said, there is a stake of interest. The police, the fire, what about the volunteer ambulance? Will we have to go to a paid ambulance staff because of so many more housing units? The traffic again on Cedar Street is, at certain times is nigh onto impossible, exiting off Route 9, is four, two left, two straight, one right, two right, it is impossible to get through that light on one or two tries. The traffic here in Newington needs to be addressed before we get 166 more units. Office would be a lot less responsibility on the taxpayers and a lot more income generated from commercial. Thank you very much.

Vice-Chairman Cariseo: You're welcome.

Edith Hartleb: One more thing! In Enfield, in the country, people bought these beautiful homes next to farmers. Couple of years later, it smells here, I'm suing the farmer because it smells. I'm next to the Humane Society, it's yappy and noisy, I'm suing because there is noise.

Robert Briggaman, 75 Groveland Terrace: I just wanted to address a couple of point that the applicant's attorney made. He referenced that, I think he said it would be a positive tax growth for the town, but that is not the case, unless he is disputing Paul Featherston. Paul Featherston said that when you put in a development like this of housing, townhouses, for every dollar you collect, in taxes, the town expends approximately two dollars and sixty-two cents. That's from Paul Featherston, now, you can dispute it, but that is what he said. He mentioned that when we purchased the Eddy Farm. One other item, the attorney said that there are only two considerations before us, either the town house, or the commercial development. Well, there is really one other consideration. Now it may not be before this board, but it could be before the Town Council, that there is the concept of eminent domain, which the town could take over this property, and working with the State and maybe other non-profit organizations, the State could pay forty to sixty percent of the purchase of that property. I checked with the State today, and that was the figure. Forty to sixty percent. We have to consider the future of this town, the lack of open space that we have now. We cannot afford to give up any more open space, so there is a third consideration, that's eminent domain, and we would be using it for the proper purpose, not like the City of New London, where they took over somebody's house, we would be taking over land for public use, the intent that eminent domain is to be used for. So I would urge this Commission to delay any action on this application so that perhaps the Town Council can look at this, I assume that any eminent domain would have to go through the Town Council, so I urge this Commission to delay any action on this application, and to talk to the Town Council and let's keep this space open, let's keep this green for future generations of Newington residents, our children, our grandchildren. Thank you very much.

Commissioner Fox: Mr. Chairman, point of procedure, I think in the rebuttal phase there is a total of so many minutes total, and I think both the applicant and those commenting have gone, you know, I think we have plenty of information and if you look at the procedures, you will find....

Vice-Chairman Cariseo: You're right. Limited to five minutes.

Commissioner Fox: Then, maybe one last comment from Ms. Banach, and then maybe.....

Vice-Chairman Cariseo: Okay, this will be the final comment.

Margaret Hart Banach, 145 Starr Avenue: The first question that was put to us, is this favorable property to be developed for condominiums, I think everybody in this room who has spoken has said no to that. We do not want it developed for condominiums. I also would like to ask, there should be some kind of board, I don't know if there is one or not, some kind of board to explore public funding of open space in this Town. I don't know how to do that. I'd be happy to help out if there is something I can do, but I would like to find some public funding, whether it is wetlands preservation, or whatever is out there. And thirdly, condominiums, I heard 166 units, I have not heard anything about the population count, how many people can live in these condominiums. We don't want to increase the population in this town, we don't want more cars in this town, we don't want more pollution in this town, so I think those are really primary considerations, and I love what my son said when he stood up here and said, we want to see green, that's what we want to look up at on Cedar Mountain. Thank you.

Vice-Chairman Cariseo: You're welcome. Well, I guess we heard about everybody that we can. We'll leave this meeting open.

Ed Meehan: Just a comment. This is not, this is just for the benefit for the folks in the audience that talked about open space. There was, and there is on the books, an open space study committee that the Town Council of Newington appointed in the mid-90's, and it was a result of the Plan of Conservation and Development. That committee was very active and it identified four priorities which it urged this Commission, the Conservation Commission and the Town Council to work on. The four priorities were the Young Farm on Church Street, which was acquired by eminent domain, 54 acres, acquisition of the I291 surplus land between Willard Avenue and Maple Hill, which was transferred from ConnDot to the town, the acquisition and protection of the Eddy Farm which was accomplished this past year by development rights, and the fourth recommendation was the protection of Cedar Mountain. The Town Council and Town Manager, Keith Chapman did apply for open space funding. The Town has a grant, it wasn't as much as we wanted, it's probably less than \$500,000. Prior Town Mangers and Mayor McBride had talked with property owners on Cedar Mountain, Tilcon Balf has been approached, as well as CCMC, Connecticut Children's Medical Center. We don't have enough funds to do what the property owners have felt is a reasonable price, and that money is still available to us, but I just wanted to put that before the Commission. TPZ members know that, but I felt that people in the audience should know the efforts that were made by the Town over the last few years.

Attorney Wise: Point of order, Mr. Chairman, are you leaving the hearing open?

Vice-Chairman Cariseo: Yes I am. The next petition, 02-06?

- B. PETITION 02-06 2-14 East Cedar Street, Eddy Morales, 817 Main Street, Newington, CT 06111 applicant, Newington Development, LLC, owner, request for Special Exception Section 3.12.1 Restaurant Use, B-TC Zone District. Continued from January 25, 2006.**

**C. PETITION 03-06 2-14 East Cedar Street, Eddy Morales, 817 Main Street, Newington, CT 06111 applicant, Newington Development, LLC, owner, request for Special Permit Section 6.6 Liquor Use and waiver of separation distance, B-TC Zone District. Continued from January 25, 2006.**

Attorney Marc Needelman: Good evening, Mr. Chairman, Members of the Commission, I'm the attorney for the applicant. I note the time and heard a few comments from some of you about some kind of basketball game, so I'm going to try to be brief, but obviously covering the points I need to cover with respect to making the application complete. I am an attorney, I practice in Bloomfield, have served personally as a member and Chairman of the Wetlands Commission and a member of Planning and Zoning Commission, so I understand the issues, and frankly where you sit, and how you need to approach this, and I will try to be sensitive to that.

With me tonight, and you will hear from her as well is Jennifer Morganthal. Jennifer is an architect residing and working here in town, and she will be addressing certain issues related to our applications, and finally the applicant, the individual as opposed to some entity name, is Eddy Morales, who is sitting here with his back to this wall. Eddy lives here, with his family here in town, and has for several years now, has an office here in town, and is looking to increase his involvement in the community.

If I may, let me orient you to the site, it is 2-14 East Cedar Street, perhaps more commonly known as the Mazzoccoli Plaza. It is in the B-TC Zone, the Business-Town Center Zone, and I have placed up here on the wall two plans for you. The site plan is right here, with the lovely green, I think the printing company didn't quite get green grass right, but I think you get the idea. To orient you, we have Cedar Street running east/west here, this is the north side, you have Center Court, and then the green, and Main along this area here. The building itself is in gray, and that building exists, and let me state that we have absolutely no intention of changing the building other than dressing it up as you will see, and I will describe in a moment, but the building, the structure itself, we have no intentions of making changes to. The footprint will not change, the site itself will not, with one exception, change. That one exception and I will speak about it, is right here, this little bit of green. What we are proposing to do is to build a stone wall and a planter right at this corner, really to soften it up, to add to the beauty. You may recall, on the other side of Cedar Street there is a stone wall over here, we would like to compliment that look and to shield what may not be the most attractive building in town, but one that we want to start dressing up and hopefully improving with time. We are actually seeking a, oh, let me say one other thing, the initial application had proposed outdoor seating in this area, but we have eliminated that idea, that suggestion. That is a result of some comments from staff and a few others. While your regulations do specifically provide and permit it, given the size of this site, the parking, and whatnot, we felt it was best not to proceed with that.

We are seeking two permits, if you will, from you here tonight. One to operate a restaurant, which under your regulations is permissible by Special Permit, and you have heard a little bit about Special Permits tonight, so I won't tell you about them, I think you know what they are; and the other is to allow liquor to be sold at this location. I'll get into why we need a permit to do that, and what would be involved in granting it.

With the Special Permit, we need to establish certain things to your reasonable satisfaction, and in that regard, I want you to know that Mr. Morales has done his homework, went around, looked at the inventory here in town, saw what the restaurant situation is, as is often the case, a lot of pizza places, but still believes that there is a market for, a need for something other than a pizza type restaurant. With the current and anticipated future positive development of the center, the concentration the emphasis you are putting into that, we believe that there is an ample opportunity and need for quality, yet affordable restaurants here in the center of Town. What we are proposing has been listed here as called the Stone Arch. It would be an Irish theme, family oriented sit-down restaurant. Now, perhaps the most important consideration in us seeking your approval is recognizing the following; we're talking about a very modest sized restaurant. The entire business itself is approximately 1100 feet, and the seating area where the patrons would

be, so excluding the kitchen and the bathrooms, and the like, the seating area is about 750 feet. So before anyone is worried about a huge establishment, or perish the thought, a large drinking hall, there will be neither, with 750 feet of seating space. I would just like to give you, and share with you our proposed menu, again, not that we would be bound to the menu, as you know, but just to give you an idea because we have done our homework and want you to see that when we talk about a family style restaurant, the menu is indicative of just that.

Now again, with respect to the restaurant itself, it's located in the southwest corner of the building, so again, here is Cedar Street and Main, the southwest corner. By all accounts this space, and the building itself is part of the established town center, and the probable character of this neighborhood from what I have seen, your Plan of Development, what I have heard of other applications, it's not likely to change so what we are proposing will not disrupt or radically change what has been, what is, and what is likely to be in the foreseeable future.

The space in question is a small part of an existing building, which now, and has historically housed a mix of business and residential uses. The building itself is not inconsistent with the nature of the other commercial buildings in the center which can be described in various ways, but it's an eclectic combination of building structures and structures throughout the center. Traffic and parking, which I will address, and Jennifer will address more specifically, are not expected to change in any significant way, in part because we are in the middle of the center, and there is a natural tendency and I think that you have suggested that we should be promoting people can walk, so in the course of the day, you get up and you walk a hundred, two hundred, three hundred feet, or yards, five hundred yards, that's what a town center is all about. The site itself, based on the square footage and the type of uses in your regulations, as you know, are based on types of uses, calls for seventy-eight parking spaces. Seventy-eight. That would include three handicapped compliance spaces. Our plan, as presented here on the wall, sets forth seventy-three spaces, including the three handicapped compliance spaces, so effectively we are showing suggesting, and asking you to approve a waiver of five spaces. At this point, I am going to introduce Jen who is going to go through the parking layout, because I think after you see what we have actually determined, from actual usage, you'll be more than comfortable in considering our application of a waiver of five spaces. Jennifer?

Jennifer Morganthal: My name is Jennifer Morganthal of Jennifer Morganthal Architects, LLC of Newington, Connecticut. I'd like to quickly walk you through the site plan proposed here, also that you have in front of you, and explain basically what is proposed in terms of parking and design for this project.

As Marc said, we are not doing anything to the building footprint, we are basically trying to utilize as much of the site as we can for parking. By re-stripping the parking lot, I believe that we can add seven additional spaces to what is existing. Just walking you through, on the west side of the building, which is right here, right now there are seven spaces existing, just by re-stripping and reconfiguring the end island, we were able to get eight spaces, including a handicapped accessible space. On the north side, which is right along in here, there are currently eight spaces, and we are able to increase that to ten spaces just by re-stripping, by eliminating what is referred to right now as a loading dock space, right there, which actually isn't a loading dock space, it's actually just another parking space, as it's used right now, and by re-working this end parking space right here, which people actually park in anyway, even though it isn't a space. On the east side, over by Vito's, on the top of the drawing, right now there are five spaces, and just by reworking the end island and some of the spaces are slightly wider than they are required to be, we can increase that by one space and make that six spaces. There are three handicapped spaces required, we are keeping those, obviously. We are moving one space from the rear of the building, from the north end of the building to the west side of the building. That will be closer to the restaurant, so there would be handicapped access to that. Also, all of the parking spots on the entire site plan are the standard width and length, as required by code. Presently some of them, specially along the north edge of the building are sometimes, one, two three feet wider than they need to be, for whatever reason. So we have gotten those down to the standard width. We

have also added, on the west edge of the site, we have added three turnover parking spots, right along in here, standard width. We have done nothing to the center spaces along here, or any of the spaces along the north edge of the property. Those are remaining the way that they are now. So in summary, there are currently sixty-six spaces, presently used on the site, they are increasing by seven, so we have a new total of seventy-three, just to give you an idea of where those are.

We did a parking study, actually I did a parking study, at different peak times of the day, I'd like to enter this into the record, and hand this out to each of you, if I may? Over the past couple of weeks I went by Mazzocchi Plaza and took photographs and documented how many parking spots were taken up by cars at peak times during the week. The first example is Friday, January 20, 2006 at 2:00 p.m. I observed thirty-five cars and thirty-five available spaces. Wednesday, February 1, 2006 at 12:30 p.m., right at lunch time, I observed eighteen cars and forty-eight spaces available, on Friday, February 3, 2006 at 5:30 p.m., which is a peak dinner time, I observed thirty-one cars and thirty-five spaces available, and on Saturday, February 4, 2006, at noon, lunch time, I observed thirty-one cars and thirty-five spaces available. As this data shows the parking lot is less than fifty percent full in three of the four examples. Now this is just obviously one or two weeks in the beginning of the year, it probably varies throughout the year, but this is at least a good example of what the parking lot actually looks like during peak times. Briefly, I just wanted to explain the floor plans that you have in front of you, with the elevations. As Attorney Needelman described, it's a little over 1100 square feet with about 750 feet of eating area. The schematic floor plan right now will give you an idea of what our attempt is as far as layout goes. I'd be happy to answer any questions.

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

Ed Meehan: Relative to this special exception, there will be.....

Attorney Needelman: Excuse me, I apologize, we actually didn't complete, Jennifer's was asking if there were any questions for her. I have just a few more minutes, and I am mindful of the clock. With respect to parking, your regulations provide a concept of joint use, which says when uses have different non-competing times of operation, you have the discretion to permit a waiver of the parking requirements. This building, if ever there was something that fit that criteria, this is it. The building has seven apartments on the second floor. Those parking spaces typically are not utilized during the day, which is the heavier use, let's say, for the retail component, or even the restaurant component during the lunch hour. The building contains about thirty nine hundred feet of retail or personal services, the barber, the yarn shop, and what not. They have a high turnover, short term parking situation. Clearly not night time use, and even weekend use for many of them is limited, so that again, we never have any period of time, or times where they are all using parking at one time. It's reasonable to expect, as I've indicated already, that lunch time, again the peak time, you are going to have a number of people walking to this site. So again, we don't need to necessarily provide parking although you have already heard, and you have in front of you, at least two days of lunches, where again, fifty percent, give or take, of the spaces were utilized for restaurant, retail, personal services and the apartments.

With respect to our anticipated hours of operation, your Planner asked us to address that, it's our expectation to operate Monday through Saturday, 11:00 a.m., the beginning of the lunch hour, to the latest would be 11:00 p.m., so again, this isn't going to be a one or two a.m. situation. This is a restaurant, not a bar, not a drinking establishment, it's not like some of the places on the turnpike. Sunday, we are proposing to serve dinner, for several reasons, including that we are cognizant of our desire to serve liquor and the implications and our location, vis-à-vis, other properties and the church, and I'll be addressing that as well.

So, under 6.1.1.J of your regulations, you are permitted to waive the parking requirements, and we would ask you, given the minor variance that we are proposing, the reality of the situation in

terms of historical current use, and the mixed uses, that this in fact would be an appropriate situation for you to grant the waiver.

Special permit requires that we address other issues for you, and public water and sewer and utilities are one of those designated items. Clearly all of those exist now, are sufficient to serve our use, no need to change the status quo, seeking more to disrupt, to dig up the road or anything of that nature, so it's a non-issue with respect to our application. Some of the other items for your regulations ask us to address signage, lighting and landscaping. Again, respect to landscaping, what you see here in green is there already, there may be a little less. We aren't eliminating any, what you see now is what you are going to get, plus a little bit more. I don't mean to suggest significantly more because this site is just too small for us to do much with. We certainly aren't going to reduce any, and we're adding this feature that I talked about, the stone, the planters, and there is a little seating area that we are proposing here, again, kind of a place for people to sit, congregate, and relax and rest in the center of the town. With regard to lighting, there is some lighting on the site, and the only additional lighting we could see is just a little lighting over the sign, identifying so it shines onto the sign, not out as a distraction or anything else.

Floor plans you have in front of you, again, technically the floor plan is not something that you need to address or approve or disapprove, again, with 750 feet of seating area, there is not a lot we can do, but we wanted to give you a sense of it.

Staff asked us to address the possible situation involving venting. We have a kitchen, how are we going to vent it? You'll see on our plan here, there is another rectangle to the left of our sign, we've built that in so that we can very nicely and aesthetically provide for venting out, and we will do it in such a way that it will complement the signage and won't stick out like a sore thumb. So we will address that in a tasteful and appropriate way.

Again, no physical changes to the site other than the stone and the planter.

With respect to our request for a permit for alcohol sales. Your regulations provide that there should be essentially, and this is my paraphrase no alcohol permit, sale, usage within 500 feet of a church. I'm not going to tell you it's a good, bad or indifferent regulation, let me put this up to help you. The reality is, virtually all smaller New England towns, the first thing that went up in the center of town, in the prime location, the prime real estate, was the Congregational Church. Everything else followed suit and developed around it, as was appropriate. The reality is however, that that makes it very difficult to orderly develop in many communities today because it's the center of town, it's the prime real estate, and the reality is, if you look at the community now, you have several outlets, restaurants, within 500 feet currently serving alcohol. In fact, this Commission granted, in 1996 a permit to Vito's, which occupies the same building that we propose to occupy, a waiver of the 500 foot requirement. What we did is, we made a little mock-up here, and this would be our building, our corner of the building here, and this is the church. We paced off, based on maps here on file and actually used for Vito's application I guess, we find that we are 300 feet to the closest part of the church, right here, and this is the door of the church, we are 370 feet, again as the crow flies, to the doorway of the church, so just to give you a sense of where we are. Again, there are already several businesses who appropriately, reasonably and without incident, as far as I have been able to determine, sell liquor as part of their restaurant use within the 500 foot zone. Our small establishment would not, in my humble estimation, radically change the situation or pose any additional risk, inconvenience or alarm to frankly the church, or anyone else for that matter.

Your regulations also say that without a Special Permit there should not be two similar type of establishments serving alcohol, or selling alcohol within a hundred feet of each other, and your regulations talk about you measure from doorway to doorway, so we're at this corner of the building, Vito's doorway is well, they have two, but this is reality is the one that they use, it's a little less than 100 feet, so clearly we're under, we're not under by a lot, but under is under. We are asking you to allow us to operate with a waiver of that strict requirement. You do have certain standards in your regulations, they're very generalized, we believe in addressing those at the small scale of our restaurant would not, in combination with the other uses constitute an undo

concentration, which is what your regulations ask you to consider. Would this result in an undo concentration of alcohol related establishments? Again, given our size, given what exists today, we don't believe you would find this to be an undo concentration. The restaurant we believe is in harmony with the zoning plan for the area, and in fact constitutes an upgrade of the current situation. Again, this building could use some work, and we think that our application will certainly improve that situation. Given it's limited size, we don't see how it could adversely affect the health, safety, and morals of the community. Again, not a large drinking establishment, not a nightclub, a family restaurant. We cannot see how that would appreciably add to traffic congestion, congregation of bad elements, or anything other than families or individuals and business people wanting to come and enjoy a meal and perhaps have a cocktail with their meal. With that, it's time for me to say thank you, if there are questions, either I or Jennifer will be happy to answer them.

Vice-Chairman Cariseo: Before we go to the Town Planner, I don't think I heard what you said Sunday's hours were.

Attorney Needleman: We are proposing dinner only, I haven't put a dinner hour, but clearly, late afternoon on, it would not in any way conflict with church hours, and that is why we're very clear on that.

Vice-Chairman Cariseo: Okay, and the air conditioning compressors?

Attorney Needleman: There is existing air conditioning servicing the premises, we do not see any need to add to that. We've done our computations. Certainly if we needed something larger, we would simply replace an existing compressor with one of a higher capacity, so there is no need to install new or additional equipment.

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

Ed Meehan: The, just to give you a point of reference, this room is about 720 square feet, so the public seating area that you are talking about is not much bigger than this room, and that helps give you a sense of it. There will be some site plan changes here, they are minor as the applicant has said, but over on Center Court there is going to have to be some re-working of the curbing and the pavement on the side where those spaces are in front of Vito's, to make that happen. I would also think and hope that the property owner would repair the parking lot. There are numerous, numerous isn't the word, there is more than one significant pot holes in the parking lot. It's an older lot and hasn't had a lot of attention, and the re-stripping of the parking stalls is, whether it was for this use or what is there now would be a positive step, because they are very hard to find sometimes out there.

The waiver of the parking is at the Commission's discretion. I did observe vacant spaces, not as many as the applicant has put into the record, but I have observed vacant spaces at peak hour, dinner time at that site. There is a concern with this location because of what will have to be done to the space to make it a restaurant as far as the building and the fire code. That is beyond the purview of your board, but it is something that I think you have to keep in mind as to the impact of the building exterior and the fact that there are residences above. It's very hard at this point, to know what all of those might be, based on the conceptual floor plan layout, and in fact whether they can get this number of spaces after it's reviewed by the building and fire department, the building inspector looked at it briefly with me and could see some issues with just the location of the tables and chairs by the doors coming in and out, so I think that is something that would be under very formal review if it moves past your table.

Regarding the proposed planter on East Cedar Street, I think the concept is fine, I would hope that the Commission would be afforded more information as to the profile of that, the structure, design and materials. I did recommend to Attorney Needleman that there should be some

discussion by the applicant with the Department of Transportation as to the location of this. There may have been easements that the State took when they widened Cedar Street years ago that would be affected by this planter as well as just the practical situation that we know, where do you put snow when you have something this close to the curb line. You know, it has to be safe, it has to be functional, and the aesthetic is one thing, but form follows function. If function doesn't work, the planter doesn't belong there.

The handicapped space, moving it over to this side of the building, is a very good idea. There is a handicapped sign on the building now, but the space is not accessible, so it would have to be made accessible to the parking lot grading and the proper slope into the building.

As far as the liquor, the second petition before you, this does require a two thirds vote, and you should look at that as to some of the comments made by Attorney Needelman as far as, are you congesting the area with liquor establishments, there may be some safeguards that you can consider that if you grant a liquor permit here, it is limited to this use and it's not going to open the door to successive restaurants or users going in there who may not be as compatible as what is being presented here tonight as far as a family restaurant.

Lastly, I think that the big issue here is the Commission's own comfort with the parking waiver. Certainly sixty-six spaces there now, I think the re-stripping would work, but it would have to be done before any occupancy would occur here, five spaces from your experience with this site, is it something that can work in the center and not be a detriment to the other businesses and tenants who live here.

Commissioner Anest-Klett: I have a question. Does the applicant intend to have any type of music in this restaurant?

Attorney Needelman: Live music, or.....

Commissioner Anest-Klett: Like a guitar player or like, during the evening hours?

Attorney Needelman: There is the possibility of something as simple as a guitar player as opposed to a band. The reality is until we know how many tables we can actually get in, and I think this was what the Planner was saying, we may lose one or even two tables that we proposed to the fire safety access issues, it's going to come down to, at some point we need a certain minimum number to stay in business. If we have to take out one or two more just so that someone could play guitar, the answer may be no. Is it something that we would like to consider? Yes, but I certainly don't want to represent you as an absolute and guarantee it.

Commissioner Anest-Klett: I'm just concerned with the apartments upstairs and the noise level. Even the noise level in the restaurant, after nine o'clock, or ten o'clock, I don't know what kind of families live upstairs, but I'm kind of concerned about that.

Attorney Needelman: That's a very good point, and let me respond, the landlord has the ultimate control over this situation, and clearly he doesn't want to do anything that is going to create a problem for his tenants upstairs. He has already made that clear to us, so that again, we are discussing this issue. Frankly, having a guitar player or a folk singer is not something that we have to have. To have somebody who occasionally does ballading is consistent with the theme of the Irish restaurant and would be nice, and maybe the answer is, we do it on Sundays, or limit it, but again, the landlord is going to have the final say because he is not going to allow us to do something that is going to create a problem with his other tenants.

Commissioner Ganley: First of all, I personally don't have any problem with the parking. You have been going there for a couple of days, I have been going there for years, and I've never seen that parking lot full, ever, ever, ever have I seen it full, so I have no problem with the parking. However, I do have a problem with the planter. The problems are twofold. There is a

crosswalk down here, right about here, okay, I'm concerned about the height of the planter, okay, and the type of foliage in it. You wouldn't want a child, somewhere adjacent to the planter, the light changes, somebody wants to make a right turn on red, and we get a child stepping out from behind the planter. It might be very nice, but if there are too many problems with it, you might just scratch it out. It's a good idea, you know, but I think the State may have some say, as Ed pointed out with the snow plowing. As for being at the cross walk, and the walk/don't walk light, and the turn on red, and that is a heavily congested road. This thing about drinking near a church, that goes back to the puritan days, I wonder who was more offended, the people in the church singing the hymns, or the laborers in the tavern drinking, trying to outdo each other. Liquor next to a church doesn't concern me. Thank you.

Attorney Needelman: Let me just respond to the issue of the planter, in case there are any other questions. We would suggest, and I think the Town Planner would probably endorse the suggestion that a final design and placement size and planting within the planter would be subject to staff review. So in terms of size, exact location, height, species of planting, type of stone work, again, this is a conceptual drawing, we haven't locked into anything. If staff says, we don't want it, we're not going to cry foul, we think it's an enhancement but we recognize that there are issues and we are willing to work with staff to address those. Same goes with respect to the location, there is a possibility that the State had an easement, may have an easement, we're not talking about a permanent structure. My preliminary review is, even if this is the so-called easement area, this wouldn't violate it, and clearly we aren't going to do anything that is going to put us in legal jeopardy. So we would be respectful and mindful of that.

Commissioner Fox: I agree with Tom as far as the liquor permit is concerned that close to the church. I do have one question regarding that, what type of permit will the applicant be applying for?

Attorney Needelman: Liquor wise? Restaurant.

Commissioner Fox: Restaurant, full restaurant. Vito's has a beer and wine permit, period.

Attorney Needelman: I believe you're right.

Commissioner Fox: So you will be looking for a full restaurant?

Attorney Needelman: Yes, this is a true restaurant as you can see from the menu, it's not a..which is not to say Vito's is not a real restaurant, I don't want to suggest that, but yeah, again I will tell you this, that, you may know this, the cost is significantly more for a restaurant permit than a beer and wine, significantly more, and again, depending on the number of seats that we can ultimately place, it's possible, it's possible, we would make the economic decision to only have a beer and wine permit, but to be honest with you, I would like to ask for a regular permit, with the understanding up front, that that would be our desire and hope and have you know that, right up front.

Commissioner Fox: The only other thing that I'm thinking of, and without an architect's scale, I'm looking at your two French doors, and I took a ride over there, and I was trying to visualize two French doors of that size, of course, with the tables there, I really think that is (inaudible) I really don't think that's possible, but looking at the floor plan here, your image of the doors seems to be a little smaller than the elevation, and looking at the actual building, I don't think you will fit two sets of French doors that size in there. One maybe. This is just for your information, nothing to do with our approval.

Attorney Needelman: I appreciate it, and I could ask Jennifer to address it.....

Jennifer Morganthal: It should be accurate, as far as the elevation is concerned.

Attorney Needelman: We did scale it off, but again, once the health department, the fire marshal has their final weigh in, that may mean moving the door, or eliminating one of the two doors. On the other hand, they may want two doors, and say you've got to have two means of egress. I wouldn't think so, right next to each other, but again, ultimately they are going to have the final say.

Commissioner Prestage: I agree with Tom and Mike, I do not have an issue with the sale of liquor within five hundred feet of the Church, nor do I have an issue with regards to the sale of liquor within a hundred feet of Vito's, again nor with the issue of the parking waiver. I think if the applicant can effectuate striping of this parking lot, it would be a benefit to everyone who uses this parking lot because in its current state, you really can't use all the spaces because there hasn't been proper maintenance or proper striping in the past.

Vice-Chairman Cariseo: Anyone else?

Ed Meehan: If I could clarify, you mentioned the wall might replicate what is across the street but then I think that you said that it wouldn't be permanent. The walls across the street are very permanent.

Attorney Needelman: Well, you're right in a sense that they are big and they are heavy, I don't know what type of foundation they have, and that's really what I was addressing in terms of a permanent structure as your regulations might define it, whether a wall of this nature, a planter box wall, when I referenced across the street, we would look to do something similar type material and looks so there is a complement between the two. I didn't mean that this would be something that could be pushed over by a child, on the other hand, if it became a problem, it would not be a permanent problem.

Vice-Chairman Cariseo: Anyone from the public wishing to speak in favor of this application? Anyone against? I think we have enough information that we can close this. These two petitions are closed.

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

None.

IV. **MINUTES**

January 25, 2006.

Commissioner Fox moved to accept the minutes of the January 25, 2006 regular meeting. The motion was seconded by Commissioner Anest-Klett. The vote was unanimously in favor of the motion, with six voting YES.

**V. COMMUNICATIONS AND REPORTS****A. Discussion of 2006-2016 Plan of Conservation and Development Work Plan and Schedule.**

Ed Meehan: I want to take a couple of minutes, if you would like, I don't know what your schedule is, I know that it's running late, but I did send out with the agenda, the schedule and work program for the Plan of Development. It's an aggressive schedule but I think if we stay on task we can get a lot of the key points done. The very first thing that I have already prepared and will be sending out this week is an invitation to the Boards and Commissions in town to review the appropriate sections of the Plan that may be relative to their areas of interest and expertise, like the Development Commission will look at Economic Development component; Conservation, open space plan; Senior/Disabled Committee, maybe some elderly housing issues, so I want to get that going to invite them to participate. Based on that schedule, begin some public workshops probably in April and May, and then sort of, with the committee that the Chairman has proposed to set up, is work with that committee to hammer out some of the draft components, bring that back to your board, and then again back to public participation and involvement of the boards and commissions in the fall. There is new statutory procedures that this plan has to be referred to the Town Council for its endorsement before it can be adopted, so that will lengthen the approval process, as well as other requirements to find it consistent with the CROCOG plan, and with the State Plan of Conservation and Development. That is procedural as opposed to the substantive part, putting maps together and strategy, so without going into a lot of detail right now, just ask that if you haven't got copies of the Plan, I have extra here tonight. Just take it and start reviewing it, make column notes that we can talk about, particularly the vision statement and components where you see strategies that we can check off as being completed, or strategies that we haven't completed, or you want to talk about, those are the things that we should begin to talk about and carry forward to the new plan as well as adding new ones. There are a lot of new ideas that have come up on land use in the last ten years, the corridor studies have been completed, we're into a Brownfield grant, we're running out of land, there's a lot of things, traffic, that need to be put into this plan that will need guidance from other boards and commissions as well as just the general public. So, if you need copies I have them. What I am going to do is take these apart and send them off to the other boards and commissions and I want to make it clear to those other boards and commissions that I am not going to ask them to limit their comments just to their particular component, because there are a lot of other areas they should participate in, but we could just start with that, and then I will offer to attend one of their meetings in the next couple of months, if they want me there to help facilitate discussion of the plan. So, I don't know what their agenda schedules are, but if they could give me fifteen or twenty minutes of a commission meeting, maybe we can get some input from those boards and commissions.

Also want to remind you about the busway open house on the 21<sup>st</sup> at the Senior/Disabled Center. This is going to be sponsored by ConnDot. The prior open houses were basically Capital Region Council of Government program, where they talked, not so much about the busway, as about transit oriented development and stationary land use and design. This is going to be more about the busway, and ridership and the nitty-gritty engineering part of it.

The other thing that I want to mention to you is that on February 16<sup>th</sup>, in this room in the morning, at 9:00 a.m., Metro Hartford, the Metro Hartford Alliance, we've invited them to come and do a brownfields program. They are going to have a couple of developers who have done redevelopment of brownfield mill sites, I think down off of Route 7, to be here. Its part of a regional economic development program. I'm sorry that it has to be in the morning, but a lot of the people are economic development officials. You are certainly welcome to sit in. I think he is going to have a Power Point presentation with slides and it's of interest to us in Newington because it may give us some ideas for re-use of brownfield sites.

**VI. NEW BUSINESS**

None.

**VII. OLD BUSINESS**

- A. PETITION 63-05 Sunrise Estates Subdivision, Griswoldville Avenue, Griswoldville Associates, LLC owners and applicant, represented by Mr. Patrick Snow, 100 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 Anest-Klett moved that Petition 63-05 Sunrise Estates Subdivision, Griswoldville Avenue, Griswoldville Associates, LLC owners and applicant, represented by Mr. Patrick Snow, 100 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 be postponed to February 22, 2006 because the developer has not completed construction and certification of the sight lines at the easterly intersection of Waverly Drive and Griswoldville Avenue. These sight lines are important safety measures that must be completed prior to the Commission voting on this waiver request.

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

Vice-Chairman Cariseo: Motion carries.

**VIII. PETITIONS FOR SCHEDULING (TPZ Meeting 2-22-06 and 3-8-06)**

- A. PETITION 08-06 125 Stamm Road, Joseph Spada, owner and applicant, represented by Frank Dawidowidz, A-N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037 request for Special Permit Section 6.3 Flood Hazard Zone use, I Zone District. Schedule for Public Hearing, February 22, 2006.
- B. PETITION 09-06 125 Stamm Road, Joseph Spada, owner and applicant, represented by Frank Dawidowidz, A-N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037 request for Site Plan approval Section 5.3 to construct 1,600 sq. ft. building I Zone District. Schedule for presentation February 22, 2006.
- C. PETITION 10-06 3391 Berlin Turnpike, known as The Vitamin Shoppe, Newington Corner, LLC owner, Access Sign Inc., 2351 Boulevard Fernand-Lafontaine, Longueuil, Qc, J4N 1N7, Attention Tammi Derkson, request for Special Exception Section 6.2.4 pylon sign, PD Zone District. Schedule for Public Hearing February 22, 2006.

Ed Meehan: I'd like to bring up a couple that have come in since the agenda was posted. Two petitions for Stamm Road, for 295 Stamm Road, which is just south of Rogers Sash and Door, for a 6000 square foot building, commercial building. This has to go to the Conservation Inland Wetlands Agency, and so I would recommend that you do that maybe your first meeting in March. That is also within the hundred year flood area, and that is a very sensitive area of Stamm Road, and we want to be extra careful in the hydraulics of that area, so I would suggest we take a little bit more time in looking at that. Since I talked to you this afternoon Bill, Stew

Leonards, has filed its site plan. Their application came in about four o'clock today for re-use of the Caldor's, now officially filed. The site plan modifications really are not that significant, they just want to add a loading dock and some parking in the northeast corner, but there are very significant changes to the look of the building. It doesn't have to go to the Conservation Commission and I would suggest that you put it on for February 22<sup>nd</sup> or for the first meeting in March, whatever your pleasure is.

Commissioner Ganley: We have the continuance of Cliffside Manor on the 22<sup>nd</sup>, and if that is rather lengthy, and this is brand new, my suggestion would be to put it off to the first meeting in March. Just my suggestion.

Ed Meehan: You will have Reno Properties, public hearing continuance, you will have this Petition 08 and 09 down on Stamm Road, that is a public hearing in the flood area, the Vitamin Shoppe is a public hearing for the sign and that is all you will have. You have nothing under New Business, those are all public hearings, so if you want to do Stew's that night, or wait, it's up to you.

Commissioner Kornichuk: I don't see anything wrong with the 22<sup>nd</sup>. You said there wasn't really going to be much.

Commissioner Anest-Klett: The 22<sup>nd</sup> is fine.

Vice-Chairman Cariseo: Okay, the 22<sup>nd</sup>.

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

None

**X. REMARKS BY COMMISSIONERS**

Commissioner Anest-Klett: Based upon what we had this evening for Cliffside Manor, as you are calling it, do you think it would be prudent to have it in the Council Chambers?

Ed Meehan: No.

Commissioner Anest-Klett: Okay.

Commissioner Fox: I got a call from, and I would like to put this on the record, I got a call from Al Cohen, regarding the Kiwanis Flea Market.

Ed Meehan: They are coming in with their application. For the flea market in the town center.

Commissioner Fox: Okay, Al Cohen was concerned about the lack of business that they had over there this past year, season, and he wanted to put some more publicity up and Esther Eddy had offered the property next door to her which is vacant, so he can't put a sign up there. Now, I don't know if there is any waiver that he can get for that, or if they can do something to publicize that in the area.

Ed Meehan: I suggested that they bring that up when they come with their application. There was, Joe Welles from the Kiwanis Club was in this afternoon and picked up last years material that he was going to work with, with Kiwanis to get it in. They want to have a hearing, either probably the first meeting in March, because they want to start in April. The issue, the prior

approval had given them permission to put certain ground signs up around the center during the event, and what Mr. Cohen had asked about, I think was like a permanent sign, a free standing sign, which is not permitted because there is no use to go with it. The only thing that I could think of, and I don't know if Mrs. Eddy wants to do it, is to, she has a multiple tenant sign, is to take one of those tenants sign faces out, and put the flea market in, during the time of year that it is there. But really, and maybe you know better than I do, but when I drive on East Cedar Street, I'm not looking at signs. That's the last thing I want to look at signs. I suggested that they bring it up when they come in about the Special Exception.

Commissioner Fox: All right. Thank you.

**XI. ZONING ADMINISTRATOR COMMENTS**

Ed Meehan: There is the monthly report.

**XII. STAFF REPORT**

None.

**XIII. ADJOURNMENT**

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Anest-Klett. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary