

NEWINGTON TOWN PLAN & ZONING COMMISSION

March 14, 2007

Regular Meeting

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

**I. ROLL CALL**

Commissioners Present

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

Commissioners Absent

Chairman Camilli  
Commissioner Pruett

Staff Present

Ed Meehan, Town Planner

**II. PUBLIC HEARINGS**

- A. PETITION 11-07 Market Square and Constance Leigh Drive, Municipal Parking Lot, Kiwanis Club of Newington, P.O. Box 510377 Newington, CT 06111 applicant, attention Alexander Cohen, 42 Jeffrey Lane, Newington, CT 06111 Town of Newington property owner, request for Special Exception Section 3.2.8 Flea Market, 23 Dates, April through September 2007, B-TC Zone District.**

Alexander Cohen: Thank you very much. My name is Al Cohen, I live at 42 Jeffrey Lane in Newington and we are asking for renewal of the privileges that were given to the Kiwanis Club last year to run the flea market. For those of you who may not know who the Kiwanis is, I'll read you one sentence on the front of this brochure which tells who we are. "Kiwanis Club of Newington, founded January 2, 1953 making the world a better place in which to live with special devotion to the Town of Newington." On the inside of the front cover is a list of quite a number of projects that we fund, I won't read them all, anyone who would like to see this, I have a number of copies of it.

The only difference in what we had last year and what we are looking for this year, let me briefly recount what our privileges were last year, ten weeks in the spring, and ten weeks in the fall on a Sunday, I'll give you the specific dates that we are looking for. April 22<sup>nd</sup> through June 24<sup>th</sup>, and again from September 2 to October 28<sup>th</sup>. Of course we may get rained out on some of those, it's all subject to weather. The only difference that we are looking for is that is that we were limited to one food vendor last year we found that to be inadequate. We would like to ask permission to have three vendors. Last year we had permission to put up roadside signs and also we had a

billboard on the Eddy, Esther Eddy's side lot. No changes, we are looking for the same there.  
Any questions?

Chairman Camilli: The only question I have, they have all the permits and everything? They will be going through the same routine....

Ed Meehan: Yeah, same routine. What we have is an internal permit review process which the Kiwanis fills out and it goes through different departments, police, health, sanitation, and then it's lastly signed off by the Zoning Enforcement Officer. In the past, as required by the Town, they need to post an insurance certificate naming the Town as an additional insured, so the routine is pretty well set.

Chairman Camilli: Any problem with the three vendors?

Ed Meehan: That's never been an issue with the number of vendors, whether they are food or not, that's something, whoever your vendor is, will just get his health permit from the Health District and the issue with the signs that the Commission, the Commission made the accommodation for the sign on Mrs. Eddy's property, that is the 4 x 8 sign you put up, so that is okay.

Alexander Cohen: Thank you very much.

Chairman Camilli: Would you like us to act on this tonight?

Alexander Cohen: Yes, thank you.

Chairman Camilli: Anyone from the public wishing to speak in favor of this application? Against? Okay, we will close Petition 11-07.

**B. PETITION 74-06 Assessor's Map SE 307, 1987 and 2169, known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037 request for Special Exception Section 3.19.2 (23 detached residential units) PD Zone District. Continued from February 28, 2007.**

Attorney Sullivan: Good evening. Attorney Timothy Sullivan on behalf of the applicant, Deming Street Development LLC. This is a continuation of a public hearing which has been going on since December 20<sup>th</sup>, 2006. I believe we had addressed all of the concerns of the Commission at this time. Since the last public hearing on February 28<sup>th</sup>, we've responded to the staff comments, Alan Nafis is here tonight to answer any other questions. One of the issues that was previously, was lingering from the February 28<sup>th</sup> meeting was the new landscape rendering which I've put up on the board, showing a new sign, and a sign on both sides of the north entrance to the project. We have also changed the configuration of the south exit and made it one way, turning right only to address the sight line issue. We have submitted a revised, I have more copies, a revised traffic plan from Buberis Traffic Associates has been submitted to the Commission, with the revised plan, we have also submitted some new architectural renderings. We previously had two different units, two different styles of units. Earlier today we submitted the architectural plans which show that there are eight different styles, two basic units and four different styles for each unit. At this time, I am going to turn it over to Mr. Nafis to review some of the changes in regard to the configuration of the, I'm sorry, one last change was to the pump station which is located up near the south exit to the project, the pump station, we previously, last February 28<sup>th</sup>, public hearing submitted some pictures. The representative at that time, those pictures were not of a

proper scale, we just wanted to show you approximately what it was going to look like. Mr. Nafis is going to speak more directly on that, the scope, the size of the pump station is drastically reduced from the pictures that we previously submitted.

Alan Nafis: Thank you. Alan Nafis, A-N Consulting Engineers. I guess what I am supposed to be talking about here is the exit road out of the development on the south side. To try to avoid any chance of someone going the wrong way out that road and taking a left onto Deming Street, we have decided to go with the one way road from here, turning it at Deming Street to make sure that the car goes out there. Obviously, you can never make sure of everything, but it certainly makes it more difficult to make that turn around, and quite frankly, it encourages most people to go up there anyway, which is a better turn. We are still, we want to discuss with the owners of making that sight distance, changing that, but we feel that this will address the issue at this point and make it much less desirable to pull out of there.

As far as the pump station goes, I apologize, I was running around all day, I had some pictures on my desk, I grabbed the wrong stack of papers when I came over here, but essentially what the pump station is going to be, it's going to be an underground station of some sort. In other words, the tank is going to be underground, the pump is going to be in the tank underground, the pipes will enter it, and then what you are going to see on top of the ground, most of the models that we have looked at, would be about a ten by ten concrete pad with equipment on it, basically your controls, possibly a generator, and those are usually enclosed, or underneath some type of casement. I will get pictures in as soon as I can to Mr. Meehan, but again, the thing with the pump station, you also have to remember that we will be working with MDC on exactly what goes in there. They may be looking for grinder pumps in each of the individual houses, but from our research of what is required out there, we don't anticipate anything more than that size with just some of the controls and things actually above ground. It would be fenced in, and then there would be evergreens around it for screening. I believe those are the issues we have.

Attorney Sullivan: As Mr. Nafis stated, we would just like to be able to submit the pictures that were left on his desk earlier today, just a couple of pictures. It is our intention to continue to seek the sight line easement, but with the state of the Sphinx Temple property, to the south, there are property rights which have been optioned so to speak and the potential development of that property, so at this time, while it is our intention to secure sight line easements, and I don't believe we will have any difficulty doing that, because of the state of the property rights for that property, we cannot get it in time for the closing of this public hearing. We believe, as Mr. Buberis has stated in his traffic report, that this meets all the safety requirements with the right turn only and as the plan indicates, there are numerous signs with right turn only, and do not enter signs in both directions, on Deming Street and as you leave the private road. If there are any questions, I'll try to answer them tonight.

Chairman Camilli: Ed, do you want to start?

Ed Meehan: There was also another comment that is still left up in the air, the issue of the proposed retaining wall behind three proposed buildings there, and whether that was going to necessitate a return to the Conservation Commission for amendment of the wetlands permit. Wetlands permit was very specific as to the treatment of that area behind those three homes as far as, and we didn't anticipate a wall or chain link fence on top of it.

Chairman Camilli: Are you talking over here?

Ed Meehan: Yes, right in that area there. I don't know, maybe you want to tell the Commission if you had any conversations with the Town Engineer about that.

Alan Nafis: Yes, actually we have had a couple of conversations with him about that, and I believe that he, that the Wetland's condition is that we are not allowed to clear anymore, move anything closer to the wetlands. I pointed out to the Town Engineer if you overlay this plan, with the other plan that we had, the clearing limits are exactly the same, the filaments are in the same place, the difference is we used the wall to get a little more backyard at the top.

Ed Meehan: Is he going to make that decision, or is the Commission going to make the decision? Is he going to have you return to the Commission?

Alan Nafis: He hasn't told us, I wasn't around, they had a meeting with him I think it was after the last P & Z meeting, so it might have been last week, or maybe the week before where he told them he was going to do that, overlay themselves, satisfy himself and that was last I heard of it, so I assume that it had been taken care of, I mean, it's pretty clear once you overlay one over the other, that we haven't changed it.

Ed Meehan: Well, I bring it up because the concern that I want to bring to the Commission is trying to protect as much of the natural buffer in there as possible. There are some good sized trees, and if the grading and clearing limits can be kept away from those trees and still get the retaining wall in there, I think that is something that makes sense, you give the buyers a little bit larger back yard, but I would be very cautious and recommend to the Commission that they consider some sort of field control, with clearing limits in that corner. I would like to reserve the time to talk to the applicant, and maybe Tony Ferraro, the Town Engineer, to make sure that this corner of the site works.

The other comment is on this reconfiguration of the driveway, or the roadway, the south roadway coming out opposite Willows. I have real serious reservations about this. First because it doesn't even come close to the ninety degree standard which is required. There is no way of, for sure guaranteeing that someone is not going to try to take an illegal left out of there. The speed limits that Buberis Associates recorded, I think they were forty-two miles per hour, at the eighty-fifth percentile. The posted is thirty on that street. The bad curve, I would not recommend that the Commission approve this unless they can guarantee you that they have the sight line easements and they can come up with a standard ninety degree intersection. The other concern that we have, we looked at it in the office the other day, is that, you measure the sight line about fifteen feet back from edge of road, and they have separate standards, more restrictive standards for older drivers as to what they expect and older drivers to do the turn, and this, you're not, if you're an older driver, which is over 55, you are not expected to rotate seventy-five degrees, and this is a much more acute angle than that, and that's right out of ConnDot's intersection design book, so I would really think, the Commission has the decision on this, that these mylars not be signed, unless you get, or the applicant gets the easement that is going to provide the safe sight lines on that road. From the information that the Commission knows about Deming Street, a lot of discussion about the neighborhood's concern about Walgreens and the traffic and the traffic light, what has been going on in this street system with Barn Hill being developed in that area, more cars are using it, an older driving population, I wouldn't approve this road configuration.

Chairman Camilli: Any comments from the Commissioners? Well, one of the things that seems to me that you could possibly, I don't know if it's in the cards or not, is close that down, put in a cul-de-sac. There's no guarantee, I mean, that way there is a guarantee, right now there is no guarantee of the left hand turns, so if you put a cul-de-sac, worked something out here, and just close it down, and then, later on, if you do get the easements that are needed, then you could open it up. I really don't know, I don't know if they could do that or not.

Ed Meehan: They could come back for a plan amendment. They could build a cul-de-sac, and then, I understand the situation with the timing for the adjacent property, I'm somewhat aware of that situation, but they could do a temporary cul-de-sac, and then pull it back, it may affect one of

the units there, it will affect the sidewalk, I know that, and then if, a year from now, or whatever it is the abutting property owner has control of the driving range, can provide that sight line easement, they can come in with a standard ninety degree intersection. They can definitely say they have the easements then. Then the project is not held up, with building the cul-de-sac option.

Chairman Camilli: What do the Commissioners think, you know, listening to the Planner and then listening to the applicant, and like, we are caught in the middle and I would rather be safe than sorry.

Commissioner Fox: I totally agree, Mr. Chairman, we see it at McDonald's, we see it at Cedar and Main, everybody is always just trying to take the easiest way out, so it's an accident waiting to happen, and unless they want to wait for the easement, I think the plan suggestion for a cul-de-sac is about the only way I can see of really approving this without worrying about safety of everybody involved.

Commissioner Pruett: I agree, I think it would be a viable solution, to my thinking, that the one entrance would be adequate, be out of the traffic sign, be out of that stringent curve there, and I think it would be a good solution.

Commissioner Ganley: Yeah, ditto on that, the other thing is, it may have a tendency to quiet the neighborhood down, prevent people from using it as a drive through, and sort of just joy riding through the neighborhood, they get to the cul-de-sac, they have to turn around and go back. The other thing that I was thinking, that pump station, is that if they were to go that route, to service the pump station might be easier than running the pathway from the end of the cul-de-sac down to the pump station and have it serviced from there, as opposed to parking a service truck on Deming Street, and either running hoses and/or pumps or something to flush the thing, or whatever they've got to do, it just might be easier to do it that way. This cul-de-sac that they're referring to would be a pressed gravel type of thing, like a temporary but sufficient to hold....

Ed Meehan: It would be a paved cul-de-sac.

Commissioner Ganley: A paved cul-de-sac, initially, okay.

Ed Meehan: It wouldn't have to be a full, this is a private road, so it wouldn't have to have a hundred and twenty feet, we do temporary cul-de-sacs with, I think it's forty foot radius.

Commissioner Ganley: That might be a way out.

Ed Meehan: You know, make sure that the fire apparatus can do a turn in there, and these people are going to have curbside roll out pickup, be sure a recycling truck and a waste truck can get in there.

Chairman Camilli: Anybody else?

Commissioner Schatz: Attorney Sullivan said it was unlikely that an easement would come through in time, the question I would ask, if they did what everybody else is talking about, would that make that project still viable?

Attorney Sullivan: Which project are you talking about?

Commissioner Schatz: Yours.

Attorney Sullivan: I just wanted to make sure.

Commissioner Schatz: You are going to have less units, you have compromised already and put less units in there, it means that if you made a circle instead of an outlet, you'd be losing a couple of buildings down there.

Ed Meehan: I don't think they will lose a couple, you, I'm not even sure that you would lose one.

Alan Nafis: I don't necessarily think that we will lose one.

Ed Meehan: You may be able to it without losing any. You would have to re-orient the walkway, we put a forty-foot radius on it quickly, and we don't think that you would lose any units.

Commissioner Schatz: The other spin I have on it, just to add to it, the easement might come later on down the road, what if you made that a one way street in, and out, in other words, you could only, on that south side only could go in that way, and empty out on the other side.

Ed Meehan: That is not going to stop people from going the wrong way. That's the whole issue, someone coming out there.

Commissioner Schatz: I understand that, but you know, it's a nice little project and....

Ed Meehan: I only have one other comment. It's off the cul-de-sac, is that, looking at this property and the building department has been looking over our shoulder, the Town Engineer and myself, and they really want the, I know that the applicant probably knows this, but they want, there is a filling requirement here, they have to cut and fill, from the barn side south, and they are going to look for geotechnical soils report, for structural fill to be certified. This soil is pretty spongy, I mean, I was out there today, and there is standing water where this road is supposed to be. There's pockets of it, as we talked about before, so you know, for the structural integrity of the road, and the foundations and so forth, they are going to, that's going to be one of their requirements, they have done it in other places where the soil is very marginal.

Chairman Camilli: I know that we have had discussions just in general about how soggy Newington is, and, with other projects as well, and there are a lot of people concerned about water and drainage. This particular project, there is a strong possibility that there could be water in some of these basements as well.

Ed Meehan: I don't know about there, not like the other.....

Chairman Camilli: Well, there is water there. They're building in wetlands, is that correct?

Ed Meehan: Yes.

Chairman Camilli: From what I understand the wetlands are right....

Ed Meehan: Well, they were permitted to fill, right where your pen is,

Chairman Camilli: Yeah, I know, so they are filling in a wetlands, the point is, if you just filled it like it was a regular constructed house, the chances are, I don't know for sure, you know, water is very difficult, as you know, to try to control, but I just want to get it on the record, I just think that whatever, housing, are they going to have foundations?

Attorney Sullivan: Yes.

Chairman Camilli: These foundations, they are going to have to make sure that they're whatever, they are going to have to follow all of the....

Ed Meehan: That is where the geotechnical report comes in. Water proofing, drainage around the footings, all the leaders are tied into a system here to get the water away from the homes.

Chairman Camilli: I just, it seems like what happens from what we have heard in other applications, that people down the road, whatever, people have water problems, and what do they do, they come to the town for a solution, so I think if we could nip some of these in the bud, through the building department, not so much through our zoning, and as I said, I just want to get it on the record, that the building department has to be very careful as to how these foundations are put in, so the proper drainage is there to begin with.

The only other thing that I can say is that, that cul-de-sac is an option. The other option is that you wait until you get the easements, and that I don't think you would really want to do, wait for the easements, because as far as the Commission is concerned, from the little I could read, and I read the minutes of the past meetings, there is a traffic and safety issue with the sight lines, and we can accommodate the cul-de-sac if that is something that you want to do.

Attorney Sullivan: I think that is the direction we will go.

Chairman Camilli: Good. I have one question on the pump station. If this house stays, the noise factor, is that going to, as far as, the generator, you said there was a generator there.....

Attorney Sullivan: An emergency generator.

Alan Nafis: And, we don't know if they will even have it. It would be an emergency generator.

Chairman Camilli: But when this pump station is working, as it works, is there noise that is emitted from that?

Alan Nafis: I'm sure there is noise going on, but it's an underground pump station, it's an underground tank with a pump in it, similar to what you might hear if you have a sump pump going in your house. It's not a constant thing, it's not on all the time. The thing has to fill up to a certain.....

Chairman Camilli: I just wondered, for the person who has to live next door, I just was wondering....

Attorney Sullivan: I think if the pump station was in their basement they would hear it, the point is, it's underground and so therefore there is quite a bit of insulation, I don't believe you would hear it. I mean, we can address that....

Alan Nafis: Quite frankly, if you went in there and put in the grinder pumps, you would hear them too, I don't think it is that much magnified. It's not that big, it doesn't run all the time.

Chairman Camilli: Okay, I don't know too much about them.

Ed Meehan: After the last meeting, I went out, rode around a little bit, on Pfister Drive, off of Richard Street, the north end of Pfister Drive, there is a small pump station, it might be analogous to this, and it's within MDC's twenty foot right of way, between two homes. With that one, it's set back so you don't see, you really have to look for it, know where it is, so it's not right up close to the road like this one would be, and they have a chain link fence, a secure chain link fence, and arborvitae screening it, and they do have a little paved path to it for their vehicles to get on. But

that is set back, almost in the backyards. This I would think, as Mr. Dawidowicz showed the Commission whatever size it is, I would like to think you would put a solid decorative fence around it with some detail on the fence, and then I think they have offered to screen it with their landscaping plan.

Attorney Sullivan: There would be evergreen screening and a decorative fencing.

Chairman Camilli: Okay, because they are next to the road there. I think that we are making progress.

Ed Meehan: Is that your entry sign fence? I know that you were talking about changing that a little bit?

Attorney Sullivan: That was changed.

Ed Meehan: That's it there?

Attorney Sullivan: Yes.

Ed Meehan: Okay, so that is stone and split rail fence?

Attorney Sullivan: It is. Also over here as well, that is all stone there, and then split rail fence on either side.

Ed Meehan: Okay, looks nice.

Chairman Camilli: Any questions from the Commissioners? Okay we will hear from the public. Anyone from the public wishing to speak in favor? Against. We will close this petition.

Attorney Sullivan: Well, I don't, because we will be submitting a revised plan, just in case there are any issues, I would like to request that we just keep this open until your next meeting, just to be safe.

Ed Meehan: Okay, but we're checking our time on this, right?

Attorney Sullivan: Yeah, I am. As of today, we have, if we went with another extension to March 28<sup>th</sup>, that would bring us to 63 days, of the 65.

Ed Meehan: Okay.

Attorney Sullivan: So we would have to close at the next meeting. I have a written extension. We were on the same page on this at the last meeting.

Ed Meehan: Yeah, I have the same numbers that you do.

Chairman Camilli: Okay, so we will leave Petition 74-06 open. Thank you.

**C. PETITION 05-07 42 Maple Hill Avenue, Antonio Pinho and Jose Pinho owners and applicants represented by Antonio Pinho, 52 Wolf Pit Road, Farmington, CT 06032 request for Special Exception Section 6.7 Interior Lot, R-12 District. Continued from February 28, 2007.**

John Cyr: Good evening members of the Commission. My name is John Cyr from Flynn Land Surveying, and I'm representing Antonio and Jose Pinho for 42 Maple Hill Avenue. We were here two weeks ago, and there were some revisions that we made to our plan, and they are as follows, this is for an interior lot split that we are proposing. First off, we proposed a retaining wall along the front, and I made a grading detail behind this, and it shows a retaining wall on the south side, bordering the property, and also a small retaining wall on the opposite side of the driveway for a shorter run. It would be shorter for snow plow reasons and things like that, but it was needed. Also, I did a little bit of re-grading in the front of the rear lot, to bring water more properly to the back of the property and away from the sides and the front. Also, there was a stipulation that this, in the notes that, in the fifth note, if this is allowed by the Commission that the owners of the property would waive their rights for any further development or sale of any other rear portion of the lot, because there is a lot of land left in the back there, but they would be willing to put that in writing and put it in the deed. I think that was about all. We also located the trees that were out there, in the front area, up towards the driveway area. I believe that was all that needed to be addressed.

Chairman Camilli: These slopes are on both sides of this driveway?

Ed Meehan: Yeah, because there is only five feet to the adjacent property line, that's where the longer run of the retaining wall would have to be, and you can see that it is 127 feet up to 129 and then 128 and then goes up to 131 1/2, 130 up to 133, so it is about three, three and a half feet on the south side. I think I need to study this a little more, maybe check out the grading a little bit on this, this is the first time I have seen this.

Chairman Camilli: There is some question about the front too, the sight lines.

Ed Meehan: Well, the question that I had I went over and tried to, I drove into the existing driveway, but looking north and south from that point, the sight lines are fine, but the proposed driveway, because it is very close, only five feet off the adjacent property line, and there is a pretty good stand of trees and shrubs in there, the sight lines for pedestrians, if a pedestrian, or someone was walking or riding a bike north on this sidewalk, the driver coming out is not going to see them, there may have to be some clearing of that vegetation. Once you get out, and you pull across the sidewalk, looking north and south, your sight lines are okay on Maple Hill, but, if the driver doesn't stop behind the sidewalk, in back of the sidewalk, there could be a pedestrian you know, going north. Going south is okay, going north, the pedestrian walking or riding is a concern. The trees look like they have been located, I mean, some of the trees on the property line, or close to the property line, with this grading, is certainly going to be root damage. I don't know if you have talked to your neighbor about replacing trees if they die. Replace them if they don't affect the sight line. There are some common trees in here, there are some evergreens and there are a couple of maples, it looks like.

I think I would recommend that the Commission keep this open until the 28<sup>th</sup>, I'm just seeing it tonight with the grading plan, retaining wall, for the first time.

Chairman Camilli: Are there any questions from the Commissioners?

Commissioner Ganley: I just have one. The notation, swale to drain, north side of the house...

Ed Meehan: The proposed house?

Commissioner Ganley: Yes.

Ed Meehan: Okay.

Commissioner Ganley: There is 150 feet from the end of that, the house is built on the top most part of the property, 138 feet, and it's 150 feet from there to the back of the property line, and it drops down two more feet, and then finally another maybe foot, to the absolute back of the property line. So I'm guessing then, that this swale to drain is so that the water can come off the top most part, where the house is, and then work its way, approximately 150 feet easterly to the adjoining properties, or the properties on the back end.

Ed Meehan: Yeah, or get lost in the big back yard.

Commissioner Ganley: Or get lost, exactly, so we don't know what is under there, would it result in run off, is there enough seepage to get the 150 or actually not get the 150 feet or would it be a better idea just to have it go westerly and out the driveway to a drain?

Ed Meehan: Well, if there is a catch basin, they would have to pick up a storm sewer, storm system out on Maple Hill. I know there is a Maple Hill storm system because we have talked about it, but, they could split it. They are going to have water going down this driveway anyway, because it's a paved driveway.

Commissioner Ganley: We run across the same Vincent Drive problem again, it's certainly on a smaller scale, but a scale none the less.

Ed Meehan: That's a lot of land back there. Close to an acre of land.

Commissioner Ganley: Will the soil test allow for seepage?

Ed Meehan: Normally an acre of land should be enough to handle the run off.

Chairman Camilli: Are there any other comments?

Commissioner Schatz: You know the revised plans, the other plans showed the swale in between the houses.

Chairman Camilli: Yeah it did.

Commissioner Schatz: Which, we didn't like that either, because it was going to go out the front door and I think that is why we got the new set of plans, to push everything out the back door.

Chairman Camilli: Will the engineer take a look at this?

Ed Meehan: Yeah, the calculations on the storm we can look at, but I would be surprised that, given that there is almost an acre of land back there, that the run off from a single family home is going to be a flooding problem, but we will look at it.

Commissioner Ganley: Well I raise that, because the question will then be raised by the neighbors. You might as well get it up front, get it on the table.

Chairman Camilli: Okay, any other comments. We'll hear from the public. Anyone from the public wishing to speak in favor of this application? Against?

Marcel, 33 Vincent Drive: I'm not for or against this bill, but the water is a concern on Vincent Drive. If you were to go to their property now, where he is talking about drainage, I haven't looked at the print, but they are talking about the drainage which is located near by property. He's already got two feet of water, there's water there, there's a lot of water there. If you were to look at that property now, you would see that there is water on that property, sitting there, so that is a concern of mine. My pump pumps once in a great while, but I'm not looking for any problems and that is one of my main concerns, and this is a clay area. As far as drainage for an acre of land, I don't know how they calculate that, but we are talking about clay. That's it.

Chairman Camilli: Okay, thank you. We are going to have the Town Engineer again take a look at it, it's the best that this Commission can do.

Ed Meehan: I would just like, in my staff report, the house at 42 is, already has a second living unit in it, 2003 was granted an accessory apartment approval. So that is a two unit building. It doesn't make any difference I know as far as the interior lot, but you should be aware of that.

Chairman Camilli: Is it being used now as a .....

John Cyr: Right now it's vacant, and it's planning on being sold, and the lot in back being built.

Chairman Camilli: Is there anyone else from the public wishing to speak? We will keep Petition 05-07 open. Thank you very much.

**D. PETITION 07-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Certificate of Location, Dealer and Repairers License, CGS 14-54, Section 6.11.7, I Zone District.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, attorney, One Market Square, Newington, Connecticut. I am here representing the applicant who is here with me tonight along with Alan Nafis from A-N Engineering. I just want to ask the Commission members, since what I am going to say about Petition 07-07, I'm also going to say about Petition 08-07, so I don't know if you want, I have no objection if you want to read both of those public hearings at one time, and I'll make one presentation, or make individual presentations for each. It's up to you.

Chairman Camilli: I think we can do these both together because the first one is a (inaudible). Do you want to read Petition 08-07?

**E. PETITION 08-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Permit Section 6.11 Sale of Motor Vehicles, I Zone District.**

Attorney Sabatini: Again, Vincent Sabatini, attorney, One Market Square here for the applicant, on both of these petitions, public hearing 07-07 and 08-07. The Commission may be somewhat familiar with this application, you actually acted on it a few months ago, and you turned it down. We are here tonight because we have substantially changed the application. The last time we were here you turned it down because you said there was an issue with the septic, there was parking in the front yard, and it was too busy for a dealer's license. As you know, this property 426 Hartford Avenue has had a repairer's license for like thirty-five years, and the repairer's license requirements under 6.11 are not much different than the dealer requirements under 6.11. The only difference between the two is that under the dealer requirements it talks about the

display of motor vehicles and the entrances and exits for motor vehicle uses, but it's really the same thing. Probably the only section that makes a difference here is Section 6.11.4, because under 6.11.1 we're not going to have any fuel, so that doesn't apply; 6.11.2 the motor vehicle uses which include repairs shall be entirely within a building, they are already in effect because we already have repairer's license. 6.11.3, there are no church, school, playground, hospital, or any residence, so that doesn't apply. 6.11.4 is display of motor vehicles in the front yard. The last application did have that, we've removed that. You see the plan that is on file here, the other application had motor vehicles all along here and that was not right because it was within the front yard and there was no separation. So we have removed all of those parking or any display of motor vehicles there from the front yard. I'll talk about the plan a little bit longer in addition. 6.11.5 says that there is no use within fifty feet of a residential zone. This is not in a residential zone and there is some confusions with your, we're not selling gasoline or motor sales, so 6.11.6 doesn't apply. 6.11.7 you're acting as the local authority, and this is where the confusion lies. Under the regulation, it says that the Zoning Board of Appeals acts as the local authority, under 14-54. Mr. Meehan told me that that is not the case any longer, it's this Commission, I'm not sure if it is or not, but I'm not going to waive any right that my client might have but I'll go along with his opinion and say it is this Commission. I want to let you know that 14-55 has been repealed so 14-55 had some standards in it, that's been repealed and is no longer in effect, that statute, so that is left with 14-54 which doesn't have any standards in it, it just talks about any person who wants to obtain a license for dealing or repairing motor vehicles has to apply to the Commission, whatever designated Commission there is. So I guess you are the designated Commission. So I'm not sure what standards we are supposed to adhere to, but I'm telling you that there really aren't any and there are not any different standards for selling cars than from repairing cars. Also, I'm not quite sure if we need a Special Exception on this 6.11 because this is in an Industrial zone, and in the industrial zone, the sale of motor vehicles is a matter of right, but Mr. Meehan told me that the Commission said that you need a Special Exception so, without waiving any rights my client might have, I'm here applying for the Special Exception. I'm not going to give anybody a hard time on this because we would like to get the approval, but it is a contradiction which I just wanted noted for the record, not to give anybody a hard time, but I just wanted it noted for the record because under the I Zone, 3.1.6.1 (f), automotive uses as permitted by the General statutes, so, I have an automotive use, so I don't know why I need a Special Exception, but, we're here.

We're here, and I'm here to tell you that this is a facility that has been here for years, and it was operated as a repairer's facility and quite frankly, the former owner allowed the property to deteriorate to a real sad condition. This is what the building sort of looks like now. My client has actually purchased the property since he was last here, before he had just a contract, he has purchased the property, he's a young fellow, he's in the business, and he's committed to make this into a good location. All of the front here is going to be changed, all this rust is going to be removed, the building is going to be repainted or resurfaced, he's already started to some work, interior, he's cleaned it all up, there's a lot of junk in there. He's put new doors he's going to put in a fire door, so it's all going to be a nice area. Mr. Nafis took the old plan and looked at it and made it conform to the regulations, he's here, he's going to talk about that, more site plan than location, but a public hearing, as Mr. Meehan suggested this, presently this place has two, and these photographs are going to be part of the file, has two entrance and exit points. One on the west side, one on the east side, and as Mr. Meehan suggested, we are eliminating the one on the east side, it's going to be all grass, and we are just going to keep the one entrance. We are going to, not do any work on the building, we're going to display cars in the back here as indicated, there is room for the cars, just like you see in any dealer's show yard, cars are usually one behind the other. All the parking conforms to the regulations, there is plenty of circulation. The last thing is the septic and we have a, since the last time we have done a little homework, we have a letter from the Chief of Environmental Health Services and will file this as part of the record, indicating that the septic is, you may already have it, adequate for the uses as contemplated. As I said, we are not expanding the use, actually there were two toilets in the building, we are only going to use

one, we're eliminating one toilet. So the septic is fine, we don't need to have it hooked up. So, have we addressed the three concerns that you had before? Number one, septic, we have the letter, we're asking for a waiver, and the waiver is justified; two, the parking and display of cars in the front yard is not going to take place; three, it's too busy for selling cars and repairing cars, well, we're not going to sell that many cars, just a few cars, and the way that it has worked out, it is not busy at all because we are going to display about eight cars, and there is plenty of room on the side, doesn't bother anybody, have the handicapped, plenty of parking for customers, snow shelf, dumpster, green space all around it. Quite frankly, it's a mess right now, and I can't imagine that the town would want this eyesore to continue, when you have a young fellow who is going to invest money. He has already bought the property, he is going to invest a lot more money to clean it all up, make it nice, pay taxes to the town, have a nice business there in the industrial zone. I don't see a reason why the Commission should not entertain and approve. That is all I really have to say about this aspect of the two public hearings. There are other questions that might be answered by the site plan, but I'll be happy to answer any question that you might have right now.

Chairman Camilli: Ed?

Ed Meehan: I can respond about the Connecticut Motor Vehicle statutes and clarify that. There was an amendment in June, 2006 where previously it was the Zoning Board of Appeals which was the agency that issued Certificate of Locations for Motor Vehicle Dealers and Repairs. That was amended and delegated to the town Planning and Zoning Commission for communities with populations over 20,000, so your board is the jurisdictional authority now for Certificates of Location, as of June, 2006. We have a letter from Assistant Town Attorney Dave Griffith to that matter, so you wear that hat.

Attorney Sabatini: Just that it doesn't say that in the regulations.

Ed Meehan: Not yet. It's an amendment, we're catching up with that.

Attorney Sabatini: Okay, fine.

Ed Meehan: The issue of the standards, I would say the issue of the standards set forth in 6.11, and the attorney touched on all of those. Many of these aren't going to apply in this case. Certainly the standard for traffic is a concern here, but I think the issue that I had tried to impress on this applicant and the site plan addresses, is the elimination of one of the curb cuts, and coming in with more of a standard curb cut. Right now there is no organization to the curb cuts at this location, it's wide open, with the island in the state right of way. That part of the traffic safety I believe has been addressed. The other standards in 6.11 are more typical of gasoline sales, except for the display of cars for sale, which apparently this site plan has addressed that. They no longer would be in the twenty-five foot front yard setback. They're displayed, I guess they are displayed in the back corner?

Attorney Sabatini: Yeah, over here.

Ed Meehan: So that standard is addressed. So that is the two aspects of this, the Certificate of Location, and then the various standards that are underneath that.

Chairman Camilli: As cars come in for repair, and are waiting to be repaired, or after, where are they going to put those cars?

Attorney Sabatini: Well, the service parking, four spaces, that is shown on here, service parking, we have twenty spaces. Eight of them are going to be for display, so we have twelve spaces for

customers, plus service. We have a three bay garage, so if they are being worked on, they are going to be in the garage itself, and then when they are done, you know, there is a service area right here, one, two, three, four, and again, we have twelve, we have twenty spaces available. About eight of them, might display about eight cars, we'll have twelve spaces, that's plenty, more than adequate space. I mean, whoever ran this for thirty-five years.....

Chairman Camilli: How many people will be working?

Attorney Sabatini: Alex, maybe one other person.

Chairman Camilli: So that is another car. I'm just trying....

Attorney Sabatini: I understand. That's eighteen available.

Chairman Camilli: Okay, usually it's been the experience of the Commission, anytime that you deal with this kind of repair, and some kind of used car, if you will, there is never enough space. That was one of the problems that I think was expressed the last time, and I just want to get that on the record again, you know, doing two operations, selling and repairing, most people who do one operation, don't have enough space. That is just by casual observation, you go around town looking at different operations, I know by just observation that one operation tests many dealerships for whatever, and to have both, it's still a tight site.

Attorney Sabatini: I understand the concern, and that is why we had Alan, I hired Alan and his firm to look at it, and to see what we could do, to see if in fact we could have both. Obviously as a repair facility I mean, theoretically, right now he has his license, after he bought the property, he was approved by the town, the state, he has a license, I mean, he could repair, and have twenty cars there, right now, but it's not unusual to have a facility to have a full dealer's and repairer's license. That's usually what it is called. Why this is limited to repair, I have no idea. Probably because they were selling gas, they were repairing, they didn't want to sell cars, but he's going to display what he has the right to display and what the property can allow, so.....

Chairman Camilli: If there were cars parked down the road, you know, because having had experience with this kind of thing, it's all enforcement at some point. Let's say the cars are parked, in this area here, he would be in violation.

Attorney Sabatini: Yes he would, he would be in violation, and then they could do whatever they have to do. But, I'm tell you, it's not going to be to his benefit to have cars parked over here when people will be backing out of here, and risk the, incur the risk of more danger. That is why we removed this, and put little parking over here, for customers away from the building. That's what we did and the idea is to run a business. He's a good guy, a nice guy and wants to run a nice business.

Chairman Camilli: I know that, as I said, to keep it measurable, as you know, enforcement is always an issue with these things. So if cars are parked where they are not supposed to be parked, on this site plan itself, they will have designed spots for the parking.

Ed Meehan: They have culled out, like in the front there, where the Chairman mentioned, four parking spaces, visitor, across the front, and if you go by, and they've got balloons all over them, and they've got used car numbers on them, that's a violation. They would have to move them out of there, because that is supposed to be reserved for visitor parking.

Attorney Sabatini: And I will also put this on the record, Mr. Chairman, this is not one of these dealer/repairer facilities that is hiding somewhere on the back road, this is visible. Now, I know

that the town forces are going to be out there and they are going to look at this, and they are going to make sure that everything is on the up and up. It's visible, it's not hiding behind there, in an industrial somewhere, I understand what you are saying, they put the cars on the lawn there, and everywhere else, it's a mess. It's not going to be like that.

Chairman Camilli: It is a mess, and we are concerned in general with the idea of cars being parked all over the town.

Attorney Sabatini: It's not going to be like that, even if you want some signage, visitor parking only, I mean, he wants to run a nice place and he wants to become, it can't be any worse than it is now, right now it's a piece of junk. I agree, what else can I tell you.

Chairman Camilli: Okay, just the fact that it is so close to the road, and that is a negative in the sense that....

Attorney Sabatini: Right, and that is why we have enhanced the green space, you know, this is the state right of way, we are going to have all this green, and we have eliminated all of this, see all of this, shown in this photograph, is all eliminated, so it is going to be all grass, so it's going to be nice, going to paint the building, going to fix it up, I may even buy a car there.

Commissioner Fox: The Chairman is correct, and the Attorney, this is actually a gateway into Newington from the south, southwest end of Hartford, or whatever, so right now, passing by it, Newington is a blight. I mean, it does look terrible, but the questions that I have, in the report from the Central Connecticut Health District, through the Chairman, to Mr. Sabatini, they estimate, he's going to repair fifteen cars a day, on the average, some days more, some days less, I still can't, plus he may have a couple of customers looking at cars, maybe a half hour, people coming in and out, I still don't know if that is enough parking.

Attorney Sabatini: I think what they are talking about Mr. Fox, is that the septic system is capable of accommodating, quote, large enough to accommodate the repair of fifteen cars per day, and five customers a day. He'd go to church and say a couple of prayers if he had that many people coming in. It's the septic system that is capable of doing it, that is how they measure it.

Commissioner Fox: I read it, just to assume that she is saying that he's going to have about twenty customers.....

Attorney Sabatini: No, no, no, she has no idea. She's just saying that the septic can accommodate that number of people. By the way, there were two bathrooms, did I already say this, there were two bathrooms, get rid of one, going to have one bathroom.

Commissioner Fox: Where is the septic tank?

Attorney Sabatini: In the back here. It's identified, existing septic system.

Commissioner Fox: Okay. One other question, and this will be for the Planner, maybe Ed you know a little bit more about it, if there was, on a repairers license, we're talking basic repairs, are we not? I mean, we're not talking about overhauls. Engine overhauls.

Ed Meehan: I believe you are.

Commissioner Fox: Okay, that's what I was asking.

Ed Meehan: Transmissions, engine, brakes.....

Commissioner Fox: And the other thing, I kind of tend toward the environmental, being on the Environmental Commission also, if I remember correctly from the last time, there was no water/oil separator. Now, when you are cleaning up after yourself, I mean, you may have an oil tank...

Ed Meehan: Waste tank.

Commissioner Fox: A waste tank in the place, as you said before, but there is always oil spilled on the floor, you have to wash it, you have to wash the new cars, the for sale cars, I don't know, shouldn't they have some kind of oil/separator, because when he washes that down.....

Attorney Sabatini: Well, for thirty-six years I don't know what is over there now, but the guy who had the business before, whatever he had, he didn't have it, I don't know what he had, but Alex is going to make sure that whatever the State requires, he is going to have.

Chairman Camilli: And you are going to allude that whatever the State would require....

Attorney Sabatini: Oh sure.

Chairman Camilli: Who does the requirements? The state?

Attorney Sabatini: The DEP, the State, they'll come out and inspect it, whatever he needs, he's going to have to.....

Chairman Camilli: He has to have to have a separator?

Attorney Sabatini: Absolutely.

Chairman Camilli: Then he has to have a separator, and we have nothing to do with it.

Attorney Sabatini: Absolutely, it would be to his detriment to pollute his own property. The tanks are out of there, they were removed a long time ago, it's clean, this site is clean right now, so he doesn't want to make it any worse.

Commissioner Cariseo: I was just curious, does the septic system work?

Attorney Sabatini: Yes.

Commissioner Cariseo: Because it doesn't way anything here, it says, should be inspected, and somehow that filter be installed.

Attorney Sabatini: Yeah, that is going to be, we're going to pump it, make sure it works, but it does work. You flush the toilet, it all goes down, there is nothing bubbling up.

Chairman Camilli: Any other questions. We'll hear from the public. Anyone from the public wishing to speak in favor? Against?

Frank Cavalvo 416 Hartford Avenue: Mr. Chairman, Ladies and Gentlemen, I am one of the owners of 416 Hartford Avenue, Newington. I want to pass out this literature. That came right from the DEP, out of my booklet that I requested. Mr. Chairman, the reason that I am here speaking against this applicant is not because I want to stop anyone from opening a business. I am here to speak to compliance with the laws that are written regarding auto repair shops. The first thing that any auto repair shop must have, a floor drain, and that drain must be connected to an oil separator and the oil separator must be connected to a public sanitary sewer. Secondly, I

would like to know when the applicant washed any auto parts or to degrease any engine, or remove a water pump, or whatever, radiator, anti-freeze spills on the ground, inside the shop, how is he going to clean it up? If he washes it with the water, it is obviously going to go into the parking lot, and the parking lot is going to go to the street, and the street is going to the wetland. To me, at this time, it's going to go directly to the wetland which is about 150 to 175 feet away. Third, the applicant was washing the floors at the end of December, and the run-off water came down his driveway into Hartford Avenue in the front of my driveway, and into the wetlands. I'm sure that you are all aware that there is a wetland leading to Piper Brook. The following day, the Newington Health Department went to speak to the applicant regarding that and he responded that there was not too much runoff. Who is to determine what is too much or too little runoff? Also, I would like to state that on our property, where we park the cars we have eighteen feet, not measured, I'm sure of that, from the street to the curb to the property, and another fifteen from the property line to where the cars are parked. This is a total of thirty-three feet. I would hope that the applicant would have to comply with the same requirements that I was made to. Lastly, I would hope that this new owner would do something to (inaudible) the appearance of the property. Not that it has been done in the last (inaudible) years that I have been on Hartford Avenue. Now I just want to make another couple of comments, if I may. I have heard that there is no difference between repairing cars and dealers, used car dealers. There is a big difference. Number one is, that when you have a used car dealers, bypass the repairers, you can repair, you can sell, you have to clean, you have to steam clean the engine, I worked for a dealership in the '60's and '70's. First thing you do when you sell used cars, you have to clean, even if there is no engine in it. The appearance is what is going to sell the car. If you don't clean it, forget it. You are not going to sell any cars. Number two, you need a lot of parking. The way that I see now, if I may point out, they are going to be parking here, four cars? Okay, now if you measure from the curb to here, I think I said, whatever I said, it's from here to here, that you cannot block. I have an iron fence there. The property line, the parked cars, they have to be right behind the iron fence, otherwise, they would be parked in the right of way. I don't want cars parked over there, because they cannot block my view when I get out of my driveway. And I think that this driveway should be closed, and this should be used. Also, I spoke with someone at the DEP, and there is, mandatory that if an oil separator it has to be connected to the sanitary sewer. I don't know where other people get their information, but I have the booklet from the DEP, right here, that's what I have, and there is another paragraph, if I may read, I think I read it the last time, but if you don't mind, I'll read it again, that any cleaning or service of car has to be (inaudible) structure constructed to keep waste water separated from storm water. I don't know how else I can say that. If the Commission wants to let him do it, I mean, I think this site here was built as a gas station not as a used car dealer, and there is a big difference, a big difference. I have a lot of parking space, and there are times when a tow truck comes in, or even my tow truck goes out, I have a hard time to do it. I'm sure some of you fellows here know where I am, and know how much parking space I have. Thank you very much for your time.

Chairman Camilli: The only thing I can say, a lot of this, just to react to what you said, just in general, many of the things are enforcement issues, but not by the town, but by DEP so I don't know how, for instance, the separator, the oil separator, it's what the attorney alluded to before too, if it's required, it will be required by the DEP, and if the runoff is such that it is contaminating the brook, or something, I think that is DEP as well, so I think, you are kind of talking, as far as enforcement of what you are saying, if this were to go through, and there were violations, it wouldn't be to the town, but DEP.

Frank Cavaldo: I understand that, but what I was told by the DEP, always go to your town first. Then, if you go to a brick wall, then we will come in. I had another problem with another polluter in town, and I always was told go see Mr. Cosgrove first, who no longer works for the town, we are not going to come out unless Mr. Cosgrove comes out, sees the problem, and then he will call us, and then we will come. I guess we passed the buck.

Ed Meehan: The oil/water separator, the issue with runoff, you are right, they are DEP issues, I mean, there are a lot of communities in Connecticut that don't have centralized sewer systems and they have gas stations, so they are not going into a sanitary sewer for those services, so I am not sure what this booklet, if it pertains to those places that don't have central sewers, because there are an awful lot of gas stations and dealerships and repair shops that are using outside system, and that is a DEP call, it's not the town.

Commissioner Fox: It would go into a holding tank.

Chairman Camilli: Anyone else wishing to speak?

Michele Cavaldo, 416 Hartford Avenue: I'd like to begin by stating, as I did the last time, my main issues are simply safety concerns for myself and customers. I like to see that we eliminated the parking spaces across the front, I thought that was going to be a huge problem for my customers leaving. I don't see however, up there, and the Commission's regulations, as of Section 7.4.17 do call for a designated snow area. I'm just concerned that the snow is not going to be piled in a manner so that I can't leave the driveway safely.

Commissioner Camilli: It's on there.

Michele Cavaldo: Okay, well, Attorney Sabatini didn't bring it up, so that is why I brought it up. In my opinion, the driveway is a little too close to our driveway. I don't know if there is some kind of standard we could look up as far as the state, concerning the speed of the road, and as close as the driveways are, and a clarification, the property previously had what is called a limited repair license, limited repair regardless of how many bays you have, does not allow for major engine overalls, or any kind of major work to the driveline. It only allows for repair work, maintenance work if you will. A dealer license, used or new, allows you auto body work, towing, major overhaul, it's the carte blanche of the automotive industry. Something to keep in mind here for you guys. Aside from that, I look forward to having someone who will hopefully keep the property in a better condition than the previous owner did. We all know that it is a disaster in that area. I just want someone next door who is going to do as good a job as we do at 416 and hopefully this applicant is that person. Thank you.

Chairman Camilli: Thank you. Anyone else?

John Cavaldo, 416 Hartford Avenue: We are located south of the applicant's building. I guess a lot of you people, you know what is going on here. What they just did, on the drawing, they shifted the parking from one place to another. Now, the last time that I was here, the way that I saw it, they are going to close it, keep open the south, right next to our property. Now, if they are going to remove the snow, and they are going to push the snow towards our property, there is not enough room. Now their elevation is higher than ours. So if they are going to bring the snow just like the previous owner used to do it, and I used to go over there, don't push the snow because then when it melts we're going to float, the back of the building, and I used to do it, and he used to stop. Parking cars, I guess a lot of you people, you see what is going on. So now they say that nobody is going to park the car in the front, where they used to sell gas, right now that is what they say, they are not going to park the cars there. If you were to build a nice building like we did thirty-one years ago, you're letting him come in and do anything he wants, but we, have just so much parking and we shifted it from one place to another, now I think he should stay with a general repair, because that is, if he does a good job with repair, and I wish him well, to do better than we did in the location, he is not going to have the space for parking cars. We have a flat bed to bring a car to the garage, and we have, from the front doors to the end of the parking lot, eighty feet. Now when you are parking cars in one location, you are parking cars in another

location, there is not enough room, and then when you bring the cars in, the car is not running, how are you going to bring it inside? There is no way, then you would have to get a pick up truck or a tow truck to bring it in there. If you wanted a tow truck, it's a flatbed, bring it inside, he isn't going to have enough room to bring it inside. This is the thing, right now we are trying to go in the same space, and that is the thing, to me, it should stay, if you want to do repairs, it should stay with repair, to me, I've been there thirty-one years, he's not going to bother me. The only thing is, I want to make sure that there isn't any pollution, that he doesn't create pollution for us, and I was surprised when he bought the property, he didn't have testing done to the soil that is there, because when you own a service station, that has been there for fifty-one years, it was less than twenty years that they removed the pump, Sunoco, and sold it to the previous owner, and he was selling gas, I believe that there is contamination there, but that is his problem. But if this wasn't done, and somebody else was buying the property, that they came to me, and asked about it, and he went to the bank, and the bank says that the only time we are going to give you a mortgage, you have to have a soil test, otherwise we will not give you a mortgage. But, the way I see it, it will just keep going, in the same area, to try to accommodate the used car dealer which is impossible to do. I have been there twenty-one years, I know what it is. There is a lot of pollution there, when the summertime comes, or the first blast that is done at the quarry. I welcome him when comes summertime, and the dust everyday is going to accumulate on the automobiles, and is he going to wash, if he wants to sell, and I don't know how he is going to do it. That's why I don't think, he's got that repair, if he wants to do that repair, he's welcome, and he can come into the place as it is, after thirty-one years, who cares? Thank you very much.

Chairman Camilli: Thank you. Anyone else from the public wishing to speak against. Do you have any comments in rebuttal?

Attorney Sabatini: I always look at comments from competitors with a jaundiced eye, I mean, these arguments are disingenuous. If they were so concerned with this site, the property was for sale for a year, they could have bought it, and they could have solved all their problems. Here is a young fellow, is willing to invest money. He inspected the property, knows what is there, checked with the DEP, is going to fix it up, make it look nice, spend a lot of money on the property. It's not going to interfere with anyone's operation, doesn't interfere with traffic, doesn't interfere with sight line, the snow shelf is identified, it's not going, I don't know what these people are afraid of, and to say that they welcome it, and then on the other hand, they don't want it, I don't know. But, I just want to say for the record, that we do comply with all the 5.2 Special Exception requirements, and I think this is an application that has to be approved, and I will save more comments for the site plan part of the presentation.

Chairman Camilli: Any comments from the Commissioners? Shall we close the...rebuttal by the opposition.

John Cataldo: I just want to say something else. If you approve a dealer license for the site, they also have to go to the DEP to get a permit for an oil separator, because as the town, you are giving permission to use the site as a dealer, he can go to the motor vehicle, and then change it from a repair to a dealer, he doesn't have to go to the DEP. I just checked it today. The town has all the authority on this issue. Thank you.

Chairman Camilli: Ed?

Ed Meehan: I don't know if that is true or not. Don't know motor vehicle regulations that well to tell you the truth. They seem to have a different regulation for every use.

Attorney Sabatini: Well, whether it is true or not, we are going to have an oil separator, put that on the record. Thank you.

Chairman Camilli: We will close Petition 07-07 and 08-07.

**F. PETITION 10-07 114 Richard Street, Frank Giangrave, 128 Richard Street, Newington, CT 06111 owner and applicant, request for Amendment of Special Exception, Interior Lot Section 6.7, R-20 Zone District.**

Alan Bongiovanni: Good evening, for the record, my name is Alan Bongiovanni, president of the Bongiovanni Group, here at 170 Pane Road here in Newington. I'm a licensed land surveyor in the State of Connecticut representing Frank Giangrave, in this application for, really a modification to an existing special permit for property known as 114 Richard Street. Somewhere around the early 1980's I apologize for not knowing the exact date, a special permit was granted for what you see on the right here, outlined in purple, an existing, a rear lot. Fifty foot access because the area exceeded twice the minimum requirement for an R-20 zone, and then the lot in this area. The Giangrave owns the house and property to the east, the older house, which is actually 114, and then this rear lot portion. What we are asking to do is just reconfigure the lot, so that the driveway, and there is an existing driveway to that back land there now, reconfigure the flag, if you will, of the lot, take it from the east side, and move it to the west side. Given the location of the existing house, we've designed this so that we meet the minimum required side yard which would end up with about a 43 foot, in excess of 43 foot right of way, or strip of land, contiguous to the actual lot. The reason for that is because of existing terrain. There is an existing driveway there, this was done many years ago in preparation of his children wanting to build there, Frank Giangrave, Jr., hoping to build his house there. Again, as I stated earlier, this is an existing rear lot, we are not asking for permission I guess to build a house there because tomorrow we can go and take out a permit and build a house, but we would be forced to put the driveway on this side. If you allow us this modification, it would be reconfigured, enlarging the lot from 40, 976 square feet to 46, 625 square feet, and to mitigate the oversize lot, so there would be no further lots, we are proposing development restriction on the back 8,000 square foot so that no one could ever come back and argue that it's big enough to create another lot, even though our regulations only allow one rear lot per subdivision. I think that is it in a nutshell. The sewer is available, water is available, we have a fire hydrant right at the property corner, we've designed it with a fourteen foot paved driveway which was the requirement a couple of months ago from the Fire Marshal on my last application before you, and I think that it meets and/or exceeds all of your regulations.

Chairman Camilli: Ed?

Ed Meehan: Did you say that there was a driveway existing on the west side here?

Alan Bongiovanni: It's graded, I'm not.....

Ed Meehan: Because I was out there down there today and they are cutting trees and they're stumping, guys are excavating.....

Alan Bongiovanni: That is something that I just found out today, that they did cut trees on the back portion of the lot in preparation, I think they might have jumped the gun a little bit.

Ed Meehan: They cut them all along the west property line to get in there.

Frank Giangrave: No, no, that was existing.....

Ed Meehan: What are all those stumps that I see in there, fresh stumps.

Frank Giangrave: In the rear portion of the property, but not in the existing driveway. What they may have done, what you may have seen was wood chips, and they laid wood chips on the driveway because there was a lot of mud that they were getting, so they laid all the wood chips to soak up the mud and water that was there, but other than that, there are no stumps. Did that answer your question.

Ed Meehan: But they have to do a lot of grading along the side of that older house, you've got to cut that slope down.

Alan Bongiovanni: Because.....

Ed Meehan: Wouldn't it be just as easy to come in from the east side, the existing, I mean, they are taking the whole hill down.

Alan Bongiovanni: This is their preference, we can accommodate it with a two to one slope, which is a mowable slope along this side here.

Ed Meehan: Mowable?

Alan Bongiovanni: Sorry?

Ed Meehan: Mowable, two to one?

Alan Bongiovanni: Two to one is a mowable slope. The, and it's not a vast area, I mean, it's probably going to be fifteen feet wide by maybe eighty to one hundred feet in length. It is a mowable slope, it could also be planted with different types of ground cover, but there is an existing driveway very close to the large hedge row of twenty foot or so pines, twenty inch pines and to accommodate a fourteen foot driveway, that's causing some of the grade. We believe based on existing field topography that we can accomplish that with grading. If the sloping seems a little different in the field, I mean, a wall could be put there, but we think we can accomplish without a retaining wall.

Ed Meehan: So this is going to be paved. I don't see any notes on your plan saying this fourteen feet is going to be paved. The whole driveway all the way through is going to be paved?

Alan Bongiovanni: Yes. We can add that note.

Ed Meehan: The Commission, well, I think you ought to drive by it, it's a pretty steep slope, I was surprised. The house sits up like on a knoll.

Alan Bongiovanni: It does, it does now and it will continue to in the future. Again, we are not cutting a new roadway through there, there is an existing driveway or wheel path that is through there. We're going to re-grade a little closer to the east, closer to the existing house. They own all of this property, we are not going to, through this action going to offend somebody else, a neighbor. This is their property. The existing house, of course if granted would be a 31, 673 square feet which is well in excess of the R-20 zone.

Ed Meehan: Just for the record, the original subdivision was approved October 14, 1981, Petition 671-81 was the original reconfiguration of this families property. Are you going to have that as a deed restriction in the deed for that excess land?

Alan Bongiovanni: What we are proposing is a deed restriction, this is something that we have done on other properties. I don't recall how we worded the last one, but I think this is the

language that we used. If there is a certain language that the town prefers I'm sure the applicant would want to do it. It's intended to forgo any future rights for an additional lot.

Ed Meehan: That's fine, as long as it is in the deed as well as on the map, because sometimes people don't look at the maps. That's all I had.

Chairman Camilli: I'm fascinated with the fact that you just flipped the driveway, I mean, would the purpose be to pick up a little more square footage from the other parcel.

Frank Giangrave: It's easy to look at it and say, well, why would you do this, but right now there is an existing driveway, or wheel path so to speak, and there wouldn't be any heavy tree removal and the grading would actually, and the excavation would be a lot simpler than if I was to stay with the existing plot plan, and I would have to remove a significant amount of trees, and I don't think it would be possible, and the grade and the excavation that would have to be done to make a driveway, to have a vehicle actually have to drive through there, it would be very difficult and expensive and what would be the purpose of that if I have an open existing driveway that is already there. If you drive by the site, you know, I'd be willing to walk you through it, you would understand exactly what the purpose of....

Chairman Camilli: I'm only going by the comments of the Planner who said, you know, a two to one slope here, whatever you did here, you had to do some work, you had to do some work to....

Alan Bongiovanni: We are taking relatively steep slopes, probably not much less of a grade than two to one now and we're moving it over about eight to ten feet. We are not, like I say, creating a new cut into a berm that is there, we are just widening it because we need a fourteen foot driveway, we want a shoulder, we want to bring the utility services in there. A lot of the existing vegetation here also provides a buffer for Frank Giangrave Sr.'s home, which is a very, very nice setting, a very nice home, and this will help preserve some of his privacy if this is allowed. As I said, this is a valid, buildable lot today, we are just asking.....

Chairman Camilli: I know, I'm just fascinated by it. Ed, as far as what you saw out there, because you went out there, if they kept it the way that it is, from what the applicant says, that there would be a lot more work on the existing....

Ed Meehan: Going in this side?

Chairman Camilli: Yes.

Ed Meehan: Well, there is a slope when you get to the back, it goes down eight to ten feet to where he wants to site his house. You may have a wheel path now, but you are building a fourteen foot driveway.

Chairman Camilli: Well, they would have to build it on the other side too, right?

Ed Meehan: Yeah, but it looks flatter on the other side. They meet the dimensions of the regulations, but you know, it's their nickel.

Chairman Camilli: Any questions?

Commissioner Schatz: I'm curious, how much property behind that lot. I'm just curious.

Alan Bongiovanni: You're talking about this piece?

Commissioner Schatz: Yes.

Alan Bongiovanni: That piece, we are proposing to have it as 1.07 acres.

Commissioner Schatz: But you said there was other property....

Alan Bongiovanni: What we are proposing to encumber is forty feet along the back as a no build area, to run with the land. Basically it takes it below 40,000 square feet, so you can't subdivide it again, which is, one rear lot per subdivision regulations, it's kind of moot point anyway.

Commissioner Schatz: And what kind of a slope did you call that?

Alan Bongiovanni: Mowable, you can mow it with a lawn mower.

Commissioner Schatz: Oh, okay.

Alan Bongiovanni: You can seed it and stabilize it, as an appropriate slope, you wouldn't want to go steeper than that.

Chairman Camilli: Any other questions. We can hear from the public. Anybody from the public wishing to speak in favor? Against? We will close Petition 12-07.

**G. PETITION 12-07 271 Vineyard Avenue, Mary Roy, owner and applicant, request for Special Exception Section 6.13 Accessory Apartment, R-12 Zone.**

Mary Roy: Good evening, my name is Mary Roy, owner and applicant, 271 Vineyard Avenue. I am here to ask for a Special Exception to add an in-law apartment so that my beautiful mother can come and join me and my family. I'll be glad to answer any questions that you might have. The pictures and plans we have already submitted.

Chairman Camilli: We will let the planner talk for just a minute on it.

Ed Meehan: This is an existing single family home, it's a large lot. They are proposing the addition to the south of the existing home by adding a breezeway, a small breezeway and then essentially a two car garage and behind the garage the in-law apartment. Pictures will show you the various elevations of the house, it meets all the side yard setbacks, they still have thirty-four feet, side yard to the neighboring property to the south. It meets the front yard setback of thirty-five feet, and the back yard is quite deep, so there would be no real issue with the back yard. The applicant has provided a sketch of the floor layout, a footprint of the layout. The house, based on the assessor's information, and what I gather from the applicant before she submitted her application, would meet your standards for square footage for accessory as far as the living space. It's going to be larger than 500 square feet, it will have a separate entrance, and the two car driveway plus additional paving would provide an extra parking space, and they have submitted a document stating that the mother would be a resident there.

Chairman Camilli: Okay, I think all the bases were covered. Any questions from the Commissioners? Anyone from the public wishing to speak in favor? Against? We'll close Petition 12-07.

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

None.

**IV. MINUTES**

February 28, 2007

Commissioner Pruettt moved to accept the minutes of the February 28, 2007 regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion with seven voting YES.

Chairman Camilli: Motion passes. I just want to state for the record that I read the minutes of the previous meetings.

**V. COMMUNICATIONS AND REPORTS**

None.

**VI. NEW BUSINESS**

- A. PETITION 75-06 Assessor's Map SE 307, 1987 and 2169 known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114, represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037, request for Site Plan Approval Section 5.3 (23 Detached residential units), PD Zone District. Inland Wetlands Report required. Continued from February 28, 2007.**

Alan Nafis: Good evening Mr. Chairman, Alan Nafis, AN Consulting Engineers. Attorney Sullivan left, I think he was assuming because we kept the public hearing open that there wasn't going to be a particular discussion on the site plan approval, similar to last time I guess. If there are any questions, I will be happy to answer them.

Chairman Camilli: I think most of the discussion we have already had during the public hearing probably covered the same issues that are germane to this, the cul-de-sac.

Alan Nafis: We will make the final changes for the next time, and hopefully will finish this.

Ed Meehan: For the Commission member's benefit, the applicant did provide new building elevations, as requested. The two styles are there, but they have provided options for buyers to do different amenities to the roof line, so that was requested and that was fulfilled.

Commissioner Kornichuk and Chairman Camilli recused themselves from Petition 04-07.

- B. PETITION 04-07 262 Brockett Street, John G. Formato, 798 Southington Road, Kensington, CT 06037 owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for Site Plan Approval Section 5.3 to construct a 7,275 sq. ft. business office building, B-BT District (requested.) Continued from February 28, 2007.**

Alan Bongiovanni: Thank you. Good evening again. For the record, my name is Alan Bongiovanni, representing John G. Formato in the application before you for the property located on the north side of Brockett Street. I have with me tonight Dante Boffi, the architect who has designed the proposed structure for this property. There is a scale, three dimensional model on your table as well as a colored rendering that we are going to put up during his portion of the

presentation. If you recall, we were before you two weeks ago, requesting a zone change and held the public hearing and closed it, requesting a zone change from R-12 to B-BT zone to accommodate this development.

The proposal is to redevelop two existing house lots into a proposed professional plaza. The applicant has a hair salon, an on-going concern in town, and he would like to, instead of rent, build a facility, occupy probably fifty percent or more of the almost 8,000 square foot building, and rent to similar type professions for the remaining portion of the site. In general, the site is relatively flat, has a gentle slope from the north to the south, it is to be serviced by MDC sewer and water, we have proposed, because this is an area of town that has a good bank run gravel base, we've proposed a drainage system that takes all of the surface runoff, the increased runoff, including the building roof leaders and puts it into dry well systems and keeps it on site as a ground water recharge system, so that any improvement here would have no negative effect on any of the surrounding properties for the storm water perspective. We have designed the site so that you have a simple circulation, one entrance in, circulate around the site, and an exit out.

This is opposite, or north of the Citgo gas station, and their driveway is in this location here. Some of the constraints that we have because we are hopefully, if we get the zone change, surrounded by residential property, we are required to have a twenty-five foot vegetative buffer which we proposed in accordance with your regulations. With one exception, along the east there is a thirty foot strip of land that is in the residential zone, we explained that in the zone change, we would ask for a reduction in that buffer from the twenty-five feet, to a twelve and a half foot buffer because this is a sewer right of way, right against a very narrow piece of commercial property on the Berlin Turnpike. You would be buffering commercial property from commercial property and it really is not appropriate if this zone change is granted.

The plan as submitted shows eleven and a half feet, 11.6 feet. Talking to the Planner prior to the meeting, I guess about a week ago, or a couple weeks ago, we can make adjustments in here to accommodate one more foot in that area. There are to be no ground mounted air conditioning units that would be in the buffer area. We show concrete pads where there would be rear exits to the property. We have typical maximum twenty foot height site lights, with the shoe box style down directed light fixtures around the site; we have the dumpster pad with the typical concrete pad; screened enclosure, landscaping around the outside. Pat Carraher, our landscape architect I think did a really nice job in selecting landscaping suitable to the area that would really enhance the style of the building.

We meet, with the exception of asking for a waiver, of your buffer along the east side, I believe we meet and/or exceed all of the zoning site plan requirements of the Town of Newington. We have ten and a half percent green space for this size building. There is a requirement of forty-four parking spaces, we have forty-five, of which two are handicapped, one will be van accessible. I think that is it in a nutshell. I will let Dante talk and then we would be happy to answer any questions that you might have.

Dante Boffi, Avon, CT: Good evening ladies and gentlemen. I'll talk a little bit about the building itself that Alan was describing on the property. As he said, it's approximately 75, 7700 square foot building, L-shaped at the back of the property. The strategy for the building was not only to service our client, for the professional office space but to also hold back as a buffer from the residential neighborhoods that are around the back and side, screening it from the Berlin Turnpike, the use of trees and vegetation as well as the building. As you can see, the building is in the L-shape, it's split up into three masses, an octagonal mass with the cupola on the corner, that is closest to the Berlin Turnpike; a hipped roof mass on the center, which would most likely be the main entrance into the client's hair salon; and then a smaller tower element on the corner, to sort of bookend the structure, giving it a finished face on that side.

Materials would consist of a brick base, stucco body, architectural shingle, store front windows with mullions as shown, trying to go with an earth tone base for the color palate. As you can see it is creams, taupes, brick would be more rustic in nature, not a fire engine brick red, but something that is a little weathered, and actually looks like something that might fit in more with a

residential tone, as does the scale of this building. The thought was that either from the residential side, or the Berlin Turnpike side, these roof peaks, together, and the way that they are spaced, would approximate the roof tops of smaller house units, so a lot of time and care has been put in to make sure that although this is a professional office building, it doesn't appear as a towering element over those adjacent houses, yet has a nice and appealing presence on the Berlin Turnpike.

The rear of the building that does face the residential neighborhoods would still be treated with the stucco material, still in the color that we are proposing on the front, so it's not a case where the front of the building looks wonderful and back is a place where there is mechanical units, dumpsters, and garbage. As Alan stated, there will be no mechanical equipment in that buffer zone, the dumpster is on the side of the building, the only thing that will be on the back of the building will be emergency egress which we need, by code.

Is there any questions for either Alan or me? I'd be happy to answer them.

Vice Chairman Cariseo: Ed?

Ed Meehan: Very minor because I spent some time with the architect and with Alan on this already, but just some cleanup notes to change the bituminous curbing to concrete needs to be addressed, the dumpster detail for the enclosure, I think Alan said the lights at twenty feet, they cannot exceed seventeen feet,....

Alan Bongiovanni: With a three foot base.

Ed Meehan: A total of seventeen.

Alan Bongiovanni: A total of seventeen.

Ed Meehan: A total of seventeen. I don't know if the Commission wants the landscape area to be irrigated, around the front, that can be a requirement that the Commission can apply here; that was pretty much it. The waiver has been requested. How are you going to achieve that, because you have a sixteen foot stall, are you going to make the building smaller, how are you going to slide that over?

Alan Bongiovanni: We have to make up about nine-tenths of a foot, we may have to take that out of the building.

Ed Meehan: A foot off the building.

Alan Bongiovanni: Unless I can figure out that we have somewhere to work within the parking area, but more than likely, we will lose a foot off the end of the building.

Ed Meehan: I think the parking layout works well, the bays are all pretty square, easy to get in and out of, so I think the waiver from my point of view as a Planner is warranted, given that little strip of land. The last thing, will the building have any wall pack lights on the back or anything?

Alan Bongiovanni: No. I don't know if the code requires a simple, maybe a goose neck fixture at....

Dante Boffi: Where we need egress, we would just have, they would be full cutoff lights, just for egress and safety purposes, but nothing illuminating the building that would reflect into the backyards.

Ed Meehan: How are you going to do the HVAC's. They're not going to be ground mounted? Are they going....

Dante Boffi: Any units, such as condensing units would be on the side of the building, but nothing would be in the rear, in the buffer.

Ed Meehan: That's all I have on this site plan.

Vice Chairman Cariseo: Questions?

Commissioner Pruet: Is that all on one floor, that building?

Dante Boffi: Single floor, correct.

Commissioner Ganley: You mentioned the rear entrances, if someone were to come out the rear entrance, for some apparent reason, they would go out onto a grassy strip?

Alan Bongiovanni: There would be a concrete landing, so there is a step, and then there will be lawn. We are proposing a double row of pines, as required, by the buffer regulations, but then the rest would be lawn, we wouldn't have the pines grow right to the building.

Commissioner Ganley: Okay, you come out the back door, and there is snow, and you want to get away from the building, and you step onto the concrete stoop, so to speak, and then where do you go from there.

Dante Boffi: By code, we may have to put in impervious paths from the back of the building, connecting to the front. But, other than that, there would be nothing....

Commissioner Ganley: Okay, especially if someone was handicapped and they had to get out of the building, and they open the door, there's a snow bank.

Dante Boffi: There would be an impervious path, and the point of the stoops is, they are not pads for mechanical equipment, they are pads to lead to the impervious surface.

Commissioner Schatz: To grant, to consider a waiver on the buffer, does that come under a separate petition?

Ed Meehan: The applicant has to request it during their presentation. It's under Section, for the buffer waiver, it's under Section 6.10 to request it from twenty-five feet to not less than fifty percent which would be twelve and a half feet.

Vice Chairman Cariseo: Okay, thank you very much.

Commissioner Kornichuk and Chairman Camilli returned to the table.

**C. PETITION 09-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Site Plan Modification, auto related use, I Zone District.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, attorney, One Market Square, representing the applicant, this is the site plan portion of the hearing and I am going to turn it over to Alan Nafis to explain the aspects of the site plan and the modifications that we made.

Alan Nafis: Good evening again, Alan Nafis, AN Consulting Engineers, we went over a lot of this during the public hearing portion, but I am going to go over it again, and be a little redundant. As we stated before, the existing site has two access drives, and basically a wide open pavement area on the Hartford Avenue side. We are proposing to restrict this a little bit, control the traffic flow through the area a little bit and an upshot to that is providing more green space and less pavement area on the site. We are proposing to close the north entrance way and to put in a thirty foot drive, define the thirty foot drive in the south entrance way here in such a way that our radius does not come down to the property line, which is what is required by the DOT. We placed our parking five feet off the side lines as required by the regulations, we are not looking for any waivers or anything going on in terms of the parking itself. The color code here, the orange is the existing building. Nothing is changing in terms of its size and the walk ways around it. The gray doesn't show quite as good as it does on the computer, but the darker gray is those areas right now that are paved and we are going to repave them, do an overlay, do what we can to upgrade that pavement, the lighter gray areas, which is basically this area here and this area in the back here, another little corner over here, are the areas where we are actually putting new pavement in, where there isn't pavement now, that is now grass areas, and the darker green areas, this entrance way and all the area in the front that used to be the other driveway, and a little piece back here are what is now paved and will under this plan be grassed landscaped areas. The difference generally being is that we have about two thousand square feet of new paved areas, and about thirty three hundred square feet of new grass areas, so we are definitely reducing the pavement and increasing the green space on this site. Again, as was stated before, we have twenty parking places, and they are allocated thusly, we have four spots on this side which are generally for repair vehicles waiting to go in or come out of the repair area. There are three bays in here. Four basically visitor parking places along the front area here. We have three spaces here, two of those are beyond the twenty-five foot requirement, could be used for display, we call them visitor and display, we like to keep them open also, and then we have two double stacked rows for eight parking places back there for the display vehicles and then we have the handicapped parking place right next to the building on the side. So, we do have the twenty spaces and as we said that is probably more than required based on the size of the site or the work force, but it is what the tenant felt was necessary for him to carry on his business, and we were able to get them in there in a manner that I believe was a little better than it is now. We are asking to keep this open as paved area. There was thought about putting parking there, but as mentioned before, in the public hearing, there will be some larger vehicles that will have to get in and out, tow trucks will have to drop vehicles off, repair cars coming in and out, we wanted to have a little bit of extra space to be able to move around a little bit better on the site itself. As far as the drainage goes, again it's all draining where it does now. It all comes out onto Hartford Avenue, down the street into a catch basin. We generally keep that same flow pattern except that we are not going out two driveways now, we are going out the one. The actual amount of flow coming out this site is less because we have made all this area in front, is now grass, we have less pavement out there than we have now, we propose less pavement than we have now, and the only difference back here is that we did put the four parking spaces back here, they do drain to the back, that is a flat area at the top of the hill where we put them, and what we

are proposing, because there will be a little more run off, what we're proposing is to put a large rip rap, a modified rip rap which is generally like four inch stone, three or four inch stone around that to build up to retard the flow off of this, slow down the velocity and protect the slope as the water goes down to where it is going now. We are taking out, there are some existing light poles on the site, we are removing those light poles and all the lighting is proposed, is that there is going to be some light on the building. We're not, as far as I know, going to propose any new stand alone lighting throughout the parking area there. Again, we talked about the septic system, it is an accepted septic system that again, it's sized appropriately for the use, we are losing one bathroom so that it's better than it was before, we do have the water coming into the site, and I think that is all I have to talk about right now, so any questions?

Chairman Camilli: I have a couple. That is isolated part of town, as far as lighting goes, especially at night, and this is for the applicant, when vandalism, these cars are going to be out, exposed, do you think you should have lighting, and will the lighting that you are going to have on the building be adequate to keep it lit enough to .....

Attorney Sabatini: Can I ask a question about that?

Chairman Camilli: Yes.

Attorney Sabatini: Are you thinking 24, during the whole night lighting, on all the time?

Chairman Camilli: Well, something that would.....

Attorney Sabatini: I mean, the lights off the building will be turned off at eleven o'clock, something like that, but I mean, were you thinking of having them on all, you know....

Chairman Camilli: Well, my experience, even in like Newington Business Park, you know there are people who go in and take stuff, I know one company moved out of town because of a number of issues, in one of the business parks, they were stealing stuff out.....

Attorney Sabatini: I mean, we can have the lights timed, and they will stay on until the sun comes up in the morning, but they will be on the building, and they will be shining on, I think they are shown, the lights packs, where they are, right Mr. Nafis?

Chairman Camilli: That was just a friendly thing, you know.

Attorney Sabatini: Ok, all right, that's not a problem. There's no residences in the area, that's a good point.

Chairman Camilli: It's just isolated enough to have problems. One of the people talked about the snow shelf, could you just address that.

Alan Nafis: Yes, and I apologize, I did forget to mention. We are paving this area back here, the dumpster is going to be back here, we are calling that a snow removal area. Right there. This can all get pushed back into this back area. I think they also have plenty of, you know, pushing the snow off this way, and back this way, have plenty of area just off the parking to do it, but we did identify this area here as a snow shelf, so we won't have to push it that way, we will be pushing it straight back.

Chairman Camilli: From what he said, I don't know if was.....

Alan Nafis: I can see if you have a plow coming this way, you would be pushing it over, but we are planning just to push it back.

Chairman Camilli: Okay, and just the other issue that was brought up was the sight line issue right on that corner there. Is that sight line safe?

Ed Meehan: That's a straight road.

Chairman Camilli: That's a straight road, I know, but he said the cars would block, the car here would block.....

Alan Nafis: Well, you've got the fifteen feet from the edge of road back to the right of way line, and we're five feet beyond that, so the new regulations, your sight line from fifteen feet, I don't think that is going to be an issue at all.

Chairman Camilli: I just wanted to speak to it.

Ed Meehan: I believe by closing the other driveway down, and loaming and seeding the front of that you are going to have a better sight line across the whole area.

Chairman Camilli: Okay, those are my questions, anyone else?

Ed Meehan: Did I hear at the end that you were going to have an oil water separator?

Attorney Sabatini: If the DEP, or whatever the DEP or the DMV requires.

Ed Meehan: Okay. Could you explain what building modifications are going to be made, I know the applicant was in the other day talking to the building department.

Attorney Sabatini: Yeah, well, he's doing interior work. He cleaned out the whole building, and he's getting a permit right now for interior work. Then he's going to remove the exterior siding that's there now, I'm not sure if it's, I think it is some kind of metal siding. It's all rusted out. That's all going to be removed and he is going to repaint the building. As you see, all of this, it's either metal, it's all rusted out, it can't be salvaged, either resided or repainted, whatever has to happen. He's already installed new doors, some of these doors are okay. He did talk to the building department, he's going to put a, they wanted an extra fire door, so this glass thing is going to be a walk.....

Ed Meehan: A pass door.

Attorney Sabatini: A pass door, it's shown on here, it's a roll out door that goes into the other door, and he's done a lot of work inside, just cleaning it up and washing it down. There was a lot of, thirty-six years of junk and dirt and grime and stuff. It's going to look nice outside and again, with all the grass and everything else.

Ed Meehan: Are the windows going to change?

Attorney Sabatini: No.

Ed Meehan: The big windows, I thought you were going to take those out or replace them?

Alex Kosovski: Well, I had an idea of doing that, taking out the tall glass windows and putting in smaller size but they are in operating order right now, so it's not a number one priority for me. At this point I would like to get rid of that rusted sheet metal and bring that building to, so my customers will come and they don't get scared away by looking at the place.

Chairman Camilli: Okay. Any questions from the Commissioners? Okay, thank you.

Attorney Sabatini: Thank you very much.

## **VII. OLD BUSINESS**

Chairman Camilli: We have two petitions to be added to Old Business.

Commissioner Fox moved that Petition 03-07 and Petition 11-07 be added to Old Business. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Both these Petitions are moved to Old Business.

### **A. PETITION 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111 Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District. Public Hearing closed February 28, 2007.**

Commissioner Pruettt moved that Petition 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111 Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District be postponed to March 28, 2007.

The motion was seconded by Commissioner Ganley.

Chairman Camilli: We have a motion and a second and I don't know if the Commission would like to discuss this at this point at all, or any concerns or anything that you might like to discuss.

Commissioner Fox: One of the concerns, probably the basic concern, the major concern that I have is the water. We heard a lot of testimony from the neighbors on Vincent Drive and near-by. I walked that before it started getting cold out, a nice warm day, and it was quite soft, quite mushy. I am not really, shall I say satisfied with the way that the test pits were done, although the Planner has explained to me how the, how during construction test pits will be drilled, with the information that we have now, I would be reluctant to approve this project the way that it is. That's basically it. The only other opinion I would have on it would be, it started out as a ten lot subdivision, they might lose one or two, but that could change the whole neighborhood. All those houses, big houses....

Chairman Camilli: What do you mean, lose a house or two?

Commissioner Fox: I don't know, they are still going with the same number of lots, right?

Ed Meehan: They asked for ten lots.

Commissioner Fox: Okay, I take that back. A lot of big houses in there.

Chairman Camilli: The question that I have, and again, I read the minutes, and again, as you said, covering the, I'm not really too sure how those test pits were done, and they were covered over before town officials really had a chance to look at what was going on, I don't really, from reading from what Frank Dawidowicz said, it seems to me that this technology is really an inexact science, of the soil testing. It wasn't definitive in terms of, I can assure you that this is going to happen. It was like, well maybe, you know you're not going to get water in the basement, and if the road, when they start doing the road, if they hit water somewhere, they are going to put something on the side, to control how the water goes, it's like, when we dig it, we'll be able to confront it as you go along. The problem that I have with that is, with all the testimony that we have had in previous meetings about this water and how it will affect the people downstream, if you will, however, whatever, and another concern that I had was the owners that buy there. You know, people who bought never anticipated having their sump pumps going all of the time, people had that much water in their basements now, and to me, it seems, and I mentioned this to the Planner, that when people have problems like that they go to the town. It happened, and I mentioned it in another application, you know, when you are building in wetlands, when you are building where there is a lot of water, sometimes it comes back to bite you. I don't know what the answer is, I just wanted to get it all on the record, and this one also, it seems to me, has a water/drainage kind of problem and we're certainly aware as a Commission, but I don't have the expertise, and I don't think any of you do.

Commissioner Pruett: I was on vacation too, and I read the minutes and what I was looking for was more assurance that any development in there would be a positive way to correct that water problem. With all I read there, I didn't see that assurance.

Chairman Camilli: That's exactly how I read it too.

Commissioner Pruett: That's what I'm looking for. If we are going to develop that, it's going to be to the benefit of the people, potential buyers and to the surrounding people, so I'm a little fuzzy on that issue. I'm not satisfied.

Chairman Camilli: Well, it was a comment, I don't mean to belabor it, but it was like, well, I don't think it will be any worse than it is, as a matter of fact, it might be better, but it's not definitive. It may, it may not be, and I don't know, maybe more test pits, more intensive borings or whatever so we have a good idea of how that water is really going to affect, not only the houses being built there, but the other houses.

Commissioner Pruett: In other words, I think they have to go the extra mile to reassure everybody on this testing, think out of the box here, and do everything they can to give us more information on that.

Chairman Camilli: The other thing that fascinated me, and again, it's out of my, our purview was the Conservation Commission, or not the Commission, I shouldn't say that, they had a soil scientist that came in and said, there were no wetlands on that property, is that correct?

Ed Meehan: That's correct.

Chairman Camilli: But there is a lot of water. The borings prove that there is water, so what constitutes wetlands.

Ed Meehan: Soil type. Not by water table. It has to do with type of soil.

Chairman Camilli: Well, learn something new every day.

Commissioner Ganley: You know, when we had the last melt-off, come into my backyard and it looked like the Grand Canyon. All the water from the properties south of mine, naturally flow across my property to a house around the bend, which has no basement, it's on a slab, because when the lots were put in, it was determined that if that house had a basement it would fill with all the water coming off the hill. So, and my yard is not a wetland, but it is very mushy right now, it's all clay, so everything runs off and if there is any little soft spots, it puddles up so it is in fact the type of soil. The fact that there is surface water doesn't indicate a wetland. And there is also certain types of vegetation that will grow in a wetland and not just in puddles. So that is another way to tell.

Commissioner Fox: Well, like most of Newington there has got to be a lot of clay there, and not that far under the surface. So any water that is sheeting there right now, which it is, it's going to keep sheeting with all the extra impervious materials there, I don't see how it can possibly.....

Ed Meehan: Well, it may not keep sheeting. When you start punching holes through all the hardpan, at three feet, two feet, whatever it is, you are basically going to start diverting that sheet horizontally into your utility trenches, your curtain drains, your system along the north side of the road, which the Town Engineer has asked them to put in to intercept the water. One of the neighbors had a good suggestion about a yard drain at the far end of the cul-de-sac to get the water going around the outside. The concept is to intercept it through the drainage system, that's the water going underground. The other issue is what you do with the water coming off the roofs and at staff level we are strongly encouraging that all the roof leaders be connected and brought back to the street system, not permitted to be daylighting out into the backyard. You are going to have, the grading plan associated with these lots, Vinnie and I were talking the other day, they get into a water table, they may want to raise these foundations so that means the lot is going to have to be graded accordingly. So, you are pushing water from one lot to the next. The most water that you can move off the lawns into the street system, the better it is going to be. The Town Engineer and I sat with the other, Mr. Dawidowicz and Frank O'Brien from AN, and I think the Town Engineer had pretty much the same concerns that the Chairman is expressing, is that you know, you have to test, and this is not an exact science. But when you are out there constructing the road, his position would be, this is Tony Ferraro, the acting Town Engineer, that about every seventy-five feet or so, he wanted to see more test holes, to know which way the water was flowing, and he was asking for curtain drains, ways to intercept that water before it gets into, underneath the town road, because that's what we are going to own, and if water gets under our road, gets into the subgrade and the mud starts pumping up into the processed stone, it contaminates the road, and we have the possibility for a poor road. So he was most concerned about intercepting that water.

The other thing that I think is appropriate to bring up, and it wasn't discussed at all, really with the presentation with the neighbors and so forth. It was discussed a little at the engineering level, is storing the storm water in the four foot pipes under the road, within the town right of way. To my knowledge that hasn't been done in Newington, that technique. You know, it's either a surface detention basin or some other system, outside of the town right of way. Mr. Ferraro is away this week, but we want to talk about that. They have a, they've developed a system where the water would collect in these pipes and when it reaches a certain level it would be metered out into the street system on Maple Hill. The drainage calculations look like everything is going to work. But that means that the town has to maintain those pipes after we take the road, and we want to be sure, if that is going to happen that these pipes aren't going to be a problem as far as the integrity of the road above it, it's going to be particularly difficult to get their utilities, either under or over this four foot pipe. Your sanitary laterals and your water and your gas are all going to have to go, some are going to have to go over this four foot pipe, but still have to have sufficient cover between that and the ground above it. That's an engineering feat right there, so that is an issue where we want to talk to the Town Engineer, and have him give you his technical recommendation. The other thing, so I mentioned the water table, the leaders, the underground

storage, the grading, they have to have some sort of a uniform grading plan to make sure that the yard drains, the surface drains are working, and maybe some geotechnical certifications out there. When you start opening up cellar holes, you are putting footings in mud, I think the building department is going to look for some certification on that. We had a similar piece of property, we did geotechnical work on the, Mr. De Costa's Fennwyck Estates, which was very wet, up off of Fenn Road, an old cow pasture. They had to take a lot of extra precautions to put more stone in, more filter fabric to protect that stone, and they raised quite a few of the foundations on that site, so they, they had to waterproof them of course.

Chairman Camilli: Who requires that, the Town?

Ed Meehan: Well, the Building Department is going to require the geotechnical information and the certification on the structural support of the footings and the foundation.

Chairman Camilli: Who pays for that?

Ed Meehan: The engineer, the applicant's engineer. But the waterproofing, and all that, the builder is going to have to make sure he is selling these houses, he's, you know, you don't want any cracks in the concrete or anything like that. There is a lot of hydrostatic pressure on the outside of these foundations. I'm not an engineer but I've seen a little of this and when you start opening up the ground like this, that water is going to follow the trenches you have put out there, and that may work, that may help a lot of the ground water situations, you've got to get it off the site. I think there's, I think this is a good discussion, and you should keep these things in mind when you get to decide on this.

Commissioner Ganley: Call the vote.

Chairman Camilli: Yeah, we can call the vote. We have a motion to postpone, but we did want to get these ideas out on the table.

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

Chairman Camilli: The vote was unanimous.

**Petition 03-07**  
**262 Brockett Street**  
**Zone Map Amendment**  
**R-12 to B-BT**

Commissioner Ganley moved that Petition 03-07 262 Brockett Street, John G. Formato, 798 Southington Road, Kensington, CT 06037, owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for Zone Map Amendment, R-12 District to B-BT District be postponed to March 28, 2007.

Commissioner Kornichuk and Chairman Camilli recused themselves from the motion.

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

**Petition 11-07**  
**Kiwanis Club of Newington**  
**Special Exception Flea Market**

Commissioner Schatz moved that Petition 11-07 Market Square and Constance Leigh Drive, Municipal Parking Lot, Kiwanis Club of Newington, P.O. Box 510377 Newington, CT 06111 applicant, attention Alexander Cohen, 42 Jeffrey Lane, Newington, CT 06111, Town of Newington, property owner, request for Special Exception Section 3.2.8 Flea Market, 23 dates, April through September 2007, B-TC Zone District be approved with the following conditions:

1. Submission of the Certificate of Insurance naming the Town of Newington must be filed with the Director of Administrative Services at least 10 days prior to the first flea market event.
2. Temporary directional signage for each flea market event may be posted at the driveway entrances and nearby intersections to assist motorists. The signage shall not be posted until the morning of the market and removed within two (2) hours after each closing.
3. Temporary 4' x 8' ground sign located at 39 East Cedar Street (Eddy Property) advertising the "Big K Flea Market" for the period between April to September is permitted.
4. Food vendors and portolets shall be approved by the Central Connecticut Health District.

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

**Bond Release**  
**2207 Berlin Turnpike**  
**Summitt Motel**

Commissioner Cariseo moved that the \$4,500 bond held for site work at the Summit Motel, 2207 Berlin Turnpike be released all work is now completed.

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

**VIII. PETITIONS FOR SCHEDULING (TPZ March 28, 2007 and April 11, 2007.)**

- A. Petition 13-07 56 Fenn Road, Wayside Fence Company, 63 Third Avenue, Bayshore, NY 11706 cp. Alan Bongionvanni, 170 Pane Road, Newington, CT 06111 request for Site Development Plan approval Section 5.3 Whole fence storage use, I- Industrial Zone. Schedule for presentation March 28, 2007.

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

None.

**X. REMARKS BY COMMISSIONERS**

None.

**XI. STAFF REPORT**

Bond Release – 2207 Berlin Turnpike – Summit Motel.

Completed under Old Business

Chairman Camilli: Do you have a staff report?

Ed Meehan: No, we have one petition for scheduling, and that's about it.

Chairman Camilli: We're still waiting to hear what the proposed changes to our regulations.

Ed Meehan: The Town Attorney's office has the proposed zone amendments, which the Commission talked about the end of January, he is looking through them. I talked to Steve Nassau this afternoon, in fact, I didn't mention this to the Chairman, he would like to have a meeting with me, Vinnie and him, to go over those regulations. Also, just to give you a little background if I can, probably on March 28<sup>th</sup>, the Town Attorney would like to come before you in executive session to discuss pending court case with the Hunter Development Corporation regarding their appeal of the gas station denial. We did have our pre-trial over at Connecticut Superior Court last week. We met with the judge, he asked us to come back and talk to the Commission and then return on April 4<sup>th</sup>, with an answer to his court. So I know that Steve wants to sit down with you on the 28<sup>th</sup>, and discuss that in executive session. We can do it before, if you want.

Chairman Camilli: It would be better if we did it before. Six o'clock.

Ed Meehan: I'm meeting with the Department of Transportation engineering staff next week to go over the letter that I think that all Commission members got in their packet regarding their early critique of traffic. I've asked to sit down with them and the Town Engineer and go over what we know, as far as that project, possibly the twenty-eight acre project, and then rumors of other projects up in that area, just to get them in the loop.

**XII. ADJOURNMENT**

Commissioner Cariseo moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary